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## **Steering from the Centre: New Modes of Governance in Multi-level Education Systems**

Harald Wilkoszewski, Eli Sundby

## DIRECTORATE FOR EDUCATION AND SKILLS

**STEERING FROM THE CENTRE: NEW MODES OF GOVERNANCE IN MULTI-LEVEL EDUCATION SYSTEMS****Education Working Paper No. 109****by Harald Wilkoszewski and Eli Sundby**

*This Working Paper was written by Harald Wilkoszewski (IMEP-Division) and Eli Sundby (Norwegian Ministry of Education and Research) for the Governing Complex Education Systems (GCES) project and explores innovative governance strategies for the central level in education systems. It identifies core features of multi-level governance and introduces a simple analytical categorisation of modes of governance. Empirical cases on Norway, Germany, and the European Union illustrate how these systems design the role for the central level. A comparative analysis unearths several communalities, such as multi-staged policy processes, transparency and publicity, and soft sanctions. The paper concludes that the Open Method of Coordination, even though often criticised for its inefficiencies, might serve as a promising template for national approaches to soft governance in education.*

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## ABSTRACT

The governance of complex, decentralised, multi-level education systems poses two fundamental questions for both policy- and research discussions: What are innovative contemporary governance strategies for the central level in education systems? How can these approaches be described and analysed to identify commonalities that might help to understand how and if they work? In addressing these questions, this paper's aim is twofold: first, to inform the policy-discussion by presenting empirical examples of new governance mechanisms that central governments use to steer systems across their levels; and second, to contribute to the conceptual discussion of how to categorise and analyse the evolution of new governance structures. To do so, the paper starts with identifying core features of multi-level governance and the respective conceptual gaps it produces. It then introduces a simple analytical categorisation of modes of governance. An analysis of three empirical cases (an institutionalised exchange between governance levels in Norway, a capacity building programme in Germany, and the Open Method of Coordination within the European Union) then shows how various education systems address these gaps and design the role of the central level in complex decision-making structures. A comparison of the three cases identifies – despite the heterogeneity of the cases – several commonalities, such as multi-staged policy processes, transparency and publicity, and soft sanctions. The paper concludes that the Open Method of Coordination, even though often criticised for its inefficiencies, might serve as a promising template for national approaches to soft governance in education. Further research on OECD education systems is needed to gather more empirical examples; these may help to get a better understanding of what is needed for successful steering from the central level in decentralised contexts.

## RÉSUMÉ

La gouvernance des systèmes éducatifs complexes, décentralisés et multi-niveaux pose deux questions fondamentales dans le cadre du débat pour l'action publique et la recherche : Actuellement, quelles sont les stratégies novatrices de gouvernance centrale dans les systèmes éducatifs ? Comment ces approches peuvent-elles être décrites et analysées afin d'identifier les points communs à même d'expliquer comment elles fonctionnent, et si elles fonctionnent correctement ? Le présent document aborde ces questions dans un double objectif : tout d'abord, pour informer la discussion politique en présentant des exemples empiriques de nouveaux mécanismes de gouvernance que les pouvoirs publics emploient pour diriger les systèmes à tous leurs niveaux ; et, d'autre part, pour contribuer au débat conceptuel sur la façon de classer et d'analyser l'évolution des nouvelles structures de gouvernance. Pour ce faire, l'analyse commence par définir les fonctionnalités principales de la gouvernance à plusieurs niveaux ainsi que les lacunes conceptuelles respectives qu'elle engendre. Elle introduit ensuite une classification analytique simple des modes de gouvernance. Ensuite sont présentés trois cas empiriques (un échange institutionnalisé entre les niveaux de gouvernance en Norvège, un programme de renforcement des capacités en Allemagne et la méthode ouverte de Coordination au sein de l'Union européenne), montrant comment différents systèmes éducatifs comblent ces lacunes et conçoivent le rôle du gouvernement central dans les structures décisionnelles complexes. Malgré l'hétérogénéité de ces trois cas, leur comparaison identifie plusieurs points communs, tels que les processus d'action publique en plusieurs étapes, la transparence et la diffusion des informations, et les sanctions modérées. Le document conclut que la Méthode Ouverte de Coordination, bien que souvent critiquée pour son inefficacité, pourrait servir de modèle prometteur pour des approches nationales de gouvernance souple dans le domaine de l'éducation. Davantage de recherches sur les systèmes éducatifs des pays de l'OCDE sont nécessaires pour recueillir des exemples plus empiriques ; ceux-ci peuvent aider à mieux comprendre ce qui est nécessaire pour une direction efficace du gouvernement central dans des contextes décentralisés.

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## 1. INTRODUCTION

The governance of complex, decentralised, multi-level education systems poses two fundamental questions for both policy- and research discussions: What are innovative contemporary governance strategies for the central level in education systems? How can these approaches be described and analysed to identify commonalities that might help to understand how and if they work? In addressing these questions, this paper's aim is twofold: first, to inform the policy-discussion by presenting empirical examples of new governance mechanisms that central governments use to steer systems across their levels; and second, to contribute to the conceptual discussion of how to categorise and analyse the evolution of new governance structures. The paper has been developed for the OECD's project on "Governing Complex Education Systems".<sup>1</sup>

In light of increasingly complex and decentralised governance structures, countries across the OECD are searching for innovative models that allow them to achieve their national objectives more effectively within a multi-level context in various policy fields. The field of education, in particular, has undergone far-reaching changes in the past decades with more and more decentralised decision-making structures becoming prevalent across most OECD-countries, reflecting the fact that the public good of education has itself become increasingly complex. A higher degree of decentralisation in most systems has also contributed to rising complexity, as the rationale that the organisation of primary and secondary education as part of public services is best suited for decision-making, ownership, and administration on the local level has gained widespread acceptance.

This decentralisation process has been accompanied by the involvement of an increasing number of actors and stakeholders (teachers, parents and students) moving the locus of power to the periphery, while still holding the central level, i.e. national ministries of education, responsible for ensuring high quality, efficient, equitable and innovative education. In order to manoeuvre through these complex and highly dynamic system layouts, a range of central governments have adapted their steering strategies to include more flexible (*softer*) instead of more rigorous (*harder*) mechanisms.

The paper at hand seeks to find common features across these new steering methods to understand how and if they work. It will first briefly introduce the concept of multi-level governance and its related challenges in a decentralised and complex system context. It will then present a basic classification that allows for describing classical and new governance modes. In the subsequent part, the paper will present and discuss policy programmes and processes from Norway and Germany as empirical examples of new modes of governance in the field of education. The paper then compares these two mechanisms with the *Open Method of Co-ordination* (OMC) of the European Union (EU). This is a novel approach as OMC in the existing literature has only been compared to other modes of governance on the supranational or inter-governmental level (Meyer 2011, Schäfer 2004) and thus far not on the national level (for the impact of OMC on national policies see Heidenreich and Zeitlin 2009).

In general, there seems to be a lack of research literature on new modes of governance applied in national settings. Despite the widespread use of these modes in many countries, in particular in the education sector, little has been done to describe and study these methods in a systematic way. This paper argues that OMC may serve as a useful foil and apt model to analyse new governance modes on the national level in the field of education, as the underlying commonality of all three presented systems is that the centre (national governments and the EU respectively) have no or very little formal competency in the field of education.

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<sup>1</sup> <http://www.oecd.org/edu/cei/gces>

## 2. MODES OF GOVERNANCE IN A MULTI-LEVEL CONTEXT

Multi-level governance essentially means that political tasks and functions are shared between actors located on different levels of the system: supranational, national, regional, and local. The analytical concept of multi-level governance has gained significant attention within the policy as well as the research arena (e.g. Hooghe and Marks (2002), for earlier work on “multi-layered intergovernmental policy” see Marks (1992)). The reason for this is the development of international organisations such as the European Union and the devolution of competences from the central level to either those organisations or lower levels in a whole range of policy fields, e.g. with regard to agricultural or competition policies on the European level or educational policies on the national level.

### 2.1 Multi-level governance in the context of decentralisation and complexity

Multi-level governance not only describes the static distribution of political power across the system but also the dynamic relationships between the various actors and their mutual dependency. It indeed is a complex field of study as the process of devolution is not a linear one but tends to alternate between decentralisation and recentralisation, sometimes resulting in overlapping political, fiscal and administrative competence across the levels. Schmitter (2004: 49) offers the following definition of multi-level governance: It is “an arrangement for making binding decisions that engages a multiplicity of politically independent but otherwise interdependent actors – private and public – at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/ implementation, and [...] does not assign exclusive policy *compétence* [accentuation by the author] or assert a stable hierarchy of political authority to any of these levels.”

Piattoni (2009), following Schmitter, argues that multi-level governance is rooted in three phenomena that have emerged in modern political systems:

1. *political mobilisation*, i.e. the involvement of relevant stakeholders in the political process (*politics*), takes place not only within and through classical political institutions and their procedures, but also via new channels. In addition, progress in communication technologies has made the response to political agendas or politically pressing topics more immediate and fluid (Castells et al., 2006);
2. within *policy-making*, rigid distinctions between policy-makers and addressees or recipients of policies as well as between public and private actors no longer hold; also the borders between central and local levels are increasingly blurred (Rhodes 2007, Stoker 1998): in a wide range of public goods, public-private partnerships have been established (Newman and Clarke 2009). The increased use of networks and transnational co-operation represent new forms of governance modes. Examples for this are private law arrangements in the care sector where individuals consume public services from private suppliers, as well as standard-setting in the area of industrial production (Papadopoulos 2013);
3. as a result, established political institutions (*polity*) are undergoing structural changes, as they have to open up to new actors and stakeholders.

These three phenomena have contributed to a more complex layout of governance systems and can be clearly observed in the field of education. In particular in decentralised systems, but also in still relatively centralised systems, for example France, new stakeholders and actors have become relevant in the decision-making process: students, parents, teachers, school leaders, trade unions, and employers increasingly demand to have a say when it comes to educational reform (Hooge et al., 2012).



Increasing diversity in modern societies has also added to more complex demands towards policies. A proxy for this development is the share of international migrants as a percentage of the total population, which has gone up for the large share of countries since the 1960s.

Countries like Australia, Canada, New Zealand, and the United States are traditional immigration countries and continue to increase their numbers of foreign-born population. European countries like Germany, Luxembourg, and Switzerland now can be considered part of this group, too. In 2010, Finland, Iceland, Ireland, Greece, and Italy all experienced highly significant increases in international migrants relative to 1985 figures (OECD 2013).

Finally, education per se can be regarded as a complex policy endeavour. Snyder (2013) in his paper, building on earlier work by Glouberman and Zimmerman (2002), draws the distinction between “simple, complicated and complex” problems and categorises the example of “raising a child” as a complex task (see Table 1). As a complex field, education is a “space of constant flux and unpredictability. There are no right answers, only emergent behaviours (...)” (Snyder 2013: 8).

**Table 1. Simple, complicated, and complex problems**

Following a recipe	Sending a rocket to the moon	Raising a child
Recipes are essential.	Formulae are critical.	Formulae have limited application.
Recipes are easily replicated.	Sending one rocket increases assurance that the next will be ok.	Raising one child gives experience, but no assurance of success with another.
Expertise is helpful but not required.	High levels of expertise in multiple fields needed.	Expertise can contribute but is neither necessary nor sufficient for success.
Produce standardised product.	Rockets are similar in critical ways.	Each child is unique and must be approached individually.
Best recipes give good results every time.	There is a high degree of certainty in the outcome once the original issues are solved.	Uncertainty of outcome remains.

Source: Snyder (2013: 7)

Evidence for this notion of unpredictability of educational reform comes from an OECD case study on the Netherlands (van Twist et al. 2013), which looked at policy instruments aiming at reducing the number of underperforming primary schools in a system with a long tradition of school autonomy. The instruments combined policy guidelines and formal law to increase the power of the School Inspectorate. The study shows that while the policy was successful in reducing the overall number of underperforming schools, single schools reacted very differently to the reform: the performance of some schools deteriorated even further after the implementation of the measures, resulting in vicious cycles. These results mean that modern governance strategies cannot follow a simple cause-and-consequence rationale – a logic that usually underlies classical top-down steering approaches.

## 2.2 Challenges of multi-level governance

As a cause and a consequence to complexity alike, structural changes in education systems have emerged: responsibilities in the field of education have been transferred to lower levels in many OECD

countries. This has allowed local authorities, school boards and schools a greater degree of freedom to respond to diverse and local demands. While there are some differences across countries, the largest proportion of decisions in education systems nowadays is made at a level other than the central level. For example, at the lower secondary level in public schools 64% of all decisions on the organisation of instruction, personnel management, planning and structures, and resources management are taken on the school, local, regional or sub-regional level (OECD 2012c).

Furthermore, in many countries the provision of public goods also has not simply devolved to regional, local or school levels. Governance tools such as lump sum funding, strengthening of stakeholders, horizontal accountability (Hooge et al. 2012), and holding local authorities and schools accountable through performance indicators have changed the nature of the relationship between the central, regional and local levels, moving away from a hierarchical relationship to a division of labour with greater interdependence and self-regulation. Current education systems are, therefore, increasingly characterised by multi-level governance where the links between multiple actors operating at different levels are to a certain extent fluid and open to negotiation, in which trust plays a crucial role (Cerna 2014).

A main challenge in multi-level systems is the question of who retains the responsibility for oversight and steering. This is particularly true for the education sector, as there is a general trend towards more comparability and compatibility of curricula and education outcomes across regions and countries: even in very decentralised systems the central level will need to retain some steering capacity, if national or international standards are to be monitored and met (OECD 2012b, Burns and Wilkoszewski 2013). Hence, the inherent asymmetry between the various governance levels in multi-level contexts persists. This asymmetry leads to governance gaps in seven areas: information, capacity, fiscality, policy, objectives and accountability (Charbit, 2011; Charbit and Michalun, 2009, see Table 2 on the next page).

National education ministries in OECD education systems have started to use various strategies and approaches to close these governance gaps, while trying to develop or maintain steering competence at the central level. In light of the complex nature of education as a field of political action as well as the necessity to involve more stakeholders and to account for new societal trends and demands, the traditional mode of governance appears insufficient. A vertical governance structure from the centre to the lower levels of political action, cannot serve as the model of choice. Softer modes of governance have emerged and complement or even substitute for classical steering mechanisms of rigid regulatory or fiscal controls. The following section will present a framework to grasp this empirical and conceptual haziness.

**Table 2. Governance gaps in multi-level education systems**

<b>Governance gap</b>	<b>Description</b>
<b>Information gap</b>	The central governance level often has better access to quality information (e.g., comparative data on school performance) than the local level. Also, the central level usually has better capacity to use this information. At the same time, the local level has direct access to information on how policy reforms affect schools – data that the central level first needs to gather. This information asymmetry on both sides can hinder the successful implementation of educational policies.
<b>Capacity gap</b>	This gap occurs when there is a lack of human capital and financial resources between levels of government. In education it often is connected with the information gap, the use of knowledge or the development of necessary institutional structures on the local level.
<b>Fiscal gap</b>	Sub-national governments' own revenues (taxes and fees) often exceed their expenditure responsibilities in education, while the lower levels in the system suffer from too few financial means. This financial gap can lead to the dependency of lower levels on the central level, and therefore hinder co-operation and exchange.
<b>Policy gap</b>	This gap results from the incoherence between sub-national policy needs and national level policy initiatives. It can occur when ministries take a purely vertical approach to policy issues that are inherently cross-sectoral. This gap is closely related to the information gap, e.g. when national education ministries do not take into account (or do not have access to) necessary data on the needs of schools.
<b>Objective gap</b>	National education ministries and local governance actors differ in the size of the population and the level of complex policy problems they need to design their reforms for. Therefore, a gap in objective can emerge, when the various levels do not coordinate their aims to make them coherent across policy areas. This is particularly the case when objectives are prioritised asynchronously: a national education ministry might look for strong accountability measures to foster international competitiveness of the system, whereas municipalities might first look for necessary infrastructure and capacity building.
<b>Accountability gap</b>	This gap occurs when the necessary institutional quality measurement mechanisms for each governance level are lacking or misplaced: if the central level has no or very little say in school policies – to what extent can it be held accountable for eventual failures? This gap is strongly linked with the capacity and fiscal gaps, as lower levels of governance need the necessary resources to fulfil their responsibilities.

Source: Adjusted classification of Charbit (2011: 16)

## 2.3 Modes of governance

One way to bring about clarity into the complex phenomenology of modern governance mechanisms is to classify centre-periphery interactions in relation to their degree of rigidity. To do so, four dimensions of mechanisms can be established: Regulation, Organisation, Financing, and Information (Hood and Margretts, 2009). Within these dimensions, specific governance mechanisms can then be further qualified as either “hard” or “soft”. For example, regulatory means are often thought of as “hard” modes of governance because they imply exercising legal authority. This qualification, however, is too simple. All modes of governance can be assessed along the four dimensions. They are classified as either hard or soft depending on the degree of coercion they exercise upon the addressee and the extent to which the implementation of the political measure is controlled, audited and sanctioned (see Table 3; Vabo 2012, see also Radaelli 2003; for a typology of entire education systems see Windzio et al. 2005):

**Table 3. Modes of governance - degrees of coercion**

	<b>Modes of governance – dimensions</b>			
<b>Mechanisms</b>	Regulations	Organisation	Financing	Information
“Hard”	<i>Binding</i>	<i>Direct action</i>	<i>Earmarked grant</i>	<i>Monopoly of ideas</i>
“Soft”	<i>Non-binding</i>	<i>Indirect action</i>	<i>Block grant</i>	<i>Competition of ideas</i>

Source: Vabo (2012)

The distinction between soft and hard laws is not a binary one but a sliding scale. Each mode of governance can encompass both soft and hard mechanisms. *Regulations* like specific laws and law-based guidelines, for example, represent the most typical hard governance modes, particularly if they confer rights to citizens. The stricter the related mechanisms of monitoring, control, and sanction are, the harder the mode becomes. The more freedom the lower level is given in executing the legal regulations, i.e. the less binding they are, the softer the mode becomes. Abbott and Snidal (2000) argue that legal regulations represent both *contracts* and *covenants*: “The realm of ‘soft law’ begins once legal arrangements are weakened along one or more of the dimensions of obligation, precision, and delegation. This softening can occur in varying degrees along each dimension and in different combinations across dimensions.” In other words, laws become softer the more room they leave to their implementation (What has to be implemented and by whom and who is accountable?).

The *organisation of governance* is a second dimension to describe centre-periphery relations and interactions in a political system. Here, direct interventions from the centre to implement and execute reforms on the local level represent hard governance mechanisms; soft governance mechanisms are formed by indirect tools such as policy programmes that provide a framework and enable the local policy makers to independently organise implementation.

When it comes to the implementation of policies, *financial resources* play a central role for the power relations between the centre and the periphery. With political programmes initiated by the central level earmarked grants can be seen as hard modes of governance, as they tie funding to specific targets. Access to these funds is only granted if the local level follows the priorities set by the central level, making them coercive and thus elements of a hard governance mode. Block grants on the other hand reduce the centre’s steering-capacity but provide more freedom at the local level within the framework of general goals, which is an increasingly common dynamic in decentralised and complex policy areas such as education.

Finally, the *flow of information* necessary for policy formation is a fourth dimension to characterise modes of governance. In open, democratic societies, the provision, exchange, and interpretation of information cannot be entirely monopolised; therefore, knowledge-based governance mechanisms, like the organisation of discussion platforms and facilitating dialogues between various actors, can be considered a soft mode of governance. This approach allows for competing ideas, concepts, and expertise and aims to employ educated discourse as a means to finding the best possible solutions to the challenges of governance. It also allows systems to learn and evolve as it better integrates newly created information and knowledge from multiple sources and levels than systems that control the creation and interpretation of knowledge centrally. However, the access to or interpretation of relevant data largely depends on the capacity of the respective actor to build or utilise knowledge-systems. Making the provision of resources necessary to process information and use knowledge conditional on certain (political) goals thus represents a – relatively – harder governance mechanism in this dimension.

Over the last decades, many OECD countries have seen a rather large growth in legal regulations that address or potentially affect the relation between the central and the local level (Charbit and Michalun, 2009). Whether or not these regulations result in greater central power and less local freedom depends on the legal authority that they impose. Legal regulations are often applied in combination with soft mechanisms of other governance dimensions (such as economic incentives). This implies that governments today view legal regulations alone as not being sufficient for their policies to be implemented, for a range of reasons (Abbott and Snidal, 2000: 423):

- In complex governance structures, which involve many actors, softer mechanisms can be less costly in terms of time and finance (especially with factors such as trust or sustainability) than harder regulations, because they integrate more actors and stakeholders; this is especially true for cases where lower governance levels see their autonomy challenged.
- Softer governance mechanisms are easier to achieve, since they can relax one or more of their legal components as they come with various options (*Who implements what and how?*).
- Soft governance allow for more effective ways to deal with uncertainty and complexity, as it can initiate policy-learning, resulting in recurring policy cycles with improved outcomes.
- Soft mechanisms do not threaten the overall governance structure as they facilitate compromise and moderate between actors with different interests and values, different time horizons and resources, and different degrees of power.

All of these challenges (inclusion of new actors, transaction costs, complexity, sustainability of policy reforms, and reconciliation of interests and resources) are prevalent in education systems across the OECD. In the following section, this paper will present three empirical examples of strategies central levels have used to address these challenges.

### 3. THREE CASES OF NEW MODES OF GOVERNANCE IN EDUCATION

How have central governments reacted to the governance challenges of complex, decentralised education systems? The previous chapter has shown that “hard” approaches to steering are no longer sufficient. This section of the paper therefore presents examples of new, soft modes of governance in the field of education from two national systems (Norway, Germany), and a supra-national system (the European Union (EU)). Chapter 4 of this paper will then compare the three cases to identify communalities for future analytical work and policy development.

The policies or policy frameworks looked at in the following either intend to supplement “traditional” steering mechanisms from the centre or compensate for a lack of those. They also address, to varying degrees, the gaps in education governance introduced in the previous chapter of this paper (see Table 2).

The two national examples allow for the comparison of a more established approach (Norway) with a more recent initiative (Germany). The selection of the EU as a third case allows for the comparison of national approaches with one in a system that, so to speak, has had to deal with the challenges of multi-level governance ever since it was founded. The EU still forms a governance system of its own kind, in which the interaction between the centre (EU institutions, in particular the European Commission) and the periphery (Member States) is probably more complex and interdependent than in any national context.

The three empirical examples for soft modes of governance are:

- The Norwegian *Consultation Scheme* between the central government and the local governments (*Konsultasjonsordningen mellom regjeringen og kommunene*)<sup>2</sup>. This scheme mostly addresses the policy and objective gaps;
- The core elements of the central education policy framework *Local Learning (Lernen vor Ort)*<sup>3</sup>, initiated by the German central (national) level and aiming at a coherent education policy framework on the local level. This framework mostly addresses the information and capacity gaps;
- The *Open Method of Coordination (OMC)*<sup>4</sup>, which is applied by the EU to steer policies in fields, such as education, that are less integrated and remain largely within the competences of national political systems. OMC mostly addresses the policy, objective, and accountability gaps.

As mentioned in the introductory chapter to this paper, the comparison of national modes of governance to the ones in supra-national systems has not been done so far and therefore deserves particular attention. Some might argue that it is hard to compare national governance modes to supranational ones. And it is correct, that OMC was developed as a least common denominator approach and much earlier than the other two national strategies. It was the least intrusive governance approach as the Member States did not want the EU to interfere with policies that are not part of its core competencies. However, EU integration has moved forward and in many policy areas the EU now has a prerogative over national law. Yet, less integrated policy areas, such as education, still exist and the governance setup between the EU and the Member States here is fairly similar to the one of highly decentralised education systems. While

<sup>2</sup> See <http://www.regjeringen.no/templates/Tema.aspx?id=540082&epslanguage=NO> (consulted October 2014).

<sup>3</sup> See <http://www.lernen-vor-ort.info/> (consulted October 2014).

<sup>4</sup> See [http://europa.eu/legislation\\_summaries/glossary/open\\_method\\_coordination\\_en.htm](http://europa.eu/legislation_summaries/glossary/open_method_coordination_en.htm) (consulted October 2014).

the EU as such is not a nation state, the following comparison shows that there is a range of similarities between the OMC and national approaches to soft governance.

### **3.1 The Norwegian Consultation Scheme between the central government and the municipal level**

In Norway, the central and the local level represent two rather independent governance levels, especially in policy areas like education, welfare, and health. In these sectors the Norwegian government has delegated the implementation of central policy goals largely to the local level, which is then regulated by its own set of laws dating back to 1937. In addition, the municipalities draw their budgets from block grants provided by the centre (ca. 70% of the total local budget) as well as from own taxation (ca. 30% of the total local budget).

The Norwegian governance system in general is shaped by a strong role for the public sector in providing services such as education. With the expansion of education over the past decades, responsibilities for the local level have grown, resulting in an increasing number of laws and regulations whose implementation is at the discretion of the local level. In such a set-up, classical top-down, hard governance modes of steering from the centre are not efficient. At the same time, the need for co-ordination and oversight across the various local units by a higher body of some form is needed to guard against varying policy outcomes, inefficiencies, and inequality that may occur as a result of decentralised implementation. It is important to note that Norway has a large number of municipalities (428, including counties) of varying size and capacity. Reducing this number has been a goal of a several cabinets (including the current one), but one that has not been realised so far.

#### ***Context and aims***

The *Norwegian Consultation Scheme* was founded in 2000 by the central government and the local level to function as a forum replacing traditional channels of interaction between the levels (Norwegian Ministry of Local Government and Modernisation, 2008) and facilitate coordination. It introduced a *method of dialogue* between the two levels and thus made them equal partners in the governance process (OECD, 2008). This new mode of governance aims at balancing the autonomy of local governments with national objectives of equity and the need for macroeconomic oversight. The consultation scheme also intends to counterbalance the tendency of national ministries to create thematic “silos” and to improve coordination across sectors in order to help municipalities with handling all regulations and tasks issued by the central level. The main objectives of the Consultation Scheme are (Norwegian Ministry of Local Government and Modernisation, 2008):

- To achieve consensus on the scope of centrally formulated goals and their implementation through the municipalities given the budget available.
- To use the method of consensus as a means to reduce central regulations and earmarked grants.
- To strengthen local democracy and decision making as a means of more efficient use of resources.
- To promote more sustainable conditions for local authorities.
- To produce a sound and reliable information basis for local governments and parliaments.
- To facilitate a transparent, consistent, and accountable allocation of funds for the local level.

### *Organisation and actors*

With regard to the categorisation of modes of governance introduced for this paper, the Consultation Scheme therefore operates in three main governance dimensions (organisation, financing, and information, see Table 4).

**Table 4. Modes of governance: location of Norwegian Consultation Scheme**

		<b>Modes of governance – dimensions</b>		
<b>Mechanisms</b>	Regulations	<b>Organisation</b>	<b>Financing</b>	<b>Information</b>
“Hard”	<i>Binding</i>	<i>Direct action</i>	<i>Earmarked grant</i>	<i>Monopoly of ideas</i>
“Soft”	<i>Non-binding</i>	<b><i>Indirect action</i></b>	<b><i>Block grant</i></b>	<b><i>Competition of ideas</i></b>

Source: adapted from Vabo (2012)

The Consultation Scheme is organised as a formal dialogue between two main partners: the central government, represented by the ministry in charge of the matter at hand, and the Norwegian Association of Local and Regional Authorities (KS), representing the local governments (see Box 1 on the next page). This dialogue requires a close co-operation between the participating bodies: four political plenary meetings involving both politicians and administrators from both levels take place every year. Each meeting follows a strict pre-agreed agenda and is closely linked to the annual budgetary negotiations of the central government and parliament. Between the meetings, the parties involved in the scheme stay in continuous contact to prepare the meetings and decisions to be taken.

After the fourth annual meeting, the two partners issue a commonly drafted paper (*Fellesdokument*). While not legally binding, this document provides the basis for the further work in the Consultation Scheme and outlines necessary follow-ups on either level. The commitments made by the partners during the meetings are explicitly stated in the document, which is published on the official websites of the local and the central levels.

The common document usually summarises two main outputs of the scheme: cost estimates of centrally initiated policies and bilateral agreements. While bilateral agreements have been a governance mechanism since the beginning of the scheme, the KS has been involved in the financial planning of the central government’s policy initiatives only since 2007. Its main role here is to facilitate local implementation by providing reliable information on the expected need of resources (financial and otherwise) as early as possible in the policy-making process.



### **Box 1. The Norwegian Association of Local and Regional Authorities (KS)**

The Norwegian Association of Local and Regional Authorities (KS) is the only employers' association and interest organisation for municipalities, counties and local public enterprises in Norway. The association was founded in 1972 when The Union of Norwegian Cities (founded in 1903) and the Norwegian Association of Rural Municipalities (founded in 1923) were merged. As of April 2006 all of the 429 municipalities and 19 counties are members, as well as approximately 500 public enterprises.

The KS serves as a link to the central government advises and informs its members on all matters and developments of importance to local governance. It also facilitates a continuous exchange between the municipalities. Its main task, however, is to act as a representative of the local level in the negotiations with the central level on budgetary questions and political priorities.

In order to provide the KS with the necessary resources and capacity, it is supported by a rather extensive organisational set up. The core body is the Executive Board, which carries the overall responsibility for the network's activities and implements the decisions of the network's other bodies, the Congress and the General Council. The board consists of 15 members and meets on a regular basis; its day-to-day business is supported by a Working Committee. 17 County Executive Committees, which are serviced by nine regional offices, facilitate the exchange with policy-makers and administrators on the ground.

It is important to note that the KS does not have any power to impose decisions on its members except when acting in its role as a representative to the central government when negotiating budget allocations and political priorities. Within the Consultation Scheme discussed in this paper, it solely serves as a facilitator of exchange.

Source : KS Kommunesektorens organisasjon (2013)

### *Bilateral agreements of the Norwegian Consultation Scheme KS*

Bilateral agreements reached through the Consultation Scheme represent the clearest soft governance mechanism for the Norwegian central level, by which it aims at steering the implementation of certain policy goals on the local level. These agreements can be divided into three main categories:

- Agreements on quality development;
- Agreements on social development;
- Agreements on co-operation between different levels of government.

As the agreements are perceived by both partners to be a steering mechanism of the central level, the initiative for a new agreement rests with the central government. In order to facilitate an efficient decision-making process, the local and the central level have agreed on a set of guidelines for the agreements as follows (Norwegian Ministry of Local Government and Modernisation 2013):

1. During the negotiation process, the national ministry in charge of the matter at hand has to consult with other national ministries (in particular the Ministry of Finance);
2. As part of the initiative and its planning, the ministry in charge has to address the following questions:
  - What are the main objectives for the agreement and what are their underlying policy challenges?
  - What is the time frame for the implementation of the actions envisioned in the agreement?

- Does the agreement cover a policy field of national priority?
  - Why is a Bilateral Agreement the appropriate tool for the policy challenges addressed?
  - What are the alternative tools in case the envisaged Bilateral Agreement is not being put in place?
  - What are the benefits of using the Consultation Scheme compared to other modes of governance?
  - Does the Bilateral Agreement lead to deregulation in the policy field at hand?
  - How does the Bilateral Agreement complement the traditional steering mechanisms in the ministry in charge?
  - How will the ministry and the KS ensure that the objectives in the agreement are met?
  - How will the objectives in the agreement be operationalised so that the agreement can be evaluated?
  - How will the results from the evaluation be used?
3. The negotiation process for the Bilateral Agreement will clarify the roles and expectations of the partners involved (national ministries, the KS, regional authorities, counties and municipalities).

**Box 2. The Norwegian Consultation Scheme: Examples of bilateral agreements in the field of education**

The Consultation Scheme is applied in a range of policy fields, including welfare and health. In the field of education, two bilateral agreements were signed in 2011: one on enhancing horizontal collaboration between the Employment and Welfare Service and one on the quality of Early Childhood Education and Care (ECEC) and primary and secondary education. The latter outlines a set of general principles and policy goals to improve the quality in the local education services and involve further actors through a model of “local democracy”. The main aims are to activate common responsibility, mutual respect, commitment and common ambitions. The agreement is based on the following objectives:

- Secure consistent high quality of services throughout all ECEC institutions;
- Enhance ECEC as an arena for learning;
- Facilitate the participation of all children in the activities of their communities;
- Secure that all students graduating from primary and secondary education have the basic skills, knowledge, and ethics necessary to follow further education, to fully participate in work, society and life in general;
- Give all eligible adults the possibility to participate in primary and secondary education.

Source : Ministry of Education and Research (2013)

Once a Bilateral Agreement is reached, the KS facilitates the implementation of the agreed actions by using its networks and arenas (see Box 1). This is done by disseminating relevant information and fostering exchange between local level actors. As bilateral agreements require extensive resources on all levels both while negotiating and implementing them, the partners in the scheme have agreed to monitor the number of agreements annually in order to avoid excessive costs. In 2011 only five agreements were signed, one of which in the field of education (see Box 2). This agreement focused on Early Childhood Education and Care (ECEC). ECEC participation rates at the age of 4 are already very high in Norway (see Figure 3 on

page 24), so this initiative laid particular emphasis on the quality of education services and forming a better culture of mutual respect between the various actors in the field.

### *Does the Norwegian Consultation Scheme work?*

With the introduction of the Norwegian Consultation Scheme the local and central levels in Norway aimed at more efficiency in the governance system (i.e. fewer central regulations) and more capacity on the local level for implementation of political reform. Two research reports have analysed the scheme in light of its main objectives (Borge 2009, Indset and Klausen 2008). They conclude that the scheme does not seem to be an alternative to existing steering methods of the centre, as the number of regulations from the central level has not been reduced since the introduction of the scheme. It coexists with the old governing mode, rather than replacing it. Should this finding be sustained, one of the main objectives of the scheme may not be met.

Nevertheless, the reports show that the participating actors gained a better understanding of each other's roles through the novel method of dialogue between the levels. In particular, the central level seems to be better aware of the needs on the local level. At the same time, the KS has gained more legitimacy and influence as a link to the central government. The authors of the reports expect this influence to further increase in the future.

However, two major challenges remain for the scheme: first, within the Consultation Scheme, neither the representatives from the central government nor those from the KS have any explicit mandate to negotiate. This may be a reason for the fact that old governance mechanisms from the centre persist. Second, instead of reducing complexity by co-ordinating policies across various ministries, the bilateral agreements of the scheme tend to lead to even more fragmentation within the governing process: only two out of 11 agreements signed at the time of the reports involved more than one ministry.

In order to further assess the progress and effectiveness of the Consultation Scheme, the Ministry of Local Government and Modernisation is currently planning a study project to gain more insights into the experiences and effects associated with the use of bilateral agreements. The project is supposed to be a broad study of the general use of agreements between national and local governments, including bilateral agreements within the Consultation Scheme.

### **3.2 Germany's central policy framework "Local Learning" LvO**

Germany's governance system in the field of education is even more decentralised, leaving only marginal manoeuvring options for the central level. Since a major constitutional reform in 2006, education is practically the only policy field in which the regional level (comprised of Germany's 16 Länder) enjoys largely exclusive decision-making power. In order to ensure this last area of far-reaching regional autonomy, the constitution even prohibits any co-operation between the federal and the regional level, i.e. the central government is only allowed to fund education policies in the area of higher education, and only if they are limited in time. Early childhood, primary, and secondary education remain in the sole control of the respective regions.

In order to facilitate co-ordination between the levels, a conference of regional education ministers (*Kultusministerkonferenz. KMK*)<sup>5</sup> convenes on a regular basis to discuss common approaches to policy challenges and ideally find consensus among the regions. The KMK also represents these interests towards

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<sup>5</sup> See <http://www.kmk.org/> (consulted October 2014).

the central level and exchanges with relevant actors there as necessary. Most decisions require unanimity, in which case they represent political recommendations, which are forwarded towards the regional parliaments to take decisions on their implementation. Only when implemented by the regional parliament – or in case of a state contract between the regions – the decisions of the KMK have direct legal effects. The members are ministerial officials who often also sit in the second chamber of the Federal Parliament (*Bundesrat*) (Rodrigo et al., 2009).

### *Context and aims*

Despite this narrow field of action, Germany's Federal Ministry for Education has pursued a range of policy initiatives (e.g. a competition for excellence amongst universities and a national scholarship programme for university students) to foster education and shape the nation's policy agenda in this field. These initiatives' main features are that they provide a framework of policy goals rather than specific tasks; they usually come with a substantial amount of funding (through block grants) and are based on voluntary participation by the other governance levels or education institutions. Therefore, they present newer, soft governance modes.

One of the, in its approach, most comprehensive of these policy frameworks is the “*Local Learning*”-initiative *LvO (Lernen vor Ort)*<sup>6</sup>. It was initiated in 2009 by the Federal Ministry for Education which together with the European Social Fund provides the necessary budget for the programme (more than 100 million Euros for 6 years). 150 German foundations provide the initiative with expertise and in-kind support. The framework's main aim is to enable local policy makers in municipalities and cities to develop a coherent education management approach across the life-course of individuals. It therefore not only addresses questions of classical education, but also issues related to life-long learning and employability. Specifically, the aims of *LvO* are according to the Federal Ministry for Education and Research (2013) to:

- Increase the participation in education.
- Improve employability.
- Improve quality and quantity of education and training options on the local level.
- Make the education system and its offers more transparent to its users.
- Improve the transition across various education phases.
- Increase the access to education.
- Strengthen the democratic culture.
- Tackle the challenges of demographic change.

The programme description of *LvO* pays special attention to questions of equity and skills development in the education system. As in other OECD countries, also in Germany a number of students lack basic skills, as measured by PISA (OECD 2011): about 15 percent of students drop out of the education system before finishing upper secondary education. This is below the OECD average of roughly one in five students, but still significantly higher than dropout rates in countries like Canada, Korea or

<sup>6</sup> See <http://www.lernen-vor-ort.info/> (consulted October 2014). For a comprehensive analysis of this policy programme, see Busemeyer, M.R. and J. Vossiek (2014): *Reforming education governance through local capacity-building: A case study of the LvO programme in Germany*. OECD Publishing (forthcoming).

Poland. Dropping out of school early means significant lower chances on the labour market for the individual, but it also is a challenge for an ageing society like the German one, where the potential of qualified labour force is shrinking.

The fact that LvO's approach goes across policy fields has also secured the acceptance of the programme among the regional and local levels. The programme attracted substantial interest among the municipalities: about half of all 407 German districts and independent cities applied for participation. About 40 of these were selected through a nation-wide competition and are participating in the framework. After the end of the main phase of the programme in 2014, the municipalities are expected to continue the activities through own funds. This was also one of the main selection criteria for participating municipalities: successful applications had to provide a roadmap including sustainable funds and personnel for the time after the programme ends. By this means, the Federal Ministry intended to increase sustainability by avoiding projects unlikely to be continued after funding from the central level had stopped.

The central goals of the policy programme are explicitly linked to one of the main education strategies of the federal government called "*Advancement through Education*" (*Aufstieg durch Bildung*)<sup>7</sup>. While LvO itself does not set specific benchmarks, the federal strategy gives particular policy goals (such as more education opportunities for children under the age of 6, apprenticeship opportunities for everyone, increase of the ratio of adults completing further professional training from 43% to 50%).

### **Organisation**

Within the categorisation introduced for this paper, the main dimensions addressed by *LvO* are *Organisation* and *Information* (see Table 5). The programme aims at reorganising local education management and the introduction of a new information- and knowledge base. Since it is linked to a federal education strategy, it also concerns the dimension "Regulation", albeit in a rather indirect manner, as specific benchmarks are not being monitored.

**Table 5. Modes of governance: location of German policy programme LvO**

	<b>Modes of governance – dimensions</b>			
<b>Mechanisms</b>	Regulations	<b>Organisation</b>	Financing	<b>Information</b>
"Hard"	<i>Binding</i>	<i>Direct action</i>	<i>Earmarked grant</i>	<i>Monopoly of ideas</i>
<b>"Soft"</b>	<i>Non-binding</i>	<b><i>Indirect action</i></b>	<i>Block grant</i>	<b><i>Competition of ideas</i></b>

Source: adapted from Vabo (2012)

### **Results of LvO: Enhanced co-operation, education monitoring, and spill-over effects**

In its fifth year by the time of the publication of this paper, the programme has established a series of new collaborative models between various education actors and stakeholders in the participating municipalities (Programmstelle "Lernen vor Ort", 2011a) as well as across governance levels. The municipalities on the one hand have established specific education offices, often located within the local

<sup>7</sup> See <http://www.aufstieg-durch-bildung.info/> (consulted October 2014).

authority, that are co-ordinating the various programme activities, including the exchange with the participating foundations which operate as mentoring institutions. The Federal Ministry for Education on the other hand has set up a central programme office that maintains oversight of the policy initiative and facilitates peer learning between the participating municipalities through annual conferences, via an internet-platform as well as publications reporting the programme's progress.

This novel approach to co-operation in the field of education, however, has only been one of the operational aims of the LvO initiative. It also establishes the implementation of systematic education monitoring as an integral part of successful education management on the local level: education needs and opportunities can only be aligned based on a sound knowledge basis, including indicators of education performance. In particular, the policy gives the following tasks for the monitoring system:

- Informing expert discussion on education goals;
- Facilitating education planning;
- Enhancing political decision-making;
- Introducing a system of accountability and control;
- Monitoring the implementation of policy goals;
- Informing the general public.

In order to support the municipalities with these tasks, the LvO has developed a sophisticated IT platform (Programmstelle "Lernen vor Ort", 2011b). This platform is free for use for all municipalities (not only for the ones participating in LvO) and allows for extensive visualization of data, and the combination of education indicators. The use of this infrastructure varies from region to region. However, some participating municipalities have implemented a full local education reporting. In this context, the first spill-over effects of the programme can be observed: one region has established a comprehensive education monitoring system, including school specific data, for all of its communes and independent cities (Lander 2011). The spill-over effects are a promising development – they indicate that even in a highly decentralised system like the German one, the centre may trigger important education policy changes on the local level through the use of soft governance modes. If more of these spill-over effects occur as the initiative continues, it will help the programme to reach its long-term goal of covering up to half of all German municipalities.

### **3.3 The Open Method of Co-ordination (OMC) in the European Union**

The empirical examples in this paper thus far concerned nation states, whose central governments are in search of new governance mechanisms in decentralised settings. The European Union (EU) – albeit not a nation state but a supranational political entity – has had to deal with this puzzle ever since its foundation. While certain areas, such as competition, trade or agricultural policies, are integrated to a large extent, a range of other policy fields, including education, remain in the sole competence of the member states. Since the EU does not have any regulatory power in this sector, it is an extreme case of a decentralised political structure.

The EU has none of the classic structures and levers of a nation state in a range of policy areas. Levers are usually strong in areas under the EC and EU Treaties, for areas outside these treaties or "where there is significant political resistance by member states to an expansion of EU activities" (Lange and Alexiadou 2007:325), EU institutions have limited competencies. Article 149 (1) of the EC Treaty formulates these for the area of education as follows: "The Community shall contribute to the development of quality education, particularly by encouraging cooperation between MS [Member States, editor's note] and, if

necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member State for the content of teaching and the organisation of education systems and their cultural and linguistic diversity” (quoted in Lange and Alexiadou 2007:325).

Nevertheless, the EU has to co-ordinate its actions in the field: phenomena like the current financial crisis or demographic change increasingly require a horizontal policy approach. Furthermore, policy areas such as education are highly interconnected with other areas (e.g. family, health and social care or employment) and reductionist approaches are unlikely to be successful in such a complex, holistic environment.

### ***Context and aims***

For the EU the only possible mechanisms of influencing Member States’ policy priorities in non-integrated fields are soft modes of governance, such as indirect actions or knowledge-based approaches built upon exchange between member countries. In addition to large funding programmes, such as e.g. the ERASMUS-programme in the area of education, the EU has experimented with different modes of soft governance since the 1990s, and then later in the framework of the *Lisbon Strategy* (Jouen et al., 2005). From this, the *Open Method of Coordination (OMC)* has emerged as the standard mode of governance for the lesser integrated policy areas within the EU.

The OMC is a process of policy making, which neither leads to binding EU legislative measures nor requires Member States to change their law (see Box 3; in some cases, however, OMC leads to national legislative acts, if Member States decide to implement agreements reached by OMC nationally. The EU framework then remains a voluntary reference, while the national implementation becomes binding). OMC aims at communicating best practices and achieving greater alignment among member states with the main EU goals. Historically, the OMC can be seen as a reaction to the EU’s economic integration, a process that reduced the Member States’ options in the field of employment policy. This left many states reluctant to delegate more powers to the European institutions in this field and thus the OMC was designed as an alternative to the then existing EU modes of governance (for a critical view on OMC see Lange and Alexiadou 2007).

### ***Organisation***

With regard to the categorisation of modes of governance introduced for this paper, the OMC therefore operates in two main governance dimensions (organisation and information, see Table 6).

Generally, the OMC works in stages. First, the Council of Ministers agrees on policy goals. Member States then translate guidelines into national and regional policies. Thirdly, specific benchmarks and indicators to measure best practice are agreed upon. Finally, results are monitored and evaluated. Because it is a decentralised approach, largely implemented by the Member States and supervised by the Council of the European Union, the European Commission has a coordinating and monitoring role (apart from its right of initiative and to make proposals) and the involvement of the European Parliament and the European Court of Justice is very weak.

Table 6. Modes of governance: location of Norwegian Consultation Scheme

Modes of governance – dimensions				
Mechanisms	Regulations	Organisation	Financing	Information
“Hard”	<i>Binding</i>	<i>Direct action</i>	<i>Earmarked grant</i>	<i>Monopoly of ideas</i>
“Soft”	<i>Non-binding</i>	<b><i>Indirect action</i></b>	<i>Block grant</i>	<b><i>Competition of ideas</i></b>

Source: adapted from Vabo (2012)

Although the OMC was devised as a tool in policy areas that remain a priority for national governments, it is sometimes seen as a way for the Commission to ‘put its foot in the door’ of a national policy area: On the basis of evidence from various exchange activities between the governance levels, the Council, on the basis of proposals by the Commission, may formulate non-binding recommendations to all Member States, as for example within the Education and Training 2020 (ET 2020) framework (European Commission 2014a). This is the strongest means of power the Commission can execute in the field of education (Eurofund 2013).<sup>8</sup>

#### *OMC steered activities in the field of education*

Even though the EU has a limited mandate in the field of education, there have been attempts on the EU-level as well as within the EU Member States to design something like a “European education policy” (for the overview presented here see Gutknecht-Gmeiner, 2012). The first steps towards this goal stemmed from the necessity to acknowledge professional qualifications across Member States in order to facilitate the freedom of movement for European employees. These basic activities of coordination have been extended since the Treaty of Maastricht in 1993 towards questions of general education. In 2000, the Member States formed an agreement with the Council of the European Union to intensify collaboration in education with the aims to strengthen global competitiveness of national education systems, to secure sustainable economic growth and employment and to foster social balance and cultural exchange throughout the Union.

In this context, OMC has been applied in the education sector to enhance quality and effectiveness of education and training across Europe, to facilitate the access to education and training for all European citizens, and to open up education and training systems for more integration. For example, in 2003, the European Council of Brussels adopted a 10-year programme on education with 13 policy objectives, which later was extended by a follow-up programme until the year 2020 (Council of the European Union, 2003, 2009). For the implementation of these objectives the OMC was selected as the main governance mechanism. It consists of the following set of tools:

<sup>8</sup> Within the so-called “European Semester”, which is a process to coordinate EU policies across a wide range of policy areas on an annual basis to meet the EU 2020 goals, the Council, based on recommendations by the Commission, can also give so-called Country Specific Recommendations (CSR) to Member States. These recommendations reflect on the economic situation of a Member State and suggest reforms it should take up over a period of 12 months (European Commission 2014c).



- Benchmarks (see Box 3);
- Monitoring progress: policy goals in the EU are subject to regular monitoring and reporting, at both EU and national levels. The EU Commission produces an annual progress report with detailed analyses and national statistics in each of the areas identified by the indicators and benchmarks.
- Learning from each other: the EU Commission organises peer-learning activities between member states interested in sharing best practices and jointly developing national policies and systems in specific fields. This exchange aims at advancing reforms in national education and training systems and forms a key part of a European education and training “policy”.
- European reference tools: European co-operation in the field of education has led to the development of a number of EU reference tools to help learners and support national reforms. Recommendations and common principles have been developed in the areas of key competencies for learners, quality assurance in higher education and in vocational education and training, quality of mobility, validation of non-formal and informal learning, lifelong guidance and the recognition of qualifications abroad. In this context, the EU established the European Qualifications Framework (EQF), which has had a substantive transformative impact on the national level of the Member States (European Commission 2014b).
- Joint reports: The European Council and the Commission publish a joint report on the overall situation every two years. Using data from both the progress reports and national reports, this takes a more strategic view, assessing developments across national education systems and delivering a series of key messages.

**Box 3. EU benchmarks for 2020 for ECEC and primary and secondary education**

The EU set the following benchmarks for 2020 for ECEC and primary and secondary education:

- At least 95% of children between the age of four and the age for starting compulsory primary education should participate in early childhood education;
- The share of 15-year-olds with insufficient abilities in reading, mathematics and science should be less than 15%;
- The share of early leavers from education and training should be less than 10%;
- The share of 30- to 34-year-olds with tertiary educational attainment should be at least 40%;
- An average of at least 15 % of adults (age group 25-64) should participate in lifelong learning

Source : Council of the European Union (2009)

In 2011, the EU Education Ministers adopted Council Conclusions with a special focus on the first benchmark for 2020 (participation rate of 95% of all 4-year olds in ECEC). The Council seemed to be concerned that despite a general positive trend in ECEC participation, a number of EU Member States were below the benchmark. In 2010, this concerned 12 countries, with Greece having the lowest participation rate among EU Member states at about 52 per cent (OECD 2012a). The Conclusions therefore invited Member States to analyse the quality and accessibility of ECEC provision and to invest in necessary improvements thereof. Progress towards the 2020 benchmark is monitored within the OMC framework (Council of the European Union, 2011a). A background paper by the European Commission (2012) argues that efforts by the Member States have intensified after the Council intervened. However, the results of these efforts show that OMC works slowly at times: actions taken included the foundation of

a Thematic Working Group (which does not necessarily involve all Member States) and the formulation of more specific goals to reach the benchmark, e.g. through the development of a European core quality framework for ECEC (European Commission, 2012).

With regard to the third benchmark (early school leavers), the Council of the European Union showed even more concern about the progress Member States had made: in 2011, the EU Education Ministers adopted a recommendation that defines a common framework for comprehensive policies to reduce early school leaving. Member States were invited to implement these policies by the end of 2012 (Council of the European Union, 2011b).

Subsequently, in 2012, six Member States were given so called Country Specific Recommendations (CSR), which were proposed by the European Commission and adopted by the Council. They explicitly addressed the reduction of early school leavers in the specific country-context (European Commission, 2012). While CSRs – as recommendations addressed to all Member Countries within the Open Method of Coordination – are not legally binding, they do represent a stronger tool to foster compliance of Member States, as they address specific countries and provide realistic, concrete, targeted and measurable suggestions for a timeframe of 12 to 18 months (European Commission, 2013a). CSRs allow for a range of levers:

- peer pressure (recommendations are dealt with at the highest political levels);
- market pressure (in light of the current crisis, financial markets are monitoring countries' capacities to lower deficits and generate jobs, in line with the respective CSRs);
- possible sanctions (e.g. in case of CSRs that are closely linked to the EU's Excessive Deficit Procedure).

In the context of early school leavers, the first lever of peer pressure has become particularly relevant: as a further follow-up within the OMC, eight EU Member States had their policies against early school leaving peer-reviewed by other Member States at a special event in early 2013. Such peer reviews are a new tool in the coordination process of the EU in the area of Education and Training (European Commission, 2013b).

These two examples of interventions by the Council of the European Union as well as the Commission might show on the one hand that OMC, due to its nature of soft governance, cannot always deliver desired policy outcomes in the short or medium term. On the other hand, without the OMC, the described interventions in their specific forms would probably not have taken place, since even the preceding process of setting benchmarks and consultations among Member States allowed for more targeted actions such as Country Specific Recommendations or Peer Reviews of policies. It is this flexibility that lead to recent research work suggesting the OMC as a governance framework for the G20 (Meyer, 2011).

In other policy areas, OMC indeed has shown positive effects on national policy agendas and outcomes. An external evaluation of OMC activities coordinated by the EU's Directorate-General (DG) Enterprise and Industry showed that the European Charter for Small Enterprises, one of the DG's OMC tools, had "made a positive difference in some priority areas [...]. The most visible results were achieved in the priority areas of cheaper and faster start-up and education and training for entrepreneurship" (GHK/Technopolis, 2006: 9). The report also showed that tools like this Charter "made the most difference at national level when countries were open and eager to learn from the good practices of others [...]" (ibid).

#### 4. COMPARISON OF THREE EMPIRICAL EXAMPLES

What can be concluded when comparing the three empirical examples presented in the previous section? What are the commonalities and what are the differences? Table 7 on the next page provides an overview of the central characteristics of the three approaches in terms of aims, tools and results so far.

**Table 7. Comparison of soft modes of governance: Norway, Germany, European Union**

	Norway	Germany	European Union
<b>Aims</b>	Norway's <i>Consultation Scheme</i> aims at more efficiency in the governance system and facilitates a formal dialogue between the central government and the <i>Norwegian Central Network of Communes KS</i> on a range of policy areas, including education.	<i>Lernen vor Ort (Lvo)</i> aims to foster local educational governance by enabling municipalities to develop a coherent education management across the life-course of individuals. While not setting clear benchmarks, the programme is linked to one of the main education strategies of the Federal Government.	The <i>Open Method of Coordination (OMC)</i> in the EU is a comprehensive approach to steer policy areas, in which the EU has very little formal competences, such as education.
<b>Tools</b>	The main governance tools are bilateral agreements between the Ministry and <i>KS</i> , which formulate concrete goals and actions to be carried out on the local level.	Main tools are collaboration models between various education actors across governance levels, including peer-learning, internet-platforms and publications. All participating municipalities are required to set up a systematic local education monitoring. The programme provides necessary software and related capacity.	OMC works through centrally set policy goals that are translated into national and regional policies by the Member States. Benchmarks measure the progress, which is monitored by the European Commission. If targets are not met, the central level can issue Country Specific Recommendations, which set specific goals and timeframes for single countries and therefore increase peer-pressure.
<b>Results</b>	Evaluations show that the scheme has led to a better understanding between the various actors in education governance. It does not seem to be an alternative to existing steering methods from the centre, though: The number of regulations produced outside the scheme has not been decreased. Also, the bilateral agreements do not seem to be able to bridge the existing gaps between various ministries: only a fraction of the signed agreements involved more than one ministry.	The programme is on-going, so the assessment of its success is difficult, but some promising developments, including spill-over effects to a number of non-participating municipalities have been observed.	In the case of EU benchmarks for 2020 for ECEC and primary and secondary education, for example, some Member States have had their efforts to reduce the number of early school leavers peer-reviewed at an official meeting. While the assessment of the efficiency of the method in the field of educations remains mixed, some authors argue that OMC has helped to align education policies across the EU (e.g., Gornitzka 2006).

The three empirical examples for soft modes of governance in education show a range of commonalities:

1. *A multi-staged policy process which includes:*

- formulation of goals;
- delegation of the implementation to the lower level;
- facilitating and monitoring of implementation through a knowledge system, peer-learning or more specifically benchmarks, designed to include feedback from more actors;
- reporting on progress of reforms.

2. *Transparency and publicity*

In all three examples, the entire process, its goals, rules, and participating actors are transparent and communicated to the public.

3. *Soft sanctions and stakeholder commitment*

Compliance with policy goals is fostered through means of “soft sanctions”, in particular positive (spill-over effects) or negative peer-pressure (iterative monitoring). In any case, stakeholder commitment to common goals and coordinated processes is essential for the success of soft modes of governance.

Differences across the three examples occur mainly in terms of the scope of the governance mechanisms: the Open Method of Coordination is clearly the most comprehensive one of the three, involving a number of institutionalised powerful actors across the EU’s governance system (European Commission, Council of Ministers, National Governments) and using a range of instruments to achieve the set goals. In addition, the goal-setting for a particular OMC in the EU or bilateral agreement in Norway includes both the central and the lower level, whereas for the German policy programme, the goals of the policy programme were set solely by the central level.

Additionally, the participation on the lower level differs: initiatives under OMC generally address all Member States (at the same time individual elements of the process, such as peer-learning conferences, are not always supported by all states). Similarly, the Norwegian Consultation Scheme involves all regions through the *KS*. On the other hand, participation in the German initiative was facilitated through a competition and while it is aimed at covering half of all municipalities in the long-term, it can only formally include a limited number of local authorities in the programme due to budget constraints. At the same time, the German policy initiative includes rather resource-intensive goals such as the establishment of a local education monitoring system.

Finally, in contrast to the OMC, the mechanisms used in Norway and Germany to a large degree seem to be implicit approaches, without offering a whole-of-government perspective. They also have not been subject to comprehensive evaluation with regard to their effectiveness.

To summarise, this comparison of the three empirical cases has shown that even though soft modes of governance may differ in their historical development, their governance context (national vs. supranational) as well as their scope, they bear interesting commonalities (multi-staged processes, transparency and publicity, soft sanction). With further analysis, these could be validated and potentially be developed into categories for a systematic approach to steering strategies in decentralised, complex governance settings.

A range of other education systems in the OECD could provide additional empirical insights to further study innovative modes of governance. For example, the Spanish *Conferencia Sectorial de Educación*

(CSE) seems to use a similar mechanism like the Norwegian KS, but pertaining to regions and the central level. Furthermore, OMC tools in the field of education have been integrated into this governance approach (see Box 4 on the next page).

#### **Box 4. The Spanish Conferencia Sectorial de Educación (CSE)**

Spain has a decentralised education system, which divides competences between the central level and 17 autonomous regions. The constitution of 1978 set the ground for devolution and the regions have been assuming competences at different speeds, demanding increased coordination to ensure equal education for all Spaniards.

For this purpose, the *Conferencia Sectorial de Educación* (Conference for the Education Sector) was founded in 1986 and has become the principal forum of deliberation and coordination of non-tertiary education policies in Spain. Its aim is to ensure communication, coherence of curricula and education policies across the autonomous regions of Spain and between the national and regional administration.

The distribution of competences is such that the state ensures the basic and unitary structure of education and diplomas through legislation. It inspects the system and sets 55-65% of the curriculum. The responsibility for implementation lies with the regions: they administer their education systems and are responsible for more than 80% of the financial resources for education. They also set policies independently (but in accordance with national law). Regions with a local language other than Castilian Spanish have discretion as to 45% of the curriculum, all others to 35%.

The CSE meets at least twice a year and is presided by the National Minister of Education; every region is represented by its Education Minister. Decisions are reached either by unanimity or by majority as long as the state level does not veto. The Conference is open for consultation from experts and other government members.

There are seven sub-committees which can meet independently of the main conference: the permanent *Comisión General de Educación* (General Commission for Education), which is set up by the State-Secretary for Education and his regional counterparts, as well as six thematic committees (organisation of academia, schools, staff, staff training, statistics and international programs).

Although agreement of the state level is needed for all decisions, the deliberative character of the conference has allowed the regions to have significant influence. In the 1990s, for example, the CSE drafted the new education law which obliges the state to consult with the regions. More recently, in 2006, the CSE was tasked with establishing and monitoring Spanish education objectives to complement the EU 2010 education benchmarks, a tool which was directly adopted from the European OMC.

*Source* : Ferrer (2007), Bonal, X. et al. (2005).

More extensive empirical research would probably also reveal a whole set of ad-hoc reforms across the OECD that are similar with regard to their design to the German policy initiative “Lernen vor Ort”. For example, in Chile a recent education policy reform “Subvención Escolar Preferencial” aims at improving education quality and equality by extending the steering capacity of the central level, the National Ministry for Education MINEDUC. The programme was initiated in 2007 and is now in its second cycle. It provides up to 60% additional financial resources per student for every student that qualifies as “disadvantaged” in a specific school (Weinstein et al. 2010, Martinic 2010). School owners apply directly to these funds and sign a contract with the National Ministry, which sets up concrete benchmarks. These benchmarks in turn are monitored through regular funding and progress reports by the contracted schools. Even though voluntary in nature, this policy covered 85 % of eligible schools in the year 2013, underlying the fact that successful education reforms do not always have to be compulsory in order to be scaled to broad coverage across an education system.

## 5. CONCLUSIONS

Education governance is facing large transformative challenges, in particular the involvement of further (new) actors and levels, higher demands on the provision of educational services, complex policy problems, and global competition for the best talents. In this context, the fundamental question for central governments is: What are innovative, successful contemporary governance strategies to steer education systems towards the desired outcomes? Analytically, an additional question arises of how these approaches can be analysed in order to identify commonalities that might help other systems to develop similar strategies.

In addressing these questions, this paper first presented a categorisation of modes of governance in multi-level systems based on a continuum between classical (“hard”) and new (“soft”) along four dimensions (regulations, organisation, financing, and information) and the respective degrees of coercion. The paper then focused on recent empirical examples for soft modes of governance in two national governance systems (Norway and Germany) and compared them to the *Open Method of Coordination (OMC)* in the EU. While OMC turns out to be a more comprehensive approach to steer policy areas, in which the EU has very little formal competences, the three empirical examples show three main commonalities. Each is a multi-staged policy process that puts strong emphasis on transparency and publicity and operates through soft sanctions.

The comparison of soft modes of governance in the field of education offered by this paper can only be a first step, especially as it is a novel approach. Despite the increasing use of softer policy mechanisms in many countries, little has been done to describe and study these developments in a systematic way. OMC might not only provide an interesting example in itself but also a useful lens to look at national policies and provide the necessary analytical reference point. Further work has to be done to develop such an approach, as OMC has so far only been compared to other modes of governance on the supranational or inter-governmental level.

OMC might not only be a promising endeavour in analytical terms, though. Looking at how OMC in the field of education has developed to address the tensions between centrally set objectives and regionally tied competences could lead to a useful policy framework for decentralised governance systems on the national level. It could help to organise centre–periphery interactions by reducing complexity in the system and creating clarity over procedures and expected policy outcomes.

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