

«Evidence-Based Policy Making in times of crisis: the case of Greece»

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I. Introduction

In the context of the economic crisis in Greece, fiscal consolidation programs brought about a sweeping pack of policy reforms, which the Greek governments of the past decades were thought to be lacking the ability or the will to implement. The entire policy framework imposed on the basis of the Memoranda looks like an attempt to “rebuild the ship at sea”, according to a plausible wording used for post-communist countries of Eastern Europe.¹ However, all of this reform and policy package was interlinked to stifling budgetary requirements and was eventually implemented through resorting to a “state of (fiscal and economic) emergency” legislature.

In the early years of the crisis an intense, often polemic, public controversy has developed in Greece on the marginally democratic character of the implementation of memorandum policies via urgent bills and Acts of Legislative Content. However, it is necessary to go beyond this debate, which overshadowed another discussion that was never made in the public sphere over those years, and which would possibly be more substantial and enlightening on the Greek case. In this paper, our aim is to pose a question that has precisely remained in the shadow of public and political controversy: How effective was this “extraordinary legislation” in the context of the adjustment program in terms of planning and implementing public policy? What could or should have been done differently and under what conditions?

At this point, the debate on “regulation in a state of emergency” is met with a question that has been the subject of public debate and scientific literature for years: “Why do reforms fail in Greece?” Various responses have been suggested from time to time. This failure is sometimes attributed to the almighty political parties in contrast to a weak civil society and inadequate institutional checks and balances,² while others emphasize the clientelistic political paradigm of the Greek post-dictatorial era (*Metapolitefsi*),³

¹ Elster, J., Offe, C., & Preuss, U. (1998). *Institutional design in post-communist societies: rebuilding the ship at sea*, Cambridge: Cambridge University Press.

² Mouzelis, N. (2005). «Γιατί αποτυγχάνουν οι μεταρρυθμίσεις. Το κράτος και το κομματικό φουτμπόλ» [“Why do reforms fail?”], in Pelagidis, Th. (ed.), *Η εμπλοκή των μεταρρυθμίσεων στην Ελλάδα. Μια αποτίμηση του εκσυγχρονισμού [The blocked reforms in greece. An appraisal of modernisation]*, Athens: Papazisis.

³ Iordanoglou, C. (2013). *Κράτος και ομάδες συμφερόντων [State and interest groups]*, Athens: Polis.

but also internal constraints which are connected to a certain spirit of resistance to reforms and Europeanisation.⁴

In the same line of analysis, Greek society is seen as a “blocked society”.⁵ It is often considered that the state administration and political elites in Greece are governed by a “passive-responsive” rather than an “active-intended” spirit of response to the demands of Europeanisation,⁶ as powerful pressure groups and veto-players⁷ hinder the reforms that would touch the established organized interests. Similarly, comparative approaches point out that in Greece, as in other southern European countries, the burden of the clientelist tradition, of legislative formalism and of the implementation shortfall is an inhibiting factor for state modernization.⁸ However, in this literature seldom is the failure of reforms related to the way in which the legislation, i.e. public policies in Greece are being planned, drafted and implemented.

This very subcutaneous aspect of the Greek crisis is at the heart of our study. It is a rather decisive aspect, especially as the policies imposed on Greece by “the Troika” (later: “the Institutions”), namely a particularly strong exogenous pressure for institutional reforms,⁹ found virtually no acceptance and legitimacy among the political parties and citizens; not only because of the more or less foreseeable consequences of a violent fiscal adjustment (economic recession and social depression) but also to the extent that even certain aspects of elementary state and economy rationalization could nevertheless not become the “ownership” of the Greek political elites, public administration, social partners and civil society.

Our working hypothesis is that the budgetary adjustment program has been translated by all three governments that have so far managed the Greek crisis (under George Papandreou, Antonis Samaras and Alexis Tsipras) into a corpus of “emergency” legislation and regulations that has not only been controversial in terms of regulatory quality, as we will try to document through a record of this “in-crisis legislation”, but also largely ineffective in terms of public policy making. Thus we suggest that this double-sided picture could offer a different answer to the question “Why do reforms fail in Greece?”

We claim that the enactment of this “emergency” legislation does not fulfil the necessary requirements for designing and implementing sustainable public policies; in fact, it is the opposite of an integrated policy-making paradigm which is based on documented data, social participation and consensus, with effective planning and implementation procedures. Such a model of policy-making, which we will invoke as a primary and fundamental (but regrettably deficient) condition for giving shape to a

⁴ Featherstone, K. & Papadimitriou, D. (2010). *Τα όρια του εξευρωπαϊσμού* [The limits of Europeanisation], Athens: Okto.

⁵ Featherstone, K. (2005). «Introduction: “Modernisation” and the Structural Constraints of Greek politics». *West European Politics*, volume 28, number 2, following the concept of “société bloquée” by Crozier, M. (1970). *La société bloquée*, Paris: Editions du Seuil.

⁶ Ioakimides, P. (2001). «The Europeanization of Greece: An Overall Assessment», in K. Featherstone, & G. Kazamias, *Europeanization and the Southern Periphery*, London: Frank Cass.

⁷ Tsebelis, G. (2002). *Veto Players: How Political Institutions Work*, New York: Russel Sage Foundation, Princeton University Press.

⁸ Sotiropoulos, D. (2007). *Κράτος και μεταρρύθμιση στη σύγχρονη Νότια Ευρώπη* [State and reforms in contemporary Southern Europe], Athens: Potamos.

⁹ Ladi, S. (2013). «The Eurozone crisis and austerity politics: A trigger for administrative reform in Greece?». *GreeSE Papers no 57, LSE, Hellenic Observatory*.

cohesive reform strategy in a country like Greece, would be Evidence-Based Policy Making (hereinafter: EBPM).

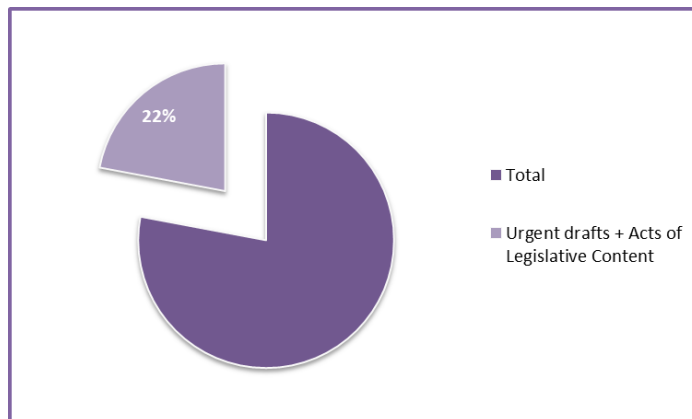
In what follows, we try to provide a positive answer to the substantive question that is not “Why do reforms fail in Greece?” but rather “Could Greece design and implement reforms better?” In part II, we briefly present a quantitative record of the crisis governments’ regulatory philosophy so as to demonstrate through certain indicators the poor quality of legislation (“patchwork” regulation); we also examine the logic of a rational and documented policy-making as well as the data-policy connection. In part III, we move on to the essence of Evidence Based Policy Making, presenting its philosophy, historical evolution, best practices from a number of countries with a certain tradition of EBPM (UK, Australia, USA); we also associate EBPM with Better Regulation practices as well as with the setting up of a strong Center of Government (France, Germany). In the final part IV, we present some steps in this direction that have taken place in crisis-ridden Greece since 2010, as well as shortcomings and barriers in the Greek case, drawing on a series of interviews with people who served as Secretaries-General in crucial ministries in all three governments of the crisis era and who attempted to introduce an EBPM logic in both the administrative and the political levels. The presentation of the current situation leads us to formulate a modest proposal aiming to enhance regulatory and policy making efficiency in Greece, combining the philosophy of EBPM with Better Regulation and a rationally structured Center of Government.

II. Politics versus data: an asymmetric relationship?

The implementation of the policies contained in the three successive Memoranda went through legislative procedures that too easily adopted urgent draft laws or Acts of Legislative Content. Indeed, not only the basic “memorandum” laws were introduced to parliament under the urgent procedure, but so did many “secondary” implementation laws. Similarly, the Acts of Legislative Content also increased significantly, which are acts of bypassing parliamentary scrutiny, and therefore constitute an “exceptional” exertion of power by the executive.

The entire legislation from the adoption of the first Memorandum (May 2010) until the third (Law 4336/2015) constitutes a body of 515 legislative texts including international conventions and transposition of EU directives, statutory laws ratified via the normal but also via the urgent parliamentary procedure, as well as Acts of Legislative Content. If we exclude the Acts of Legislative Content, it seems that the share of urgent drafts in the total in-crisis legislation is 5%; if we compare this figure to the corresponding foregone share of urgent drafts in the period 1993-2009 (only 0.5%) the increase in extraordinary legislation in the years of the crisis is simply striking. All the more striking the whole picture becomes if out of the total legislation we simply remove the international conventions and transposition of EU directives. Thus, taking into account only the statutory and implementation laws, the proportion of urgent drafts in the legislation as a whole rises to 9%. Now, if we include the Acts of Legislative Content, the final result is quite impressive: 22% of the politically relevant legislation, i.e. over two out of ten draft laws, has been voted within 48 hours or just bypassing the legislative procedure!

Figure 1 Legislation in crisis: normal and urgent procedure



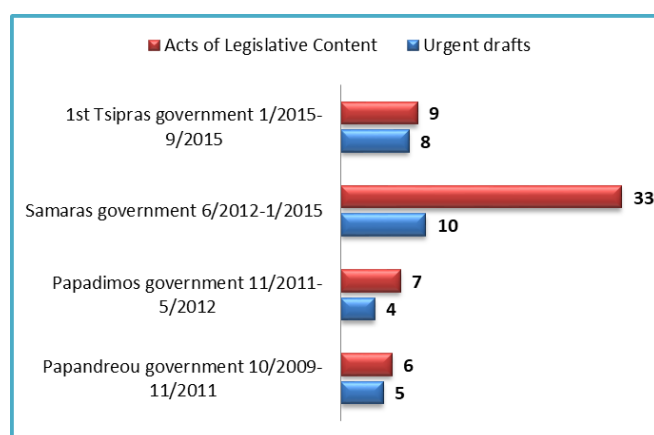
The most crucial is that urgent bills have gradually become more and more a “vehicle” for a series of regulations essentially to be adopted bypassing parliamentary discussion, which was in no way related to the Memoranda imperatives. Out of a total of 27 bills voted by the urgent procedure as part of the implementation of the Memoranda agreements, 17 included provisions unrelated to their main (budgetary-fiscal) scope.

In the same period, we observe an extremely extensive use of Acts of Legislative Content, reaching a total of 55. Of these, it is important that 21 were never even retrospectively sanctioned by the Parliament. Even more so, almost half of them (23 out of 55) also included regulations unrelated to their urgent scope – note well that the majority of those unrelated regulations were annexed to the Acts of Legislative Content with amendments proposed by ministers or MPs at the time of their ratification in Parliament.

The overall picture indicates that the Papandreou and Papadimos governments have introduced and consolidated the extraordinary legislation (with 11 urgent bills each). However, it was the Papadimos administration that seems to have consolidated this path not only in quantitative but also in qualitative terms: a practice of introducing irrelevant regulations into urgent bills and Acts of Legislative Content. This practice set an “institutional path dependence”¹⁰ from which the following governments did (and could) not deviate. Walking on this path, the government of Antonis Samaras has not only come to terms with this practice but reached its heyday, in absolute numbers of urgent bills but also with a striking analogy in favor of Acts of Legislative Content. In the same spirit, the first (“anti-memorandum”) government of Alexis Tsipras joined the same path and followed the same practice, in an impressive way given its short life.

¹⁰ Hay, C. (2011). «Ideas and the Construction of Interests», in D. Béland & R. H. Cox (ed.), *Ideas and Politics in Social Science Research*, Oxford: Oxford University Press, pp. 68-69.

Figure 2 Acts of Legislative Content and Urgent drafts from the First to the Third Memorandum



This regime of extraordinary lawmaking in the years of the crisis clearly undermined the potential of introducing a more rational planning and implementation of public policies, of “reforms” to use the current term, which would really be a necessary condition for the country to better face the crisis and modernize its state and economy. Memoranda I and II were marked by a number of failings, actions and measures that were either designed and never implemented, or their implementation lagged behind the original planning (especially tax and administrative reform) or even their results did not meet the expectations as they were often based on inaccurate data, risky forecasts and unrealistic assumptions.¹¹

In the course of time, the actions and policies agreed in the framework of the Memoranda were less and less applied. It would be reasonable to assume that this planning and implementation gap was directly linked to the low quality of the legislative process. It was a fatal combination: public policies / reforms violently imposed as an external shock, inherent vices of the Greek administrative and political elites, namely the lack of capacity to design and implement, and last but not least a “fast track” legislation used as a *passé-partout* tool in a state of fiscal, political and institutional exception. Even more so, this explosive combination further undermined any confidence of the public towards the institutions and withered away any “quality of government” left instead of reinforcing it as the necessary condition to ensure a social consensus for the far-reaching reforms that were supposed to help “rebuild the Greek ship at sea”.

“Quality of government” though is not an abstract concept, related only to impartial, transparent and effective institutions or to public policies that imply greater economic equality and equal opportunities.¹² It also implies the ability to design and implement effective public policies.¹³ Trust towards public institutions is not only restored through managerial pathways but also requires procedures that ensure social consensus and

¹¹ Katsimardos, P. & Bouas, K. (2013). *Το Μνημόνιο ως εργαλείο πολιτικής. Στρατηγική ανάλυση και αξιολόγηση μεταρρυθμιστικών προγραμμάτων ευρείας κλίμακας* [Memorandum as a policy tool. Strategic analysis and appraisal of the reform program], Athens: Institute for the Research in Regulatory Policies.

¹² Rothstein, B., & Uslaner, E. (2005, October). «All for All: Equality, Corruption and Social Trust». *World Politics*, volume 58, number 1.

¹³ Holmberg, S., Rothstein, B. & Nasiritou, N. (2008). «Quality of Government: What You Get». *QoG Working Paper Series 21*.

acceptance of reforms.¹⁴ Bo Rothstein and Jan Teorell conceptualize “quality of government” as a very specific, “regulatory” version of impartiality, giving emphasis on the latter, pointing out that it specifically refers to “institutions that exercise government authority” and thus is not confined to mere efficiency/effectiveness and rule of law.¹⁵

It is precisely these preconditions of “quality of government” that were undermined in the years of the crisis, in a country like Greece that was marked by extensive “extra-institutional” ties between the state and the citizens (clientelism). An already pre-existing crisis of trust towards the state, public institutions and national governments has been exacerbated to an impressive extent with regard to Greece, although the same trend appears in all the countries of the crisis-ridden European South.¹⁶

However, a public policy, far from being static, is in itself a dynamic process, a constant production of opposing discourses addressing the same question, and entails a competition in mapping and conceptualising the problem. In this competition are involved various policy actors and networks of policy making, which include not only political actors (politicians, parties) but also lobbies, pressure groups or veto players, experts, policy entrepreneurs, media, civil society organizations.¹⁷

A policy making based on data and hard evidence is considered a self-evident option,¹⁸ a self-explanatory concept,¹⁹ obvious enough so that can be understood without difficulty.²⁰ But is that the case? The literature dealing with the meaning of the term “evidence” indicates exactly the opposite. There is nothing easy to understand when referring to “evidence”. On the contrary, the very nature of the research, the variety of approaches and points of view, result in different definitions of the “evidence” – often in a way revealing of the scholars’ anxiety to secure a coveted however “fleeting” objectivity and rationality.²¹

¹⁴ Van de Walle, S. & Bouckaert, G. (2003). «Public Service Performance and Trust in Government: The Problem of Causality». *International Journal of Public Administration*, volume 26, issue 8-9.

¹⁵ Rothstein, B. & Teorell, J. (April 2008). «What is Quality of Government? A Theory of Impartial Government Institutions». *Governance: An International Journal of Policy, Administration, and Institutions*, volume 21, number 2, pp. 165, 166, 169, 171, 176, 178, 180, 182, 184.

¹⁶ Standard Eurobarometer, waves 70-84 (2009-2015).

¹⁷ Muller, P., & Surel, Y. (1998). *L'analyse des politiques publiques*, Paris: Montchrestien; Kingdon, J. W. (1984). *Agendas, Alternatives, and Public Policies*, Boston: Little Brown.

¹⁸ Greenhalgh, T. & Russell, J. (spring 2009). «Evidence-Based Policymaking. A critique». *Perspectives in Biology and Medicine*, volume 52, number 2.

¹⁹ Marston, G. & Watts, R. (2003). «Tampering With the Evidence: A Critical Appraisal of Evidence-Based Policy-Making». *The Drawing Board: An Australian Review of Public Affairs*, volume 3, number 3: March 2003; European Commission/EACEA/Eurydice (2017). *Support Mechanisms for Evidence-based Policy-Making in Education*. Eurydice Report, Luxembourg: Publications Office of the European Union.

²⁰ Hansen, H.F. & Rieper, O. (2010). «The Politics of Evidence-Based Policy-Making: The Case of Denmark», *German Policy Studies*, volume 6, number 2.

²¹ Bl. Kay, A. (2011). «Evidence-Based Policy-Making: The Elusive Search for Rational Public Administration». *The Australian Journal of Public Administration*, volume 70, number 3.

At the same time, it is an “internal” debate within the scientific community itself²². It is also a debate on the content and procedures of constituting the “evidence”,²³ on how the “evidence” is used or abused, on the difference between ideal rationality and actual existing social reality.²⁴ It is also a debate on the varieties and forms of the information produced and taken into account (e.g. qualitative / quantitative),²⁵ on the complexity of research tools and data,²⁶ on the assessment of the knowledge in the public sphere, on the relationship of the epistemic community with what lies outside of it, especially when it comes to recipients of services that sometimes stay on the sidelines.²⁷ In other words, it is the question of “translating” scientific knowledge and evidence into public policies²⁸, to arrive at the crucial issue of how non-experts can model policy options: is it possible that these non-experts are excluded from the process?²⁹ Do they have full and transparent access to scientific knowledge and expertise?³⁰ Do the users of services participate in decision-making on issues that determine the course of their lives?³¹ The

²² Hansen, H. F. και Rieper, O. (2010). «The Politics of Evidence-Based Policy-Making: The Case of Denmark». *German Policy Studies*, volume 6, number 2, p.88.

²³ Nutley, S. M., Walter, I., Davies H.T.O. (2007). *Using Evidence: How Research Can Inform Public Services*, Bristol: The Policy Press, University of Bristol.

²⁴ Pawson, R. (2006), *Evidence-Based Policy. A Realist Perspective*, London: Sage Publications; Greenhalgh, T. & Russell, J. (spring 2009). «Evidence-Based Policymaking. A critique». *Perspectives in Biology and Medicine*, volume 52, number 2; Marston, G. και Watts, R. (2003). «Tampering With the Evidence: A Critical Appraisal of Evidence-Based Policy-Making». *The Drawing Board: An Australian Review of Public Affairs*, volume 3, number 3.

²⁵ Solesbury, W. (2001). «Evidence Based Policy: Whence it Came and Where it's Going», Working Paper 1, London: ESRC UK Centre for Evidence-Based Policy and Practice; Head, B.W. (2010). «Reconsidering evidence-based policy: Key issues and challenges». *Policy and Society*, volume 29, number 2, editorial; Dobrow, M. J., Goel, V., Upshur, R.R.G. (2004). «Evidence-based health policy: context and utilisation». *Social Science & Medicine*, volume 58, number 1; Heinrich, C. J. (2007). «Evidence-Based Policy and Performance Management Challenges and Prospects in Two Parallel Movements». *The American Review of Public Administration*, volume 37, number 3; Head, B. W. (2008). «Three Lenses of Evidence-Based Policy». *The Australian Journal of Public Administration*, volume 67, number 1; Head, B. W. (2014). «Public administration and the promise of evidence-based policy: experience in and beyond Australia». *Asia Pacific Journal of Public Administration*, volume 36, number 1.

²⁶ Cairney, P. (2014). «Evidence Based Policy Making: If You Want to Inject More Science into Policymaking You Need to Know the Science of Policymaking». Political Studies Association Annual Conference 2014, Manchester; Davies, H.T.O., Nutley, S., Smith, P.C. (2000). *What works? Evidence-based policy and practice in public services*, Bristol: The Policy Press, University of Bristol.

²⁷ Johansson, K., Denvall, V. and Vedung, E. (2015). «After the NPM Wave. Evidence-Based Practice and the Vanishing Client». *Scandinavian Journal of Public Administration*, volume 19, number 2.

²⁸ Ingold, J. «Evidence-based policy and policy as ‘translation’: designing a model for policymaking», <http://blogs.lse.ac.uk/politicsandpolicy/designing-a-model-for-evidence-based-policymaking/>, 22 July 2016, visited on 10/10/2017.

²⁹ Cairney, P. «Social Construction and Policy Design», <https://paulcairney.wordpress.com/2016/12/21/social-construction-and-policy-design/>, 21 December 2016, visited on 12/10/2017.

³⁰ Argyrous, G. «Evidence Based Policy: Standards of Transparency», Occasional Paper no 11, The Australia and New Zealand School of Government and the Victorian State Services Authority, November 2011.

³¹ Segone, M. (ed) «Bridging the gap. The role of monitoring and evaluation in Evidence-based policy making», Unicef, January 2008, https://www.unicef.org/eca/evidence_based_policy_making.pdf, visited on 12/10/2017; «Auditing for Social Change: A Strategy for Citizen Engagement in Public Sector Accountability.», Publication based on Expert Group Meeting/Capacity Development Workshop: Auditing for Social Change, 6th Global Forum on Reinventing Government: Towards Participatory and Transparent Governance 26-27 May 2005, Seoul, Republic of Korea, United Nations, New York, 2007, <https://publicadministration.un.org/publications/content/PDFs/E->

constantly evolving debate on the relationship between scientific evidence and politics is a highly political dispute.

Therefore, although chaotic, the process of public policy making is at the same time rational. Not in the sense of a perfectly rational model in which the goal is set, the possible strategies for achieving it are carefully documented, the impacts are precisely predicted, and the optimal solution is ultimately chosen. These concepts have been catalytically criticized by Herbert Simon, who has pointed out the limits of any strictly rational approach via his concept of “bounded rationality”.³² It would be more accurate to speak of a process capable of welcoming and incorporating different rationalities corresponding to the various actors of public policy (political actors, experts, social partners, etc.) and to use them in policy making not with the aim of subordinating them to the political will of the rulers.

Of course, the debate is never ending. Public policy making can never be considered as independent of politics; data and scientific analysis are never “crystal clear” and beyond politics.³³ The positivist hypothesis that there may be a “science” of public policy making is a feud. Nevertheless, data and strictly scientific analysis, in a word: “evidence”, can and should be not the exclusive but a fundamental component of public policy making; rational decision-making techniques can be coordinated with the strictly political understanding of public policy as “checks and balances”. Evidence-Based Policy Making (EBPM) constitutes such an approach, a variant of the classic cycle of public policy making (problem definition – agenda setting – policy development – implementation – policy evaluation/monitoring) that does not replace it but has a place next to and parallel with it.

3. Evidence based policy making “top-down” and “bottom-up”

The need to move from “management by intuition” to “data management”, as reflected in a European Commission study³⁴, is not a new idea. The EBPM model was implemented for the first time in Britain by the New Labor Government under Tony Blair in the second half of the 90s, with the simplistic, we could argue, slogan “What matters is what works”. More recently, the EBRM method was widely used by the Obama³⁵ administration in an attempt to re-evaluate and redesign the overall system of federal programs, especially the welfare ones.

The effort of the New Labor government was specific and clear: to release public policy from ideology’s constraints, intuition and mistakes of conventional wisdom. However,

[Library%20Archives/2005%20Auditing%20for%20Social%20Change_A%20Strategy%20for%20Citizen%20Engagement%20in%20Public%20Sector%20Accountability.pdf](#), visited on 8/9/2017.

³² Simon, H. (1991). «Bounded Rationality and Organizational Learning». *Organization Science*, volume 2, number 1.

³³ Hallsworth, M., Parker, S., & Rutter, J. (2011). *Policy Making in the Real World*. Institute for Government, <https://www.instituteforgovernment.org.uk/sites/default/files/publications/Policy%20making%20in%20the%20real%20world.pdf>, visited on 10/9/2017.

³⁴ European Commission. «Strengthening Evidence Based Policy Making through Scientific Advice Reviewing existing practice and setting up a European Science Advice Mechanism», May 2015.

³⁵ Liebman, J. (2013). «*Building on recent advances in evidence-based policymaking*». Brookings.

it has quickly been pointed out that such a view may be simplistic, as politics and ideology inevitably interfere with public policy-making. Here are some prerequisites to avoid this risk:

- ✓ A methodology that includes testing every theoretical analysis, based on the quantification of the data and the results of a proposed policy, the avoidance of prejudices, the possibility of auditing, etc.
- ✓ Ensure reliable primary data, statistics, and more
- ✓ Transparency in data processing, with maximum control by all stakeholders / partis involved.
- ✓ Ensure sufficient time, as it is argued that "Evidence-building takes time"
- ✓ Freedom of experts to formulate views that do not succumb to governmental constraints ...
- ✓ ... and above all a political leadership that will have the will to accept the findings and the data of the experts and will use them productively and not just as a basis for justifying pre-judgments.³⁶

Additional relevant prerequisites would also include the extensive use of studies by scientists experts in each policy field together with their publication on dedicated government websites with open access for everyone concerned, as suggested by an extensive survey of interviews with academics and policy makers to whom the British Government had commissioned relevant studies and reports from 2005 to 2011³⁷; EBPM coordination at the highest intergovernmental level in a "whole-of-government" perspective³⁸; long-term public policy planning mechanisms by forward planning / foresight units, as suggested by the recent Commission guidelines³⁹.

Another country in which the relationship of politics to documented public policy planning has institutional depth is Australia. According to Brian W. Head⁴⁰, since the middle of the 20th century, a series of organic units (Offices) were instituted in the central government, responsible for collecting and utilizing statistics and indicators relating to areas such as industry, social welfare, health and education. Head describes how in the historical evolution of public policy and data, progress has coexisted with regression, depending on the choices of various governments, with the innovation in policy design (especially in the social and urban planning issues) coming back with force in the early 70s and again in the mid-1980s, with new approaches to issues related mainly to economic productivity, the environment and the redesign of regulatory frameworks. The general context of documented public policy design that has developed over time has allowed for the emergence of "policy intellectuals", but also for the consolidation and strengthening of the size and potential of governmental

³⁶ Banks, G. (2009). *Evidence-based policy making: What is it? How do we get it?*. Canberra: (ANU Public Lecture Series), Productivity Commission.

³⁷ The LSE GV314 Group. (2012). «*Evidence-based politics. Government and the production of policy research*».

³⁸ Radaelli, C., & C.M. Meuwese, A. (May 2008). «Hard questions and equally hard solutions? Proceduralization through impact assessment in the EU». *CONEX workshop on "Governing the EU: Policy instruments in a multi-level polity"*, Norwich.

³⁹ EU Commission. (2015). *Quality of Public Administration. A Toolbox for Practitioners*.

⁴⁰ Head, B. W. (2014). «Public administration and the promise of evidence-based policy: experience in and beyond Australia». *Asia Pacific Journal of Public Administration*, volume 36, number 1, pp.48-59.

organizations⁴¹ dealing exclusively with the collection of data (eg. social statistics), the analysis of public policies and their regulatory framework and other indicators.

In continental European countries, EBPM public policy design processes are interlinked organically with better regulation procedures. In France, EBPM procedures have been systematically introduced in the context of a large-scale administrative reform (Révision générale des politiques publiques / RGPP), which started in 2007 and is practically ongoing until today. In fact, the chain linking the whole process was the Council of Modernization of Public Policies (CMPP), an ad hoc body, in which participates the President of the Republic and the Prime Minister, the Minister of Finance and State Reform as the main rapporteur and co-responsible ministers in a composition that varies according to the agenda. Apart from the government's top, the RGPP also strongly encouraged the social dialogue processes in the context of improving regulatory governance in a country with a significant tradition in this field.⁴²

But how does Better Regulation engage with data-based policy design processes? Since the beginning of the RGPP in 2007, the General Secretariat of the Government has considerably broadened its scope for good lawmaking in France by strengthening the relevant Department of Law and Quality of Laws. The GSG has a key role in the process of better regulation. In addition, it is responsible for key competences: prepares the draft law files, monitors the Impact Assessment process, monitors all stages of the legislative process after passing laws, controls secondary legislation (decrees, JMD, etc.), is responsible for formulating the “Guide to Legislation and Regulatory Arrangements” in co-operation with the Council of State, supports the European Affairs General Secretariat in its following the transposition of EU legislation, and finally manages the *Légifrance* database that includes the whole of the French legislation.

4. A policy proposal to strengthen reform/regulatory efficiency in Greece

In the foregoing passages, we presented the fundamental theoretical logic behind EBPM as well as a variety of practical applications in countries with a relevant tradition. Is it true that in Greece there are absolutely no elements of such an institutional logic? No, and even during the crisis, important steps have been taken in this direction. However, they remained fragmentary and largely without continuity and coherence within the tight constraints of the recovery plan.

In 2011, the OECD report on central government in Greece⁴³ identified the need to establish a strong Center of Government in our country as a structure safeguarding government vision and strategic planning as well as a supervising point of reference and accountability for each governance body. In this direction, important steps have

⁴¹ In Head, B. W. (2014). «Public administration and the promise of evidence-based policy: experience in and beyond Australia». *Asia Pacific Journal of Public Administration*, volume 36, number 1, p.53 we read: «These bodies include the Australian Bureau of Statistics, the Australian Bureau of Agricultural and Resource Economics, the Australian Institute of Health and Welfare, the Australian Institute of Family Studies, the Industries Assistance Commission (renamed the Productivity Commission in 1998) and the Commonwealth Grants Commission (whose role since 1933 has been to provide expert advice on horizontal fiscal equalisation among the states and territories of the federation)».

⁴² Assemblée Nationale. (2011). «Rapport d'information par le Comité d'évaluation et de contrôle des politiques publiques sur l'évaluation de la révision générale des politiques publiques / RGPP», no 4019.

⁴³ OECD. (2011). *Greece: Review of the Central Administration*. OECD Publishing.

been taken, although much remains to be done. Indeed, in 2010 the Prime Minister's Office was upgraded to General Secretariat and was staffed with ten graduates of the National School of Public Administration and Local Government; shortly thereafter, the autonomous Ministry of Administrative Reform and e-Government was established as the institution responsible for institutional reform; furthermore the Law 4048/2012 for Better Regulation has been adopted and a central unit of good lawmaking was established in the Government's Secretariat as well as horizontal Better Regulation Bodies in the individual ministries, while horizontal units (Directorates General) of Financial Affairs were established at each ministry and the Budget Office of the Parliament.

In the same direction, the General Secretariat for Coordination of the Government Program was established by the Law 4109/2013, with relevant though not clearly defined responsibilities, as a key part of the Center of Government. Concurrently, the General Secretariat of the Prime Minister has attempted to introduce the notion of "evidence-based policy design" by explicitly declaring "both the co-operation of the central bodies and the interministerial coordination to be a top priority in terms of its operational performance".⁴⁴ Realizing that "Central Administration lacks management, supervisory and coordination structures to support the effective implementation and long-term management of policy measures", the first steps were taken to develop a Government Program Monitoring System, which led to the implementation of the electronic platform DILOS.

It is worth mentioning that EBPM tools were also attempted to be introduced with Law 4048/2012 on Better Regulation, which explicitly provided for regulators to communicate "in an open and editable form all the necessary data, in particular statistical, financial, environmental and spatial, which relate to and substantiate the proposed regulation", but also introduced innovative tools such as public consultation, regulatory impact analysis and evaluation of regulations' implementation effects.⁴⁵

Thus, today the Center of Government in Greece consists of several subordinate structures with often overlapping competencies: the General Secretariat of the Prime Minister with a strategic role and the Vice President with a coordinating one, the General Secretariat of the Government with the main responsibility of supporting the work of the Government through coordinating structures, regulatory governance and international affairs, the General Secretariat of Coordination with the task of coordinating actions for the implementation of government's program.

At the same time, a number of horizontal structures have been established in the individual ministries, where the scope of the Center of Government could be radiated outwards. These are the Ministries' Legislative Initiative Offices (which were first introduced in Law 4048/12 with the main responsibility to participate in the drafting of legislation and regulations, the drafting of the bills assigned by the Minister and of the Regulatory Impact Assessments as well as producing good quality regulations), International and European Affairs Units, Strategic Planning Units, Directorates-General for Financial Services and eGovernment units. However those are structures

⁴⁴ General Secretariat of the Prime Minister, Office for Strategic Planning. (2012). «Συνοπτική επεξήγηση των μεγεθών παρακολούθησης του Κυβερνητικού Έργου στο πλαίσιο του ΣΠΙΚΕ» [«Summary of the parameters for the monitoring of the Government Action»], Athens.

⁴⁵ Law 4048/2012, «Ρυθμιστική Διακυβέρνηση: Αρχές, Διαδικασίες και Μέσα Καλής Νομοθέτησης» [Regulatory governance: Principle, procedures and tools of Better Regulation], articles 4, 6, 7 and 9.

that do not communicate with each other or with the Center of Government, they are not homogeneous (depending on the case, they may be departments or DGs, while in some ministries, more than one unit structure exist or they do not appear at all).

Similarly, individual attempts were made to introduce evidence-based design, but they relied on the initiatives of political personnel rather than being a coherent effort, while the obstacles were many and different in nature. Useful information was given to us by four General Secretaries serving under three different governments of the crisis (Papandreou, Samaras, Tsipras) in their respective interviews.

Indicatively:

- One key obstacle they have pointed out is that the introduction of this logic into an administrative and political mechanism like the Greek one, which is not “trained” in the documentation of the planned policy, takes time that was not available in the urgent circumstances of the structural adjustment program.
- However, at the level of the continuous negotiation, when the Greek side came up with evidenced-based positions, the results were deemed positive.
- Administrative conditions are not always lacking, on the contrary it is recognized that public administration human resources have units capable of producing studies, data and documentation for use by the administration itself in public policy planning. What is lacking is an incentive-evaluation-reward system as well as an organized logic for the use of appropriate executives in appropriate structures.
- A crucial factor, however, is an entire underlying institutional culture that has trampled the public administration to behave more formally from a regulatory point of view and without flexibility in the process of legislative production in order to give precedence to public policy to be implemented but ultimately to outweigh all and give priority to the formal production of legislation.
- The main argument that has been highlighted was the absence of a strong central mechanism that would coordinate, supervise, and have the political ground to impose on political leadership a commitment to coherent policy planning.
- In addition, emphasis was placed on the deliberation procedures that must accompany every legislative and reform effort and which may also have an informative role for the administration and for the political leadership.

The current model, as we have seen, is of course a first step, however, it is often problematic, non-operational, and is far from a coherent public policy process that basically incorporates the elements of “Better Regulation” and EBPM. Three are its basic structural defects:

- ❖ The Center of Government is quite fractured because it consists of three different structures at the General Secretary level with overlapping and sometimes inactive responsibilities.
- ❖ Although they have been legislated to a significant extent, the requirements of Better Regulation, but more so of EBPM, are not binding at any stage of the regulatory governance.

- ❖ The whole process is “introverted”, with few obligations for deliberation and publicity, so that the legislative process and policy-making remain a closed process, between ministries and parliament.

Correspondingly to the problems we find in the above process, but also on the basis of a “menu” of applied EBRM best practices worldwide, we can now present a proposal for a more coherent process. Such a proposal has some basic requirements:

[1] A Unified and Efficient Center of Government as the connecting link of the whole process. However, this requires a merging of the General Secretariat of Government and the General Secretariat of Coordination into a single structure and a close link with the horizontal structures of the ministries and the Legislative Initiative Offices and in particular through the appointment of senior officials that act as contact persons with the unified General Secretariat of Government Coordination.

[2] In this respect, the Legislative Initiative Offices should be the structures that will primarily and in principle draw up all the regulations of the Ministries.

[3] In addition, and by enriching Law 4048/2012, it would be important to establish more stages of pre-parliamentary Regulatory Impact Assessment, with a Supervisory role for the Center of Government.

[4] In this respect, it is necessary to widen and complete the DELOS platform on the model of the SOLON French government platform, planning and monitoring ministries’ action plans and monitoring all stages and flows of the (good) lawmaking process.

[5] Corresponding to the pre-parliamentary impact assessment, the public deliberation should be extended in two phases (preliminary and final).

[6] At the stage of the budgeting / cost-benefit analysis, the General Accounting Office could be actively involved in the process at a preliminary level for each proposed regulation, as well as the Budget Office of the Parliament.

[7] It is important to ensure the “participatory” dimension, involving all necessary actors, social partners and so on in the EBPM process. The National Center for Public Administration and Local Government could take the central role of organizing all the necessary consultations/deliberations with institutional and informal advisory bodies, with social actors, experts and academic research centers.

[8] Finally, in cases where regulatory production is directly linked to a country’s international obligations, as was the case with the Memoranda of Understanding (Eurogroup meetings, loan disbursements, approvals of parliaments of Eurozone countries), the Better Regulation Law could be amended so that no bill of law would be introduced into the House in less than 15 days from the specified date, in order to ensure democratic control. The Center of Government can monitor these deadlines and guarantee the timely launch of the respective initiatives.

In this way, it is possible to guarantee a *process* and, above all, a different *logic* of planning and implementing public policy in our country. Such a turn will set “security safeguards” in the legislative voluntarism of political leadership, introducing elements of studying, documentation and intensive deliberation, as well as minimal conditions for the quality of regulatory governance. Elements of Better Regulation and evidence-based policy design, together with the Center of Government and the National Center for Public Administration and Local Government's evidence and deliberation node, could lead to a change of paradigm, beyond the marginal “emergency” law, but also beyond the long-term problems of our country such as legislative formalism or the lack of a framework for planning and implementing public policy, regulation and reform.