


RESEARCH ARTICLE

Early adoption of international policy innovations: A theoretical framework – with evidence on business and human rights in Colombia and Ecuador

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Abstract

This article proposes a theoretical framework for explaining the motivations behind the early adoption of international public policy innovations. While there has been a proliferation of transnational policy diffusion studies, there is less research on why some governments become early adopters when new international policy norms are promoted. Most research on the topic looks only at monocausal explanations without considering their interactions in a coherent, integrated framework. The article proposes four motivations for early adoption: normative, reputation, competition, and locking-in. The framework is then illustrated by application to the early adoption of business and human rights policy innovations, with Colombia and Ecuador serving as two cases for comparative analysis. The article advances understanding of early adoption and policy diffusion by highlighting particularly important explanations for what motivates early adopters to begin processes of subsequent diffusion and suggesting how motivations may interact to strengthen the case for early adoption.

Keywords: business and human rights; early adopters; Latin America; policy diffusion; policy pioneering

Policy diffusion is a process in which information on policy innovations is ‘communicated through certain channels over time among the members of a social system in an uncoordinated manner’.¹ It ‘occurs when government policy decisions in a given country are systematically conditioned by prior policy choices made in other countries’.² Most extant literature treats determinants of diffusion as static, but scholars increasingly recognise important differences between adopter categories.³ International Relations scholars have studied diffusion mechanisms extensively,⁴ while

¹Jacint Jordana, David Levi-Faur, and Xavier Fernández i Marín, ‘The global diffusion of regulatory agencies: Channels of transfer and stages of diffusion’, *Comparative Political Studies*, 44:10 (2011), pp. 1343–69.

²Beth A. Simmons, Frank Dobbin, and Geoffrey Garrett, ‘Introduction: The diffusion of liberalization’, in Beth A. Simmons, Frank Dobbin, and Geoffrey Garrett (eds), *The Global Diffusion of Markets and Democracy* (Cambridge: Cambridge University Press, 2008), pp. 1–63.

³Daniel J. Mallinson, ‘Policy innovation adoption across the diffusion life course’, *Policy Studies Journal*, 49:2 (2021), pp. 335–58. Adopter categories include: innovators/early adopters; early majority; late majority; and laggards. See Everett M. Rogers, *Diffusion of Innovations*, 5th ed. (New York: Free Press, 2003).

⁴Simmons et al., ‘Introduction’; Cecilia Osorio Gonnet, ‘How are conditional cash transfer programs disseminated and adopted in Latin America? A proposal for the mechanisms of diffusion’, in Osmany Porto de Oliveira, Cecilia Osorio Gonnet, Sergio Montero, and Cristiane Kerches da Silva (eds), *Latin America and Policy Diffusion: From Import to Export* (London: Routledge, 2020), pp. 25–43; Johanna Kuhlmann, ‘Mechanisms of policy transfer and policy diffusion’, in Osmany Porto de Oliveira (ed.), *Handbook of Policy Transfer, Diffusion and Circulation* (Cheltenham: Edward Elgar, 2021), pp. 43–57.

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paying limited attention to the motivations of early adopters. Existing theory may be insufficient, as early adopters necessarily have few or no prior adoptions to review and limited opportunity for gathering information. Early adoption may create costly externalities or an unlevel international playing field – or lead to political backlash – prompting governments to wait until they have ample information on prior adopters' experiences. Previous research has not fully explained why some governments adopt early despite these risks, and many expectations about early adopters from sociology do not hold in empirical policy studies.⁵ Early adoption thus presents a puzzle. This article aims to provide a theoretical framework for answering the question: *What explains early adoption of international policy innovations?*

Policy diffusion studies have proliferated for three decades without adequately explaining why some governments set off diffusion. Mallinson states: 'While differences between leader and laggard states receive attention within the policy diffusion research program, a strong theoretical foundation remains underdeveloped regarding how and why adoption predictors differ as diffusion unfolds.'⁶ Recent research on temporal variation in the determinants of policy adoption is limited to large-N studies of federalist systems.⁷ The environmental politics literature is replete with studies of 'pioneers' or 'leaders' – usually referring only to the first, most innovative adopter.⁸ Virtually none of these studies explores whether motivations apply across the early adopter category, and many identify only characteristics of pioneers without considering causal motivations. Most policy diffusion researchers are 'explicitly *not* interested in processes of creation and invention' and assume invariant diffusion once a policy exists, while studies of pioneers largely disregard subsequent diffusion.⁹ This literature also has a narrow environmental sectoral focus, disregarding generalisability, and almost exclusively concerns the European Union (EU). Explanations tend to be examined in isolation and have not been systematised into a coherent analytical framework. Overall, research on pioneering offers limited empirical evidence, contradictory findings, and low statistical significance.¹⁰

Understanding early adopters' motivations is important because diffusion scholarship is ultimately of limited value for explaining change in world politics unless it better explains why some actors initiate diffusion at all. Governments reference early adopters' experiences in adoption decision-making in later stages of diffusion,¹¹ and actors in laggard states leverage early adopters' issue frames and definitions.¹² Early adopters thus set boundaries for diffusion and significantly influence laggards' policy designs.¹³ Once underway, diffusion can significantly change the terms of debate, rendering ideas taboo or increasing their mainstream acceptance.¹⁴

This article makes two significant contributions. First, it proposes a generalisable, integrated theoretical framework for studying governments' motivations for becoming early adopters of

⁵ Mallinson, 'Policy innovation adoption', p. 337.

⁶ *Ibid.*, p. 339.

⁷ *Ibid.*; Fabrizio Gilardi, Charles R. Shipan, and Bruno Wüest, 'Policy diffusion: The issue-definition stage', *American Journal of Political Science*, 65:1 (2021), pp. 21–35.

⁸ Martin Jänicke, 'Trend-setters in environmental policy: The character and role of pioneer countries', *European Environment*, 15:2 (2005), pp. 129–42; Duncan Liefferink, Bas Arts, Jelmer Kamstra, and Jeroen Ooijselaar, 'Leaders and laggards in environmental policy: A quantitative analysis of domestic policy outputs', *Journal of European Public Policy*, 16:5 (2009), pp. 677–700; Johannes Urpelainen, 'Can unilateral leadership promote international environmental cooperation?', *International Interactions*, 37:3 (2011), pp. 320–39; Duncan Liefferink and Rüdiger K.W. Wurzel, 'Environmental leaders and pioneers: Agents of change?', *Journal of European Public Policy*, 24:7 (2017), pp. 951–68.

⁹ Andrew Jordan and Dave Huitema, 'Innovations in climate policy: The politics of invention, diffusion, and evaluation', *Environmental Politics*, 23:5 (2014), pp. 715–34 (p. 721).

¹⁰ Liefferink et al., 'Leaders and laggards'.

¹¹ Rogers, *Diffusion of Innovations*, pp. 19–24.

¹² Gilardi et al., 'Policy diffusion'.

¹³ Jan-Peter Voß and Arno Simons, 'Instrument constituencies and the supply side of policy innovation: The social life of emissions trading', *Environmental Politics*, 23:5 (2014), pp. 735–54.

¹⁴ Fabrizio Gilardi and Fabio Wasserfallen, 'The politics of policy diffusion', *European Journal of Political Research*, 58:4 (2019), pp. 1245–56.

international policy innovations. I develop four motivations based on the policy pioneering, leadership, and diffusion literatures and International Relations theory. I call these motivations *normative*, *reputation*, *competition*, and *locking-in*. Governments may swiftly adopt policy innovations when they strongly support the content, aligning with existing values, policies, and international commitments – especially when advocacy coalitions support the policy and influence government preferences. Early adoption may also be driven by the desire to enhance or maintain reputation to access material or social rewards. Governments may become early adopters to influence the design of other governments' policies ahead of anticipated diffusion. Finally, governments may adopt early during windows of opportunity in periods of political change to secure preferred policies, especially to promote future international cooperation. While similar motivations could explain later adoptions, I suggest these motivations are especially likely to apply in the early phase based on governments' strategic aims and may be sufficiently powerful to overcome reluctance to assume the perceived risks of early adoption. I also show that they may interact and be mutually reinforcing, a point which has not been assessed in previous research.

Second, this article offers an important empirical contribution. I illustrate the framework with case studies on early (non-)adoption of business and human rights (BHR) policy innovations. In 2011, the United Nations (UN) Human Rights Council (UNHRC) endorsed the Guiding Principles on Business and Human Rights (UNGPs), an international policy instrument that outlines: (1) the state duty to protect human rights from business-related abuses by adopting a mix of binding and non-binding measures; (2) the corporate responsibility to respect human rights by conducting 'human rights due diligence'; and (3) access to effective remedy.¹⁵ The main policies that governments have adopted to implement the UNGPs are National Action Plans (NAPs). This article provides novel empirical material on NAP processes, which have received limited scholarly attention. I conduct a comparative study of Colombia, an early adopter of a NAP, and Ecuador, a non-adopter, using a most-similar-systems, dissimilar-on-outcome design and within-case congruence.¹⁶ The article adds to the expanding literature on policy diffusion from and across Latin America.¹⁷

I show that the Colombian government sought to reverse a negative reputation on human rights to access a diplomatic reward: accession to the Organization for Economic Cooperation and Development (OECD). Adopting a NAP helped the government improve its reputation after decades of corporate human rights abuses in the context of armed conflict. The NAP signalled a locking in of reforms, reflecting the government's normative preferences during a window of opportunity presented by a domestic peace process and the incumbency of a liberal president. There is also evidence that the UNGPs were better aligned with Colombia's preferences than with those of Ecuador and that more political space was available for Colombian civil society to press for policy innovation. Colombia also sought to promote similar policies throughout Latin America, anticipating future regional diffusion, while Ecuador initially preferred a binding international agreement with a narrower approach.

The article proceeds as follows. The next section elaborates the theoretical framework and discusses possible alternative explanations and potential interactions among theorised motivations. The following section provides an overview of methods and materials for the empirical study. I then briefly discuss existing NAPs on BHR and proceed with a narrative of the case studies, followed by comparative analysis. In the final section, I conclude with a discussion about implications for future research.

¹⁵United Nations Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework, A/HRC/17/31 (21 March 2011).

¹⁶Derek Beach and Rasmus Brun Pedersen (eds), *Causal Case Study Methods: Foundations and Guidelines for Comparing, Matching, and Tracing* (Ann Arbor: University of Michigan Press, 2016).

¹⁷Kurt Weyland, *Bounded Rationality and Policy Diffusion: Social Sector Reform in Latin America* (Princeton, NJ: Princeton University Press, 2007); Porto de Oliveira et al. (eds), *Latin America and Policy Diffusion*.

Theoretical framework

Early adopters are the first adopter category in diffusion of innovations.¹⁸ They include leaders/pioneers and other highly innovative governments, up to 15 per cent of the total population of adopters. Explanations for pioneering behaviour, often developed with little regard to the diffusion research programme, potentially apply to other early adopters because innovativeness is a continuous variable.¹⁹ Moreover, governments do not necessarily adopt policies in the same order that they initiate policy processes. While previous research identifies characteristics of and differences between early and late adopters, it mostly explores monocausal explanations for pioneering and only considers certain types of states or policy areas. The framework proposed here builds on this literature and disentangles overlapping expectations, connecting them with International Relations theory to develop four potential motivations.

Before proceeding, I assert that certain possible explanations are better understood as scope conditions for, or components of, the following theorised motivations. One common explanation for pioneering behaviour is high problem pressure, which creates a sense of urgency and engenders demand for policy solutions. Problem pressure finds only limited support in large-N multivariate studies.²⁰ It might enhance causal effects without being a motivation per se. Vulnerability to environmental degradation, for example, makes civil society and business more likely to press for innovative policy solutions,²¹ as in the normative motivation below. High problem pressure could also tarnish a government's reputation if seen as evidence of failing to prevent or rectify a crisis, leading to strategic efforts at reputation improvement.

Scholars also debate state capacity explanations. Capacity, however, is not itself a motivation. Some research shows high economic development to be the most important predictor of policy leadership, as state resources help overcome innovation obstacles,²² but other research finds capacity does not predict early adoption.²³ Multivariate studies find especially weak support for institutional factors, and any limited importance may be conditional on policy type.²⁴ High capacity for policymaking is a potentially necessary condition for pioneering, but it appears to at most facilitate, rather than motivate, innovation.²⁵

Another explanation is regional clustering: adoptions among neighbouring states are especially common in early diffusion. Governments ostensibly emulate geographically proximate states, swiftly following neighbours even when wider diffusion is not imminent.²⁶ Such observations may, however, more precisely show closely timed adoptions among ideological peers that tend to cluster geographically.²⁷ Other relevant factors also manifest regionally – for example, trade relations as a scope condition for ‘racing to the top’. I therefore regard regional clustering as a potential empirical manifestation of the following theorised motivations.

¹⁸The category can be subdivided to distinguish the earliest ‘innovators’. See Rogers, *Diffusion of Innovations*, p. 272.

¹⁹Rogers, *Diffusion of Innovations*.

²⁰Andrew Karch, ‘National intervention and the diffusion of policy innovations’, *American Politics Research*, 34:4 (2006), pp. 403–26; Liefferink et al., ‘Leaders and laggards’; Jordan and Huitema, ‘Innovations in climate policy’; Doris Knoblauch, Linda Mederake, and Ulf Stein, ‘Developing countries in the lead – what drives the diffusion of plastic bag policies?’, *Sustainability*, 10:6 (2018), p. 3928.

²¹David Vogel, *California Greenin’: How the Golden State Became an Environmental Leader* (Princeton, NJ: Princeton University Press, 2018).

²²Tanja Börzel, ‘Pace-setting, foot-dragging, and fence-sitting: Member state responses to Europeanization’, *Journal of Common Market Studies*, 40:2 (2002), pp. 193–214; Karch, ‘National intervention’.

²³Mallinson, ‘Policy innovation adoption’.

²⁴Klaus Jacob and Axel Volkery, ‘Modelling capacities for environmental policy-making in global environmental politics’, in Martin Jänicke and Klaus Jacob (eds), *Environmental Governance in Perspective: New Approaches to Ecological and Political Modernisation* (Berlin: Berlin Free University, 2006); Mallinson ‘Policy innovation adoption’.

²⁵Jänicke, ‘Trend-setters’.

²⁶Kuhlmann, ‘Mechanisms’.

²⁷Daniel C. Matisoff and Jason Edwards, ‘Kindred spirits or intergovernmental competition? The innovation and diffusion of energy policies in the American states (1990–2008)’, *Environmental Politics*, 23:5 (2014), pp. 795–817; Gilardi et al., ‘Policy diffusion’.

I further differentiate the following motivations from the four diffusion mechanisms commonly identified in the literature: coercion, competition, emulation, and learning. Under coercion, policies diffuse when powerful actors exploit asymmetrical relationships and manipulate incentives to encourage adoption either through conditionality, such as on loans or aid, or unilateral acts that alter other actors' available choices. Competition involves selecting policies to attract or retain resources by making a jurisdiction appealing to international investors or minimising production costs. Emulation involves mimicking prior adopters' behaviour because of shared understandings of appropriateness, regardless of the policy's effectiveness. Finally, learning is a mechanism wherein an actor's beliefs are altered.²⁸ Learning is necessarily voluntary (unlike coercion) and purposive (unlike emulation).²⁹ It is Bayesian and rational – often boundedly, as governments rely on cognitive heuristics and update their beliefs based on information's symbolic value, overlapping with emulation.³⁰

These mechanisms often lack conceptual clarity and theoretical coherence, muddling cause and causal mechanism, although some scholars have recently attempted to ascribe particular motivations to particular mechanisms.³¹ Moreover, these mechanisms were developed to study full diffusion processes; their associated motivations assume prior adoptions about which there is (some) available information. Governments need information to understand what they are being coerced into, to adjust their policies competitively, to identify what to emulate, or to learn about the policy's effects. One cannot obviously assume early adoptions are explained by coercion, competition, emulation, or learning mechanisms – or by policy transfer at all – nor by motivations previously theorised for these mechanisms. This caveat should hold across much of the early adopter category, as multiple governments might initiate, but not complete, policy processes prior to the initial adopter, and information and the time and means to collect it are necessarily more limited in early stages of diffusion. The following motivations are not conceived mechanistically but indicate potential links to diffusion mechanisms.

Normative

The first motivation is normative, here defined as adoption of a policy because of a normative commitment to its contents. Normative preferences motivate early adoption when a government is more interested than others in adopting a policy whose contents it values and wants to quickly implement. Accordingly, the government likely already has similar policies in place, lowering the burden of adjustment. The motivation is predicated on the assumption that government preferences derive from values supported by actors with power in the polity and are mediated by their position relative to other governments' preferences.

Previous research indicates that governments should be more likely to adopt international policy innovations early when they value the contents. Human rights treaties, for example, are more rapidly ratified by established democracies.³² Valuing the contents of a policy suggests the government should have similar, pre-existing policies and practices that lower (perceived) adjustment costs – one of the most salient hindrances to innovativeness.³³ The earliest ratifiers of human rights treaties are thus those for whom adjustment costs are lowest because of prior human rights commitments and protections.³⁴ Conversely, a misfit between an environmental policy innovation and

²⁸ Simmons et al., 'Introduction'; Kuhlmann, 'Mechanisms'.

²⁹ Covadonga Meseguer, 'Policy learning, policy diffusion, and the making of a new world order', *ANNALS of the American Academy of Political and Social Science*, 598:1 (2005), pp. 67–82.

³⁰ Ibid.; Simmons et al., 'Introduction'; Weyland, *Bounded Rationality*; Covadonga Meseguer and Fabrizio Gilardi, 'What is new in the study of policy diffusion?', *Review of International Political Economy*, 16:3 (2009), pp. 527–43.

³¹ Kuhlmann, 'Mechanisms'; Osorio Gonnet, 'Conditional cash transfer programs'.

³² Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009).

³³ Jordan and Huitema, 'Innovations in climate policy'.

³⁴ Simmons, *Mobilizing for Human Rights*.

domestic precedent significantly deters early adoption.³⁵ Early adopters should already have such well-aligned policies in place because of their preferences. These insights speak to ideational liberalism, which focuses on the compatibility of such preferences across fundamental goods, including socio-economic regulation, and ‘views the configuration of domestic social identities and values as a basic determinant of state preferences.’³⁶ Hence, governments should be more likely to be early adopters of a policy that ‘embodies values supported by the political parties or groups in power and, relatedly, when the political system provides effective channels of influence to the main beneficiaries.’³⁷

Civil society organisations and other interest groups should then play a key role. Broad support for a policy and pressure from non-state actors and transnational advocacy networks are key to domestic adoption of international norms.³⁸ These advocacy coalitions are especially important for enabling norm innovativeness.³⁹ Entrepreneurs leverage international norms to strengthen their domestic political position and thus play a prominent role in early stages of diffusion.⁴⁰ Early adopters face greater domestic resistance that can block adoption, while support from domestic actors helps to legitimate the policy.⁴¹ Broad domestic support may even be sufficient to overcome policy misfits.⁴² Strong ‘green’ advocacy coalitions are, for example, a significant determinant of pioneering environmental regulations.⁴³ Also, while business opposition can hinder regulatory innovation, its support is a particularly powerful driver.⁴⁴

International socialisation also shapes preferences. Sociological institutionalist accounts hold that states commit to policies when doing so conforms to norms of appropriate behaviour defined by the wider political/social system, transmitted through institutions.⁴⁵ Socialisation is a ‘process by which social interaction leads novices to endorse “expected ways of thinking, feeling and acting”’.⁴⁶ It is ‘the process by which states internalize norms originating elsewhere in the international system.’⁴⁷ Socialisation thereby influences the policies governments adopt and potentially when they do so. Accordingly, state preferences reflect patterns of transnational social interaction, and policy choices reflect ‘the configuration of preferences of all other states linked by patterns of significant policy interdependence.’⁴⁸ Additionally, socialisation within international organisations (IOs) leads member state preferences to converge over time.⁴⁹

³⁵Tanja Börzel, ‘Why there is no “southern problem”. On the environmental leaders and laggards in the European Union’, *Journal of European Public Policy*, 7:1 (2000), pp. 141–62; Börzel, ‘Pace-setting’.

³⁶Andrew Moravcsik, ‘Taking preferences seriously: A liberal theory of international politics’, *International Organization*, 51:4 (1997), pp. 513–53 (p. 525).

³⁷Leonardo Baccini and Mathias Koenig-Archibugi, ‘Why do states commit to international labor standards? Interdependent ratification of core ILO conventions, 1948–2009’, *World Politics*, 66:3 (2014), pp. 446–90 (p. 452).

³⁸Jeffrey T. Checkel, ‘International norms and domestic politics: Bridging the rationalist-constructivist divide’, *European Journal of International Relations*, 3:4 (1997), pp. 473–95.

³⁹Jordan and Huitema, ‘Innovations in climate policy’.

⁴⁰Martha Finnemore and Kathryn Sikkink, ‘International norm dynamics and political change’, *International Organization*, 50:4 (1998), pp. 887–917.

⁴¹Osmany Porto de Oliveira and Cecilia Osorio Gonnet, ‘Comparative transfer analysis: Policy instruments, space and time’, *Journal of Comparative Policy Analysis: Research and Practice*, 25:4 (2023), pp. 367–84.

⁴²Börzel, ‘No “southern problem”’.

⁴³Jänicke, ‘Trend-setters’.

⁴⁴Jacob and Volkery, ‘Modelling capacities’, Vogel, *California Greenin’*.

⁴⁵James G. March and Johan P. Olsen, ‘The new institutionalism: Organizational factors in political life’, *American Political Science Review*, 78:3 (1984), pp. 734–49.

⁴⁶Alastair Iain Johnston, ‘Treating international institutions as social environments’, *International Studies Quarterly*, 45:4 (2001), pp. 487–515 (p. 494).

⁴⁷Kai Alderson, ‘Making sense of state socialization’, *Review of International Studies*, 27 (2001), pp. 415–33.

⁴⁸Moravcsik, ‘Taking preferences seriously’, p. 523.

⁴⁹David H. Bearce and Stacy Bondanella, ‘Intergovernmental organizations, socialization, and member-state interest convergence’, *International Organization*, 61:4 (2007), pp. 703–33.

Although socialisation effects are especially pronounced in later stages of diffusion,⁵⁰ certain aspects could explain early adoption. Early adopters tend to be more similar ideologically, and governments are likely to adopt in quick succession following ideologically aligned pioneers.⁵¹ The emulation mechanism might therefore facilitate diffusion when the subsequent early adopter's motivation is normative and at least one antecedent early adopter was an ideological counterpart. This approach to the mechanism has rather narrow analytical utility, however, and does not necessarily explain the antecedent adopter's motivations, nor can it address ideological heterogeneity within the adopter category.

Socialisation may alternatively predispose governments to adopt policy innovations promoted by IOs. Policy adoption also faces high international barriers in early stages of diffusion, but support from IOs increases acceptance.⁵² The promotion of policies by IOs is sometimes considered a form of the coercion mechanism, especially where governments believe powerful IOs will provide benefits in exchange.⁵³ Yet the emulation mechanism explains adoption of policies seen as normatively appropriate and may be more relevant. International organisations influence which policies are considered appropriate even prior to domestic adoptions, and governments 'emulate' novel policies that IOs promote.⁵⁴ Further, IOs can 'teach' new norms to member states and work with communities of experts to socialise governments into acceptance.⁵⁵ Such norms may be constructed in the first place by IO-appointed experts and subsequently promoted among national governments,⁵⁶ as was the case with the UNGPs, developed and promoted by UN Special Representative of the Secretary-General John Ruggie.⁵⁷ Several IOs also encouraged and materially supported early adopters of conditional cash transfer policies in Latin America.⁵⁸ Emulation also appears to explain early adoption of carbon taxes: 'although it may seem premature, at this point, to invoke emulation as an explanation given the lack of pre-existing policies to emulate', the logic applies, as the first wave of carbon tax policies were adopted in response to the UN and EU elevating climate change as an issue of moral responsibility.⁵⁹ This understanding of emulation, in which prior state-level adoptions are not requisite, deviates from standard conceptualisations⁶⁰ and may relate to normative motivations more specific to early adopters.

Based on this discussion, one should expect that greater commitment to values reflected in a policy increases the likelihood that a government adopts it early. The strength and sincerity of commitment may be evidenced by the extent of existing laws and policies, including international legal commitments, in the relevant policy domain. Evidence for this motivation could also include the degree of influence of advocacy coalitions supporting adoption of the policy. Other possible evidence includes the extent to which IOs of which the adopting state is a member state promote the policy. (For a detailed discussion of variables, evidence, and indicators for each motivation, see [Table 1](#) and the Online Supplementary Material [OSM].)

⁵⁰Finnemore and Sikkink, 'International norm dynamics'.

⁵¹Mallinson, 'Policy innovation adoption'.

⁵²Porto de Oliveira and Osorio Gonnet, 'Comparative transfer analysis'.

⁵³Simmons et al., 'Introduction'.

⁵⁴Gilardi and Wasserfallen, 'Politics of policy diffusion'.

⁵⁵Martha Finnemore, 'International organizations as teachers of norms: The United Nations Educational, Scientific, and Cultural Organization and science policy', *International Organization*, 47:4 (1993), pp. 565–97.

⁵⁶Daisuke Madokoro, 'International commissions as norm entrepreneurs: Creating the normative idea of the responsibility to protect', *Review of International Studies*, 45:1 (2019), pp. 100–19.

⁵⁷Susan Ariel Aaronson and Ian Higham, "'Re-righting business": John Ruggie and the struggle to develop international human rights standards for transnational firms', *Human Rights Quarterly*, 36 (2013), pp. 333–64.

⁵⁸Michelle Morais de Sá e Silva and Osmany Porto de Oliveira, 'Incorporating time into policy transfer studies: A comparative analysis of the transnational policy process of conditional cash transfers and participatory budgeting', *Journal of Comparative Policy Analysis: Research and Practice*, 25:4 (2023), pp. 418–38.

⁵⁹Ebbe V. Thisted and Rune V. Thisted, 'The diffusion of carbon taxes and emission trading schemes: The emerging norm of carbon pricing', *Environmental Politics*, 29:5 (2020), pp. 804–24 (p. 813).

⁶⁰Kuhlmann, 'Mechanisms'.

Table 1. Theoretical framework

Motivation	Normative	Reputation	Competition	Locking-in
Logic of adopting government	<ul style="list-style-type: none"> Sincerely values contents of the policy 	<ul style="list-style-type: none"> Seeks to improve tarnished reputation or maintain positive reputation to access reward 	<ul style="list-style-type: none"> Seeks to influence anticipated subsequent diffusion 	<ul style="list-style-type: none"> 'Tying hands' during window of opportunity
Assumptions	<ul style="list-style-type: none"> State already has similar policies in place due to its preferences, lowering adjustment burden Preferences derive from values shaped by domestic actors and international socialisation 	<ul style="list-style-type: none"> Governments strategically manage mutable international reputations Social influence creates shared understandings of appropriate behaviour against which reputations are assessed Early adoption leads to short-term reputation gains 	<ul style="list-style-type: none"> Policies create competitive advantages for states Powerful states drive upwardly competitive regulatory races through trade and investment Early adoptions influence subsequent adopters 	<ul style="list-style-type: none"> Adoption raises costs of repeal Windows of opportunity occur after civil strife or before loss of power Early adoption eases pathway to future cooperation and convergence
Expectation	<ul style="list-style-type: none"> Stronger commitment to a policy increases likelihood of early adoption 	<ul style="list-style-type: none"> Seeking to uphold or improve a reputation increases likelihood of early adoption 	<ul style="list-style-type: none"> Desire to influence policies adopted elsewhere increases likelihood of early adoption 	<ul style="list-style-type: none"> Imminent or recent political change, especially when incumbent favours international cooperation, increases likelihood of early adoption
Evidence/indicators	<ul style="list-style-type: none"> Influence of advocacy coalitions supporting the policy Promotion of the policy by IOs Existing policies/practices aligned with the policy Degree of sincerity of commitment to policy content 	<ul style="list-style-type: none"> Degree of government concern for reputation Incidents of prior shaming or praise establishing a particular reputation in the relevant policy domain Boasting of the (planned) early adoption in international fora Existence of (perceived) material or social rewards for adoption 	<ul style="list-style-type: none"> Wealth/power and relative trade/investment openness Degree of aversion among policymakers and stakeholders to alternative policy styles Provisions or pledges to promote the policy abroad 	<ul style="list-style-type: none"> Recent history of political instability Awareness of probable loss of power in looming election (or imminent coup) Strong political opposition to the policy Incumbent preference for international cooperation in the relevant policy domain
Observable manifestations specific to NAPs on business and human rights (see OSM)	<ul style="list-style-type: none"> Participant lists in consultations IO reports and websites Statements by interview subjects Ratifications of relevant conventions Human rights practices documented in reports 	<ul style="list-style-type: none"> Human rights reports that shame or document third-party shaming Submissions and speeches at IO fora Statements by interview subjects 	<ul style="list-style-type: none"> Economic indicators Submissions to NAP processes Text of the NAP Submissions and speeches at IO fora Statements by interview subjects 	<ul style="list-style-type: none"> Media coverage and NGO reporting Political analysis reports and opinion polling Submissions and speeches at IO fora Statements by interview subjects
Relevant diffusion mechanisms	<ul style="list-style-type: none"> Emulation 	<ul style="list-style-type: none"> Emulation Learning 	<ul style="list-style-type: none"> Competition Coercion 	<ul style="list-style-type: none"> Emulation Coercion

Reputation

The second motivation relates to a government's concern for its reputation. Early adoption may improve a tarnished – or maintain a positive – reputation. The motivation is predicated on the assumptions that governments are concerned with perceptions held by other governments, creditors, investors, and the public and thus act strategically to manage their reputations; that social influence processes create shared understandings of appropriate behaviour against which reputations are assessed; and that reputations can be improved, maintained, or damaged following state behaviour. This motivation may be especially pronounced where there is a perceived link between reputational gains and material or social rewards.

Regime theorists advanced the idea that reputation influences strategic state behaviour. Rationalists argued that governments fear costs imposed when reputations sink due to repeated transgressions in international cooperation. The logic of appropriateness gives way to a logic of consequences, as violations of standards of appropriate conduct create reputational damage. Governments conform with international norms because they fear their rule violations will encourage violations by others, and they do not want to reduce cooperation prospects in other areas.⁶¹ Reputation explains international commitments in areas such as human rights, where rationalists cannot otherwise explain compliance absent reciprocity. Preoccupation with reputation leads to strategic, rather than sincere, commitments because governments 'can produce good press or an improved image with audiences both at home and abroad', which may generate material or social benefits.⁶²

Constructivism informs another assumption of the motivation. Social influence involves 'the desire to maximise status, honour, prestige – diffuse reputation or image – and the desire to avoid a loss of status, shaming or humiliation and other social sanctions.'⁶³ Status maximisation is attractive to governments because reputational effects are attributed to particular status markers. A positive reputation in one arena encourages cooperation with the status bearer in others.⁶⁴ Social influence can induce even hegemonic states to change behaviour to avoid reputational damage if facing near-universal opprobrium.⁶⁵ Reputation thus depends on a normative consensus on good behaviour and institutions in which actions are observable.

The third assumption is that reputations are mutable. Other actors update their information in response to governments' actions, and reputations 'should change when governments act contrary to their perceived type, given the circumstances.'⁶⁶ One could reason that governments swiftly adopt policies to preserve a good reputation in areas where they are perceived frontrunners and to avoid reputational damage associated with becoming laggards, or to reverse negative reputations by acting contrary to perceived type as a probable laggard. Reputation concerns could also influence later adoptions (laggards may improve their reputations compared to not adopting at all), but the augmented costs and risks of early adoption could signal a stronger commitment with enhanced reputation effects.

Reputation is often linked to (perceived) rewards, and reputation improvement or maintenance may bestow rewards linked specifically to adoption timing. International human rights commitments, for example, involve trading off 'the short-term certainty of positive ratification benefits against the long-run and uncertain risk [of] compliance costs in the future. ... This strategy

⁶¹Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984).

⁶²Simmons, *Mobilizing for Human Rights*, pp. 77–8.

⁶³Johnston, 'International institutions', p. 500.

⁶⁴Ibid.

⁶⁵Giovanni Mantilla, 'Social pressure and the making of wartime civilian protection rules', *European Journal of International Relations*, 26:2 (2020), pp. 443–68.

⁶⁶Michael Tomz, *Reputation and International Cooperation: Sovereign Debt across Three Centuries* (Princeton, NJ: Princeton University Press, 2007), p. 18.

involves risks since governments have only limited information about the future consequences of ratification.⁶⁷ The short time horizon between commitment and attaining diplomatic rewards allows governments to delay exposure as insincere or non-compliant.⁶⁸ Some rewards may compensate for any associated adjustment costs – including favourable trade conditions, investment, development assistance, or IO accession. Kelley found, for example, that early adopters of election monitoring were concerned about their reputations, which were linked to benefits such as foreign aid and foreign direct investment.⁶⁹

Time-linked rewards can also be purely social. Early adopters sustain reputations for progressiveness and leadership for decades after they stop being accurate.⁷⁰ International environmental leadership reputations, for example, are not matched by domestic policy ambitiousness over time.⁷¹ That reputational gains from one-off or sporadic early adoptions last so long makes them particularly coveted. Kollman found this logic in the Dutch case of the pioneering of same-sex marriage, which was largely motivated by ‘the lure of being a policy pioneer, and the international reputational gains that come with it.’⁷² The Dutch government adopted the controversial policy despite possible political consequences because of ‘the expectation that their decision on this increasingly prominent issue would be recognized by an international audience.’⁷³ The case illustrates how early adopters expect to enhance their reputations by assuming risks with limited information about possible consequences, and desire the associated progressive identity.

The reputation motivation has potential connections to several diffusion mechanisms. Rooted in constructivism, it could be linked to emulation, whereby governments adopt intersubjectively approved behaviours. However, this motivation’s rationalist element suggests more purposive action and consideration of consequences than diffusion scholars generally associate with emulation. Reputation could be linked to learning, if governments update their information about rewards attained by early adopters – either very recently, for the same policy innovation, or in historical diffusions. Where reputation management is part of a clear rationale to improve or maintain the state’s economic situation,⁷⁴ the motivation could also be connected to the competition mechanism.

This motivation leads to the expectation that when a government seeks to uphold a positive or improve a negative reputation in the relevant policy domain, it is more likely to be an early adopter of the policy innovation. It is necessary for empirical research to establish the government’s pre-existing reputation in the policy area and identify active reputation management strategies centred on the relevant policy innovation. Evidence could include acts of shaming (or praising) by peer states or NGOs that established the state’s negative (or positive) reputation in the relevant policy domain. The government’s strategy could be evidenced by diplomatic efforts, such as statements at international fora, to boast of its (planned) policy adoption. Evidence of associated rewards is difficult to predict and will depend on the specific policy, but the existence of and desire for specific rewards could potentially be established or inferred from claims about the policy or target venues for promoting the policy.

⁶⁷ Simmons, *Mobilizing for Human Rights*, pp. 58–9.

⁶⁸ *Ibid.*

⁶⁹ Judith Kelley, ‘Assessing the complex evolution of norms: The rise of international election monitoring’, *International Organization*, 62:2 (2008), pp. 221–55.

⁷⁰ Jack K. Walker, ‘The diffusion of innovations among the American states’, *American Political Science Review*, 63:3 (1969), pp. 880–99.

⁷¹ Liefferink et al., ‘Leaders and laggards’.

⁷² Kelly Kollman, ‘Pioneering marriage for same-sex couples in the Netherlands’, *Journal of European Public Policy*, 24:1 (2017), pp. 100–18 (p. 111).

⁷³ *Ibid.*, pp. 114–15.

⁷⁴ Tomz, *Reputation*.

Competition

The third motivation is competition, whereby governments adopt early to influence subsequent diffusion. This motivation rests on the assumption that policies adopted in one state are transferred in similar forms elsewhere, and later adopters regularly reference the experiences and frames of early adopters. The motivation also assumes that governments are aware of this potential effect on anticipated diffusion and strategically seek to influence what type of policy style diffuses, ensuring that the international playing field is levelled closer to their ideal point.

The diffusion literature shows that policy transfer occurs between states: adoption in one state influences adoptions elsewhere. Policy adoption decisions involve full 'time horizons', which implies considering policy transfer in the future, as well as the past and present.⁷⁵ One can reason that early adopters consider the prospects of future diffusion and convergence at the point of their adoption decision. The competition motivation is thus closely conceptually related to the competition diffusion mechanism, but rather than explaining policy adoptions as competitive reactions to past adopters, it concerns the future.

Regulators compete in offering a product to internationalised business – that is, regulatory regimes consisting of standards, information gathering and provision, and enforcement.⁷⁶ This economic rationale is mostly associated with lowering standards,⁷⁷ but competition also involves raising standards to level the playing field or to offer more attractive styles of regulation.⁷⁸ Scholars often describe this phenomenon as 'racing to the top', or the California effect – a ratcheting-up of standards in response to pioneers, where powerful and wealthy states spark upward regulatory competition with trade partners. National governments drive each other to raise standards, just as California's environmental regulations influence other US states seeking to retain market access. Domestic firms support regulations that provide a competitive advantage, leading wealthier states to enact stricter standards that force foreign producers to adjust, including by creating pressure through trade agreements.⁷⁹ The effect applies to both production and product standards, as well as some non-regulatory policies.⁸⁰ This logic largely overlaps with that involved in coercion,⁸¹ implying early adopters are motivated by plans to engage in future coercion.

That large, wealthy states are most capable of triggering the California effect suggests state capacity is a scope condition for this motivation. If competition hinges on economic interdependence, the effect should play out according to international political economic power dynamics. Wealthy and powerful states are the most likely to innovate in many policy areas,⁸² and developing states generally tend to emulate policies already adopted in donor countries, driven by coercive relationships.⁸³ Developed states are not, however, the only states capable of exporting policies and inducing races to the top, although policy transfer from developing states may have support from powerful partners.⁸⁴

⁷⁵Mauricio I. Dussauge-Laguna, 'The neglected dimension: Bringing time back into cross-national policy transfer studies', *Policy Studies*, 33:6 (2012), pp. 567–85.

⁷⁶Robert Baldwin, Martin Cave, and Martin Lodge, *Understanding Regulation: Theory, Strategy and Practice*, 2nd ed. (Oxford: Oxford University Press, 2011).

⁷⁷Simmons et al., 'Introduction'.

⁷⁸Baldwin et al., *Understanding Regulation*.

⁷⁹David Vogel, *Trading Up: Consumer and Environmental Regulation in a Global Economy* (Cambridge, MA: Harvard University Press, 1995).

⁸⁰Bryan Greenhill, Layna Mosley, and Aseem Prakash, 'Trade-based diffusion of labor rights: A panel study, 1986–2002', *American Political Science Review*, 103:4 (2009), pp. 669–90; Cao Xun, Brian Greenhill, and Aseem Prakash, 'Where is the tipping point? Bilateral trade and the diffusion of human rights', *British Journal of Political Science*, 43:1 (2013), pp. 133–56.

⁸¹Gilardi and Wasserfallen, 'Politics of policy diffusion'.

⁸²Karch, 'National intervention'; Jordan and Huitema, 'Innovations in climate policy'.

⁸³Elizabeth Baldwin, Sanya Carley, and Sean Nicholson-Crotty, 'Why do countries emulate each others' policies? A global study of renewable energy policy diffusion', *World Development*, 120 (2019), pp. 29–45.

⁸⁴Osmany Porto de Oliveira, Cecilia Osorio Gonnet, Sergio Montero, and Cristiane Kerches da Silva, 'Introduction: Latin American public policies: From import to export', in Osmany Porto de Oliveira, Cecilia Osorio Gonnet, Sergio Montero, and

The next assumption in the motivation is that governments act strategically to influence future diffusion. Governments have multiple ways of translating international norms into national policy.⁸⁵ Early adoption offers a means of accelerating upward competition to increase the prospects that their preferred approach diffuses widely, potentially staving off convergence towards a less preferred policy style, whether because it is deemed too stringent, too weak, or more or less effective or legitimate. Here, the ‘top’ of regulatory races is contested: governments may agree on the nature of problems and be open to a range of solutions that are more or less costly for particular states.⁸⁶ The issue-definition stage comes early in diffusion and involves debating solutions to problems,⁸⁷ thereby incentivising early adoption.

Previous research shows such strategic decision-making. Creating competitive advantages for domestic industry is one of the most prevalent explanations for environmental policy pioneering.⁸⁸ These pioneers leverage visibility within IOs to influence the international policy agenda by ‘uploading’ innovations for other governments to adopt, functioning as intellectual leaders under conditions of uncertainty and leading towards global policy convergence.⁸⁹ Nordic governments, for example, coordinated carbon taxes within the Nordic Council and then explicitly pursued a strategy of promoting them through other IOs.⁹⁰ The Dutch government similarly wanted to promote marriage equality abroad and sought to burnish its reputation as a pioneer, incorporating promotion of same-sex relationship recognition into foreign policy.⁹¹

This motivation leads to the expectation that governments who seek to influence policies adopted elsewhere are more likely to become early adopters. Evidence of such a desire may rely largely on decision-makers’ statements, but certain facilitative conditions can be identified. Metrics for state wealth and power, as well as openness to trade and financial flows, indicate a government’s ability to trigger upward regulatory competition. Other relevant evidence could include statements of concern over alternative policy designs that might be more or less stringent than desired, for example in claims made during debates by decision-makers. Additional evidence could include provisions in the policy text, or pledges made alongside its adoption, to promote subsequent foreign adoptions of similar policies, whether through diplomatic persuasion, economic pressure, or conditionality.

Locking-in

The fourth motivation is based on considerations of recent or imminent domestic political instability and change, and potentially future international cooperation. The locking-in motivation rests on an assumption that policy adoption ‘ties the hands’ of incumbent and future governments, which is desirable when incumbents either seek to garner credibility following civil strife or face losing power to an adversary who opposes the policy, hampering future international cooperation on the issue. ‘Hands-tying’ in such windows of opportunity may be sufficiently attractive to motivate a government to assume the risks of early adoption.

Governments want policies to remain in place beyond near-term political change and may therefore be willing to take greater risks, especially following periods of civil strife or ahead of power loss. The earliest proponents of international human rights commitments tend to be newly

Cristiane Kerches da Silva (eds), *Latin America and Policy Diffusion: From Import to Export* (London: Routledge, 2020), pp. 1–24.

⁸⁵ Garrett Wallace Brown, ‘Norm diffusion and health system strengthening: The persistent relevance of national leadership in global health governance’, *Review of International Studies*, 40 (2014), pp. 877–96.

⁸⁶ Stephen D. Krasner, ‘Global communications and national power: Life on the Pareto frontier’, *World Politics*, 43:3 (1991), pp. 336–66.

⁸⁷ Gilardi and Wasserfallen, ‘Politics of policy diffusion’.

⁸⁸ Liefferink et al., ‘Leaders and laggards’.

⁸⁹ Jänicke, ‘Trend-setters’.

⁹⁰ Kerstin Tews, Per-Olof Busch, and Helge Jörgens, ‘The diffusion of new environmental policy instruments’, *European Journal of Political Research*, 42:4 (2003), pp. 569–600.

⁹¹ Kollman, ‘Pioneering marriage’.

established democracies seeking to consolidate democratic institutions to enhance their credibility and stability. Fledgling democratic governments, constrained by fears of domestic laws being struck down, adopt policies to secure democracy.⁹² Among the earliest ratifiers of the Rome Statute of the International Criminal Court were also non-democracies that leveraged ‘hands-tying’ to enhance the credibility of domestic promises after periods of violence.⁹³ Early adopters of liberal reforms seek to send credible signals of their commitments, even if non-reciprocally binding, shortly after democratic transitions.⁹⁴ In Latin America, democratisation and conflict resolution have often marked periods of institutional and policy innovation, creating windows of opportunity for novel ideas from social movements to influence the policy agenda.⁹⁵

Windows of opportunity are important, time-related determinants of policy transfer.⁹⁶ They can be a ‘situative’ factor of policy pioneering related to changes of parties in government, economic conditions, and external events.⁹⁷ Windows thus arise not only after strife, but also preceding loss of power. Anticipated electoral gain is a key factor in the political will to innovate; policy innovation is more likely when an election is imminent – or conversely, more distant for unpopular policies.⁹⁸ Non-state actors exploit these windows to press for favoured policies. French NGOs, for example, leveraged a rare spell of Socialist Party dominance and convinced the French government to pass the world’s first mandatory human rights due diligence legislation in 2017 ahead of certain electoral loss to either of two presidential candidates who opposed the law.⁹⁹ Adoption at any point in diffusion could in principle lock in policies, but the motivation may be especially potent in overcoming reluctance to early adoption. It may also be especially likely in early diffusion if actors learn from historical diffusions that ‘hands-tying’ is more effective then. For example, despite significant challenges to conditional cash transfer policies, engendering changes or repeals in other adopter categories, not a single early adopter has ever abandoned its policy (although this may be explained by the sincerity of their normative commitment).¹⁰⁰

Policy adoption can also tie future governments’ hands, especially with international commitments and binding legislation, improving prospects for future international cooperation and regulatory convergence. Influencing future international law-making by reducing adjustment costs is a common explanation for environmental policy pioneering.¹⁰¹ Anticipating convergence provides a political rationale for leadership: if a ‘green’ policymaker prefers international cooperation on an environmental issue but risks losing power, they may adopt the policy unilaterally to avoid future cooperation failure despite immediate costs. Future cost reductions then increase subsequent governments’ probability of cooperating.¹⁰² Unilateral human rights commitments are also explained by this logic.¹⁰³ The locking-in motivation is not obviously linked to any particular diffusion mechanism, as it primarily concerns near-term domestic consequences. However, the desire to lock in reforms could involve emulation if relevant IOs promote the reform, or it could be linked to considerations of future coercion if there is a preference for international harmonisation.

⁹² Andrew Moravcsik, ‘The origins of human rights regimes: Democratic delegation in postwar Europe’, *International Organization*, 54:2 (2000), pp. 217–52.

⁹³ Beth A. Simmons and Allison Danner, ‘Credible commitments and the International Criminal Court’, *International Organization*, 64:2 (2010), pp. 225–56.

⁹⁴ Kelley, ‘Complex evolution.’

⁹⁵ Porto de Oliveira et al., ‘Latin American public policies.’

⁹⁶ Porto de Oliveira and Osorio Gonnet, ‘Comparative transfer analysis.’

⁹⁷ Jänicke, ‘Trend-setters.’

⁹⁸ Karch, ‘National intervention.’

⁹⁹ Alice Evans, ‘Overcoming the global despondency trap: Strengthening corporate accountability in supply chains’, *Review of International Political Economy*, 27:3 (2020), pp. 658–85.

¹⁰⁰ Morais de Sá e Silva and Porto de Oliveira, ‘Incorporating time.’

¹⁰¹ Liefferink et al., ‘Leaders and laggards.’

¹⁰² Urpelainen, ‘Unilateral leadership.’

¹⁰³ Moravcsik, ‘Origins of human rights regimes.’

This discussion leads to an expectation that early adoption is more likely preceding or following political change either from resolving civil strife or transitioning power, especially where the incumbent favours international cooperation in the relevant policy domain. Evidence of this motivation could include recent histories of civil strife, likely documented in journalistic accounts. Alternatively, one might look for evidence that incumbents anticipated imminent loss of power, including through public opinion polling. One could also examine statements by opposition politicians to ascertain their aversion to the relevant policy, as well as statements by incumbents about their desire for international cooperation.

Motivation interaction

This framework theorises each motivation as discrete but not mutually exclusive. They might manifest mostly epiphenomenally or combine or interact to reinforce each other. Possible combinations and interactions remain an open empirical question. These motivations may be individually sufficient, but combinations might enhance prospects of early adoption. Some interactions are more intuitively obvious, and previous research illustrates, at least implicitly, possible combinations – for example, of the normative, reputation, and competition motivations.¹⁰⁴ The normative motivation has high potential to interact with other motivations because governments should be especially interested in influencing future diffusion according to their values or want to lock in preferred policies before losing power. A negative reputation from past bad behaviour could also strengthen the case for locking in a policy during a window of opportunity, if the innovation is poised to increase the credibility of the behaviour change. This study does not test for specific combinations and interactions but maintains awareness of potential manifestations in its analysis.

Methods and materials

To illustrate the framework, I adopt a ‘most-similar-cause, most-dissimilar-on-outcome’ case-based research design, using the cases of Colombia and Ecuador. Cross-case comparison enables the detection of potential causes (i.e. motivations) and provides a powerful disconfirmatory test for ascertaining the sufficiency of theorised motivations. I combine cross-case comparison and within-case congruence, which together help to test and refine expectations about relationships between causes and outcomes.¹⁰⁵ For further explanation of the research design and methodology, see the OSM.

Congruence requires clear descriptions of the evidence one expects to find for theorised causes.¹⁰⁶ I have suggested above potential evidence for different components of the motivations. Due to the need for transparency and clarity in congruence, I provide specific operationalisations for this study and discuss which empirical materials were used in detail in the OSM (see also [Table 1](#)). I translated Spanish-language documents using translation software and assistance from a native-speaking colleague. For information on political conditions in both countries, I reviewed Economist Intelligence Unit Country Reports. For information on human rights conditions in each country, I reviewed Human Rights Watch’s World Report series and Amnesty International’s State of the World’s Human Rights annual reports from 2010–21, focusing especially on the period to 2015 when Colombia adopted a NAP. A full list of reports consulted is included in the OSM; where such context is discussed below, I summarise trends across numerous reports without individual references.

Because motivations are difficult to measure and may not be revealed in public documents, I conducted semi-structured elite interviews in Bogotá and Quito in October 2018 to acquire

¹⁰⁴Kollman, ‘Pioneering marriage’.

¹⁰⁵Beach and Pedersen (eds), *Causal Case Study Methods*.

¹⁰⁶Ibid.

information on actors' motivations.¹⁰⁷ I interviewed seven stakeholders involved in the Colombian NAP process representing business, civil society, and government, and I contacted an additional three stakeholders from business who were unable to be interviewed. I interviewed four stakeholders in Ecuador from civil society, business, and government and contacted an additional four stakeholders in business and civil society who did not respond. Interviews were conducted in person, with one exception via Skype. I recorded and transcribed most interviews; where interviewees did not consent to recording, I took notes. All interviews proceeded in English, except for three interviewees who spoke Spanish with a professional interpreter present to provide translation.

Early adoption of business and human rights policies

The UN Working Group on Business and Human Rights was established in 2011 to foster implementation of the UNGPs. It encourages all governments to adopt a NAP, which it defines as 'an evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the [UNGP]s'.¹⁰⁸ Being generally non-binding, NAPs may seem low-cost or low-risk. Yet they could signal a forthcoming 'hardening' of regulation. Moreover, not all political risks are financial: IOs have criticised governments whose national policy planning lacks stringency in areas like sustainable development, suggesting potential reputational harm.¹⁰⁹ It is therefore relevant to study motivations for their early adoption.

The 29 extant NAP adopters (see Table 2) as of June 2023 represent 15 per cent of all 193 UN member states, or what would be the complete early adopter category in a successful diffusion. One could expect early adopter motivations to apply for these governments, especially those in the initial years of adoption when learning opportunities were limited. The Danish Institute for Human Rights identified an additional 18 governments committed to developing a NAP, indicating likely further diffusion. In the remainder of this section, I narrate case studies on the politics of (not) adopting a NAP in Colombia and Ecuador and then compare them.

Colombia

The Colombian government prioritised human rights after the 2010 election of President Juan Manuel Santos, whose predecessor, Álvaro Uribe, was associated with egregious human rights abuses related to internal armed conflict. Santos began negotiations to resolve the conflict in 2012 and reached a peace settlement with the Revolutionary Armed Forces of Colombia (FARC) guerrilla group in 2016. As part of this liberal pivot, Santos tasked the Presidential Advisory Office for Human Rights and International Affairs (CDDHH) in 2012 with conducting research on BHR and began a NAP process in 2015.¹¹⁰ CDDHH established a multi-stakeholder steering committee and organised countrywide consultations. The NAP, adopted in December 2015, was designed as a three-year instrument. The government published progress reports in 2017 and 2018 before adopting a follow-up NAP in 2020.¹¹¹ Colombia's initial NAP included policies covering all three pillars of the UNGPs.

¹⁰⁷Layna Mosley, "'Just talk to people'? Interviews in contemporary political science', in Layna Mosley (ed.), *Interview Research in Political Science* (Ithaca, NY: Cornell University Press, 2013), pp. 1–28.

¹⁰⁸UN Working Group on Business and Human Rights, *Guidance on National Action Plans on Business and Human Rights* (2016), available at: https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf, p. 1.

¹⁰⁹James Meadowcroft, 'National sustainable development strategies: Features, challenges and reflexivity', *European Environment*, 17:3 (2007), pp. 152–62.

¹¹⁰Interview 1.

¹¹¹Danish Institute for Human Rights, 'Colombia', *National Action Plans on Business and Human Rights*, available at: <https://globalnaps.org/country/colombia>.

Table 2. Early adopters of NAPs on BHR^a

State	Date of NAP adoption
United Kingdom	4 September 2013
Netherlands	10 December 2013
Denmark	13 March 2014
Finland	17 September 2014
Lithuania	9 February 2015
Sweden	24 August 2015
Norway	12 October 2015
Colombia	10 December 2015
Switzerland	9 December 2016
Italy	15 December 2016
United States of America	16 December 2016
Germany	21 December 2016
France	26 April 2017
Poland	29 May 2017
Belgium	23 June 2017
Spain	29 June 2017
Chile	21 August 2017
Czechia	23 October 2017
Ireland	15 November 2017
Georgia	30 March 2018
Luxembourg	22 June 2018
South Korea	9 August 2018
Slovenia	8 Novemebr 2018
Kenya	24 July 2019
Thailand	29 October 2019
Japan	16 October 2020
Peru	10 June 2021
Uganda	31 July 2021
Pakistan	28 September 2021

^aDanish Institute for Human Rights, 'National Action Plans on Business and Human Rights', available at: (<https://globalnaps.org>).

The NAP is linked to conflict resolution, calling BHR and peacebuilding 'two political agendas walking together'.¹¹² It is described as a 'component for post-conflict and peacebuilding' that contributes to 'lasting peace'.¹¹³ Several interviewees confirmed the link between NAP development and the peace process.¹¹⁴ A representative of the Defensoría del Pueblo, Colombia's human rights ombudsman, stated that companies wanted the NAP to be a 'reference point for future governments' on 'peacebuilding and transitional justice'.¹¹⁵ When Santos lost power to the more

¹¹²Consejería Presidencial para los derechos humanos y asuntos intercaionales (CDDHH). National Action Plan on Human Rights and Business (2015).

¹¹³Ibid.

¹¹⁴Interviews 3 and 4.

¹¹⁵Interview 2.

conservative Iván Duque in 2018, a coalition of civil society and business formed to support retaining the NAP because Duque opposed the peace agreement.¹¹⁶

Colombia had numerous pre-existing commitments and policies of relevance. It had ratified all conventions to which the UNGPs refer as the minimum list of human rights that businesses should respect, including the two conventions in the International Bill of Human Rights and International Labour Organization (ILO) fundamental conventions. Since the 1990s, Colombia had centred human rights in economic liberalisation, deviating from starker neoliberalism across Latin America, and successive governments pursued interventionist policies to guarantee rights while supporting business.¹¹⁷

Colombia has a robust civil society, including many NGOs and industry associations working on BHR. One former employee of CDDHH stated: 'A very important factor was the role of civil society ... It was a perfect combination of political will, and that's why the Colombian government started to work on the creation of this NAP'.¹¹⁸ The interviewee called civil society one of three driving forces behind the NAP's adoption, along with the domestic peace process and accession to the OECD.¹¹⁹ An NGO representative stated that companies were generally not addressing human rights prior to the NAP, but they were aware of the issue and supported developing a policy.¹²⁰ Numerous NGOs championed BHR policy in Colombia, including *Dejusticia*, *Fundación Paz y Reconciliación*, and *Fundación Ideas para la Paz (FiP)*, which has corporate backing. *Dejusticia* has criticised the NAP process as not meaningfully including all stakeholders,¹²¹ but representatives of CDDHH and another NGO argued that NGOs and trade unions participated extensively.¹²²

Although Colombia had strong formal human rights commitments, armed conflict was intertwined with high-profile BHR challenges for decades preceding NAP adoption. Uribe faced allegations of complicity in atrocities related to the conflict, sometimes involving business. Colombia was heavily criticised for violence against human rights defenders and trade unionists by international NGOs, numerous UN treaty bodies and special procedures mandate-holders, the Office of the Prosecutor of the International Criminal Court, the Organization of American States, and the Inter-American Commission on Human Rights (IACHR).

Santos received praise from many of the same organisations for efforts to address systematic abuses. Reversing Colombia's negative reputation became a key foreign policy under Santos's campaign for OECD accession. Five interviewees independently identified the significance of OECD accession in motivating early adoption, one of whom described 'a really strong connection' between accession and the NAP process.¹²³ Due to Colombia's negative reputation, OECD members required it to meet certain conditionalities on human rights. The OECD's Accession Roadmap for Colombia stated that it must produce a 'credible plan' for implementing the OECD Guidelines for Multinational Enterprises, which incorporate the UNGPs.¹²⁴ One interviewee said the OECD was particularly concerned about killings of trade unionists and noted that Santos became personally involved in assuaging concerns.¹²⁵ In 2014, Santos spoke at the OECD, acknowledging the

¹¹⁶Interview 3.

¹¹⁷José Antonio Ocampo, 'Performance and challenges of the Colombia economy', in Bruce Bagley and Nathanan Rosen (eds), *Colombia's Political Economy at the Outset of the Twenty-First Century: From Uribe to Santos and Beyond* (Lexington, KY: Lexington Books, 2015), pp. 4–8.

¹¹⁸Interview 5.

¹¹⁹*Ibid.*

¹²⁰Interview 3.

¹²¹*Dejusticia*, International Corporate Accountability Roundtable, and European Centre for Corporate Justice, *Assessments of Existing NAPs on Business and Human Rights* (2017), pp. 27–8; Interview 6.

¹²²Interviews 3 and 4.

¹²³Interview 3; also Interviews 1, 2, 4, 5.

¹²⁴Organization for Economic Cooperation and Development, *Roadmap for the Accession of Colombia to the OECD Convention*, 1285th Session, C(2013)/110/FINAL (10 September 2013).

¹²⁵Interview 1.

criticism and elaborating planned steps for improving Colombia's reputation.¹²⁶ The government saw the NAP as 'a prerequisite for Colombia to enter this group of high standards countries' even though few other governments then had one.¹²⁷ A representative of CDDHH confirmed that the NAP 'was made in light of improving business practices, and of course it is tied to the OECD process'.¹²⁸ A representative of the Defensoría stated that the government was 'in such a rush to adopt a NAP' that even civil society proponents questioned the haste, and 'it was obvious from the international political context' that the NAP was part of Santos's rebranding strategy.¹²⁹

The interviewee therefore considered OECD conditionality to be a primary driver behind the NAP, along with Santos's relationship with UK prime minister David Cameron. They attributed this 'very close' relationship with 'transplanting' BHR policy rhetoric from the UK.¹³⁰ Cameron and Santos issued a joint statement in 2011 that the UK would help Colombia develop a NAP.¹³¹ Other governments also played a role in Colombia's NAP process. An officer at the Swedish Embassy in Bogotá stated that promoting BHR was part of a 'very important cooperation initiative' between Sweden and Colombia on the 2030 Agenda.¹³² The Swedish International Development Cooperation Agency seconded an officer to CDDHH to assist with the NAP process.¹³³ Two interviewees also noted that Spain encouraged Colombia to adopt a NAP and provided financial support.¹³⁴ A representative of CDDHH insisted these relations were 'mutual dialogues' – not the result of seeking assistance or donor pressure.¹³⁵

The government also envisioned exporting its BHR policy throughout Latin America. The NAP stated that the Ministry of Foreign Affairs 'will disseminate and promote this plan internationally through its Diplomatic Missions'.¹³⁶ A representative of CDDHH stated that the government was committed to promoting NAPs at the annual UN Forum on BHR and at annual regional UN consultations 'to create a movement'.¹³⁷ Another interviewee had encouraged Andean states to adopt NAPs while previously employed at CDDHH, whose leadership explicitly intended for Colombia to become a regional 'hub' for sharing information and best practices on NAPs.¹³⁸

Ecuador

At time of publication, Ecuador had still not adopted a NAP, although in October 2020, the government announced intentions to develop one.¹³⁹ Ecuador's UNHRC delegation stated in 2011 that it would not block consensus on the UNGPs but lamented the lack of a binding international legal framework.¹⁴⁰ Ecuador prefers instead codifying BHR obligations in international law. In 2014, Ecuador spearheaded a UNHRC resolution establishing a Working Group to elaborate such an

¹²⁶Juan Manuel Santos, 'Talking points to OECD Council' (7 November 2014), available at: {<https://www.oecd.org/about/secretary-general/president-juan-manuel-santos-talking-points-to-oecd-council-on-7-november-2014.htm>}.

¹²⁷Interview 1.

¹²⁸Interview 4.

¹²⁹Interview 2.

¹³⁰Ibid.

¹³¹United Kingdom Foreign and Commonwealth Office, 'Colombia-Human Rights Priority Country' (8 February 2017), available at: {<https://www.gov.uk/government/publications/Colombia-human-rights-priority-country>}.

¹³²Interview 7.

¹³³Ibid.; CDDHH, National Action Plan on Human Rights and Business: Report on Advancements in Implementation (2017).

¹³⁴Interviews 4 and 5.

¹³⁵Interview 4.

¹³⁶CDDHH, National Action Plan (2015).

¹³⁷Interview 4.

¹³⁸Interview 3.

¹³⁹Danish Institute for Human Rights, 'Ecuador, National Action Plans on Business and Human Rights', available at: {<https://globalnaps.org/country/ecuador>}.

¹⁴⁰Delegation from Ecuador to the 17th Session of the UNHRC, 'Resolution on Human Rights and Transnational Corporations' (16 June 2011), available at: {<https://www.business-humanrights.org/sites/default/files/media/documents/ruggie/declaration-ecuador-human-rights-business-16-jun-2011.pdf>}.

instrument; negotiations remain ongoing.¹⁴¹ Luis Espinosa-Salas, then Director of Human Rights and Peace in the Ministry of Foreign Affairs and previous leader of the human rights team in Ecuador's Permanent Mission to the UN, stated, 'It's fine to have the Guiding Principles, but we need to go further than that. ... [The UNGPs] will not allow you to push actors who are apparently under the scope of this nonbinding document ... because they are not obliged.'¹⁴² Ecuador, however, pushed for early drafts of the treaty to cover only business 'of a transnational character', which would have included virtually none of the Ecuadorian extractive companies implicated in allegations of human rights abuse, contrary to the soft law UNGPs, which also cover domestic operations.¹⁴³

Ecuador was the second ratifier of both International Bill of Human Rights covenants and has ratified all ILO fundamental conventions, indicating pre-existing human rights commitments. During the Presidency of Rafael Correa (2007–17), the Ecuadorian constitution was updated (2008) to include provisions on the rights of minority groups and the environment, including a guarantee for Indigenous Peoples to the right to free prior and informed consultation on resource extraction.¹⁴⁴ Correa also made human rights violations a criminal offence in Ecuador's penal code.¹⁴⁵ Espinosa-Salas stated that Ecuador's constitution and penal code went 'far beyond what the Guiding Principles may say.'¹⁴⁶ He felt that a NAP would add no value, and the government believed its legislation exceeded anything achievable through policy planning.¹⁴⁷ Yet an executive at EP Petroecuador, the state-owned petroleum company, stated that despite such legal instruments, the company had asked the government for more active public policy on BHR: 'There is the need for stronger state intervention and especially training on human rights.'¹⁴⁸ The interviewee noted that Ecuador has 'very strict regulations since the nineties' and 'high authorities, including the President ... are always watching.'¹⁴⁹

Other stakeholders were unlikely to press for a NAP. Large international NGOs working on BHR issues, such as Amnesty International and Human Rights Watch, did not have offices in Ecuador during this period. The only relevant NGO named by interviewees was Centro de Derechos Económicos y Sociales (CDES),¹⁵⁰ which presses companies in Ecuador to respect human rights and advocates for corporate accountability. Its advocacy, however, focuses on a binding treaty, and this research produced no evidence that CDES has advocated for national implementation of the UNGPs.¹⁵¹ Moreover, CDES criticises existing NAPs for lacking binding mechanisms.¹⁵² If this is the view of the only significant NGO working on BHR policy in Ecuador, there may be little domestic political support for a NAP.

This absence of support could be explained by a repressive political climate. From 2010, Correa implemented regulations requiring human rights NGOs to submit to continuous government

¹⁴¹ Business and Human Rights Resource Centre, 'Binding treaty', available at: <https://www.business-humanrights.org/en/big-issues/binding-treaty>).

¹⁴² Luis Espinosa-Salas, interviewed by author, Quito, Ecuador (25 October 2018).

¹⁴³ Participant statements, 'Update on the process to elaborate a legally binding instrument', panel session at the United Nations Forum on Business and Human Rights, 27 November 2018.

¹⁴⁴ Ecuador National Assembly, Constitution of the Republic of Ecuador (20 October 2008), article 57.

¹⁴⁵ Ecuador National Assembly, Código Orgánico Integral Penal, N° 180 (14 February 2014), para 5.

¹⁴⁶ Espinosa-Salas interview.

¹⁴⁷ Ibid.

¹⁴⁸ Interview 9.

¹⁴⁹ Ibid.

¹⁵⁰ Representatives of the NGO did not respond to repeated requests for interviews.

¹⁵¹ Centro de Derechos Económicos y Sociales, 'Tratado Vinculante de Derechos Humanos y Empresas' (10 October 2017), available at: <https://ceds.org.ec/web/tratado-vinculante-de-derechos-humanos-y-empresas>; Centro de Derechos Económicos y Sociales, 'Se parte de la semana por el tratado vinculante' (1 July 2021), available at: <https://ceds.org.ec/web/se-parte-de-la-semana-por-el-tratado-vinculante>; Interview 10.

¹⁵² Erika González, Juan Hernández, and Pedro Ramiro, 'Regular a las empresas para defender los derechos humanos: un desafío global', Centro de Derechos Económicos y Sociales (5 March 2018), available at: <https://ceds.org.ec/web/regular-a-las-empresas-para-defender-los-derechos-humanos-un-desafio-global>).

monitoring. He assumed sweeping powers to repress dissent and deauthorised critical NGOs. The administration routinely sought to discredit or dismantle civil society groups and human rights defenders, including dissolving an NGO that opposed oil extraction in the Amazon. Correa also persecuted critical press using criminal provisions on ‘lack of respect’ for authorities. Repression eased somewhat with the 2017 election of Lenín Moreno, but not all such practices were abandoned. A representative of Ecuador’s Defensoría del Pueblo stated that public authorities in Ecuador ‘think they can do everything they like arbitrarily’, including ‘creating rules for responsible extraction without consulting Indigenous communities’.¹⁵³ It is perhaps unsurprising that the only NGO notably active on BHR mirrored the government’s exclusive preference for international law.

State repression had significant reputational consequences. International NGOs and expert bodies were highly critical of state-owned extractive companies’ repeated violations of Indigenous Peoples’ rights. The IACHR held hearings on violations of freedom of expression and Indigenous Peoples’ rights in the context of extractive activities from 2011, sparking a period of hostility between Ecuador and this institution. The Correa administration refused to participate in hearings or comply with recommendations and launched a campaign to replace the entire Inter-American human rights regime.

One case attracted worldwide attention and significantly shaped BHR politics in Ecuador. Texaco Petroleum, a subsidiary of US-based Texaco Inc., acquired by Chevron in 2000, allegedly spilled oil in the Ecuadorian Amazon, causing environmental and health damages to local communities. Ecuadorian courts awarded significant but unenforceable penalties to victims, while litigation in foreign courts was unsuccessful. Chevron has denied responsibility, as Texaco was a minority partner in an oil consortium led by EP Petroecuador, and the government certified Texaco’s successful remediation of its share of damages in 1992, when it ceased operations in Ecuador.¹⁵⁴ Espinosa-Salas stated that the case ‘pushed us to reflect on what and how to do something to avoid cases like that one in the future and in other parts of the world’ – which the government decided should be an international legally binding instrument.¹⁵⁵

Correa’s tenure marked a comparatively stable period in Ecuadorian politics. Neoliberalism and dollarisation led to a *coup d’état* in 2000, bringing to power a president who was subsequently ousted in 2005 amid mass protests. Correa took power in 2007 and followed an upwards trajectory in popularity coinciding with an economic boom. Moreno, Correa’s hand-picked successor, was elected in 2017, indicating their party’s loss of power was not imminent. Although Moreno subsequently tacked to the centre, the government’s preference for a binding treaty over domestic policy did not change. Espinosa-Salas stated, ‘I think that now we may say [the treaty] is a “state initiative”. It doesn’t matter which person is leading the government. They have realised that this is an initiative that must be continued ... even if a new government takes over in Ecuador when new elections are held.’¹⁵⁶

In 2019, Moreno’s neoliberal shift sparked protests, plunging Ecuador into a new period of instability. Moreno did not seek re-election in 2021, and the centre-right Guillermo Lasso took power. The government finally committed to developing a NAP in 2020, on the precipice of losing power, but Ecuador had not published or adopted a text nearly four years later.¹⁵⁷

Analysis

Both Colombia and Ecuador had pre-existing human rights commitments that suggest lower adjustment costs for adopting novel BHR policies. Yet Ecuador’s extensive human rights laws, including constitutionally enshrined BHR provisions, are routinely unenforced or undermined. Colombia certainly has a history of human rights abuses, but in the period studied, civil society

¹⁵³ Interview 10.

¹⁵⁴ Chevron Corporation, ‘Ecuador Lawsuit’, available at: {<http://www.chevron.com/ecuador>}.

¹⁵⁵ Espinosa-Salas interview.

¹⁵⁶ Ibid.

¹⁵⁷ Danish Institute for Human Rights, ‘Ecuador’.

organisations praised the Santos administration for efforts to reverse repressive practices. In the same period, the Correa administration increased repression of civil society, leaving comparatively few human rights NGOs operating in Ecuador. The most influential Ecuadorian NGO on BHR appeared to share the government's position that domestic implementation of the UNGPs was superfluous. Colombia had a robust civil society; prominent NGOs collaborated with business to press for a NAP, and multiple interviewees confirmed civil society's importance in motivating adoption. These findings strengthen confidence in the normative motivation, especially concerning the effects of civil society.

Colombia and Ecuador demonstrated distinct approaches to reputation management, and the international political context may explain divergent early adoption outcomes. While both governments had negative reputations on BHR issues, Colombia's reputation was a barrier to gaining coveted membership in the OECD. Colombia actively sought to improve its reputation through behaviour change, including consolidating BHR policies under a peace process. Santos personally promoted these changes to the OECD. The peace process constituted a critical window of opportunity after decades of armed conflict. Although an election was not imminent when the NAP was adopted, the opposition rejected the peace process and associated policies. Adopting a NAP thus enabled the government to signal its commitment to human rights in the aftermath of conflict and ensure policy continuity while simultaneously bolstering Colombia's international reputation. That civil society perceived the government as even excessively hasty in adopting a NAP to improve its reputation highlights the importance of reputation-linked rewards in motivating early adoption.

Ecuador, in contrast, took an adversarial stance on its negative reputation. The government persecuted critical NGOs and sought to dismantle the regional human rights regime that shamed it. Negative reputations alone are therefore insufficient to motivate early adoption. Governments may need to be actively concerned with reputation maintenance or improvement, which appears more likely when reputations are linked to rewards like IO accession. Moreover, Ecuador experienced no similar window of opportunity in this period. Despite political upheaval at the turn of the millennium, Ecuador had no comparable recent history of armed conflict and was stably governed from 2007–21 by one political party, which remained popular until its final months in office. Together, these findings strengthen confidence in the reputation and locking-in motivations and their interactions: civil strife – and divided opinion over its resolution – motivated the Colombian government to consolidate domestic reforms, which also served to improve a tarnished national image for diplomatic audiences.

One could interpret OECD conditionality as a form of the coercion diffusion mechanism. Yet that analysis alone would not account for Santos's active interest in reversing Colombia's reputation and overlooks his instructions to CDDHH to begin researching BHR policy options a year before the OECD issued Colombia's Accession Roadmap. Additionally, interviewees stated that other explanatory factors were as important as OECD accession. One could argue that Colombia was also subjected to more bilateral coercive or competitive pressures, even as one of the earliest adopters, given the apparent significance of Spain, Sweden, and the UK in promoting NAPs and supporting the process. This reading, however, requires an assumption of one-way influence, whereas the Colombian government regarded the process as mutual diplomacy. The evidence has also not established that Spain, Sweden, or the UK were not instead seeking to learn from Colombia's process while supporting it: Colombia–UK cooperation on BHR began prior to either state's NAP adoption, Sweden's process occurred nearly simultaneously, and Spain adopted two years later. The evidence could suggest that early adopters coordinate policies and share real-time information – in which case, diffusion was by definition not yet underway, with adoptions requiring different explanatory mechanisms.

Both states sought to influence international regulatory convergence, but only Colombia shows evidence of the competition motivation, although it was possibly not a core motivation. Colombia and Ecuador had similar levels of economic development and trade,¹⁵⁸ although Colombia, as a

¹⁵⁸Indicators explained in OSM.

larger market, was potentially more capable of inducing a regional race to the top. Colombia's NAP states the intention to promote the policy abroad, and Colombia's participation in international fora and efforts to become a hub for information-sharing on NAPs indicate that the government wanted NAPs to be adopted widely, although this was not a primary driver mentioned by interviewees. Ecuador arguably also sought regulatory convergence, but not by steering future diffusion; instead, the government favoured harmonisation via reciprocally binding international law.

Finally, these case studies suggest that the alternative explanations for early adoption mentioned above (problem pressure, state capacity, and regional clustering), while potentially serving as facilitative conditions, did not motivate early adoption. See the OSM for further discussion.

Conclusion

This article set out to develop an integrated theoretical framework for studying early adoption of international policy innovations. It theorised four motivations for early adoption – normative, reputation, competition, and locking-in – and respective expectations and potential observable manifestations. Empirically, this article illustrated this framework using two Global South cases. Colombia adopted a policy on BHR early for several reasons, especially strategic reputation management to gain OECD accession during a window of opportunity in which the government was consolidating a domestic peace process. Civil society, in alignment with business, also significantly influenced the Colombian government's preferences in support of the policy. There is also evidence that Colombia sought to set the regional agenda and influence BHR policy diffusion in Latin America by adopting ahead of regional peers. A key difference in Ecuador was the active repression of civil society, indicating a potentially less sincere commitment to human rights and limiting the scope for domestic actors to alter government preferences. The Ecuadorian government was apparently uninterested in improving its sinking reputation among Western states, instead attacking its critics, and perceived no obvious reward to gain.

The comparative research design strengthens confidence in disconfirmatory findings of any cause present in both cases. Superficial evidence of the normative motivation appears in both cases, but it holds up less in practice in Ecuador. Ecuador sought to influence other governments' BHR policies, suggesting possible dual presence of the competition motivation, but it initially wanted to do so through coordinated, reciprocally binding measures that would not significantly affect Ecuadorian business; Ecuador was not interested in influencing policy diffusion. This article thus disconfirms none of the four theorised motivations, and congruence with the empirical record strengthens confidence in their plausibility. The reputation/lock-in conjunctive motivation could be analysed in future research to better explain whether and how these motivations operate in isolation and if they could be disconfirmed.

The selection of Global South cases deviated from the heavily Western-focused pioneering and diffusion literatures, contributing to a burgeoning research programme on diffusion *from* developing states that has shown Latin America to be a prime site for policy export. These findings expand knowledge by showing that early adoption in Global South states may result from complex motivations that do not neatly fit into conventional donor–recipient frameworks, even as they ostensibly involve political economic factors like conditionality and development cooperation. Future research should apply this framework in more cases in the Global North and South to refine expectations.

Future research should also further explore how the motivations operate mechanistically and under which conditions they are likely to interact. I have suggested potential diffusion mechanisms linked to the motivations, but these remain conceptually incoherent in much of the literature and blur the boundaries between cause and causal mechanism. As a step towards identifying potential connections to discrete motivations, this article lays the groundwork for further disentangling these mechanisms.

The framework developed here should be generalisable to other policy domains. Different evidence will need to be theorised depending on the area. Prior commitments and policy fit may differ and be less connected to international law. Researchers could also consider more tangentially related policy areas or look to relevant discourses on an issue within a state. Sources of international shaming and reputational damage will differ across policy areas. The locking-in motivation also need not apply only to ‘altruistic’ issues: governments may adopt financial regulations or other business policies to demonstrate good governance during crucial windows of opportunity.

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