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Global Governance in Negotiation Systems

Institutional Mechanisms and Actor's Strategies for the Management of Focal Ideas between Flexibility and Stability

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Abstract:

Effective governance provides for stability and flexibility of negotiation systems. In order to achieve this, governance has to successfully manage focal ideas. We analyse institutionalised negotiation systems from this perspective as governance arrangements in, by and for which this management takes place. In an ongoing project within the DFG-funded research group on Institutionalisation of International Negotiation Systems (IINS) at the Mannheim Centre for European Social Research we aim at a reflexive-institutionalist account of negotiation systems. In the paper we argue that specific characteristics of the underlying focal ideas, the institutional mechanisms and context determine the institution's predisposition toward flexibility and stability. In order to maintain or enhance effectiveness, actors in negotiation systems have to deploy different strategies to balance too flexible or too stable systems. As part of our project goal, we aim at a typology of negotiation systems and management strategies that are identifiable in this regard. With the paper we would like to present and discuss our progress and efforts in the project.¹

¹ Our paper is based and elaborates on the proposal of the project within the research group on the Institutionalisation of International Negotiation Systems (IINS) at the Mannheim Centre for European Social Research. The director of the project is Prof. Dr. Beate Kohler-Koch. The project proposal has been authored by Beate Kohler-Koch and the project collaborator Christoph Humrich (Kohler-Koch and Humrich 2002).

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1. Introduction

Our paper is exploratory in character and part of the preparation of the third phase of an ongoing research project funded by the German Research Foundation (DFG) aiming at a reflective-institutionalist theory of negotiation systems. Rather than presenting ready theory we would like to look at two specific dimensions of effective global governance in negotiation systems – stability and flexibility. After shortly introducing the general context (1.1), we aim at clarifying the relevant general aspects of these two and their relation to effectiveness (1.2). We then emphasise the important role that ideas play in the functioning of negotiation systems (2). ‘Ideas do not float freely’, but various institutional characteristics influence the flow, processing and institutionalisation of ideas. We explore these and their relation to flexibility and stability (3) in order to distinguish between certain types of negotiation systems according to their predisposition for stability and flexibility (4). The ultimate aim of this exercise is to identify stabilisation and adjustment strategies for the effective management of institutionalised negotiation systems (5).

1.1. Negotiation Systems and Effective Global Governance

Economic globalisation, the ecological crisis, the perceived need for collective action against threats to peace and security as well as the pressure of emerging actors of global civil society to address problems of poverty and human rights abuse constituted an increasing demand for governance on a global scale.

Governance is the intentional effort to productively use the competition of interests and *authoritatively* direct it into new, innovative and effective forms of problem-solving (Kohler-Koch 1993: 114). The problem with *global* governance then is the question, who uses and authoritatively redirects difference and how this is possible in an international realm that lacks any formally acknowledged authority?

States have reacted to the challenges of interdependence and globalisation. In a frequency and on a scale that rapidly increased, states have been engaged in intense international negotiation aiming at establishing international institutions to secure co-operation, which addresses these problems. Also within the nation state, negotiations are increasingly used to make collective decisions. Here, negotiations are an expression of internal differentiation in order to come to terms with diversity that otherwise might threaten the state with disintegration (Armingeon 1993; Czada 2000; Czada and Schmidt 1993; Schmid 1993; Waarden 1993). Within states, negotiations are almost always taking place in the shadow of hierarchical decision-making

that retains the element of authority for governance. But how can we speak of genuine *governance*, when the only possible mode of governance is purely horizontal coordination like in international negotiations? Moreover, the question of performance inevitably arises. The internationalization of political decision-making is more than a mere reaction to the problems of globalisation and interdependence. It is clearly also motivated by the prospects of increased performance of governance on particular issues when it is undertaken on the international, regional or global level.

Effective governance induces changes in behaviour and interests of actors or policies and performances of institutions thereby contributing to a positive management of the policy area, which it aims to regulate.² In this sense, negotiations clearly do not seem to be the most effective way of governing. Based on consensus or compromise negotiation outcomes usually abide to the bottom-line rule of the lowest common denominator. Due to the negotiation dilemma, processes of negotiation most often take a long time until they reach a conclusion or they even result in lasting deadlocks. Because compliance with negotiation outcomes most often is not sanctioned, implementation follows the slowest boat-rule in order to avoid free-riding (Sand 1990; Lax and Sebenius 1986).

The response to these drawbacks of negotiation is their institutionalisation in negotiation systems. Earlier, negotiations often took place on an ad-hoc basis, resulted in the adoption of a single treaty, which then had to be ratified and implemented on the national level (Sand 1990: 5). These negotiations just amounted to an "array of loosely tied autonomous situations in which sovereign partners meet to find a joint and mutually acceptable solution to a dispute" (Kremenyuk 1991: 22). However, at least since WWII international negotiations have become institutionalised as negotiation systems with increasing pace. We see institutionalised negotiation systems as the functional equivalent to the shadow of hierarchy within the nation state. They can be defined as durable, issue-specific institutionalised arenas for problem-solving and decision-making ultimately based on consensus or balance of interest (Conzelmann 2002). Negotiations are often described as a horizontal mode of aggregating individual interests, less directed at the achievement of common goals and strategies than at the competitive realisation of individual gains and benefits. That, however, overlooks the crucial characteristic of negotiation as a mixed-motive game (cf. Schelling 1995). At the heart of the institutionalisation of negotiation systems is the other, collective, motive. In our terms, this is the commit-

ment of actors to collectively engage in an intentional effort to productively redirect difference into problem-solving innovations. This commitment constitutes the negotiation system firstly by defining the situation as one in need for a cooperative solution. Secondly, in institutionalised negotiation systems principles, norms, rules and procedures regulate the interaction processes in the system by specifying intergovernmental and transnational structures of participation and representation as well as by codifying decision rules and other mechanisms that help to deviate from the bottom-line and slowest-boat rule. Thirdly, they provide a framework for policy responses to the problems of co-operation and interdependence they aim to regulate. In other words, institutionalised negotiation systems aim at the facilitation of effective decision-making in negotiations. Thus, institutionalised negotiations do not longer exemplify the mere mutual adaptation of preferences by concessions but constitute a distinguishable mode of collective action (Gehring 1995; Gehring 2002).

However, in a sphere without formal power also institutions suffer from serious drawbacks concerning their effectiveness. On the one hand, there is the problem of stabilisation, which of course again arises out of the problem of negotiations. It begins with the difficulty of negotiation a compromise in the first place. Often these compromises are feeble, incomplete and ambiguous. They nevertheless can exhibit "*constitutive effectiveness*", which relates to the constitution of the negotiation system as such. It provides an effective polity dimension when certain interactive practices among the specified participants in the system are established and stabilised (Young 1994: 147-149). After some sort of agreement has been reached, effectiveness in regard to implementation becomes important. Here, the issue of compliance and the slowest-boat rule in a system without sanctioning power comes to the fore. Because there are no independent instances for dispute settlement or sanctioning in the international system, each individual disagreement with this initial compromise or every defection in regard to compliance is a potential threat to the stability of the whole collective outcome. "*Behavioural effectiveness*" thus is accomplished if the institution really induces changes in the behaviour of the constituting actors (Young 1994: 145-146).

The initial compromise might have been preliminary from the beginning, so that the institution may be designed for making incremental process toward a more comprehensive consensus. Today, international institutions more often than not also contain arrangements for further negotiations that add to mechanisms for dispute settlement and managing compliance, all of

² This definition is borrowed from Young and Levy's definition of institutional effectiveness (Young and Levy

which have a stabilising impact by internalizing potential challenges. The increasing proceduralisation of international institutions means, that these have become negotiation systems as well. Insofar as they provide for effective politics, we can speak of "*process effectiveness*". It is a distinguishable dimension of effectiveness, because that certain practices and ways of conflict resolution are established does not determine duration and costs of the negotiation process until a decision is taken by compromise or consensus (Young 1994: 146-147). At the same time, process effectiveness is the very reason why negotiations become institutionalised. Also, the institutionalisation of negotiation systems does set a frame for policy responses. These relate to "*output-effectiveness*". For output-effectiveness to be attained, the other forms of effectiveness are necessary but not sufficient conditions. Output-effectiveness, however, links the negotiation system again to its environment.³ If the latter changes flexibility is required. In this sense it is unlikely, that an institution remains "effective for long unless it has some built-in capacity to adjust to changes in the issue area to which it pertains or the behaviour it is designed to regulate" (Young 1994: 155). Therefore, "a capacity to respond flexibly and to evolve is particularly important to the success" (Young 1999: 119) of international institutions. Negotiation systems therefore do contain certain review mechanisms and/or revision clauses as well.⁴ Because flexibility refers to the ability for reasonably *quick* adjustments to changing circumstances, it very much relies on process-effectiveness.

Institutional arrangements for negotiating further detail, dispute settlement, managing compliance and reviewing and revising processes are an indicator that issue-specific institutions underwent profound changes or have been created in new and innovative institutional forms. The successive institutionalisation of negotiation systems as well as the proceduralisation of international institutions, both have changed the way international affairs are managed. Institutionalised negotiation systems are the arenas for states' ongoing intentional efforts to regulate their interdependence and globalisation by devising new institutions *and* managing existing ones. They are, therefore, the genuine locus of global governance.

1999: 3)

³ There are the two sub-types of "*problem-solving-effectiveness*" and "*goal attainment-effectiveness*" (cf. Young 1994: 143-145). International institutions are the general solution to the *problem* of co-operation under anarchy. However, solving the co-operation problem by no means directly leads to attaining the *goal* of eliminating the specific problems of the military, economic, ecologic or whatever state of interdependence that made co-operation necessary.

⁴ In a way also the institutional arrangements for dispute settlement and compliance management are mechanisms for flexibility, because they provide the opportunity for flexible interpretations of initial provisions and individualised regulations that might make it easier for some actors to comply.

1.2 Stability, Flexibility and Effectiveness

For negotiations to become effective, they need to be institutionalised. For institutions to be effective, they become proceduralised. The meaning of these processes is attaining stability for negotiations and flexibility of the institutions. We define stability of an institution as its persistence over time. We distinguish it from robustness, which denotes the continuing handling of repeating issues and problems according to the institutional routines. In short, robustness is "resilience of the institutions in face of stress" (cf. Dryzek 1987: 52). In this sense, robustness is a functional equivalent to flexibility in attaining stability. Robust institutions react to environmental change in reducing their dependence on the consequences of change, for instance by actively creating rationales rendering these changes irrelevant for their institutional practice. Institutions are themselves designed to prevent actors from pursuing their immediate self-interest, in order to provide a collective good – be it effective processes like in negotiation systems or effective outcomes more general. Minimum conditions for institutional stability are (a) the lack of incentives for major constitutional actors to challenge the institutional principles, norms, rules and procedures. With challenges we have in mind direct demands for abolition, demands for extreme watering down of institutional outputs in light of individual preferences or individually defective actions. If these incentives to challenge persist or come about institutions have to have an independent influence on actors' behaviour by either changing their defective incentives into other preferences or by neutralising them through their institutional mechanisms in order to stabilise the institutional output. In short, the institution has to have (b) institutional opportunities for stabilising behaviour. An institution without these stabilising opportunities would be ineffective, because it would be constantly at risk. When preferences change and finally become defective, it will be in danger of being abolished.

While stability in this sense is about maintaining the effectiveness of an institution, flexibility is about enhancing it or maintaining it in the light of a changing environment like newly emerging problems or unintended and not anticipated consequences caused by specific institutional provisions. Minimum conditions for flexibility are (a) the existence of incentives for major actors to enhance or maintain the effectiveness of an institution and to modify it accordingly. While an institution functioning effectively would prevent or neutralise incentives, which challenge it, it would (b) also provide opportunities to change it if necessary for its effectiveness. Better still, it would even induce incentives to enhance or maintain the institutions output-effectiveness with its institutional mechanisms. Institutions, which do not have

opportunities for change are at risk and might become unstable and be abolished in favour of new and better institutions, when actors wish to change them, but cannot do so effectively.

Stabilising Opportunities	Incentives for challenge		Opportunities for change	Incentives for change	
	No	Yes		No	Yes
No	At Risk	Unstable	No	At Risk	Unstable
Yes	Stable	Adjustment by stabilisation	Yes	Stable	Adjustment by flexible reaction

Table 1

Table 2

The incentives of actors can be induced by a variety of factors that are never totally controllable by an institution. It is for sure, however, that a lack of output effectiveness will induce incentives to challenge or change the institution in the long run. Most important are therefore the institutional characteristics, which give or create opportunities to stabilise and change.⁵ What we need then, in conclusion are institutions that provide for both, opportunities for change and stabilising opportunities. Institutions that lack the first are robust. In the long run they might become ineffective. Eventually, they might be abolished. Institutions, which lack the latter, might prove to be too volatile to perform effectively their routine operations. However, because they have at least opportunities to be changed, they do contain the chance to be enhanced in regard to their effectiveness as well. The relations are depicted in figure 1.

We would like to introduce two further distinctions that might be important. First, flexibility has at least two dimensions. On the one hand, modifications can relate to practices within the institution. We will then speak of adaptation. On the other hand, flexible reactions might consist of a change of the codified order - the constitutional provisions, decision-making rules or formalised outcomes of a negotiation. We will then speak of revision.⁶

⁵ The idea for this categorization is derived from (Underdal 1991: 110).

⁶ This resembles the distinction between change *in* regime and change *of* regime (Krasner 1983: 3-4). However, in distinguishing between the formalized rules and institutional reality, we emphasize the difference between constitutional change and change in practice.

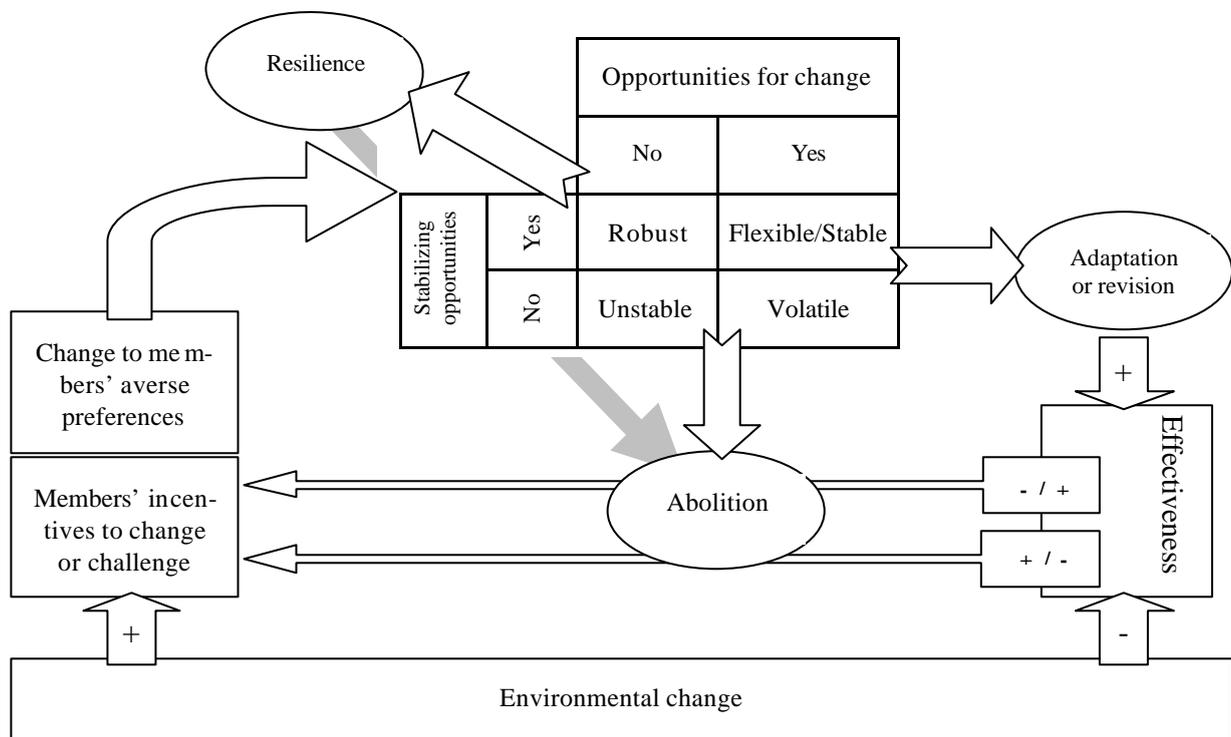


Figure 1

Second, flexibility and stability can refer to several separate levels of politics within an institutional arrangement that have already been indicated in our previous elaborations. Let us clarify this consideration in using the example of flexibility. Flexibility in regard to the *constitutional level* is the ability to revise or adapt within the institutional arrangement in such a manner that the institutional provisions are more likely to establish practices that contribute to the previously defined positive management of the policy area which they aim to regulate. Flexibility in regard to *procedural politics* by contrast denotes revisions and adaptations that directly increase the efficiency of the processes of opinion formation and decision-making and thereby the production of a negotiation outcome. Flexibility in the *operative outcomes* means that the concrete regulative policies that result from the negotiations can technically be changed and adapted to the demands and needs of effective solutions to the underlying problem.⁷

⁷ The distinction between these three levels is not always easy to draw and is in some cases more analytically than practically relevant. Indeed, as we will argue later, it might become a specific problem for the flexibility and stability of an institution, if these different levels merge too much in institutional politics.

1.3 The Role of Ideas in Negotiations, Institutions and Global Governance

For institutions to be effective they have to fulfil two tasks. First, they have to secure the stability of interactions according to institutional provisions and second, they have to provide for flexible adjustments to environmental changes. They do so by specific institutional characteristics. However, on which basis do these work? How can institutions aid in the intentional effort to productively use the competition of interests and authoritatively *redirect* it into new, innovative and effective forms of problem-solving and goal-attainment? As the title of this paper indicates, our main focus is on the role of ideas. Depending on the general view of politics such different instruments as sanctioning, trade of preferences, shaming and blaming by the invocation of higher goods and norms or processes of persuasion stand at the actors' disposal to achieve this redirection. There might be power, interest, obligation or persuasion involved. We believe that institutional politics in the last instance is determined not primarily by the exchange of interests or the use of power, but by the discovery, development and exchange of different ideas and subsequent processes of persuasion, learning and institutionalisation of particular ideas. Ideas enter our account of the flexibility and stability of negotiation systems in three regards. First, ideas contribute to the constitution and stabilisation of institutions. Secondly, they secure the reproduction of the system. Finally, they also allow for institutional change.

With ideas as their very basis, institutions are not only results of aggregated individual political decisions or accidentally converging individual interests. They embody a dimension of intersubjectively shared cognitive content. Focal ideas define this cognitive content, which in turn determines the institutions' normative acceptability, their goals, and the appropriate means and measures to achieve them. Institutionalisation then means, that actors develop a common understanding of the problematic situation, their preferences and collective goals, as well as possible solutions (Edler 2000a; Edler 2000b; Conzelmann 2002; Kohler-Koch and Edler 1998).

When ideas help to constitute institutions, we can speak of 'generative ideas' (cf. Young 1996). They contribute to an initial negotiation compromise by excluding other possible outcomes in several ways. In this sense the specific function and power of ideas is to unite diverging or even disparate interests. First, ideas might provide actors, who have to act behind a veil of uncertainty, with a clear-cut solution to a certain problem and thus allow for an outcome in the first place (Young 1994). Second, as focal points they direct attention to a specific negotiation outcome, which is distinguished from other possible outcomes simply by

”some kind of prominence or conspicuousness” (Schelling 1995: 57). Third, ideas can facilitate an integrative or positive-sum solution to negotiation, when they establish a substantive linkage between interests (Haas 1980; Sebenius 1983). But ideas may be more than just a substitute for an optimal solution, a focal point or a rationalisation of certain issue-linkages. Ideas do also specify the meaning of co-operation. It is the acceptance of the idea to collectively solve the underlying problem or achieve commonly defined goals, which lends these practices their aim and a justification for the investment of time, energy and resources of the actors.⁸

However, actors simultaneously act in multiple institutions and in different groups of actors and new actors bring in different ideas. They might be confronted with conflicting or mutually exclusive ideas.⁹ Thus, ideas have to accomplish more than just conclude a negotiation with a certain outcome. Stability requires that actors do not have an incentive to challenge the institution. As a common indicator of international institutions suggests, not only have negotiations to converge on one particular outcome, but the expectations of actors have to converge on a certain behaviour specified by this outcome (Levy, et al. 1995). Because ideas are constitutive of actors’ identities and interests rather than vice versa they actually contribute to the convergence of expectations and behaviour. It is the definition of the situation by certain ideas that give actors ideas about their interests. When such new interpretations are repeatedly used in similar situations they become institutionalised and a constitutive part of the situation itself. As soon as collective interpretations are institutionalised they might also have the potential to reconstitute actor’s identities and finally interests (Edler 2000b: 46-64).

Generative ideas have to become the foundation for discursive processes within the institution. If the generative idea is successful, negotiations for specifying details, settling disputes and negotiating compliance will refer to it, thus stabilising expectations and behaviour around its prescriptions. In repeatedly referring to the idea, actors within an institutionalised negotiation system thus contribute to its reproduction. In this sense ideas stabilise institutions by enabling the socialisation of actors into them.

However, this stabilisation easily becomes an impediment to effective governance when the evocation of always the same idea precludes the consideration or adaptation of ideas better

⁸ In this sense, e.g. multilateralism is an institutionalised idea that is an important trigger for many more specific institutional bargaining processes (Ruggie 1993).

⁹ This is of particular importance for global governance. On the one hand actors from different cultural contexts and with more or less diverging interests need to agree on principles, norms, rules and procedures without being able to rely on acknowledged formal hierarchies. On the other hand, negotiation systems originating in and reflecting different times and thematic contexts are forced to interact by overlapping memberships.

suited to guarantee effective problem-solving or goal-attainment in a changed or changing environment (Kohler-Koch and Edler 1998: 201). Here, ideas as agents of change come in. The mentioned fact that actors are confronted with diverging ideas in different contexts, however, is also the opportunity for negotiation systems to literally 'get some new ideas'. The chance for flexibility can rest on the transfer of new ideas, the communication of conflicting interpretations of similar focal ideas, or recent successful solutions and different focal points, as well as on additional bargaining capacities through more possible substantive linkages. New ideas can of course also be developed in social processes within an institution since interactions can bring about new collective interpretations of a common situation. The more open an institutional system is for importing or developing new ideas, the more likely is it, that it is able to adapt to changing circumstances and maintain or enhance its effectiveness. Thus, the openness of the institution for new ideas is crucial for its flexibility.

However, this might lead to a problem: As discussed before, it is of importance for the constitution and reproduction of the system - its stability - that rivaling ideas are excluded as possible outcomes or behavioural prescriptions and that the generative ideas are repeatedly invoked. For stability the closure of the institution for new ideas is crucial.

How precisely do institutions seal themselves off against intruding foreign ideas, while simultaneously remaining open enough for necessary changes? How can they discourage actors' incentives to challenge an institution by socialising them into the institution and encourage incentives for necessary change at the same time? How can they neutralise a challenge if one occurs by the repetition of the generative idea and avoid at the same time the petrification of its ideational basis?

Our answer to these questions is that ideas have to be appropriately managed or governed. Governance as management of ideas can then more concretely be defined as managing processes of diffusion, learning, persuasion, standardisation of knowledge about policies, as well as innovation, reproduction and reflection of focal ideas.¹⁰

With these premises in mind the "conditions under which specific ideas are selected and influence policies while others fall by the wayside" (Risse-Kappen 1994: 187) become important. Concerning the transport of ideas for national foreign policies, Risse-Kappen argues "that access (for ideas) to the political system as well as the ability to build winning coalitions are determined by the domestic structure of the target state, that is, the nature of its political

institutions, state-society relations, and the values and norms embedded in its political culture” (1994: 187). We think the same applies to international negotiation systems. It is the strength of the respective focal idea and the specific conditions of institutional mechanisms, which - by influencing the quality, quantity and mobility of ideas - constitute the institution’s ability to select new or protect old ideas and thus determine its predisposition towards flexibility and stability.

2. Ideas do not float Freely: Institutional characteristics

In the preceding sections we asked how governance could be effectively pursued by purely horizontal coordination in negotiation. We arrived at a concept of global governance as the management of ideas in institutionalised negotiation systems. Further, it was argued that stability depends on the lack of incentives to challenge the institution, while flexibility depends on incentives and opportunities to change the institution. While discouraging incentives to challenge the institution in turn depends on closing the institution for rivalling ideas, incentives and opportunities for change depend on the openness of the institution for new ideas. In this section we will clarify how openness and closure more concretely relate to the strength of focal ideas (2.1), institutional mechanisms (2.2) and institutional context (2.3).

2.1. The Strength of Focal Ideas

If our take is right, that actors are socialised into institutions, then with the increasing internalisation of the institutions’ inherent ideas, actors’ identities and interests are reconstituted and incentives to challenge the institution are less likely to emerge. *Ceteris paribus* it therefore makes sense to assume that the higher the degree of shared ideas is, the greater is the stability of the institution, because the less likely are challenges to the institution as such. However, what, on the one hand, makes an idea likely to become institutionalised? And what, on the other hand makes a new idea likely to become accepted and handled as a substitute for the former ideational content of the institution? Are there certain characteristics of the idea itself that can influence the extent to which expectations converge around its specific prescriptions? The answers to these questions are the factors that determine the ‘strength of an idea’. They can be distinguished into the formal and the substantial characteristics of the idea. The formal characteristics include its formulation in regard to clarity and specificity on the one hand, and

¹⁰ This definition is borrowed with slight changes from (Héretier 2001: 3).

authority that relates to its origin, reach and acceptance on the other hand. Its content in relation to the issues of institutional politics and the fit between its components are the two substantial characteristics, which we think are important.

There is evidence that clearly and specifically formulated norms are more effective than those rather ambiguous or complex (Finnemore and Sikkink 1998: 907). The same seems to apply to ideas. However, turning back to the distinction between different types of effectiveness the above might be right for behavioural effectiveness, but it seems not true for constitutive effectiveness. Very often it is the ‘creative ambiguity’ of an idea that allows it to function as a generative idea. Only if it is able to bring diverse interests under one roof, it will help to establish an initial compromise.¹¹ Paradoxically, it is its flexibility that is necessary for stabilising the system in the first place. However, when it comes to behavioural effectiveness, ambiguity might either totally prevent the convergence of expectations around certain prescriptions or the prescriptions are so general in character, that expectation might converge but prescriptions do not entail what is necessary to make the institution effective in regard to its output. Crucial then for the usefulness of an idea in terms of constitutive and behavioural effectiveness is, that the idea is rather ambiguous in the beginning in order to allow for the integration of competing interests, but has the potential to be made more precise and is combined with fitting mechanisms in institutional practice. Conversely, the less clearly defined the idea is, the more it provides of course the space for creative adaptations to new situations.

Not every ambiguous idea will help to create or bring about the change of an institution. First, ideas that are associated with successful institutions or actors, are more likely to be effective in this sense than others, which are not (Florini 1996). The attractiveness of an idea may also be greater, when it is already a widely acknowledged and regarded idea, which survived various challenges (Finnemore and Sikkink 1998: 908). Second, to have an integrative impact or to be considered seriously, an idea must be beyond suspicion that it merely serves some particular interests. Such ideas are - or at least claim to be - in accordance with certain universal standards or show an explicit universal reach. However, it might be the origin of the idea, which defines the potential strength of its formal characteristics in the first place. Ideas particularly associated to one of the actors participating in a negotiation may be very difficult to sell as neutral and universally applicable. On the other hand ideas originating in institutions

¹¹ ‘Sustainable Development’ and ‘Good Governance’ are clearly cases in point here.

with independent (moral) authority in the field of the ideas' application like the Holy See or certain international organisations might be easier to accept.¹²

Ideas can be distinguished in regard to their substantial content as well. Most focal ideas that are at the roots of international institutions are comprised of three analytically distinguishable parts, which each for it self might also constitute separate focal ideas. 'Normative ideas' prescribe a normatively defined goal for actions or an array of desirable actions, both of which are - as the collective motive - at the heart of the institutionalisation of a negotiation system. Secondly, 'co-operation-political' ideas represent a specific idea about why and how co-operation is meaning- and/or useful to deal collectively rather than individually with a certain problem in the international realm. They then express the desirability or rationale of a certain intensity or extent of co-operation. Finally, 'operative ideas' may define what constitutes a technically appropriate and acceptable solution to the problems at hand. The substance of focal ideas is related to stability and flexibility in at least two ways. First, there is the degree to which a certain focal idea is comprised of either normative, co-operation-political or operative content. With a purely normative idea on the one hand a negotiation system may be very difficult to change and thus rather inflexible. An inflexible operative idea on the other hand seems to be a *contradictio in re*. Most important, however, may be the co-operation-political idea, without them the need for internationalising may be challenged in the long run.¹³ Secondly, there is the question how tightly the parts fit together. We think, the better they fit, the more the idea will contribute to the stability of a system, however the less flexible the system might become as well. In a nutshell, the degree of shared content, initial ambiguity and the potential to reduce it, its authority and the material composition of ideas compose the idea-related predisposition for stability and flexibility of a negotiation system.

2.2. Institutional Mechanisms

Institutional mechanisms aim at facilitating the processes within a negotiation system. These processes like negotiating further details or a specific output, dispute-settlement, compliance-management or review and revision-procedures are either directed at stabilising the institution

¹² As the literature on epistemic communities suggests this independent authority might be strongest when the actors, institutions or organisations from which an idea originates are not involved in direct regulative or distributive politics and when they are programmatic or agenda-setting rather than operative entities like the OECD. Ideas originating there do more likely have a reputation for being normatively neutral and technically appropriate ideas.

¹³ As it is for instance already the case with 'sustainable development' outside the North-South bargaining context.

or providing for flexibility. As relevant institutional mechanisms that increase the flexibility we count first institutionalised decision-rules that deviate from decision-making by consensus. Second, institutional actors may take the role of ideational entrepreneurs, mediators, process-facilitators, or even exert leadership in negotiations. Third, we look at institutional differentiation as stabilising and flexibilising mechanism.

Because processes in an institutionalised negotiation system take place within the shadow of the institution, they do not necessarily have to rely completely on unanimity as a decision-rule.¹⁴ Especially in setting the agenda and define or limit the substance of negotiations it is often unavoidable to use formal devices (Sebenius 1983, Gehring 2002). While in principle decision-rules within institutionalised arrangements can vary on a continuum between unanimity and an unqualified majority, in the institutional practice these extremes are rarely used. A deviation from consensus in decision-making naturally serves for shortening the decision-taking process, as not all but only the majority of interests have to be accommodated. On the other hand, however, majority rule always has to rely on a strong collective focal idea. As Young puts it: "In the case of decision-making procedures, the problem is to devise some process that makes it possible to avoid the twin pitfalls of paralysis and defection" (Young 1994: 154). Only when strong normative and co-operation-political ideas are shared, it seems conceivable that actors voluntarily submit to a majority decision without incentive to defect. Without accompanying stabilising mechanisms, furthermore, it is again hardly conceivable that an idea imported in an institution by majority decision will be quickly internalised.¹⁵

Most international institutions have codified rules, which specify clauses for revision and reform. They comprise measures from regular review conferences over special provisions for an invocation of renegotiation conferences to clauses for the adoption and ratification of amendments (Boockmann and Thurner 2002: 14-15). By offering a chance for the evaluation of the impacts of institutional policies, review mechanisms re-establish the connections between institutions and its processes and the problems they were designed to address. Therefore, regular review procedures could induce incentives for change, while revision clauses and review mechanisms serve as procedural opportunities to realise it. In a more abstract sense, the installation of procedures for feedback within negotiation systems can institutionalise prac-

¹⁴ Within the nation-state formal decision-making procedures are rarely relevant for interactions within negotiation systems, because the latter were exactly installed in order to overcome problems of majoritarian decision-making (Czada 2000: 34, 43; Holtmann and Voelzkow 2000: 10; Manow 1999: 7). This is different in the international realm, where negotiation systems are solutions to the problem of effective governance by negotiation.

tices of learning. Review mechanisms lower the costs of adaptation and change and thus the threshold that new ideas would normally have to overcome. However, they simultaneously secure the stability of the system in two ways. First, because of low thresholds the actors can resort to institutionalised procedures to deal with incentives for challenge and change and the institution can be adapted or revised under the framework of standard operation. Second, by either making review or revision a periodic event or relating it to certain conditions for initiation, the institution is stabilised at least for the time between the periodic reviews or as long as the other conditions do not apply.

Practices of adding issues might increase the effectiveness of interactions. Through a high amount of issues considered simultaneously, package deals and side-payments are means to achieve compromises through issue linkages. However, as Sebenius rightly notes, an increased number of issues to deal with simultaneously goes hand in hand with rising complexity (Sebenius 1983: 305-307). Interactions can become overloaded when too many issues have to be tackled synchronously. While single package deals and side-payments might help to avoid that interactions lead to a dead end, complex constellations are in the permanent danger of non-decision. The institutional mechanisms of internal differentiation into sub-systems through sequential or single text negotiations within specific negotiation 'caucuses' or groups of interested actors (Kahler 1992: 706; Sebenius 1983: 308) are devices for increased process-effectiveness. All those institutional instruments allow for the reduction of complexity because they reduce the diversity of interests at stake. In this sense they are institutional measures to cope with complexity while avoiding paralysis. For our approach this institutional division of labour becomes interesting when it concurs with a possible differentiation of focal ideas relevant in the sub-systems. This might be the case for example when distributive and regulative aspects are separated (Scharpf 1988: 78-79) or certain issues are delegated to experts (Kahler 1992: 706). Particularly interesting is the separation according to the levels of institutional politics. Basic constitutional provisions of an institution might be particularly hard to change compared to specific details of certain policy outputs of the negotiation system. If these levels merge, moreover, flexibility for the output-level might be hampered because of possible connections to the constitutional level. Internal differentiation increases the flexibility, when the level on which adaptation to changing environmental circumstances or perceived ineffectiveness is required can be handled separately without affecting other as-

¹⁵ In this sense, we can see the degree to which decision-making in a negotiation system deviates from the consensus-rule sometimes even as an indicator of a high degree of institutionalisation and stability.

pects. On the other hand, institutional mechanisms for internal differentiation provide for stability, precisely because it seals off the other levels of the system that are not affected by change. Thus, it could be said that stability here goes hand in hand with flexibility.¹⁶ However, in nation states as well as in the EU, the division of power stabilises the system through increased legitimacy, especially in the light of a divided or heterogeneous society.

The division of power as a form of institutional differentiation points to the third institutional mechanism. With the differentiation of powers in the EU autonomous institutional actors have emerged. Here - as in other negotiation systems - institutional actors can be an important factor for flexibility. Normally, institutional actors do always have a stake in the institutional processes. In the face of overall scarce resources, institutional actors should have a strong incentive to maintain institutional effectiveness in order to secure their own survival or less dramatic in order to maintain their level of engagement. They can, therefore, be expected to be concerned with effective governance that requires a sensibility for imbalances between stability and flexibility. Hence, within institutional arrangements that show predispositions towards stability, institutional actors have incentives to exercise governance strategies for flexibility and *vice versa*. Institutional actors do of course use resources and specific instruments for process facilitation. In this sense the institutional actor is in our view the manager of ideas *par excellence*. Recall our definition of governance as the productive use and redirection of differences for effective problem-solving and our contention that this is achieved by managing processes of diffusion, learning, persuasion, standardisation of knowledge about policies, as well as innovation, reproduction and reflection of focal ideas. Institutional actors often lack material power resources that are usable as bargaining leverage. In case that they have a stake in processes, institutional actors have to rely on the ideational resources that they can activate or use as mentioned in our definition. The enactment of strategies based on such instruments is dependent on the institutional actor's disposal over resources such as staff, money or formal authority for a variety of activities from good offices functions, over agenda setting to implementation, monitoring or even sanctioning capacity. With an increasing autonomy of institutional actors, their influence vis-à-vis the constitutional actor increases.

¹⁶ A special case is the kind of institutional separation of powers as it can be found in the EU. It is certainly the case that on the one hand in the EU flexibility has been gained by the separation of sub-systems. However, the differentiation into sub-systems, which do not rely on decision-making by consensus, requires a good deal of stability in the system as a prerequisite. In the nation state, by contrast, the dispersion of constitutional veto-players might be interpreted as a reduction of output effectiveness as it constrains the power of the executive (Beer 1998: 25; cited in Lijphart 1999: 258). However, within the subfield of comparative politics there is an

This, in turn, rises the opportunities for effective governance, because the capacity of institutional actors to incorporate or redirect the diverging interests of the constitutional actors into new or creative solutions for the problems at hand increases.

While institutional actors might play roles also in implementation and compliance monitoring we concentrate on their activities for enhancing process effectiveness. Depending on their resources, they can occupy four different roles that reflect their increasing autonomy. These roles are norm-entrepreneurs, process-facilitators, mediators and leaders.

As ideational entrepreneurs, institutional actors can emphasise environmental change and bring into consideration new demands posed by or more or effective solutions to the problem, which the institution aims to address. In this role, institutional actors can enhance effectiveness through agenda-setting and the initiation of institutional change. Their activity here is input linked to throughput. As Facilitators and mediators, by contrast, they employ strategies to reduce the span of time an interaction needs. They are thereby directly involved in the process. When such strategies are successful, the effectiveness of the interaction processes increases. When they bring in own resources to increase leverage in the process, they change their role from facilitator into that of a mediator. Finally, institutional actors as leaders can take the lead to achieve a certain output in a process. Their activity then is more output than process related. In this sense institutional actors can for example try to influence the aggregation process of states' preferences, by mobilising those organised interests that are in favour to the position of the institutional actor (Sandholtz and Zysman 1992: 96).¹⁷

2.3 Institutional Context

Actors act in different institutional contexts. The influence of other institutions on the actors' identities, interests, preferences and behaviours can of course vary between being dominant or even completely irrelevant (Benz 2000: 219; Kropp 2000: 175). The variance might depend on the connections and relations between the different institutions. From the ideational point of view connections or relations between different institutions can strengthen or weaken the status of focal ideas in the institutions. Whether an ideational linkage between institutions can

ongoing debate fought on theoretical as well as on empirical grounds of whether the dispersion of power decreases the output effectiveness (see further Lijphart 1999: 260-270).

¹⁷ The likelihood that institutional actors can exert substantial influence within these roles increases when superior expertise (Young 1989: 355) or outstanding political skills and creativity (Cox 1996: 321 Sandholtz and Zysman 1992: 27-28; Yondorf 1965: 886; Young 1991: 294) are attributed to them. Given that institutional actors do employ mainly ideational resources this corresponds to our propositions that the strength of ideas is also determined by its origin.

reinforce stability or flexibility largely depends on the strength of the respective idea. However, the structure of linkages and the constellations of actors are intervening variables. Depending on the kind of linkage they can therefore at least indirectly further stability or flexibility. The impact that the linkages might have increases with the tightness of the coupling. With an increasing rate of interaction and ideational exchange between two negotiation systems, the prospects of mutual or one-sided influence becomes higher. This is because the flow of ideas between negotiation systems increases. In general, tight coupling has a stabilising effect on the reproduction of institutionalised focal ideas when both negotiation systems are based on similar focal ideas or promote similar ideas. However, when the content of focal ideas, their interpretations or the ideas communicated diverges, flexibility might be achieved when the actor constellation does permit an ideational change.

There are three overall types of linkages of interest. We have already discussed the first type, namely the internal differentiation of institutionalised negotiation systems. Here the focal idea of the overall system permeates also the subsystems. The second type is the linkage between negotiation systems as arenas for decision-making and the larger surrounding areas of opinion-formation, which are filled by looser or tighter networks of interested actors. These connections might turn out as a functional equivalent to an institutional actor in its role as ideational entrepreneur. When opinions between public arenas and a highly receptive actor within the negotiation system are in conflict, an element of flexibility is in so far introduced as new ideas are diffused into the negotiation system. Third, there can be several not mutually excluding external connections between negotiation systems. They can accommodate the same constitutive actors, deal with the same issues or form or are part of a larger negotiation network. Negotiation systems were defined as issue-specific arenas. Within an issue area there are often various negotiation systems operating on the international level. There can be several kinds of established relationships between the systems as well, like information exchange or working relationships on an equal or supporting basis or the relationships can be simply ideational. Ideational relationships can have the form of diachronic - like in conference series - or synchronic linkages - like in simultaneously negotiated thematic clusters.¹⁸

When actors increase the bargaining leverage by creating package deals between systems, linkages can be strategic. While strategic linkages might enhance the process-effectiveness, they might threaten the stability of co-operation in the long run, because the increase of com-

plexity can lead to a standstill. Linkages in regard to practices of bench-marking, best-practice exchange or antagonistic linkages aiming at mutually excluding goals can be competitive in character. Competition opens a window for the enhancement of process- and output-effectiveness. In relationships of competition between two or more negotiation systems, prospects for successful strategies for flexibility are increasing, compared to relationships of cooperation or co-ordination. This is because a competitive dynamic forces negotiation systems with similar ideational conditions to a high overall effectiveness, in order to maintain themselves. This demand can be channelled into flexibility, when institutional or constitutional actors aim at quick adaptations to environmental changes or changing demands in order to gain a first-mover advantage. When relationships are antagonistic, either the competition might sooner or later threaten one or both of the systems with insignificance if one is more successful in the long run or they might inhibit each other's output-effectiveness.

Linkages can also be reinforcing aiming at stabilising certain ideas, when principles and norms of an institution explicitly are related to the same or similar principles and norms of another institution. The impacts of linkages are mediated by the constellation of actors in the respective systems. On the one hand, within a system a homogenous constellation is more stable than a heterogeneous one. However, if the heterogeneous constellations reflect stable structural cleavages, they often can be accommodated by specifically tailored linkages and thus do not threaten the stability. They may, however, decrease a system's flexibility compared to a homogenous actor constellation, since every change requires a new arrangement of the balance in the system. On the other hand, institutions with heterogeneous actor constellations, which do not reflect robust structural cleavages, provide opportunities for changing coalitions, which in turn offer a chance to introduce new ideas into the negotiation system.

Overall with an increasing extend of heterogeneity of the actors' identities, interests and preferences, the diversity of ideas increases. In this sense, heterogeneity of the actor constellation opens a window of opportunity for flexibility.¹⁹ Hence, a proper constellation of actors serves as an intervening variable, influencing the success of linkage strategies by institutional actors.

¹⁸ For the first, the summit negotiation series on sustainable development from 1972 to 2002 is a good example, for the latter the parallel negotiations of the Convention on Biodiversity, the Climate Change Convention and Agenda 21 in the Rio Process.

¹⁹ By contrast in rational choice approaches, it is argued that too much heterogeneity reinforces stability because the already achieved compromises were costly and therefore maintained (for a discussion of 'sunk costs' see further Boockmann and Thurner 2002: 10).

3. Types of Negotiation Systems

3.1. Constructing Four Ideal Types

Our aim in the research project is the identification of strategies for effective governance in, by and of institutionalised international negotiation systems. In order to detect such strategies, we will construct ideal types of institutions in the next step. These types shall contain information about the institution's potential weaknesses in regard to flexibility and stability and enable us to pinpoint the starting points for governance strategies.

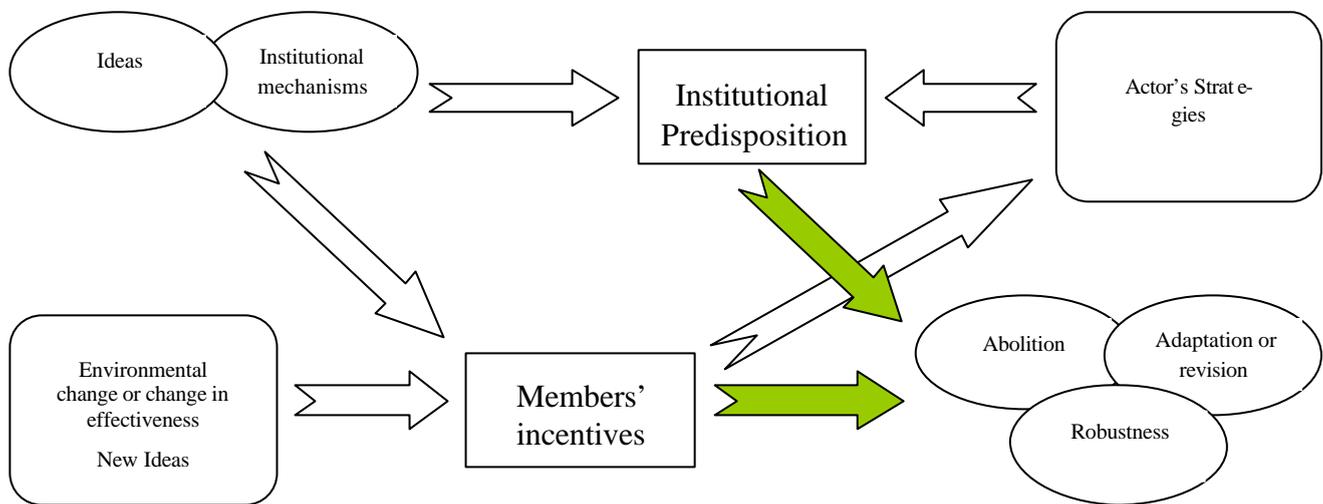


Figure 2

Figure 2 shows the lines of reasoning behind this effort. In the tables 1 and 2 and figure 1 we depicted our idea how actor's incentives and institutional opportunities might combine to certain outcomes in regard to flexibility or stability.²⁰ Institutional opportunities, which are influenced by the character of focal ideas and institutional mechanisms, add up to the institutional predisposition towards flexibility and stability.²¹

²⁰ Figure 2 is more or less a variation of figure 1, but is meant to emphasize stronger the relationships that give meaning to our later approach to the strategies.

²¹ To recall: Ideas and institutional mechanisms do also influence the actor's preferences because, (a) the higher the extent to which actors are socialised into the negotiation system, the lesser is the likelihood of demands for changes or challenges. Thus, environmental changes rather lead to the challenge of an institution, when actors are socialised only to a small extend into the negotiation system. The institutional mechanisms are the opportunities for the realization or actors interests. In this sense, they (b) might erect barriers or impute either certain costs for the realization of certain interests, which naturally enter actor's preferences. As said before, preferences are

Together with the institutional predisposition the resulting preferences determine the outcome. Based on the interplay of actor's preferences and the institutional mechanisms, however, actors can conduct various governance strategies, aiming at counterbalancing the institutional predispositions in order to secure the effectiveness of the institution. We come to the strategies in the next subsection.

What we want now is the construction of ideal types of institutional predispositions.²² Our path to the construction of the types is to aggregate the 'parameter values' of the single components of ideas and institutional mechanisms into more simple categories that can be specified later. This aggregation proceeds on three levels. From our elaborations in section two we know how ideas, mechanisms and institutional background work for stability or flexibility (table 4).

Ideas	Institutional mechanisms	Institutional background
Degree of shared content	Decision-making rules <ul style="list-style-type: none"> • Deviation from consensus rule • Review and Revision clauses 	Actor's constellations <ul style="list-style-type: none"> • Number of cleavages • Stability of cleavages • Congruence of cleavages
Formal characteristics of the idea <ul style="list-style-type: none"> • Formulation (Clarity and specificity) • Authority (origin, dissemination, approvedness) 	Institutional differentiation <ul style="list-style-type: none"> • Division of Labour (functional and material) • Division of Power 	Institutional Linkages <ul style="list-style-type: none"> • Linked target • Character of linkage • Tightness of linkage
Substantive characteristics of the idea <ul style="list-style-type: none"> • Primary content (normative, cooperation-political, operative) • Goodness of fit between parts 	Institutional actor <ul style="list-style-type: none"> • Degree of Autonomy • Role (facilitator, mediator, leader) 	

Table 4

For the sake of reducing the complexity, we therefore first only focus on those institutional mechanisms, which are clearly pointing towards either stability or flexibility. From the insti-

never totally controllable by the institution. Therefore perceptions of environmental changes or changes in institutional effectiveness as well as new ideas are sources of actor's incentives.

²² From our previous elaborations, there are in principle two paths to proceed. First, the impact of the parameter values of the single components of institutional characteristics, which we identified in the preceding section, and of their relations could be evaluated in regard to their contribution to flexibility and stability and serve as a starting point for a highly complex typology. Within our research group this has been done for instance in a quantitative study by Boockmann and Thurner (2002). However, there are at least two reasons, why we do not follow this path (although it might be the less trodden one): First, instead of the formal devices we want to emphasize the influence of ideas and the real *working* of institutional mechanisms as instruments of the management of ideas – in other words the institutional practice. Partly because of this preference, our project is, secondly, not based on a comparison of a large number of cases. Rather we aim at undertaking an in depth analysis of few

tutional mechanisms we therefore include voting procedures, review mechanisms and the autonomy of the institutional actors as clearly flexibilising characteristics. From the focal ideas we include the authority of the degree of shared content, the ideas authority and the fit between its material parts. On the second level, aggregating the institutional characteristics means that we only look at the combined effects of the parameter values of ideas and institutional mechanisms. To that end we simply add up the mentioned three components to one parameter value for ideas and mechanisms respectively. Third, we reduce these parameter values to two: namely either pointing towards flexibility or stability. In combining the two groups of variables, which constitute the institution's predisposition towards stability and flexibility, then four ideal types can be constructed (table 5).

Predisposition of mecha- nisms	Predisposition of ideas	
	Stability	Flexibility
Stability	Robust	Adjustment by stabilisation
Flexibility	Adjustment by flexible reaction	Volatile

Table 5

3.2 Ideal Types of Negotiation Systems – Illustrations

Volatile negotiation systems are characterised by a weak focal idea and flexibility-oriented procedural rules. In combination with procedural rules such as majority rule and mechanisms that allow to start and complete reviews relatively easy, negotiation systems resembling this ideal type show a clear predisposition towards flexibility. While they can probably make some progress toward effectiveness, this progress is, however, always at risk, because the barriers to challenge the institution are not very high. In addition, changes are not matched by efforts to stabilise their outcome.

At first sight, the International Labour Organisation (ILO) would certainly not be counted as a volatile negotiation system. However, we would argue that through developments since WWII the ILO exhibits characteristics that make it an example for this type. The ILO was founded

cases to first test the analytical value of our concepts, categorizations and conjectures. That would provide for due attention for the peculiarities of institutional practice if they later enter into a more complex typology.

on a particularly strong overall focal idea, which effectively combined normative (justice) with cooperation-political (peace; free trade) and the operative regulations of the early conventions (Valticos 1969). However, “in 1919, when the ILO was founded, the rationale for international labour standards was self-evident. [...] These ideas triumphed to a large extent and spread throughout the world” (Charnovitz 2000). There are at least three indicators, that the ILO, which by its foundation was based on a strong idea and is equipped with a strong institutional actor and qualified majority rule for the conclusion and revision of conventions and even the constitution²³, did not manage to secure this ideational basis, became detached from its constitutional actors, suffered from a serious decrease in effectiveness and was challenged by defection, threat of withdrawal or even abolition. First, at least since the beginning of the eighties, the cooperation-political rationale of ILO has come under critique especially from governments and employers. As Charnovitz puts it: “Today, there is considerable scepticism about the efficacy of labour regulation” (Charnovitz 2000:165; cf. Bellace 2001). Secondly, while in 1969 the “firmness of the principles and obligations involved” still counted as a virtue (Valticos 1969: 236), in 2001 the “command and control” approach seemed “outdated” (Bellace 2001 Bellace 2001: 183). Thirdly, by increasing membership in the second half of the twentieth century, the scope of ideas became broader and their formulation in conventions less detailed (Valticos 1969: 212f). While this enabled adoption in the Labour Conference, it did not lead to ratification on the national level and the resulting trend of non-ratification continues. Except for convention 182 (Worst Forms of Child Labour) all conventions concluded since 1985 received less than 30 ratifications, most of which even less than 15 (Bellace 2001: 285; cf. Boockmann 2002). The result was, that “by the early 1990s, it was clear that if the ILO did not make a case for its continued relevance, it could not expect to receive the same budget, and its operations would inevitably have to be scaled down” (Bellace 2001 :271). Especially the fact of non-ratification makes it clear that the ILO can be seen as a volatile institution. While it reacts to environmental challenges in its field of work, i.e. on the operational level, the resulting outcomes do not meet any stabilizing opportunities. However, since the threats to its relevance or even existence became more clear, ILO has reacted with a number of strategies, that we will discuss in the subsequent section, to balance these trends.

In negotiation systems that mix flexibility and stability, actors are generally not very likely to challenge the institutions. This is either because they are firmly socialised into its strong focal idea or because the institutional opportunities do prevent or weaken such challenging by mak-

²³ Which would however, have to be ratified by the constitutional members again.

ing it either too costly or by dealing with it within the institutional routine. On the other hand, these systems are able to adjust to changing circumstances easily, either because their ideas permits flexible interpretation or because the mechanisms encourage change by facilitating the relevant processes. In the former case we could say, that the system adjusts by reducing or changing the relevant interpretations of the focal idea; that is by the stabilisation of certain expectations around its prescriptions.

From our cases, the foreign aid negotiation system composed by the ACP-Group and the European Community (EC) and based on the treaty of Cotonou, which was signed in June 2000 and succeeded the Lome I-IV treaties is a case for a system that adjusts by stabilisation. The negotiations follow unanimity rule. Revision clauses are rather restricted, but prescribe the revision of the financial protocol every five years and a total revision of the treaty in twenty years. The EU-commission acts as a constitutional actor here. And there is hardly institutional differentiation with the Committee of Ambassadors as a very weak institutional actor. However, the so-called political dialog is especially designed to stabilize the system by internalising challenges and negotiating further the interpretations of good governance.

Thus the institutional predispositions in regard to mechanisms do not point towards flexibility. The opposite, however is true for the other dimension, the strength of focal ideas. As Conzelmann observes, good governance as a focal idea is institutionalised only to a small extend and – as implicitly stated in the treaty - needs still to be clarified within further dialogues (Conzelmann 2003: 94). So far, interpretations of good governance have distinguished it from the concept of democracy, human rights and the rule of law within the ACP-EU relationship. However, there is only a loose fit between the various ideational parts. Up to now the actors within the ACP-EC negotiation system do neither consent on the exact content and range of this focal idea nor on the direction of the causal relationship between good governance and the success of developmental aid (Conzelmann 2003: 109). In addition, the authority of the idea is questionable at best. Good governance as a concept is contested. ACP countries criticise the focal idea of good governance as too diffuse and point to problems of operationalisation and the lack of standards for the evaluations (Conzelmann 2003: 85).²⁴ This scepticism might have its roots in doubts about the legitimacy of the focal idea. In reaction to the evaluation of previous foreign aid programmes as relatively ineffective, in the late 1980ies donator countries embraced the notion of good governance originating from the World Bank

without the active participation of developing countries in its formulation Conzelmann 2003: 68-69). ACP countries might therefore perceive good governance as being instrumentalised by the donators for purposes of material interests. However, within the Cotonou treaty, there is the provision of a stabilizing mechanism, the political dialogue. It is explicitly designed to prevent the EC from reverting to sanctions in order to ensure compliance. One of its foremost goals is the dialogue on the concept of good governance itself and the subsequent development of benchmarks around which expectations will converge and with which behaviour will be evaluated (Beck and Conzelmann 2002: 17).

Negotiation systems that belong to the 'robust' ideal type are characterised by a strong focal idea in combination with procedural rules that tend to reinforce stability, as e.g. the unanimity-principle and the lack of review mechanisms. Robust institutions have high ideational and procedural thresholds, which make it difficult for actors to adjust them. While such negotiation systems may stay effective in the short run, they might become less output-effective when environmental changes become too difficult to ignore. In the long run these systems then might use resources without properly contributing to either problem-solving or goal attainment and might therefore give actors even stronger incentives to change or abolish it.

Our third case is the negotiation system for research and technology policy (R&T) within the European Community. It has been successfully stabilized, but it is open to question whether it is able to flexibly react to environmental change or whether it exhibits the characteristic features of a robust negotiation system. It was build up in the early 1980ies, as a result of the European Commission's efforts to enhance the economic competitiveness of the EC in the face of the perceived superior economic strength of the USA and Japan (see Edler 2000a; Edler 2000b). The focal idea had high authority, since it was mainly formulated in collaboration of experts from the OECD with epistemic communities and the Directorate General XII of the European Commission, who transferred the discourse into the EC and brought the creation of the R&T negotiation system about (Conzelmann 2003: 46-47; Edler 2000a: 27-32). The R&T negotiation system within the EC has developed this strong, highly institutionalised focal idea, which is comprised of cooperation political, normative and causal components that fit together quite well (Edler 2000a: 40-43). Thus, the ideational variables all point towards stability as the institutional predisposition. On the second dimension, the institutional mechanisms, however, the negotiation system cannot easily be assigned to either a predisposition for

²⁴ Such criticism must be seen in the context of the spending practices of developmental aid, since an ACP coun-

stability or to flexibility. Within the daily policy-making processes there is a strong institutional actor with the European Commission and majority-rule in the Council, both institutional mechanisms that contribute to an institutional predisposition towards flexibility. However, the Commission has only been successful in institutionalising R&T policy as a community task, because it managed to integrate and involve a large number of interested actors from the broader arena of opinion formation into the policy-formulating process, which in turn then helped to persuade reluctant governments of adding the new policy to the community's organised activities. However, it seems that with these networks now existing and firmly established, it becomes increasingly more difficult to manage and move them into new directions. It is therefore difficult to decide at this time whether the R&T negotiation system will be a *flexibly reacting* or *robust* one.

4. Governance Strategies

4.1 Typology of actor's strategies for enhanced effectiveness

The challenge for successful and effective governance is to act upon the predisposition of a specific negotiation system and - in the cases of volatile and robust negotiation systems - to balance them. In this section we therefore discuss, which governance strategies for the transference of a robust or a volatile negotiation system into either a flexible adjusting or a stabilising negotiation system are at the actors' disposal. Approaching our task, we will first recall how these strategies are meant to work (figure 3). Secondly, we will present different strategies summing up what has been said about the relevant mechanisms. The institutional disposition comes into play, when actors A_{1-n} do either have an incentive to change or challenge an institution I. If A_{1-n} has an incentive to change I, this becomes a problem, if there is no chance to do so as in the robust type.

While stabilizing measures might prevent the translation of A's incentive into a preference for change, the environmental change or decrease of effectiveness might finally lead A to either abandon I or to engage in a strategic effort to change I. This effort can either be focussed on the direct change of the institution or on the change of the institutional predisposition. The

try has to engage in the implementation of good governance in order to receive further financial means.

first strategy would be one of adaptation within the existing institution, the other one of revision in order to increase the opportunities for change.

Likewise, if A has an incentive to challenge I, this becomes a problem if the institutional disposition provides the opportunity to do so. In this case some actors B_{1-n} may have an incentive to engage in stabilising strategies. Again, these can either aim at the revision of I's constitution, which increases stabilizing opportunities or try to achieve stability through action within

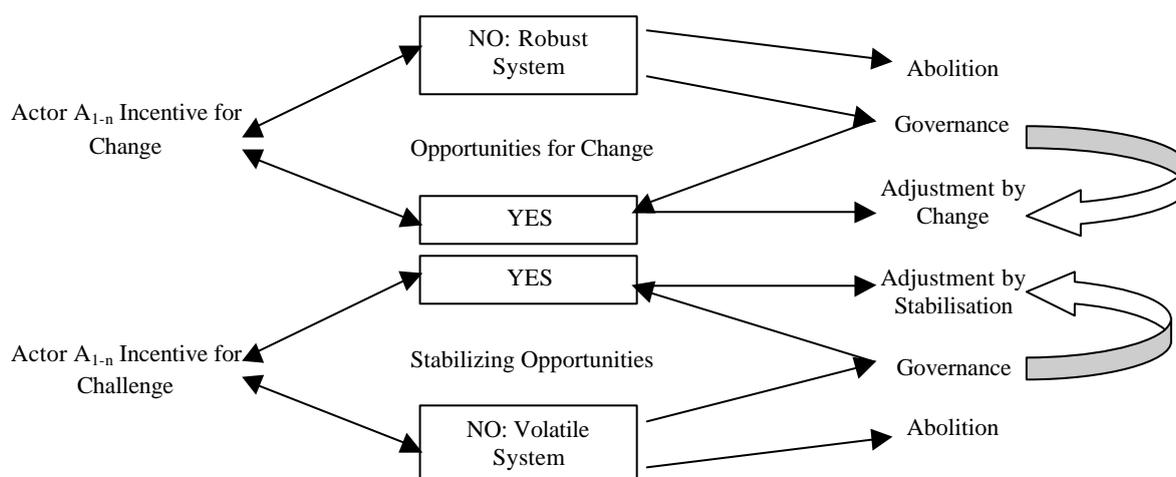


Figure 3

the institutional framework. In what follows, we focus on the adaptational strategies only.²⁵ When governance strategies towards higher effectiveness are successful, formerly robust negotiation systems as well as formerly volatile institutions are transferred into one of the balanced clusters.

The arrows in figure 4 below represent two different governance strategies aiming at the management of focal ideas. The horizontal arrows stand for strategies that aim directly at the focal ideas of the institution. Here, the main strategies are strategies of linkage. The vertical arrows symbolize strategies that take action on the enhancement of the processing of ideas by institutional mechanisms. Here the main strategies on which we focus are strategies of differentiation.

The underlying rationale in relation to the management of ideas is on the one hand, that strategies of differentiation separate ideas, in order to make them more flexible or in order to

²⁵ This is also a result of our decision not to engage in a large scale quantitative study of institutional forms, but to put emphasis on institutional practice. The aim is less ambitious than the one of institutional design that would

protect some parts of the ideational asset from change. Strategies of linkage on the other hand, bring ideas together either to strengthen a particular idea, or to challenge it with a serious contender.

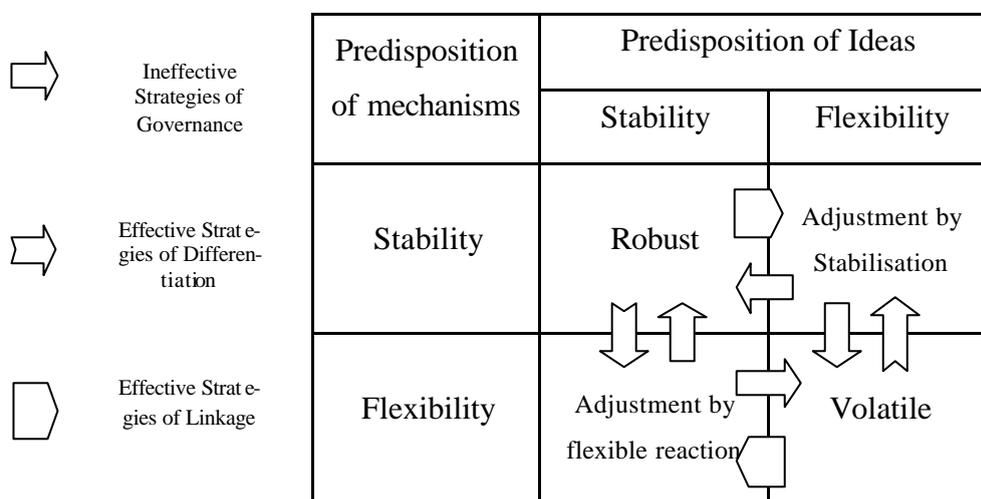


Figure 4

We will further distinguish between the institutional and constitutional actors who carry out such strategies, because they have different opportunities and capacities of influence. Strong institutional actors inhabit a central position within institutional arrangements and this allows them to gain and maintain an oversight over the issues currently at stake as well as over the problems that might emerge during future processes of interaction. However, institutional actors have to rely on the co-operation of the constitutional actors, which can forcefully prevent or push institutional actors strategies. This does not indicate that constitutional actors are better suited to conduct certain strategies *a priori*, it just points to different starting points for both types of actors.

Governance strategies that take the opportunities for internal differentiation as a starting point can be further analytically divided into two subtypes. Institutional devices of internal differentiation can be functional or material in character. While the former tries to reduce cognitive complexity through division of labour in order to enhance the process directly, the latter does so by division of ideas.

The second type of governance strategies rests upon different linkage policies. While linkage strategies directed at specific targets aim at linking the specific focal idea of the target to-

necessary come into play with revising-strategies. Rather than prescribing institutional designs, we identify governance strategies for enhancing the effectiveness of existing institutions.

gether with the focal ideas of the original system, linkages strategies that focus on the kind of linkage aims at facilitating certain processes of ideational diffusion or reinforcement.²⁶

Linkage strategies in general can be oriented to stabilise the existing ideational asset or to change it. For stabilisation, linkages draw on the socialisation potential that might arise through linking with other arenas of decision-making or opinion formation. The kind of linkage and the authority of the idea in the target arena is particularly important for the capacity to support processes of learning. Likewise, linkages to induce change can be established. In this case, linkages to arenas with diverging ideas or idea generating arenas, like think tanks or non-operative international institutions are established and intensified. Socializing potential has then to be used to introduce the new idea and stabilize the adjustment process. Such strategies are more successful, when new ideas are shared widely outside the negotiation system or when they enjoy considerable authority.

	Strategies	Institutional actors	Constitutional actors
Separating Ideas	Strategies of internal differentiation – primarily functional	<ul style="list-style-type: none"> • Setting up expert or other consultation committees • creation of procedural subdivisions 	<ul style="list-style-type: none"> • creation of groups of interested actors (caucuses) • platform creation • sequential interactions
	Strategies of internal differentiation – primarily material		<ul style="list-style-type: none"> • Separation of issues (constitutive, operative, regulative)
Bringing Ideas Together	Linkage strategies – arenas or institutions of coupling	<ul style="list-style-type: none"> • Coupling to other international institutions, epistemic communities or expert arenas 	
	Linkage strategies – relationships of coupling	<ul style="list-style-type: none"> • Co-operation • Co-ordination 	<ul style="list-style-type: none"> • Co-ordination • Competition

Table 6

4.2 Governance strategies for enhanced effectiveness

In regard to functional internal differentiation, especially institutional actors due to their central position can try to create expert-, and consultation-committees or other procedural subdivisions that are characterised by a relatively high homogeneity in regard to the ideas relevant for their task.

²⁶ Of course also strategies of de-linking can be pursued. In institutional practice this rarely seems to be the case.

In negotiations, constitutional actors often engage in the building of groups of interested actors or caucuses (Susskind 1994: 124-126) or in sequentialising interactions (Kahler 1992: 706; Sebenius 1983: 308), which might become general patterns of interaction. These aim at pushing certain agreed upon issues in working out the details and creating momentum for the negotiations as a whole. Platform creation takes place in order to reduce the complexity through vertical internal differentiation and enhance thus the effectiveness. An example for the creation of hierarchical layers for negotiations are the intergovernmental conferences for treaty revisions and reforms of the European Union. Through vertical differentiation the layer of executive heads is supplemented by two other layers: the ministerial negotiations and the administrative negotiations (Christiansen 2002: 36). This differentiation increases process effectiveness in that it allows for informal agreements on technical matters and less controversial issues on lower layers and singles out the 'political' matters for the leaders.

Material differentiation is about the separation of constitutive, operative and regulative issues. These strategies, which separate operative or regulative issues from constitutional ones, are most likely conducted by constitutional actors, simply because constitutive issues are in their exclusive responsibility.²⁷

Institutional as well as constitutional actors can tie linkages to other international institutions, epistemic communities, and expert arenas. All successful linkage strategies have in common that they couple the linked arena to the respective negotiation system in a way suited to provide for the diffusion or reinforcement of ideas.

The prospects for success of governance strategies can be intensified beyond the mere coupling when actors additionally pay attention to the character of relationships. This can be coordinative, co-operative and competitive. Through informal interactions with expert arenas *and* other negotiation systems, dealing within the same issue-area, institutional as well as constitutional actors can aim towards a standardisation of knowledge about policies. This we call a coordinative strategy. Co-operative strategies aim at the attainment of a common goal, while competitive strategies are aimed at forcing institutional actors to increased performance by way of bench-marking or best-practices diffusion. Institutional actors engage in co-operative and coordinative linkages. As the case of International Environmental Governance shows, they seem to be rather competition averse, because of the performance pressure, which they might not be able to stand. While constitutional actor's can induce co-operative linkage

²⁷ The obvious example is the European Convention.

strategies of the institutional actors, it would make no sense for them to engage themselves in such an effort as long as they control the goals that the institutions pursue anyway.

In which strategies did now the actors in our examples engage? In the R&T example, it is, as argued before, difficult to assign the negotiation system to either robust or those systems that are able to adjust by flexible reaction. In fact, Kohler-Koch and Edler point towards a strong path dependency within the field of R&T due to the strength of a focal idea (Kohler-Koch and Edler 1998: 201). Much will depend therefore on the strategic decisions of interested constitutional actors or the Commission. How these turn out, is an open question for our next research phase.

The ACP-EC negotiation system has been characterised as a stabilising institution. In order to reduce incentives for challenges (see figure 3), a slightly higher institutionalisation of the focal idea would back up the maintenance of its negotiation system. We have already mentioned that there has been an institutional innovation in the Cotonou treaty. The political dialogue can be seen as differentiation, that separates the operative policies from the constitutive ones. Disputes about the interpretation of the idea, therefore do not challenge the treaty as a whole, but are internalised as ongoing interpretive effort. Rather than pursuing linkage strategies, it seems that some de-linking would be plausible. The concept of good governance spread widely among international institutions that are concerned with foreign aid, which is part of the problem, because too many diverging interpretations have emerged. Good governance has been and still is interpreted in various ways (see further Conzelmann 2003: 87-91). Hence, strategies aiming at the strengthening of the focal idea in the particular EU-ACP context should rather decouple the ACP-EU negotiation system from others like the DAC of the OECD, the IMF, and the World Bank. The entanglement of the EU, the national member states and the ACP states with these institutions do render this, however, no real option. Instead the Commission has engaged in intensified efforts to coordinate the policies of the member states - however, without any measurable success yet. There seems to be considerable distrust on side of the member states, that the Commission simply would use this coordination for transferring new competencies or more autonomy to the supra-national level. The idea of good governance therefore has power-political implications, which discredit it as a good candidate for a strong focal idea.

In the case of the ILO, the International Labour Office recently has engaged in intense strategies of linkage, while its earlier strategies most often centred on differentiation.²⁸ The most important outcome is the stabilization of the idea of core labour standards that fundamentally deviates from former practice. The firmness on the principles of all adopted resolutions made it impossible to agree on a set of such core standards. Since the proposal of this re-orientation in a report of the Director General in 1994, the ILO engaged in at least three ways to stabilize the idea by linkage. First, there have been linkages to other negotiation systems. Among these the Copenhagen Summit 1995 was important. In its declaration the idea of fundamental standards was explicitly endorsed.²⁹ The linkage to the negotiation system of human rights made an important change in framing the issue of labour standards (Bellace 2001: 272). With the alienation of the ILO from its constitutive members the ILO was increasingly seen as a labour partisan organisation. The linkage to human rights brought it back to more universal norms necessarily devoid of such suspicion. Second, the ILO increasingly tries to link and open its policies to a broader international public. This has been especially successful in the case of convention 182 (Ulbert and Wisotzki 2001), itself a policy field associated with an ideational change managed with particularly this public participation. Finally, the ILO tries to effectively cooperate now with other international organizations on the realization of the core labour standards. The UN Global Compact, initiated in 1999 by UN General Secretary Kofi Annan, may be a case in point here. It rests on the same idea of more intensively promoting selected norms and could easily incorporate the ILO standards (Charnovitz 2000:164).

²⁸ The first 'extra-constitutional' sub-committee has been established already 1926.

²⁹ We will explore the connections between these linkages and the adoption of the 1998 Declaration on Fundamental Principles and Rights at Work, which itself is worth a closer consideration, because it introduces a new cooperation-political idea into the ILOs organisational practice.

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