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**Historical Evaluations of Regime Performance on the Output Dimension:
Towards a Disaggregate Approach to Regime Impacts on Post-Treaty Negotiations**

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Abstract

In demonstrating that and how international regimes facilitate the convergence of foreign policy positions, analysts typically depart from irregularities at the macro-level and focus on beneficial effects for cooperation. This paper shows, with reference to the post-Treaty negotiations on an “Access and Benefit-Sharing” regime under the Convention on Biological Diversity, that standard approaches to substantiating regime effects on the output dimension fail to capture “perverse” regime impacts on perpetuating disagreement and “positive” effects that are overshadowed by malign conditions for cooperation. While this shortcoming may be acceptable in making a case for institutional causation across cases, it severely limits the analytical purview when the goal is the evaluation of a specific regime’s performance under historical circumstances. This paper outlines the contours of an alternative, more inclusive approach to the “output effectiveness” of international regimes. It firmly locates the analytical focus on the state level to investigate regime impacts on changes in foreign-policy making irrespectively of their implications for and impacts on collective action. By drawing on bargaining theory and foreign policy analysis, causal pathways for regime influence can eventually be formalised that would not only provide a standardised framework for tracing specific regime effects of varying quality, but also allow for their comparative assessment within the same research design.

Keywords: *Regime performance / consequences; foreign policy analysis; bargaining theory; post-Treaty negotiations; genetic resources; Convention on Biological Diversity*

1. Introduction and Overview

Establishing the causal impacts of a regime on post-Treaty negotiations, as construed in this paper, is not primarily concerned with testing the explanatory scope of regime theory against other grand theories of international relations at large. It is rather geared towards evaluating the historical performance of specific regimes in facilitating post-Treaty agreement among member states on the issues at stake. For this purpose, a more inclusive approach is required that allows for the detection of significant regime effects on foreign policy behaviour even if the circumstances under which it operates prevent a decisive impact on collective commitments. Such a “disaggregate approach to regime impacts on the output dimension” would enable analysts to capture both “positive” and “negative” effects on inducing agreement, while also facilitating an assessment of their relative significance against each other.

The construction of such an approach is motivated by research into ongoing talks on a reformed regime on Access to genetic resources and Benefit-Sharing (ABS) under the UN Convention on Biological Diversity (CBD). Against the specifics of that case, the second section illustrates how standard approaches to “regime effectiveness” are inadequate for the purposes of evaluating regime performance in facilitating cooperation. This is particularly true in circumstances where conditions for cooperation are malign, leaving significant regime effects on bargaining dynamics either over-determined or over-compensated by non-regime factors at the level of outputs. The ABS case also illustrates how the indeterminate and ambiguous nature of regime rules can elude the measures of “compliance” and “problem-solving” that are typically applied. The solutions suggested to address these problems are, respectively, to downscale the analytical focus on the foreign policy behaviour of individual member states and to adopt a minimalistic measure of “output effectiveness” in terms of facilitating agreement.

The third section outlines the contours of a “disaggregate approach” to regime impacts on post-Treaty negotiations. The concept of “decision parameters” is introduced as a mediating variable to address two outstanding challenges. Their first function is to systematically link back regime effects to foreign policy-making by mapping out potential pathways. Breaking down the causal chain between regime components and foreign policy positions into two analytically separate steps, moreover, facilitates a “quantitative”

assessment of specific regime impacts both with respect to other regime effects and non-regime factors. While the effects of the regime on each parameter in isolation can be studied with different methods, parameter impacts on foreign policy positions can subsequently be assessed comparatively across countries in an integrated manner.

The fourth section addresses the question to which degree this approach could be standardised. Drawing on bargaining theory and foreign policy analysis, preliminary thoughts are presented on which parameter categories could possibly be integrated into this framework. To perform the analytical functions required, decision parameters must jointly cover the most significant explanatory factors in foreign policy-making, each separate a distinct causal mechanism framed on the basis of different meta-theoretical assumptions on human decision-making, and be decomposed into elements that can possibly be affected by regimes or must serve as control variable across the board.

2. Historical evaluations of regime performances

This research is motivated by observations made on the post-Treaty negotiations within the Convention on Biological Diversity (CBD) that aim to reform its regime on “Access to genetic resources and Benefit-Sharing” (ABS). While problems with the functionality of the 1992 regime have become sufficiently clear during the implementation phase, the protocol to be adopted some twenty years down the line will likely reproduce those elements that prevent an effective regime. Such limited progress may be largely due to the malign circumstances¹ under which the regime operates, blinding from sight its beneficial effects on inducing agreement among a growing number of parties. The reproduction of a dysfunctional regime may also be attributed to the CBD regime itself, however. By combining a broad scope of potential benefits with a regulatory approach that is impossible to implement, the disagreement codified in its ambiguous rules may have locked states into destructive “compliance bargaining” games (Jönsson & Tallberg

¹ At the macro-level, many factors can be accrued that would predict continuity or cautious progress at best. The constellation of issue-specific interests and structural power is conceivably unfavourable to agreement. Tactical issue-linkages loom large and ulterior motives loom large. The biotechnological practices to be regulated are highly complex, dynamic, and fraught with scientific uncertainty. The lack of a homogenous constituency that could be mobilised in support of the regime is another limitation.

1998) that have complicated the post-Treaty settlement on functionally synergistic and thus mutually beneficial commitments.

Demonstrating either of these two effects of the CBD regime on facilitating agreement or perpetuating conflict would be of significant practical relevance.² In the first case, it would help to dissociate negotiation failures from the merits of international cooperation. In the second case, it would advise policymakers to take the time required to settle sound bargains rather than conclude premature deals. Combining the investigation of both “positive” and “negative” impacts of regimes on post-Treaty negotiations amounts to a comprehensive assessment of “regime performance” in specific historical circumstances. The research design required for that task differs from conventional investigations of regime effects in two respects.

First, regime effects beyond the threshold of decisively impacting collective commitments must also be detectable to allow for historical evaluations of regime performance under unfavourable conditions. Inasmuch as they do not uncritically subsume outputs under the components of a regime, studies of regime effectiveness typically take collective action as their dependent variable and assess the impact of institutional factors relative to non-regime factors at the macro level. This requires significant variations in outputs before any regime effects can be established. As the ABS case illustrates, however, regime effects of practical relevance may not be immediately apparent on the output dimension, since the combined impact of malign conditions for cooperation may over-compensate “positive” or over-determine “negative” regime effects on facilitating consensus towards joint commitments.

This is why, for historical evaluations of regime performances, a “disaggregate approach” is more appropriate. By scaling the analytical focus down to the state-level and taking the foreign policy behaviour of individual member states as the dependent variable, effects of “less-than-global” magnitude can also be detected. While the internal validity of research results is strengthened by the logic of micro-foundation, their external

² It would also serve as a crucial test of regime theory itself. Demonstrating positive effects in “hard cases” for cooperation could silence lingering doubts of sceptics and critics. Tracing potentially negative effects, on the other hand, would help eliminate a “selection bias” within regime theory and thus holds great potentials for advancing our understanding of how international regimes work. It is disconcerting that, to the knowledge of the author, few or none investigations of this type have been conducted. The methodological challenges involved, however, suggest an obvious answer.

validity for the process on the whole is not as severely compromised as a first glance might suggest. The opportunity to observe variations across countries enables the application of comparative methods, which in turn do not only allow for the validation of case study findings, but also for their extrapolation with respect to other countries.

A second requirement for historical evaluations of regime performances is that there must be some yardstick for categorising impacts into “positive” and “negative” effects. A minimal definition of “output effectiveness” could describe it as the degree to which a regime has facilitated rather than obstructed agreement among states on post-Treaty commitments to address the issues at stake. This definition of “positive” effects links the regime’s operation to the convergence of foreign policy positions on relevant issues. Beyond that, however, and with respect to the effect of any such commitments in particular, it is completely devoid of meaning.

This is arguably the only way in which effects like that hypothesised in the ABS case can be captured. The basic argument is that the CBD has codified functionally incompatible commitments that cannot be effectively implemented without re-negotiating the very substance of the regime. Either the scope of provider rights or the type of benefits to be shared would need to be redefined.³ Since the choice of either alternative was partly and yet neither fully legitimised by the CBD, the regime could have obstructed post-Treaty reform towards functionality. Actors with substantive interests on each side of this functional divide had incentives to drive a harder bargain than they would have in the absence of the regime, which could thus have perpetuated disagreement.⁴

³ These two potential avenues towards a functional ABS mechanism can be labelled the “bioprospecting” and the “utilisation” approach. The former would keep provider rights restricted to specific genetic materials under their control and make this access approach of the CBD work through positive incentives for users, which requires providers to renounce their rights to control uses and have access to proprietary technologies developed from their resources. The latter, more comprehensive approach would retain provider rights in their full scope and regulate from the point of utilisation instead of access. This would broaden the scope of provider rights to refer to any instance of the genetic information under their control and require high degrees of international cooperation to settle the terms of benefit-sharing.

⁴ This causal mechanism alludes to Fearon (1998, p.270), who argues that “the more an international regime creates durable expectations of future interactions ... the greater the incentive for states to bargain hard for favourable terms.” Yet other mechanisms framed on cognitive or constitutive grounds are also conceivable. Settling on the “access and benefit-sharing”-formula may have constrained the search for common ground among state representatives in the detail phase (Zartman and Berman 1982, p.95) and created a bias in the accumulation of positivist knowledge through implementation efforts on these grounds. Scientists and policy advisors contributing to technical expert discourses may have had incentives to focus on solutions within the 1992 bargain or may have, more controversially, even been socialised into the process to the point of failing to conceive of alternatives. Finally, the lack of a forum to

Such a regime effect escapes the analysis as soon as the quality of collective outputs is rated, be it against the “compliance” with CBD provisions or their functionality in “problem-solving.” Positive effects in compliance terms are dysfunctional in affecting most of the societal practices that the CBD purportedly targets, fuelling rather than resolving conflict. If, conversely, a measure of problem-solving is adopted, the analyst has to make substantive choices that negotiators themselves have not been able to make to date. The ABS process could best be described as a continued renegotiation of the problem definition itself and of what shall constitute compliance in the context of the CBD. Agreement between states and the convergence among their positions, to whatever effect, is the only meaningful measure that can be applied.

Much of regime theory has been premised on the assumption that regimes facilitate cooperation. On the whole, this is arguably a very plausible assessment and can justify the application of one-dimensional problem-solving scales across cases. If individual regimes, however, are only scrutinised for effects that facilitate agreement, this “selection on the dependent variable” can severely compromise the validity of findings.⁵ Assessing regime performances on the output dimension requires an unbiased and more inclusive approach to studying *any* causal impacts of regime factors in the context of post-Treaty negotiations. The concept of “regime consequences” (Young & Underdal 2004) is useful in that it allows to capture perverse effects on problem-solving as well. However, it does not systematically link those effects back to post-Treaty negotiations and assess their implications for adopting joint commitments. “Although neoliberal institutionalists have tended to highlight how international institutions produce cooperation, they could just as easily have emphasised how institutions shape the bargaining advantage of actors, freeze asymmetries, and establish parameters for change that benefit some at the expense of others” (Barnett & Duvall 2005, p.41).

address ethical issues on biotechnology may have mobilised domestic constituencies that complicate the settlement on a “win-win” solution to ABS on the grounds of the “bioprospecting approach,” even if states mostly bargain for the distributive gains rather than the control aspects.

⁵ The Oslo-Potsdam continuum from no-regime counterfactual to collective optimum, for example, leaves no room to figure in “negative” impacts that have exacerbated the problem (Helm & Sprinz 2000). This selection bias is often incorporated in studies of regime effects that depart from progress in collective outputs and then dive into state-level FP making to produce evidence of “positive” regime impacts.

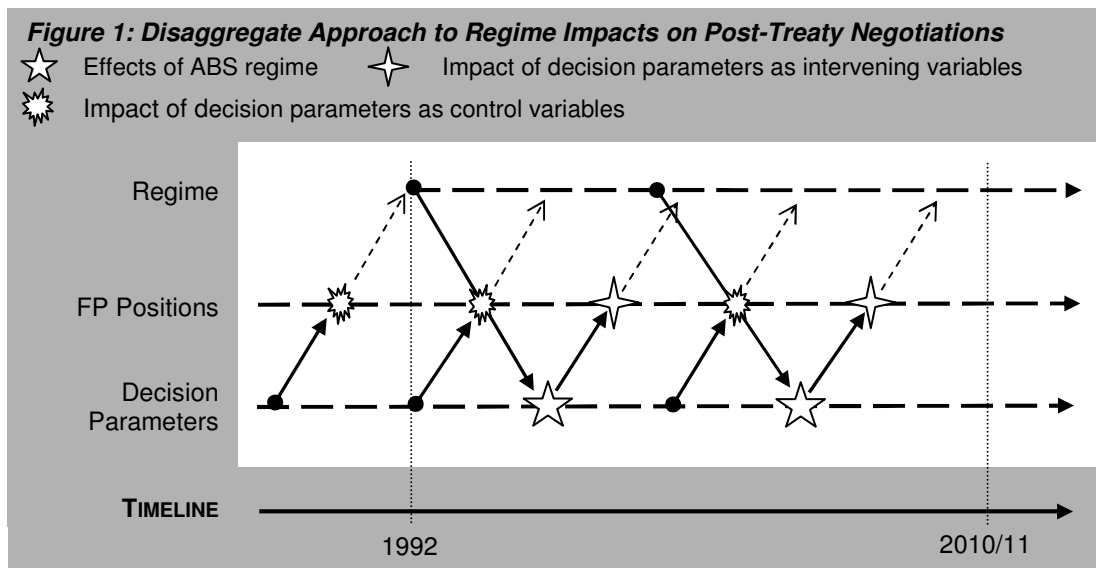
3. The contours of a “disaggregate approach”

The deficit of theory-building on the nexus between regime factors and collective outputs is striking. The focus of analysis typically lies on the bargaining leading to commitments or their subsequent implementation. The intervening step that mediates between institutional factors and bargaining dynamics has received scant attention, both in regime theory and bargaining theory.⁶ It is not the ambition of the author to fill that gap. For the time being, however, the “disaggregate approach” outlined below may provide a manageable framework to analysts that wish to engage in empirical research on the nexus between the operation of a specific regime and post-Treaty commitments.

The previous section has identified two requirements for any research design geared at assessing regime performance on the output dimension. These are the adoption of (1) an agent-based focus on foreign policy behaviour to capture effects of less-than-global magnitude and (2) a minimalistic measure of “effectiveness” in terms of facilitating agreement that does not preclude the detection of “perverse” effects. There are, however, two outstanding challenges. One concerns the task of systematically linking regime factors back to explanatory factors in Foreign Policy (FP)-making. The other is to enable an assessment of the relative impact of “positive” and “negative” regime effects against each other, required to arrive at a balanced conclusion on “performance.” In the research design proposed, these challenges are met by introducing “decision parameters” as intervening variables between the independent and dependent variables, i.e. the regime and relevant FP positions respectively. It is in this sense that the disaggregate approach has a “double bottom” beneath the choice of the dependent variable which already employs the logic of micro-foundation (see Figure 1).

The concept of “Decision Parameters” (DP), then, performs two tasks. By splitting the causal chain into half, the impact of regime factors on the evolution of different DPs is assessed separately from their impact on FP making. The first step evaluates the impact of processes sparked and affected by the regime on the evolution of DPs. Since all DPs jointly cover those explanatory factors that have been demonstrated to influence FP

⁶ Notable expectations in the literature include Jönsson and Tallberg (1998) who have suggested that demonstrating effects of “compliance bargaining” on the distribution of gains implied by post-agreement bargaining outcomes could make a case for the causal power of regimes at a middle-range between neorealist and neoliberal propositions. Other examples include the work of Spector and Zartman (2003) and approaches to “institutional bargaining” developed by Young (1994) and Aggarwal (1998).



behaviour, a causal pathway from the regime to their evolution is a necessary condition for any impact on collective outputs. None of these DPs will be exclusively affected by the regime, which is why DPs partly figure as intervening and control variables. To determine which is which, DPs must be decomposed into elements that can potentially be affected by a regime through causal pathways and other elements that clearly cannot.⁷

The second step then tests the significance of different DPs in explaining FP positions on relevant issues across countries.⁸ It draws on a larger sample of countries by translating DPs into more accessible terms. This enables the application of comparative methods and thus facilitates the transfer of case study findings to the process as a whole. The second step also provides additional analytical leverage on separating the impact of regime from non-regime factors. To the extent that processes affected by the regime impact some DPs more than others, counterfactual explanations of FP positions can be constructed that do not include specific DPs. Stokke (2010) has recently applied a similar strategy of micro-foundation in establishing regime effects on the impact dimension. Figure 1 illustrates how the second step performs an important control function.

⁷ While the next section shows that some sub-components of DPs can be classified as control variables across the board, the characteristics of specific issue-areas and regimes will allow for a further exclusion of pathways that mark potential regime effects.

⁸ It is well known that negotiations on substantively linked issues are conducted across different regimes and fora. By adopting an agent-based focus, the behaviour of governments across fora – as well as across foreign and domestic domains of policymaking, for that matter – can be analysed. The former helps overcome the frequent limitation of regime theory in identifying treaty-specific arenas with issue-areas, addressed by the study of interplay at the macro-level. The latter arguably helps distinguish manipulative “signals” from “indices” in complex, multilateral bargaining games (Jervis 1970).

The crucial point for evaluations of regime performances, however, is that regime impacts of different quality can potentially also be assessed relative to each other. This is true to the extent that positive and negative effects work to varying degrees through different causal pathways.⁹ While each of these pathways can be separately analysed with different methods, the subsequent FP Analysis allows for an integrated assessment of DP impacts against each other. The separation of meta-theoretical assumptions on which DPs are framed is certainly a daunting task. And yet it needs to be performed if the goal is to arrive at balanced conclusions of regime performances that claim historical accuracy in specific cases. Among research traditions within IR theory, FP Analysis is arguably best equipped to embark upon such integrative endeavours (Hudson 2007).

Although the disaggregate approach systematically focuses on the perspective of specific countries, the research design stretches across three levels of analysis. At the macro-level, the procedural and substantive FP options available must be derived from an analysis of international negotiating dynamics and global expert discourses. To enable a measure of what constitutes progress towards agreement, these options must be assessed with respect to their capacity to effectively settle the conflict.¹⁰ Each option, however, is also assessed against the specific decision criterion afforded by different DPs, deriving hypotheses on FP choices based on single-DP perspectives on human decision-making. Hypotheses on causal pathways from regime to DP evolution are also derived at the macro-level.

The second component of the research design consists of a comparative analysis of FP choices and DP evolution across countries. The key function is to enhance the external validity of case-study findings. By establishing DP impacts on the FP positions of a medium-sized sample of countries, a measure is gained for how important different regime effects might have been for the process at large. *Fuzzy set Qualitative Comparative Analysis* could be a method applied at this stage, surveying DP values in the form of accessible state-level indicators to reduce the number potentially valid hypotheses on FP choices that will be traced in case studies. Before-after comparisons to

⁹ Effects on “positivist knowledge,” for example, are typically positive, whereas impacts of the regime on ulterior bargaining games over economic power are typically not conducive to agreement.

¹⁰ In the ABS case, if the “access approach” of the CBD can be with hindsight identified as a case of “agreeing to disagree,” then only consistent behaviour in terms of either the “bioprospecting” or “utilisation” approach can count as routes to conflict resolution and agreement (cf. fn. 3 above).

the pre-regime negotiating context is the only reference to non-regime situations that is available for regimes with near-universal membership. It should be noted that the evolution of different DP elements is compared rather than that of FP positions. Moving down towards the selection of case studies, the comparative component also has a very practical value in designing inquiries. It provides a larger data pool to single out similar and deviant cases, whether these are then systematically investigated or only serve as back-up cases to test specific case-study findings via process tracing.

The bulk of the research, then, will be conducted in case-study countries. A systematic FP Analysis, possibly modelled along the lines of Putnam's two-level game metaphor, separates the remaining DP hypotheses on FP choices. The events and processes impacting the evolution of DPs can be investigated in much more specific terms at the country-level, controlling for measurement errors in the comparative analysis.¹¹ The processes traced for regime impact can be more or less removed from those in FP making, depending on the causal pathways hypothesised at the macro level. As a rule, only processes within the boundaries of case-study countries, with their direct involvement or of otherwise clearly demonstrated relevance to their specific DPs will be traced. Where this exemplary treatment yields inconclusive results or misses out important links in causal chains, recourse can be taken to the back-up cases identified. Causal mechanisms of regime impact, inasmuch as they allude to the language of human decision-making, should be established at the level that is closest to the individual and can thus only occur in the context of case-study countries.

At last, it should be noted that, while the task of assessing regime performance requires a balanced consideration of both positive and negative effects on cooperation, it does not necessarily need to trace every possible impact. A restriction to effects that can be identified to be the potentially most significant ones at the macro-level seems imperative to ensure the empirical tractability of this approach and constrain potentially explosive data requirements.

¹¹ The framing of DPs in accessible state-level indicators can sometimes be problematic. Their simultaneous operationalisation in case-study contexts will arguably facilitate a coherent conceptualisation, however, since for these countries, the fs/QCA can be re-run with modified DP values that perform robustness tests which control for measurement errors.

4. Standardising the Decision Parameters

Decision Parameters (DPs) perform a variety of analytical functions throughout the research design. To be able to do that, they must meet three requirements. DPs must jointly cover all important factors in explaining FP behaviour, so that a causal pathway to their evolution can be established as a necessary condition for regime impact on post-Treaty negotiations. Secondly, each DP should ideally isolate an independent causal mechanism in human decisionmaking, relevant for governmental FP making as much as for the behaviour of other actors involved in those events and processes that make up institutional pathways. Thirdly, DPs must enable the separation of regime from non-regime factors, for which the determinants relevant for their evolution must be disaggregated into intervening and control variables. Lastly, DPs need to be framed in accessible terms to be surveyed across countries, with a more detailed conceptualisation corresponding to each parameter in case studies.

This section addresses the question of how these DPs could be standardised in abstract terms. The purpose of standardisation is, first of all, to enable the application of the disaggregate approach in other cases. Secondly, it delimits different meta-theoretical grounds that guide the choice of appropriate methods for investigating DP evolution as well as corresponding causal pathways from regime components. Thirdly, a general discussion of parameter components can establish the degree to which they can possibly be affected by regimes across cases, although a much more refined disaggregation is possible on the basis of the specific characteristics of regimes and issues. It should be noted that the formalisation of these DPs is a work in progress and a task ahead in many respects. However, some preliminary thoughts can be outlined that will also illustrate the application of the disaggregate approach. It is suggested that, at the most abstract level, a reduction to three agent-based parameters, two ideational DPs and one process parameter is useful and possible.

Among agent-based DPs, “overall structural power” most closely resembles the Neorealist proposition that future self-help capacities are the overriding concern under conditions of anarchy. Arguably, both “military” and “structural” power can simply be

ignored in most cases.¹² The first DP, then, boils down to “economic power.” The DP-specific country attribute that locates states on a North-South continuum would be their position in relative rankings of per capita income or GDP at power purchasing parity. Relative gains in economic power constitutes the decision criterion to rank FP options, the choice of which is predicted inasmuch as they maximise losses incurred on foreign economies or significantly affect ulterior bargaining games where higher gains stakes are at play. In the ABS case, limited societal impacts rule out a causal feedback to economic power as such. Effects on ulterior bargaining games have likely prevailed, but remained limited to impacts on behavioural power in international bargaining fora. This DP could therefore, in its entirety, figure as a control variable.

The second DP alludes to the neoliberal paradigm in emphasising issue-specific dynamics. “Basic game power” can be decomposed into the endowment with, mutual dependence on, and factual / legal control over issue-specific resources. The endowment with ABS-specific resources, for example, could be captured in a simple formula that divides a country’s relative richness in biodiversity by its relative biotechnological capacities, which gives simultaneously a measure of “mutual dependence” in that resource values are construed *relative* to the worldwide resource stocks. Depending on the relative identity of a state as provider/user country, the absolute gains and costs for providers/users of genetic resources would provide the decision criterion for choosing FP options. Although effects are unlikely to have been significant enough in the ABS case, causal pathways to resource endowment are in principle possible.¹³ Factual control over resources, which hinges on the nature of the resources themselves and the technical excludability from their use, must be reasoned with respect to global technological developments and the resources at stake in specific negotiations. It can be construed as a control variable across the board. Legal control is established through domestic regulation as much as international law and highly prone to regime influence. FP options

¹² For “military capabilities,” this is of course not true for regimes that touch upon security issues. If a researcher wishes to include the component in the analysis, it could be conceptualised as the tendency to align FP choices with those of global and/or regional hegemonies in the comparative component and as diplomatic relations with these hegemonies in case studies. “Structural power” is an elusive concept that is difficult to operationalise in accessible terms. It can be arguably captured through the process parameter “behavioural power” and would then not need to be considered, either.

¹³ In the ABS case, it is possible that the regime has affected societal practices in conserving biodiversity and developing biotechnological capacities to some degree. Yet any such impact has most probably been marginal, which may be different for regimes that score higher on “impact effectiveness.”

are ranked with respect to their capacity to enhance legal control over both domestic and foreign resources. Accessible state-level indicators of domestic legal systems can be conceptualised and surveyed without major problems. Changes in domestic regulations and/or international commitments present a factor in DP evolution that must be pondered for regime influence.

The third agent-based DP is different from the previous two in that it focuses on societal rather than international cleavages. “Sectoral interests” refer to the assessment of FP options by global “communities of practice” (Adler 2005). Their relative strength in domestic societies would figure as the decision criterion that predicts FP choices. Surveying their strength in accessible state-level indicators may be more difficult, but is arguably feasible.¹⁴ Various sub-categories are conceivable. The emergence and activity of some communities, such as issue-specific expert and advocacy networks, is much more likely to be affected by the regime than other DP components, such as pre-existent, broader and more heterogeneous societal sectors.

The first ideational DP is “positivist knowledge,” that is principled beliefs cast in cause-effect relationships established with hindsight to empirical facts and processes. Sub-components could include strategic, technical and scientific knowledge. Strategic knowledge on the interactive context would seem to naturally increase in the course of implementation and post-Treaty bargaining. It is likely to be affected by the regime. Technical knowledge is instrumental in that it refers to parameters that can be manipulated to produce certain effects. It includes issue-specific “abatement science” as well as more general principles on which it builds and is less likely to be influenced by the regime. Scientific knowledge, at last, refers to relationships between phenomena that are beyond manipulation and is least susceptible to regime impact. In the case of this DP, the criterion predicting the choice of one FP option over another is coherence with the “global state” of knowledge in the comparative component, which is cross-checked with insights into individual beliefs from case-study investigations.

¹⁴ In particular, it may be required to abstracts from multiple identities and overlapping membership in such communities when incorporating agents in the measurement of their strength. Since shared domains of knowledge, norms and practice constitute such communities, devising state-level indicators in domestic regulation or societal statistics may be a more appropriate approach.

The second ideational DP, “discursive frames,” works through hermeneutical cognition in singling out aspects of reality considered relevant. The issue framing or problem description is of particular relevance here, determining not only the evolution of the negotiating agenda, but also the direction of knowledge production. While such macro observations provide a useful starting point for hypotheses, demonstrating the impact of this DP always requires a counterfactual argument that must ultimately be made in the context of individual decision-making. In terms of assessing regime performance, this DP provides an important balance to learning effects in terms of “positivist knowledge,” which are always “positive” to the degree that factual knowledge can only grow. If a research design geared towards such assessments chooses to consider ideational parameters at all, it seems imperative to consider both.

The final DP is a process parameter in that it neither refers to ideas nor state-agent attributes, but the “behavioural power” in sustaining one’s own bargaining position and influencing that of others. Sub-components could include coalition-building and a country’s prioritisation of the issues at stake, determining the “preparedness” of negotiators and their strategic resilience in sustaining positional bargaining tactics (Habeeb 1988). Whether sustained negotiations enhance or impair a country’s capacity to gather and deploy behavioural power is an open empirical question of great relevance. It is not only a particularly likely pathway of regime influence, but also has a direct bearing on the kind of arguments made by Fearon (1998), for example, regarding perverse effects of the “shadow of the future.”

How far do prospects of a better deal go in balancing the costs of sustaining bargaining leverage? How much of the behaviour displayed is not tactical, but reflects very real societal concerns, genuine beliefs, or habitualised patterns? To which degree can bargaining efforts culminate in the promulgation of ineffective ABS laws with the mere intention of influencing foreign and domestic win-sets? These are all open questions that can only be resolved empirically. The disaggregate approach seeks to establish a framework that can produce the answers. In lack of a conclusion, the author dismisses the reader with this set of questions in mind and thanks her for the attention.

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