

**The Power of Procedure:
Explaining the Role of Secretariats in the European Union**

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Introduction

In thinking of the variety of secretariats which exist in international organizations, a play on the words of George Orwell's *Animal Farm* comes to mind: "All secretariats are equal, but some are more equal than others." For example, the secretariat of the United Nations (U.N.) has long been the target of numerous attacks on its operational efficiency. Many of these attacks have come from the U.N.'s largest financial contributor – the United States (U.S.) – and have been accompanied by a refusal to pay the annual U.S. assessment to the organization. Kofi Annan, the current secretary-general of the U.N., had to pledge to the Clinton Administration that reform of the U.N. secretariat would be his top priority in order to win Clinton's promise that he would work for the payment of more than \$1 billion in unpaid assessments. In upholding this pledge, Annan has been pressed to announce measures to consolidate departments, cut the secretariat's administrative budget expenditures, and cut the documentation produced by the secretariat by 25%. Additionally, a "management reform group" was created to make quarterly reports on reform progress. In contrast, the secretariat of the Council of Ministers – the main intergovernmental arm of the European Union (E.U.) – is viewed as a paragon of efficiency. As Fiona Hayes-Renshaw and Helen Wallace note, "the calibre of the administrative and executive-grade officials in the Council Secretariat is not in question, given the highly competitive nature of the recruitment procedures."¹ Moreover, since the Council of Ministers has a new president every six months (in order to equally distribute Council oversight among E.U. members), each president has come to rely heavily on the Council Secretariat's experience. This situation has evolved since the 1970s:

In the 1970s it was a choice for individual governments how much to concert their presidency objectives and tactics with the Secretariat, some believing that they could be relatively self-reliant. That choice has now more or less disappeared, reflecting the increased volume of business to be transacted and the longer intervals between presidencies, which make it harder for individual governments to accumulate on-the-job experience and more pertinent to draw on the continuous experience of the Secretariat. Indeed the partnership has become so close that the Secretariat has been seen by some as a presidency secretariat.²

The detailed briefing notes provided to Council Presidents by the Secretariat are an important aspect of this partnership. These "Notes au Président" generally outline the positions

¹ Fiona Hayes-Renshaw and Helen Wallace, *The Council of Ministers* (New York: St. Martin's Press, 1997), p. 131.

² Hayes-Renshaw and Wallace, pp. 140-141.

of national delegations on issues to be discussed in Council meetings, indicating where the room lies for possible compromises. Some reports include suggestions on how the President should manage the agenda of Council meetings to achieve specific results. One scholar quotes a Council president as saying, upon arriving in Brussels and being presented with a large file prepared by his *national* delegation, “I can’t read all that. Give me Ersbøll’s [the Secretary-General of the Council Secretariat’s] briefing papers. They are all I need.”³

One potential explanation for these differences in perception could be that some secretariats are simply more efficient than others. But are differences in efficiency the result of unanticipated development over time, or the product of *deliberate design decisions* by the states which create international organizations? I argue that differences in efficiency *are* the result of deliberate design decisions by states, and that these decisions depend on the type of problem which states wish international organizations to solve. In this paper, I argue that the design characteristics of secretariats in the European Union, with a focus on the Secretariat of the Council of Ministers, is best explained by a general theory of secretariat design which is applicable to a broad range of cases.

I posit a theory of secretariat design in two parts. First, I argue that secretariats are one of many tools used by states to strengthen international cooperation. States use secretariats to fight the temptation to defect from cooperative actions and to reduce the level of distributional conflict inherent in cooperative efforts. Thus, I argue that states’ desire to solve *defection* and *distribution* problems – and therefore strengthen international cooperation – leads to the delegation of specific duties and capacities to international secretariats. However, as in all situations where some degree of authority is delegated, the abuse of this authority is a possibility states must consider. Thus, in the second part of the theory, I argue that, in order to guard against the abuse of authority by secretariats, states will implement control mechanisms to ensure that secretariats will not act opportunistically. Thus, the design of secretariats which we observe is a function of states’ desire to solve specific cooperation problems *and* states’ desire to avoid losses from opportunistic secretariat behavior.

³ Quoted in Martin Westlake, *The Council of the European Union* (London: Cartermill Publishing, 1995), p. 323, footnote 3.

In the case of the Secretariat of the Council of Ministers, I argue that the secretariat is designed to address the key cooperation problem which E.U. member states in the Council of Ministers face: distribution problems, or issues of how to allocate gains and losses from European integration. Thus, the design of the Council Secretariat is geared towards enabling it to facilitate the negotiation process between states. However, the delegation of duties, capacities and staff to the Council Secretariat is not without limits; rather, the Council Secretariat can only exercise its delegated authority within tightly-drawn boundaries. Thus, the power of the Council Secretariat does not rely on its ability to circumvent or flout the wishes of states, but rather lies in its ability to carry out its delegated tasks well and respect the boundaries set by the member states which control it. By following procedure – and remaining active, yet closely controlled, the Council Secretariat can maximize its influence on E.U. decisionmaking.

The paper consists of four sections. In section one, I discuss my dependent variable (secretariat design) and give examples of its variation. In section two, I outline my hypotheses and illustrate them with empirical examples. In section three, I discuss the operationalization of my argument for empirical testing and present my analysis of the Secretariat of the Council of Ministers of the European Union. A brief conclusion follows.

Section I: Dependent Variable and Range of Variation

In claiming that the design of the Council Secretariat, and secretariats in general, can be explained by a general theory of secretariat design, I deliberately place the study of secretariats into the general study of international cooperation and draw heavily from the literature on formal and informal international institutions. This literature has sought to answer three broad questions: 1) under what conditions will state cooperation occur, and under what conditions will it not; 2) if state cooperation occurs, what form will it take and why; and 3) if state cooperation occurs in the form of an international organization, what determines the design of the organization? Of these three questions, the third is the most underdeveloped theoretically, and is the area to which I hope to contribute.

Much debate on the first question – when do states cooperate – has focused on whether states pursue relative or absolute gains. But in essence, this is a question about the effect of

distributional conflict on the potential for cooperation. Those who claimed that relative gains hindered prospects for cooperation were in fact arguing that states would not use international institutions to resolve distributional conflict. The lesson from this debate – that a more nuanced analysis of the effect of relative gains was required – suggested that some types of distributional conflict could indeed be resolved by cooperation. As one scholar put it, “a more sophisticated characterization of the strategic situations”⁴ confronting states was required.

Much work on the strategic situations confronting states, and the effect of these situations on the potential for state cooperation, has been done. Iteration (repeat play) and discount rates have been found to significantly affect prospects for state cooperation. If states expect to deal with each other for an unspecified amount of time; and states value the future highly, state cooperation is more likely. Thus, the “shadow of the future” – and the time horizons of states – affect prospects for cooperation. Strategies of reciprocity help underscore the connection between present actions and future benefits. Another important factor is the number of actors. Some have argued that increasing numbers of actors reduce the prospects for cooperation, due to rising transaction costs and greater collective action problems⁵, while others suggest that large numbers of actors need not pose insurmountable problems for cooperation.⁶

On the second question – if state cooperation occurs, what form will it take and why – much work has been done on regimes as a specific form of state cooperation. Regimes can develop in a variety of ways: through imposition by a dominant actor; through a negotiated

⁴ The quotation is from p. 337 of Robert Powell, “Anarchy in international relations theory: the neorealist-neoliberal debate,” *International Organization*, 48, 2, Spring 1994, pp. 313-334. Powell’s article provides a good summary of the debate on pp. 334-337. Other sources are David A. Baldwin, ed. *Neorealism and Neoliberalism: The Contemporary Debate* (New York: Columbia University Press, 1993); John J. Mearsheimer, “The False Promise of International Institutions,” *International Security*, Winter 1994/95, Vol. 19, No. 3, pp. 5-49; and Robert O. Keohane and Lisa L. Martin, “The Promise of Institutional Theory,” *International Security*, Vol. 20, No. 1 (Summer 1995), pp. 39-51.

⁵ For a good discussion of the effect of iteration, discount rates and the number of players on cooperation, see Kenneth A. Oye, ed. *Cooperation Under Anarchy* (Princeton: Princeton University Press, 1986), chapter 1. For the importance of reciprocity for cooperation in iterated games, see Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984).

⁶ For example, see chapter 4 of Miles Kahler, *International Institutions and the Political Economy of Integration* (Washington, D.C.: Brookings, 1995); Duncan Snidal, “Coordination versus Prisoners’ Dilemma: Implications for International Cooperation and Regimes,” *The American Political Science Review*, Vol. 79, No. 4 (Dec. 1985), pp. 923-942, reprinted in Friedrich Kratochwil and Edward Mansfield, *International Organization: A Reader* (New York: Harper Collins, 1994); and Helen Milner, “International Theories of Cooperation Among Nations: Strengths and Weaknesses,” *World Politics*, Vol. 44, No. 3. (Apr., 1992), pp. 466-496.

order; or from a “broader normative framework.”⁷ Market failure – when suboptimal outcomes result from market-mediated interaction – can provide incentives for states to form regimes; “the anticipated effects of the regimes account for the actions of governments that establish them.”⁸ In this functional view, regimes are used by states for three tasks: to provide more stable expectations regarding property rights; to alter transaction costs so that desired behavior is facilitated and undesired behavior hindered; and to reduce uncertainty stemming from asymmetrical information, moral hazard, adverse selection, and defection due to time-inconsistent preferences.⁹ As an alternative to market failure, “the distribution of national power capabilities” is also used to explain regimes.¹⁰

Game theory has been employed to explain forms of state cooperation. States interacting strategically can play collaboration games (such as Prisoners’ Dilemma, where the equilibrium outcome is not optimal) and coordination games (such as Battle of the Sexes, where multiple pareto-optimal equilibria exist and the difficulty is choosing one to follow). Some argue that collaboration games can provide incentives to form regimes which prevent defection, through monitoring, enforcement and the reliable identification of defection behavior. These regimes require more institutionalization. With coordination games, where the chief problem is choice of an equilibrium, regimes can be formed which gather information or embody conventions to aid in the equilibrium-selection process. These regimes require less institutionalization. Others argue that in addition to these games, “which embody a symmetry of interest among states,”

⁷ See Stephen Krasner, ed., *International Regimes* (Ithaca: Cornell University Press, 1983). The quotation is from p. 221 of John Ruggie, “International regimes, transactions and change: embedded liberalism in the postwar economic order,” in Krasner, *International Regimes*, pp. 195-231. For a good review of regime theory, see Stephen Haggard and Beth A. Simmons, “Theories of International Regimes,” *International Organization*, 41, 3, Summer 1987, pp. 491-517.

⁸ See Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984), chapters 5 and 6 for a discussion of market failure and functional theories of regimes. The quotation is from p. 88.

⁹ Keohane, *After Hegemony*, chapter 6. Regimes, in Keohane’s view, can reduce asymmetrical information among states by “providing standards of behavior against which performance can be measured” (p. 94). They can reduce moral hazard by monitoring state behavior. They can deal with time-inconsistent preferences and adverse selection (two problems which Keohane discusses as “irresponsibility”) through issue-linkage: regimes raise the cost of defection and irresponsible behavior “since the consequences of such behavior are likely to extend beyond the issue in which they are manifested.” (p. 97)

¹⁰ The quotation is from p. 337 of Stephen D. Krasner, “Global Communications and National Power: Life on the Pareto Frontier,” *World Politics*, 43, 3, pp. 336-356. Note that not all analysts see “market failure” and “national power” explanations as mutually exclusive; Powell (fn. 4 of this paper), for example, argues that the two explanations can “complement each other.” (p. 340). Note: for all further footnotes referencing works previously cited in this paper, I will list the author(s) and then a footnote number to guide the reader to the full reference.

asymmetrical games should also be analyzed.¹¹ Suasion games – where a hegemon must convince other players to cooperate in order to avoid unilateral action – can provide incentives for dominant actors to pursue issue-linkage strategies through the use of multilateral organizations.

Continued work on coordination games and on nested games – such as a coordination game embedded in a Prisoners' Dilemma game – has led to different hypotheses. Coordination games like Battle of the Sexes can involve difficult distributional questions over the choice of an equilibrium. As mentioned above, some analysts have pointed to the role of national power in determining equilibrium selection in such games. However, regimes may also be used by states to actively aid equilibrium selection through the construction of focal points. Thus, coordination games may provide incentives for states to form regimes with *both* formal and informal characteristics.¹² Additionally, analysts who have added informational problems to Battle of the Sexes games also argue that regimes with formal and informal characteristics may result.¹³

Work on the third question – if state cooperation occurs in the form of an international organization, what determines organizational design – has begun to apply theories of congressional committees from American politics to international relations. The need to control time-inconsistent preferences, or to deal with a complex policy environment, or to address problems of incomplete contracting, or to obtain unbiased information can lead states to delegate some degree of authority to quasi-independent agents.¹⁴ However, delegation is a double-edged sword: it brings the possibility of gains from delegation *and* losses from potential agent

¹¹ For good treatments of collaboration, coordination and suasion games, see Arthur A. Stein, "Coordination and collaboration: regimes in an anarchic world" in Stephen Krasner, ed. *International Regimes* (fn. 7), pp. 115-140; Snidal (fn. 6); and Lisa L. Martin, "The Rational State Choice of Multilateralism" in John Gerard Ruggie, ed. *Multilateralism Matters: The Theory and Praxis of an Institutional Form* (New York: Columbia University Press, 1993), pp. 91-121. The quotation is from Martin's chapter, p. 103.

¹² See Geoffrey Garrett and Barry Weingast, "Ideas, Interests and Institutions: Constructing the European Community's Internal Market," in Judith Goldstein and Robert O. Keohane, eds. *Ideas and Foreign Policy: Beliefs, Institutions and Political Change* (Ithaca: Cornell University Press, 1993), pp. 173-206.

¹³ See James D. Morrow, "Modeling the forms of international cooperation: distribution versus information," *International Organization*, 48, 3, Summer 1994, pp. 387-423.

¹⁴ See Robert O. Keohane and Lisa L. Martin, "Delegation to International Organizations," paper prepared for a conference on "What is Institutionalism Now?", University of Maryland, October 14-15, 1994; Andrew Moravcsik, "Liberal Intergovernmentalism and Integration: A Rejoinder," *Journal of Common Market Studies*, 33, 4, December 1995, pp. 611-626, and Andrew Moravcsik, *A New Statecraft? Supranational Entrepreneurs and International Cooperation*, Weatherhead Center for International Affairs Working Paper Series, Paper No. 98-10, Harvard

opportunistic behavior.¹⁵ Thus, control of the agent by the principals is vitally important. Control can be achieved via *ex ante* limitations on agent discretion¹⁶ and *ex post* monitoring of agent action (through fire alarms, police patrols¹⁷ and other oversight mechanisms). There is disagreement as to the efficacy and credibility of agent control: some argue that control is easily achieved¹⁸, while others argue that the need to maintain agent efficiency can make both *ex ante* and *ex post* control costly¹⁹. Outside of the principal-agent approach, some have suggested the salience of national preferences and neo-functionalist theory for explaining aspects of organizational design.²⁰

My research on variations in secretariat design continues the work on this third question by rigorously exploring one aspect of organizational design – the presence of a secretariat – and linking the duties, capacities and staffing rules of secretariats to the theoretical notions of resolving distributional issues, reducing defection problems and structuring delegation so as to prevent agency losses. Thus, I build on the analytical work that has been done on cooperation;

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¹⁵ For a good discussion of agency losses, see D. Roderick Kiewiet and Mathew McCubbins, *The Logic of Delegation: Congressional Parties and the Appropriations Process* (Chicago: University of Chicago Press, 1991), chapter 2.

¹⁶ See David Epstein and Sharyn O'Halloran, "Administrative Procedures, Information, and Agency Discretion," *American Journal of Political Science*, Volume 38, Number 3, pp. 697-722.

¹⁷ For the distinction between police patrols and fire alarms, see Mathew McCubbins and Thomas Schwartz, "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," *American Journal of Political Science* 28 (February 1984), pp. 165-179. For more discussion, see Arthur Lupia and Mathew McCubbins, "Learning from Oversight: Fire Alarms and Police Patrols Reconsidered," *Journal of Law, Economics and Organization* 10, no. 1, (1994), pp. 96-125.

¹⁸ See Barry R. Weingast and Mark J. Moran, "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission," *Journal of Political Economy*, Vol. 91, No. 5 (Oct. 1983), pp. 765-800 for their argument that *ex post* sanctions can affect the agent's *ex ante* incentives to act opportunistically.

¹⁹ See Keith Krehbiel, *Information and Legislative Organization*, (Ann Arbor: University of Michigan Press, 1991), chapter 3, where he argues that hand-tying by the principal (in the form of restrictive amendment procedures that the U.S. Congress imposes upon itself) can give the agent (in his case, a congressional committee) incentive to provide less biased information. In this view, less *ex ante* control encourages better agent performance. See also Kiewiet and McCubbins (fn. 15), who note that *ex post* monitoring, if it diverts the agent's attention away from the performance of his or her duties, can be costly. See also Mark A. Pollack, "Delegation, Agency and Agenda Setting in the EC," *International Organization*, 51, 1, Winter 1997, pp. 99-134.

²⁰ For example, see Wayne Sandholtz, "Choosing Union: monetary politics and Maastricht," *International Organization*, 47, 1, Winter 1993, pp. 1-39; Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," *Journal of Common Market Studies*, 31, 4, December 1993, pp. 473-524; Anne-Marie Burley and Walter Mattli, "Europe Before the Court: A Political Theory of Legal Integration," *International Organization*, 47, 1, Winter 1993, pp. 41-76; Geoffrey Garrett, "The Politics of Legal Integration in the European Union," *International Organization*, 49, 1, Winter 1995, pp. 171-181; and Walter Mattli and Anne-Marie Slaughter, "Law and Politics in the European Union: a reply to Garrett," *International Organization*, 49, 1, Winter 1995, pp. 183-190.

taking some of its key explanatory variables and approaches and testing them on new data.

The literature review above leaves out important approaches to international organizations, and the E.U. in particular, which deserve attention. First, attention to the domestic sources of state cooperation is a growing research area.²¹ Such research argues that the view I take in this paper – of “black box” states making decisions to shape the international environment – can only weakly explain the patterns we see internationally. I do not deny that domestic politics may play a role in determining secretariat design; however, as a “first cut” on explanation, I have chosen to begin with a state-centric analysis to see how productive such an approach will be.

Second, many challenges to rational choice theories of cooperation and institutions exist.²² Historical institutionalism sensitizes us to the fact that many of the outcomes we would like to attribute to instrumental action are in fact the product of unanticipated developments over time. Constructivist approaches highlight the important role of ideas in fostering international cooperation; as one scholar suggests:

If we want to understand the processes by which norms are internalized and ideas become consensual, we need to leave behind the logic of rational utility-maximizing actors, and incorporate the logic of communicative action. This does not mean that ideas cannot be used in an instrumental way to legitimize or delegitimize policies motivated by purely material interests. However, the ‘power’ of ideas in such instances is linked to their consensuality.²³

These constructivist ideas echo some of the older “cognitive” approaches to the study of

²¹ A few examples are George Downs and David Rocke, *Optimal Imperfection? Domestic Uncertainty and International Institutions in International Relations* (Princeton: Princeton University Press, 1995); Barry Eichengreen and Jeffrey Frieden, eds. *The Political Economy of European Monetary Unification* (Boulder: Westview Press, 1994), which contains some analysis of the impact of domestic politics on EMU; Martin’s discussion of assurance games in “The Rational State Choice of Multilateralism” (fn. 11), and Andrew Moravcsik’s recent study entitled *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht* (Ithaca, New York: Cornell University Press, 1998).

²² A few examples are Friedrich Kratochwil and John Gerard Ruggie, “International Organization: a state of the art on an art of the state,” *International Organization*, 40, 4, Autumn 1986, pp. 753-775; and Connie L. McNeely, *Constructing the Nation-State: International Organization and Prescriptive Action* (Westport: Greenwood Press, 1995).

²³ Quote from page 69-70 of Thomas Risse-Kappen, “Exploring the Nature of the Beast: International Relations Theory and Comparative Policy Analysis Meet the European Union,” *Journal of Common Market Studies*, Vol. 34, No. 1, March 1996.

international cooperation²⁴. And finally, some theorists have argued that theories of international institutions, and of international relations more generally, are ill-suited to analyzing the E.U.; and that theories from comparative politics which treat the E.U. as a distinct and unique political system are more useful.²⁵ Once again, my chosen mode of analysis in this paper is a “first-cut” approach to explanation. Ultimately, I believe the best approach is to test rational choice and non-rational choice theories together on the same data to see which school of theories yields more explanation, and this is the approach I take in a larger study²⁶. However, for this paper, I focus on developing the rational choice argument.

My choice of studying secretariats could also be viewed as controversial in view of the emphasis on non-institutionalized forms of cooperation in most of the literature I cite. I have chosen to focus on secretariats only for two reasons. First, I am interested in studying international organizations, and a focus on secretariats helps to distinguish *formal* international organizations (FIOs) from other forms of state cooperation. I define secretariats to be bodies or units within FIOs composed of civil servants whose main duty is to work for the FIO. The secretariat serves primarily as the permanent administrative staff of the FIO. Other forms of state cooperation can involve regular meetings between national representatives at a specific site or sites. For example, the Asia-Pacific Economic Cooperation (APEC) forum, when it was established in 1989, had no permanent secretariat. However, state cooperation that involves the creation of secretariats suggests a qualitatively different type of cooperation from annual summits or permanent diplomatic conferences. Creating a secretariat requires some investment of funds and resources. In APEC’s case, its members decided to create a permanent secretariat with an approved budget in 1992 – three years after APEC’s founding.

Second, a focus on secretariats provides a convenient way to understand the logic of state delegation to FIOs. Secretariats frequently are the most visible “evidence” of the existence of an FIO. Thus, by focusing on secretariats as a “proxy” for FIOs, I hope to capture many of the

²⁴ One example is Peter M. Haas, ‘Do Regimes Matter? Epistemic communities and Mediterranean pollution control,’ *International Organization*, 43, 3, Summer 1989, pp. 377-403. I borrow the term from Haggard and Simmons’s “Theories of International Regimes” (fn. 7) with their caveats.

²⁵ See, for example, Simon Hix, “The Study of the European Community: The Challenge to Comparative Politics,” *West European Politics*, Vol. 17, No. 1, January 1994, pp. 1-30.

²⁶ My doctoral dissertation in progress, entitled “Choosing to Cooperate: States, Secretariats and the Politics of

details of state delegation to FIOs without taking on an overly huge explanatory task.

My dependent variable is *secretariat design*, meaning the *specific duties, capacities and staffing rules assigned by states to international secretariats of formal international organizations*. By duties, I mean the tasks assigned to secretariats. By “capacities,” I mean the resources (such as personnel, access to information, and in-house expertise) which are needed by the secretariat to carry out its assigned tasks. By staffing rules, I mean the procedures for recruiting, appointing and reappointing members of the secretariat. I focus on duties and capacities of secretariats because I assume that form follows function: the role which states ask international secretariats to play will determine the design of the secretariat. I focus on staffing rules because these rules are a useful measure of how much direct control states retain over secretariat personnel, and therefore over secretariat behavior. I view these rules as another important characteristic of secretariat design.

Section II: Explanatory Variables and Hypotheses

I argue that secretariat design is a function of a two-stage decision-making process by states. In the first stage, states are confronted with a cooperation problem and choose to resolve the problem through the delegation of tasks to international secretariats. In the second stage, states realize that delegation brings the risk of opportunistic behavior by secretariats and choose to control this risk by using *ex ante* and *ex post* controls on secretariat behavior. Consequently, the secretariat design which we observe is a function of two needs which states experience: the need to solve specific cooperation problems *and* the need to prevent agency losses during delegation.

Solving Cooperation Problems

The literature on international cooperation has long recognized the salience of defection behavior and distributional conflict for cooperation. In the familiar 2-player Prisoners’ Dilemma stage game, the dominant strategy for both players is defection; thus, a suboptimal outcome results. To secure a cooperative outcome, the incentive to defect must be mitigated. Somehow, the long term benefits of cooperation must be made to be *greater* than the short term benefits of

Institutional Design,” will attempt such a test of competing hypotheses.

defection. A similar challenge exists when there are multiple solutions to a cooperation problem, as in a coordination game like Battle of the Sexes with distributional implications. There can be distributional costs to the equilibrium selected, and if the cost of the equilibrium selected is greater than the long term benefits of cooperation, cooperation cannot rationally occur. To secure a cooperative outcome, somehow, the long term benefits of cooperation must be made to be *greater* than the distributional costs of the equilibrium selected.

The literature has argued that informal and formal international institutions can be used to perform functions which address these two challenges to cooperative outcomes, and I extend this analysis to international secretariats of FIOs. As in the literature, I assume that states are rational actors who consciously decide to seek cooperative outcomes in order to acquire the benefits of cooperation. I also assume that states are unitary rational actors.

As discussed in Section I, scholars have moved from analyzing defection and distribution problems separately to analyzing and modeling the two as aspects of one cooperation problem. For example, Garrett and Weingast incorporate a Battle of the Sexes game within a two-player Prisoners' Dilemma game, as shown in Figure 1:

**Figure 1: Battle of the Sexes Game Embedded in a Prisoners' Dilemma²⁷
(a model of state cooperation involving defection and distributional issues)**

		Player B		
		C1	C2	D
Player A	C1	3,2	0,0	-1,4
	C2	0,0	2,3	-1,4
	D	4,-1	4,-1	0,0

Note: The payoffs to player A are first.

In this model, defection is a problem: both players are tempted to play D, but if they do, they will end up at D,D and a payoff of zero. To avoid this, they must fight the temptation to defect by

²⁷ This game is taken from Garrett and Weingast (fn. 12), p. 184. This insight has been formalized recently in James D. Fearon, "Bargaining, Enforcement and International Cooperation," *International Organization*, Vol. 52, No. 2, Spring 1998.

choosing to cooperate. In a regular Prisoners' Dilemma game, there is only one cooperative equilibrium. In this nested game, there are two: C1,C1 and C2,C2. These cooperative equilibria have distributional implications for the players: player A prefers C1,C1, while player B prefers C2,C2. Thus, before cooperation can occur, this distributional problem must be addressed. This game illustrates that states can face strategic situations where defection, multiple cooperative equilibria, and distributional asymmetries all pose challenges to sustaining cooperation.

I assume that states face a variety of strategic situations, and, therefore, that the challenges to sustaining cooperation will vary. In some strategic situations, incentives to defect will be most salient, as in a Prisoners' Dilemma game. In other situations, distributional conflict will be most salient, as in a coordination game such as Battle of the Sexes. In still others, incentives to defect *and* distributional dilemmas will be salient, as in the Garrett and Weingast nested game shown above in Figure 1.

I also assume that these cooperation problems vary in intensity in a continuous fashion. Distributional conflicts do not simply exist or not exist; rather, they vary in intensity, depending upon the strategic situation or issue-area involved. Likewise, incentives to defect can be low, moderate, or high. Simmons makes a similar argument about the incentive to defect in her analysis of the international politics of harmonization²⁸; and Snidal, in discussing the uses of interval (rather than ordinal) level payoffs in game theory, suggests that "the incentive to defect on a cooperative agreement might be known to be greater in one situation than in another, even if the comparison cannot be made more precise."²⁹

Cooperation problems are at the heart of my theory. I argue that states that wish to cooperate in a given issue-area first see if any impediments to cooperative behavior exist. Are there gains from defection which outweigh the benefits of cooperation? Are there distributional costs to be incurred from cooperative behavior? If so, then states seek to raise the benefits of cooperation, lower the gains from defection, and lower the distributional costs of cooperative

²⁸ See Beth A. Simmons, "The International Politics of Harmonization: the Case of Capital Market Regulation," unpublished paper.

²⁹ See the chapter by Duncan Snidal, "The Game Theory in International Politics" in *Cooperation Under Anarchy* (fn. 5), pp. 25-57. The quotation is from p. 47.

behavior by having international secretariats perform specific tasks. Thus, my *explanatory variables* are *the level of distributional conflict* and *the degree of incentive to defect*. I assume that these are continuous variables.

The types of tasks which states assign secretariats will depend upon both the *type* and the *intensity* of the cooperation problem. States which face a defection problem will have secretariats perform tasks designed to reduce the incentive to defect. States which face distributional conflicts will have secretariats perform tasks designed to address distributional issues. And states which face both defection and distribution problems will have secretariats act to alleviate both of these problems and thus promote cooperation.

Furthermore, the greater the intensity or degree of the cooperation problem, the more tasks will be assigned to secretariats by states. When the level of distributional conflict is low, or when the degree of incentive to defect is minimal, states will assign few tasks to secretariats because there is little need to do so. However, when distributional conflict is intense, or when the degree of incentive to defect is high, states will seek to reduce distributional conflict and lower the incentive to defect by assigning more tasks to secretariats.

Three hypotheses follow. First, the greater the degree of incentive to defect, the more states will delegate tasks to international secretariats designed to reduce the temptation to defect. Second, the greater the level of distributional conflict, the more states will delegate tasks to international secretariats designed to reduce distributional conflict. And third, if the degree of incentive to defect and the level of distributional conflict are both increasing, states will delegate more tasks to international secretariats designed to control the defection and distribution problems. I will discuss each of these hypotheses in turn.

The literature on cooperation notes three functions that international institutions can perform to reduce the incentive to defect from cooperative efforts. First, institutions can reinforce iteration by lengthening the shadow of the future and lengthening time horizons. The link between current actions and future benefits must be bolstered.³⁰ Second, institutions can

³⁰ It is worth remembering that this finding arises from the dynamics of the Prisoners' Dilemma; if another model of

monitor the behavior of players. Defections need to be reliably identified when they occur, and clear standards must exist against which players' behavior can be judged. And third, institutions can sanction the behavior of players. Credible ways of punishing defectors must exist, and such punishment is needed to raise the cost of defection. I suggest that international secretariats can perform similar functions for states.

Secretariats can reinforce iteration by making follow-up reports on cooperative projects. This prevents all responsibility for cooperative projects from being with states only, as states are tempted to defect. Moreover, states can use such reports to link current actions with future benefits. This suggests that secretariats will be given the capability to remind states of cooperative projects in ways that states cannot ignore. Also, access to some expertise to do the follow-up work will be granted. For example, the U.N. Secretariat produces "reports of the secretary-general" on a wide variety of subjects – all demanded by states through the General Assembly and the Security Council, and frequently through formal resolutions.

Secretariats can monitor the behavior of players by acting as "watchdogs" of agreements. They can disseminate information on any state behavior which violates agreed-upon norms. Thus, secretariats provide information with which states can reliably identify defectors, and secretariats help to clarify the standards of behavior which an agreement entails. This suggests that secretariats will be given the capability to gather information, or to receive information from states, on a regular basis. For example, in the International Coffee Organization (ICO), certificates of origin were used to monitor quantities of coffee shipped by member states. These certificates were sent by customs authorities to the ICO Secretariat, which tallied the quantity of coffee shipped per producer.³¹

Secretariats can assist in the sanctioning of states by coordinating sanctioning efforts, or by assisting in decentralized (that is, state-controlled) sanctioning. This duty helps to increase

cooperation is used, iteration could actually inhibit cooperation. For example, if the cooperation problem is modeled as a 2-player chicken stage game, then attempts to iterate the game could actually *encourage* defection behavior, as Oye argues in the first chapter of *Cooperation Under Anarchy* (fn. 5). This occurs because defection in the present may create a reputation for recalcitrance which can be used to one's advantage in the future.

³¹ See Chapter Six of Robert Bates, *Open Economy Politics: The Political Economy of the World Coffee Trade* (Princeton: Princeton University Press, 1997).

the credibility of sanctioning, as the presence of the secretariat signals that the sanction activity has gained wider support. This suggests that secretariats will be given the resources to carry out such coordination or assistance; otherwise the signal loses its credibility. Such resources could take the form of military planners (for military action), or accessibility to information on state compliance (for economic action). For example, as part of the punitive measures taken against Iraq after its 1990 invasion of Kuwait, the U.N. Secretariat, led by its secretary-general, developed the plan for the United Nations Special Commission (UNSCOM). To carry out its duty to disarm Iraq, UNSCOM was partly staffed by U.N. Secretariat personnel.

Having outlined the theoretical functions that international institutions can perform to reduce the incentive to defect, and then tied these functions to specific tasks of international secretariats, my first hypothesis follows:

Hypothesis 1: The greater the degree of incentive to defect, the more states will delegate tasks to international secretariats designed to reduce the temptation to defect. Three such tasks are to make follow-up reports on cooperative actions, to monitor the behavior of states, and to aid in sanctioning.

The greater the distributional conflict over a set of outcomes, the harder cooperation is to sustain, unless the losers are compensated for their losses. Both Krasner³² and Garrett and Weingast³³ argue that significant distributional conflict makes the relative power of the players more relevant for outcomes. However, other analysts have argued that significant distributional conflicts are precisely the moments when institutions can play important roles – as providers of information to aid negotiations, as unbiased mediators, and as fora for issue-linkage. First, institutions can upgrade the general informational environment in which states operate by providing information on state positions and intentions. Instead of each state having to discover and keep track of such information on its own, states can depend on the institution to gather, record and store such information for them, thus saving state effort and resources. Second, institutions can be unbiased mediators in negotiations between states. Institutions can intervene in state negotiations as disinterested third parties and suggest compromises with more credibility. And third, because several issues may fall under an institution's purview, linkages between

³² See Krasner, fn. 10.

issues and quid-pro-quo resolutions to distributional conflicts are easier to pursue. I suggest that international secretariats can perform similar functions for states.

Secretariats can provide information on states' positions and intentions. This duty reduces the transaction costs of negotiating an agreement for the following reason: instead of each state having to discover and keep track of such information on its own, states can depend on the secretariat to gather, record and store such information for them, thus saving state effort and resources. For example, the E.U. Council Secretariat is the official minute taker for all Council meetings, including those of the working groups and the Committee of Permanent Representatives (COREPER). As Hayes-Renshaw and Wallace note, this duty is significant as such minutes both inform further discussions of issues by national delegations and can be used legally in the European Court of Justice if the Council is taken to court.³⁴

Secretariats can also act as unbiased mediators by suggesting focal points. Such work helps identify the possible points of agreement in negotiations between member states. This duty requires that states equip secretariats with the resources to analyze policy debates facing states. According to Hayes-Renshaw and Wallace, the Council Secretariat frequently becomes "involved in mediating in disputes between delegations."³⁵ Such mediation "might involve informal information gathering and consensus brokerage on behalf of the presidency, with delegations using the Council Secretariat as a *porte-parole* to explain to the presidency their unofficial objections to a particular proposal or part of it."³⁶

Secretariats can become even more deeply involved in the negotiating process by suggesting ways to tie issues together to encourage compromises between member states. Such issue-linkage can play an important role in state negotiations. For example, through the "good offices" of the Secretary-General, states have allowed the U.N. Secretariat to pursue preventive diplomacy. Such diplomacy may well involve issue-linkage by the Secretary-General to resolve state conflicts. Without closer study and process-tracing, I cannot yet give conclusive examples of this potential function; however, I am sufficiently convinced of its plausibility to maintain it as

³³ See Garrett and Weingast, fn. 12.

³⁴ Hayes-Renshaw and Wallace (fn. 1), p. 118.

³⁵ Hayes-Renshaw and Wallace, p. 119.

part of my theory.

Having outlined the theoretical functions that international institutions can perform to reduce distributional conflict, and then tied these theoretical functions to specific tasks of international secretariats, my second hypothesis follows:

Hypothesis 2: The greater the level of distributional conflict, the more states will delegate tasks to international secretariats designed to reduce distributional conflict. Three such tasks are to provide information on the positions and intentions of states, to act as unbiased mediators by suggesting focal points, and to facilitate issue-linkage.

Both cooperation challenges – the temptation to defect from an agreement, and the level of distributional conflict – could occur simultaneously. In game-theoretic terms, a Battle of the Sexes game could be nested in a Prisoners' Dilemma, thus posing both distributional and defection problems, as in Figure 1 above. To sustain cooperation under these circumstances, states must address both problems simultaneously. Given the discussion above of Hypotheses 1 and 2, a third hypothesis follows:

Hypothesis 3: If the degree of incentive to defect and the level of distributional conflict are both increasing, states will delegate to international secretariats more tasks designed to control both the defection and the distribution problems. Tasks include: making follow-up reports on cooperative actions, monitoring the behavior of states, aiding in sanctioning, providing information on the positions and intentions of states, acting as unbiased mediators by suggesting focal points, and facilitating issue-linkage.

³⁶ Hayes-Renshaw and Wallace, p. 119.

The hypotheses are summarized in Table 1:

Table 1: Predicting Secretariat Tasks from the Level of Distributional Conflict and the Degree of Incentive to Defect

		Level of Distributional Conflict	
		Low	High
Incentive to Defect	Low	few or no duties or capabilities given to secretariat	help solve distributional conflict (provide information on other states' positions and intentions; suggest focal points; issue-linkage)
	High	help solve defection problems (make follow-up reports; act as "watchdogs" of agreements; coordinate sanctioning efforts/assist in decentralized sanctioning)	helps solve defection problem and distributional conflict (combination of all functions: follow-up; watchdogs; sanctioning; provide information; focal points; issue-linkage)

So far, I have argued that the type and intensity of the cooperation problem will determine the tasks which states assign to international secretariats. However, states realize that there is no guarantee that secretariats will always perform these tasks in a manner consistent with state interests. Therefore, the theory is incomplete: having explained *why* states assign specific tasks to secretariats, I now have to explain *how* states ensure that secretariats will do what states wish them to do.

Preventing Agency Losses

The literature on principal-agent relations notes two sources of opportunistic behavior by agents: hidden information and hidden action. When an agent acquires information which is difficult or costly for the principal to obtain, the agent may have incentive to use this information strategically. Such information could be the agent's type (for example, is the agent risk-averse or risk-acceptant) or it could be details about the agent's resources (such as the agent's budget, or time required to complete a task efficiently). Hidden action occurs when the principal cannot observe all of the actions of the agent. Without verification of the agent's actions, room for opportunistic behavior exists. The agent could act in a way which contravenes the principal's

wishes and then claim that such action never took place. Consequently, a rational principal will structure the principal-agent relationship in such a way that desired behavior is encouraged and undesired behavior deterred.

Kiewiet and McCubbins note a third source of agent opportunism which they call Madison's Dilemma. To enable an agent to act efficiently, the necessary resources to complete tasks must be delegated. However, there is a risk that these resources could be used opportunistically by the agent: "resources or authority granted to an agent for the purpose of advancing the interests of the principal can be turned against the principal."³⁷ Kiewiet and McCubbins argue that neither hidden information nor hidden action lead to Madison's Dilemma; rather it "arises from agents exploiting the favorable strategic situation in which they have been placed."³⁸ As in the case of hidden information and hidden action, a rational principal will structure the principal-agent relationship in such a way that any strategic misuse of resources by the agent is discouraged.

As discussed in Section I, principals can discourage agent opportunism via *ex ante* limitations on agent discretion and *ex post* monitoring of agent behavior. *Ex ante* limitations on agent discretion can take several forms: they can be explicit limitations on agent action, as in the case where an agent is expressly prohibited from performing an action; or they can be implicit limitations, such as when an agent is required to obtain the principal's approval before performing its assigned task.³⁹ Furthermore, *ex ante* limitations can be formal or informal. Formal limitations are those which are found in organizational charters and treaties, while informal limitations are those which principals use *in practice*. For example, in the European Union, member states have used the "Luxembourg Compromise" to opt out of E.U. directives by claiming that "vital national interests" were at stake. France began the practice in 1966 and it has been invoked by several member states since then, although it has no formal legal standing in the E.U.⁴⁰

³⁷ Kiewiet and McCubbins (fn. 15), p. 26.

³⁸ Kiewiet and McCubbins, p. 26.

³⁹ Pollack (fn. 19) refers to *ex ante* limitations as administrative procedures, as they "define *ex ante* the scope of agency activity, the legal instruments available to the agency, and the procedures it must follow." (p. 108).

⁴⁰ For a discussion of the Luxembourg Compromise and its use by European states over time, see pages 79-87 of Lawrence Hamlet, "The Core of Decision-Making," in Reinhardt Rummel, *Toward Political Union: Planning a*

Ex post monitoring of agent behavior can also take several forms. The literature makes a useful distinction between police patrol and fire alarm monitoring. In police patrol monitoring, the principal reviews agent action on a regular basis (through mechanisms such as public hearings, field observations, and the mandatory submission of agency reports). In fire alarm monitoring, the principal depends on third parties to monitor the agent. For example, the principal may insist that an agent consult with a broad range of outside experts before carrying out an assigned task. In this way, third parties are involved in the agent's work.

Closely linked to *ex post* monitoring is the sanctioning of agent opportunism, and such sanctions take a variety of forms. For example, principals can use their control over agents' budgets to discourage opportunistic behavior. Or principals can threaten to revise the agent's mandate if opportunistic behavior occurs. And principals can create new rules and new administrative procedures to rein in opportunistic agents. The effectiveness of sanctions will depend on their credibility, which in turn depends on the costs to the principal of sanctioning the agent.

One control mechanism which could be an *ex ante* limitation on discretion, *ex post* monitoring, or a control on the agent's type is the principal's control over staffing rules. Principals can reserve the right to dismiss or reappoint agents in order to deter agents from acting opportunistically. Like other forms of *ex ante* limitations on discretion, such rules can appear in organizational charters or can simply be used in practice. However, staffing rules can also be used by principals for *ex post* monitoring. Principals can appoint national representatives to key posts in the agent body in order to use these representatives to uncover agents' hidden information and hidden action. These representatives could belong to the principal, or could be third parties trusted by the principal. In this way, both police patrol and fire alarm monitoring can be successfully undertaken. Finally, principals can retain control over the staffing of key posts in the agent body in order to attempt to determine the agent's type. Appointing a chief executive who is risk-averse may, in and of itself, reduce the risk of agent opportunism.

I argue that these sources of agent opportunism and methods of agent control are relevant when states delegate tasks to international secretariats. I take states to be the principals and secretariats to be the agents. I also assume that a secretariat is a unit which is effectively represented by its chief executive.⁴¹

As rational principals, states will structure their principal-agent relationship with secretariats in such a way that desired behavior is encouraged and undesired behavior deterred. To achieve this, states will use a mix of the control mechanisms discussed above: *ex ante* limitations on secretariat discretion, *ex post* monitoring of secretariat behavior, sanctioning of secretariats when necessary, and the manipulation of secretariat staffing rules to deter opportunism. For example, the variation in staffing rules discussed in Section 1 could reflect varying degrees of monitoring. Another example, discussed in the introduction, is the U.S. refusal to pay its arrears to the U.N. until U.S. demands for Secretariat reform are met. This is an instance of a state using its budgetary control to sanction its agent. Yet another example, discussed in Section I, is the inability of INTERPOL's secretariat to gather intelligence on its own. The secretariat is asked to centralize intelligence from national police bureaus. This is an *ex ante* limitation on the discretion of the INTERPOL secretariat.

I assume that as the delegation of tasks to secretariats increases, the risk of opportunistic behavior by secretariats also increases. When secretariats are delegated few tasks, there are fewer chances for hidden information, hidden action and strategic action to hurt states, as the scope of secretariat oversight is limited. With increasing delegation of tasks, and thus a wider scope of secretariat action, the potential for secretariat opportunism rises. States, as rational principals, will respond to this rising risk by using more control mechanisms to prevent agency losses.

Thus, as the delegation of tasks to secretariats increases, the use of *ex ante* and *ex post* controls by states also increases. And since I have argued that the delegation of tasks to secretariats increases when states experience greater degrees of incentive to defect or greater

⁴¹ This assumption does not capture the fact that multiple agents may exist in one secretariat. However, I hope that this simplifying assumption, while not capturing all the details, will prove to be analytically useful.

levels of distributional conflict, it follows that the more intense the cooperation problem, the more tasks will be delegated to international secretariats, and therefore, the more *ex ante* and *ex post* controls will be instituted by states. This is my fourth hypothesis:

Hypothesis 4: *The greater the degree of incentive to defect, or the greater the level of distributional conflict, the more states will use control mechanisms to guard against opportunism by secretariats.*

When cooperation problems are minimal, states delegate few tasks to international secretariats and therefore do not have to worry much about opportunistic secretariat behavior. However, as the cooperation problems intensify, delegation increases, leading to increased risk of opportunistic secretariat behavior and increased incentive for states to institute control mechanisms. My fourth hypothesis is outlined in Table 2:

Table 2: Predicting the Level of Control Mechanisms from the Level of Distributional Conflict and the Degree of Incentive to Defect

		Level of Distributional Conflict	
		Low	High
Incentive to Defect	Low	<i>few</i> control mechanisms	<i>more</i> control mechanisms
	High	<i>more</i> control mechanisms	<i>most</i> control mechanisms

Two points regarding Table 2. First, the reason that “more control mechanisms” is predicted twice is because distribution problems can be as difficult to solve as defection problems. Scholars of international institutions used to view defection problems as being harder to solve (and therefore requiring more institutionalization) than distribution problems; however this view has been abandoned, as discussed in section one. Based on this, I have not tried to rank them by suggesting, for example, that defection requires more institutionalization (and therefore

more control mechanisms, according to my theory) than distribution. Second, I have only predicted that “more” or “fewer” control mechanisms will be used; I cannot predict, with my current theory, when specific types of control mechanisms will be used. This is a weakness that I share with other works on delegation, which are usually better at indicating the variety of control mechanisms available to states than predicting when particular types will be used. Predicting when specific types of control mechanisms will be used is an important theoretical task, but one which I do not propose to take up in this study.

The use of control mechanisms by states has a direct impact on secretariat design (my dependent variable). Recall that my dependent variable involves three aspects: secretariat duties, secretariat capacities (meaning resources), and secretariat staffing rules. Control mechanisms have a direct impact on all three. To return to the INTERPOL example, when states mandate that the INTERPOL secretariat cannot gather intelligence on its own (an *ex ante* limitation on discretion), both the duties and capacity of the INTERPOL secretariat are circumscribed accordingly. The secretariat is not given the formal duty to gather intelligence, nor is it given the resources to do so. Or, in the U.N. example, the fact that the U.S. uses its budgetary power to punish the U.N. Secretariat has a direct impact on the secretariat’s capacity to pay its operating costs. And, as argued above, states can use staffing rules as control mechanisms.

In sum, to focus only on the *reasons* for delegation would not address the *consequences* of delegation. States address cooperation problems by having secretariats perform appropriate tasks. However, states must also address a consequence of delegation – secretariat opportunism – and thus must apply appropriate levels of control mechanisms. Thus, to fully explain secretariat design, both the tasks secretariats perform and the control mechanisms states use must be considered. I summarize my hypotheses in Table 3:

Table 3: Summary of Hypotheses

Hypothesis	Predicted Actions	Predicted Monitoring Level
1: The greater the degree of incentive to defect, the more states will delegate tasks to international secretariats designed to reduce the temptation to defect.	Make follow-up reports on cooperative actions, monitor the behavior of states, and aid in centralized and decentralized sanctioning.	more
2: The greater the level of distributional conflict, the more states will delegate tasks to international secretariats designed to reduce distributional conflict.	Provide information on the positions and intentions of states, act as unbiased mediators by suggesting focal points, and facilitate issue-linkage.	more
3: If the degree of incentive to defect and the level of distributional conflict are both increasing, states will delegate to international secretariats more tasks designed to control both the defection and the distribution problems.	Make follow-up reports on cooperative actions, monitor the behavior of states, aid in sanctioning, provide information on the positions and intentions of states, act as unbiased mediators by suggesting focal points, and facilitate issue-linkage.	most
4: The greater the degree of incentive to defect, or the greater the level of distributional conflict, the more states will use control mechanisms to guard against opportunism by secretariats.	Cannot specify when specific types of control mechanisms will be applied.	see above

Section III: Operationalization, Empirical Testing and the Case of the Council Secretariat

In a larger study, I intend to test my theory using five case studies of secretariats drawn from a variety of formal international organizations. For this paper, I will present one case, the Council Secretariat, to suggest the plausibility of my hypotheses and analysis.

Dependent and Explanatory Variables

I measure my dependent variable (secretariat design) along three dimensions that correspond to the three aspects of secretariat design I highlighted at the start of Section I. First, what type of duties are assigned to secretariats, and how much control do states retain over the execution of these duties by secretariats? Organizational charters, reports and treaties which outline ratification procedures, approval schemes and voting requirements provide some of this

information. More nuanced information to illuminate how things work in practice can be gleaned from interviews with key secretariat and government personnel. Second, how much capacity do secretariats have to carry out their assigned duties, and how much control do states retain over the use of this capacity by secretariats? Relevant information to gather includes the size of secretariat budgets and who controls them, the distribution and size of departments within the secretariat, the presence or absence of organizational stockpiles of necessary equipment, and the secretariat's ability to gather intelligence. Third, how much control over secretariat staffing do states retain? Relevant information to gather includes the role of national appointees in the secretariat, and whether or not state control over key appointments in the secretariat exists.

In the case of the Council Secretariat, I gathered this information via extensive background reading and interviews with Council Secretariat officials and permanent representatives from E.U. member states. I gathered information on the Council Secretariat's budget process; on the distribution, size, staffing and function of departments within the Council Secretariat; and on the role of national appointees in the secretariat (which turned out to be considerable). I interviewed secretariat personnel at senior levels, and then spoke with senior national delegates to the E.U. to verify what I was told in the Council Secretariat. This procedure was crucial to understanding the differences between formal procedures and actual practice. Interview questions varied according to the department and duties of the interviewees, and according to information gleaned from prior interviews. In general, I asked the national representatives of E.U. member states to describe their use of the Council Secretariat in their daily work (be it as representatives in weekly Council meetings, or during the preparation and running of a member state's presidency of the Council), and to comment on any problems or

tensions which had arisen during their work with the Council Secretariat. I asked secretariat officials to describe their work, to comment on any differences between formal rules and actual practice, and to discuss general institutional issues such as the budget, staffing issues, and their perception of how much member states controlled their work.

I measure my explanatory variables by estimating three values: the long-term expected benefits of cooperation, the short-term expected benefits of defection, and the expected distributional costs of a cooperative equilibrium. I first look at the issue-area involved and derive theoretical expectations of the values of these three measures. Then, I examine the case to better specify how these theoretical expectations express themselves and to estimate the levels of my explanatory variables. For example, if the issue-area is standardization, long-term expected benefits of cooperation include reduced transaction costs for states and potential economies of scale. The short-term expected benefits of defection are low to non-existent: defecting from a standard already in place, or already supported by a majority of states, would be costly for the defecting state. And the expected distributional costs of a particular standard will depend on the degree of adjustment costs that states would bear, which could vary widely. In a specific case of standardization – telegraph standardization in the nineteenth century which led to the formation of the International Telegraph Union (ITU) – we see these dynamics at work. With one standard for telegraphs, transaction costs are reduced as states no longer have to devote resources to comprehending each state's idiosyncratic telegraph standards. Defecting from this standard is unlikely. However, the expected distributional costs of telegraph standardization matter.

In the case of the E.U., which overlaps several issue areas and thus could involve a

significant variety of cooperation problems of varying intensities, how are we to know which cooperation problem applies? The answer is to look at either an issue area or a strategic environment within the E.U. and assess the value of the three measures noted above (the long-term expected benefits of cooperation, the short-term expected benefits of defection, and the expected distributional costs of a cooperative equilibrium). I argue that the Council of Ministers is a strategic environment in which distribution – and not defection – problems are most salient for two reasons. First, while distributional costs and the expected benefits of cooperation and defection vary according to the issue area or even the issue involved, the general strategic forum in which issues are discussed – i.e. the Council of Ministers – is not one from which member states have much incentive to defect. States gain more by participating in Council deliberations than staying out of them, even if they have severe disagreements over how issues which come to the Council are to be resolved. Second, the Council provides mechanisms for states to “defect” from cooperative efforts while still remaining participants in European integration. As Westlake notes, despite the increasing role of majority voting on E.U. issues:”

...behind the collapse of the Luxembourg Compromise and underpinning the Single European Act lay an eternal truth intimately bound up in the Council’s ethos and its method. As nature abhors a vacuum, so the Council abhors a majority if unanimity is possible. This is in part due to the Council’s social fabric, the club spirit that exists at all levels of the Council, from its working groups, through COREPER, to the sectoral Councils. Member states and the Presidency make great efforts to accommodate each other when in difficulty because they know that ‘there, but for the grace of God’ go they.⁴²

The spirit of consensus which infuses the Council of Ministers means that defection in the manner of the Empty Chair Crises is unnecessary: states can count on the fact that their objections on specific issues will be heard and dealt with by other members of the Council of Ministers and that final consensus agreements will reflect these concerns. Theoretically, once an

equilibrium is reached, it should generally be stable; however, the process of getting to that equilibrium could be extremely difficult. Working out problems of who wins and loses from issues, agreements and proposals in the Council of Ministers, and by how much, forms the basis and rationale for much of the Council's activities.

Given these distributional problems, my theory predicts that the Council Secretariat's duties, capacities and staffing rules will reflect the logic of hypothesis 2: the greater the level of distributional conflict, the more E.U. member states will delegate tasks designed to reduce distributional conflict to the Council Secretariat. These tasks include providing information on the positions and intentions of states, acting as unbiased mediators by suggesting focal points, and facilitating issue-linkage. However, hypothesis 4 predicts that the greater the level of distributional conflict, the more E.U. member states will use control mechanisms to guard against opportunism by the Council Secretariat. These control mechanisms will include *ex ante* limitations on the Council Secretariat's discretion, *ex post* monitoring of Council Secretariat behavior, sanctioning of the Council Secretariat when necessary, and the manipulation of Council Secretariat staffing rules to deter opportunism.

Preliminary results from my study of one of the E.U.'s secretariats – the Council Secretariat – are promising. Based on background readings and interviews of both secretariat personnel and national representatives to the E.U., I have learned that the Council Secretariat not only provides logistical support to member states, but is equipped to 1) serve as the institutional memory on all aspects of Council procedure – including tactics in negotiations -- for member states; and 2) is called upon to offer tactical advice to member states on negotiations in progress. Inasmuch as the Council of Ministers is *the* body in the E.U. where member states gather to

⁴² Westlake (fn. 3), p. 111.

negotiate E.U. policy, the Council Secretariat's role as a neutral facilitator of negotiation fits the logic of Hypothesis Two (the greater the level of distributional conflict, the more states will delegate tasks to international secretariats designed to reduce distributional conflict). Also, as predicted in Hypothesis Four (more delegation leads to more agent control), this delegation is not absolute: through manipulation of staffing requirements and incentives, E.U. member states effectively control the Council Secretariat.

Like the other secretariats in the case studies, little work exists on the Council Secretariat⁴³, and few studies have attempted to demonstrate, in a systematic and rigorous fashion, its influence and limitations. Thus, I conducted interviews both of secretariat officials (to glean how the Council Secretariat works in practice) and of national representatives from E.U. member states to the Council (who, as the Council's main "customers," could confirm the details provided by Council Secretariat officials). To prevent bias, I interviewed secretariat personnel in each operational division of the Council Secretariat⁴⁴ and interviewed national representatives from the E.U. missions of eleven of the fifteen member states. I interviewed national representatives from member states with substantial diplomatic and financial resources, like Germany, and from member states with fewer resources by comparison, like Greece. I also interviewed representatives from older E.U. member states, like France, and from newer members such as Austria and Finland.

Secretariat officials are formally required to be involved in each stage of decisionmaking in the Council of Ministers. First, secretariat officials are involved in the meetings of working groups. These groups are composed of national experts and delegates and meet to discuss Commission proposals and iron out technical points. The Secretariat is in charge of drafting a report on the progress of working group meetings, and this report forms the basis for the next level of decisionmaking, which is the meetings of the Committee of Permanent Representatives (COREPER). COREPER further debates working group proposals and amends them as required. The minutes of COREPER meetings are drafted by the Council Secretariat. When

⁴³ The books by Hayes-Renshaw and Wallace (fn. 1) and Westlake (fn. 3) are welcome exceptions.

⁴⁴ The Council Secretariat consists of the Secretary-General's private cabinet, the Legal Service, and 10 operational divisions (Directorate-General A through J) dealing with standard E.U. topics such as agriculture, the common foreign and security policy, justice and home affairs, and social policy.

COREPER finishes its deliberations, its report goes to the next level of decisionmaking, which is a formal meeting of the Council of Ministers in the sector concerned. Council Secretariat officials attend these formal council meetings. Thus the Council's decisionmaking process involves multiple levels of negotiation and the Council Secretariat is involved in each of them. Furthermore, the Secretariat's Legal Service is called upon to provide interpretations of community law to national delegates in Council meetings.

The Council Secretariat also has the resources to keep current with developments in negotiations. Unlike the U.N. Secretariat, which suffers greatly from a lack of funds, the Council's budget is paid out of the E.U. general budget. Other than a zero growth requirement, there are few restrictions on the Council Secretariat's budget and it is not in arrears. And unlike the U.N. Secretariat, which did not have the basic technology to maintain contact with peacekeepers in the field until a few years ago, the Council Secretariat has adequate resources to match its tasks. As one senior official in the Legal Service told me, "I have everything I need here to effectively do my job."⁴⁵ Furthermore, the Council Secretariat is staffed in each substantive area of concern for the E.U.

Central to the Council Secretariat's function is its role as a supporter of the presidency of the Council. Every six months, a new country assumes the presidency of the E.U. Council of Ministers, and it is the responsibility of the country holding the presidency to ensure that all negotiations taking place in the Council are successful in building general consensus. Given its involvement in all stages of Council decisionmaking, the Council Secretariat is well placed to provide information on the progress of negotiations. As Westlake describes it:

The reliability of the General Secretariat's advice is bound up in a fourth quality – near perfect knowledge which, in turn, is based on the General Secretariat's central role in the legislative process. At all levels, from working party to Council, the same officials will be in attendance. They are in constant contact with all of the delegations as well as with Commission and the Parliament officials. The information gleaned from these sources is constantly assimilated, synthesized and, when necessary, fed to the Presidency.⁴⁶

⁴⁵ Interview with senior member of the Council Secretariat's Legal Service, June 1998.

⁴⁶ Westlake (fn. 3), p. 318.

In short, the Council Secretariat has been given the staff, resources and formal role to gather information on negotiations in progress between member states in the Council. This is not surprising, given that the focus of the Council of Ministers is negotiation. While member states always can threaten to defect from E.U. cooperation, the credibility of such a threat has declined for two reasons. First, member states retain firm control over the process of European integration and can determine its path, despite the presence of supranational officials. And second, there are enough formal and informal mechanisms to protect national interests so that member states need not leave the E.U. to have their interests protected. Thus, incentives to defect from E.U. cooperation are minimal. However, the benefits of cooperation in the E.U. are not always greater than the distributional costs of specific equilibria. The fact that the Council of Ministers is, essentially, a permanent negotiating forum, suggests that hard bargaining over issues is an accepted practice in the E.U. Thus, distributional conflict can and does exist to varying degrees.

Following Hypothesis Two, I predict that the more distributional conflict exists, the more secretariats will provide information on the positions and intentions of states, act as unbiased mediators by suggesting focal points, and facilitate issue-linkage. As argued above, secretariat officials are well placed to gather and produce information on each stage of negotiation in the Council. But is there evidence of the other two functions?

The Council Secretariat portrays itself as an unbiased mediator; each secretariat official I interviewed stressed the Secretariat's impartiality. More surprising is that this view was confirmed by the national representatives I interviewed without exception. The Secretariat's only interest is that the negotiations in progress in the Council are successfully concluded. Its continuous involvement in Council procedure means that secretariat officials both understand the current state of negotiations and can compare current progress with past experience. Even in large member states, within three years the staff of most national missions to the E.U. has changed. By contrast, secretariat officials are constantly involved in Council procedure. Moreover, as the Secretariat directly supports each Presidency of the Council, secretariat officials also know what tactics and compromises worked for past presidents, and how contentious issues were handled. For example, a senior British representative to the E.U. whom

I interviewed confirmed that, during the 1998 presidency of the United Kingdom (U.K.), the Director-General of DG-G (Economic and Financial Affairs – EMU) was “an integrated part of the U.K. policymaking team.”⁴⁷ This British representative also confirmed that the secretariat officials in the Private Office of the Secretary-General frequently offered “very high quality tactical advice.”⁴⁸ I found other evidence as well: a Division Head in the Council Secretariat showed me a report he had written in 1998 to prepare a national representative to chair a formal Council meeting. The report contained several suggestions on how to run the meeting, specific procedural compromises which the chair could propose, and detailed information on the views of national delegations on outstanding issues.⁴⁹

I did not find conclusive evidence of issue-linkage, although I am not yet prepared to conclude that this function is not carried out by secretariat officials. I did establish that issue-linkage is not a formal duty of the Council Secretariat; however, it could very well be carried out informally by secretariat officials. This is a point for further empirical exploration.

I have argued that the Council Secretariat plays an important role in Council decisionmaking; however, this does not mean that the Council has the power to contravene state interests. First, the Secretariat has no monopoly on information: secretariat officials attend the same meetings which member states attend. While member states gain from having a centralized source of information in the Secretariat, if pressed, national representatives could discover this information on their own. This is particularly true for larger states who have more developed bureaucracies. It is easier to get information from the Council Secretariat, but it is not essential to do so. Second, secretariat officials do not necessarily have a substantial monopoly over E.U. procedure either. While it is true, as I argued above, that the Council Secretariat’s continuous presence allows it to apply historical precedents and lessons to ongoing negotiations, such work is not beyond the capacity of member states. Third, the Council Secretariat does offer member states much logistical support in the daily running of Council meetings; however, such support generally does not give the Secretariat a way to successfully act against state interests.

⁴⁷ Interview with senior member of the British Delegation to the E.U., July 1998.

⁴⁸ Interview with senior member of the British Delegation to the E.U., July 1998.

⁴⁹ Report shown to me during interview with senior official in DG-J of the Council Secretariat, June 1998.

Moreover, I found evidence of a series of control mechanisms which states successfully used to control the Council Secretariat. First, while the secretariat is formally responsible for drafting reports of meetings in the Council, these reports are not always used as the primary source of information by member states. For example, during the 1998 British presidency, the U.K. frequently did the first draft of reports, and for the Cardiff European Council summit conclusions, drafted the entire report and presented it to the Council Secretariat (as opposed to the practice, during other presidencies, where the Secretariat would write the first draft of European Council conclusions.). In short – to return to one of the measures of my dependent variable – the effective duty of the Secretariat to report on Council meetings is not necessarily as significant as the formal duty assignment would lead one to conclude. I interpret this as an informal *ex ante* limitation on the Council Secretariat.

A second potential control is the practice of *parachutage*, or the filling of senior posts with national appointees instead of with permanent secretariat officials recruited in open competition. *Parachutage*, as it is termed in the Council Secretariat, occurs at the highest A-grade levels – those of Director-General and Director – despite the formal E.U. principle of open recruitment for E.U. posts. In the ten operational divisions of the Council Secretariat, only 2 Director-Generals had risen up through the ranks; the rest were national appointees. One Director-General I interviewed recounted the tension he encountered upon arriving at the Secretariat from those who had been qualified, and hoped, to get his post.⁵⁰ I call this a potential control because there are many reasons for *parachutage*, and its effects are unclear. I have evidence suggesting it is more of a spoils system for member states, and contradictory evidence suggesting that *parachutage* does facilitate national influence on secretariat operations. If the latter is true, this would be a classic instance of informal staffing practices facilitating police patrol monitoring. To return to one of the measures of my dependent variable, secretariat control over staffing would be reduced.

Given the substantive role of the Council Secretariat, Hypothesis Four predicts that there will be evidence of monitoring of the Council Secretariat by states, and the preliminary evidence I have gathered suggests that there are limits placed by members states on the Council

⁵⁰ Interview with a Director-General in the Council Secretariat, June 1998.

Secretariat. Monitoring may have the effect I predict on effective duties and secretariat control over staffing, although preliminary evidence suggests that the Council Secretariat's effective capacity is rather high.

Conclusion

As discussed in Section I, my study fits into and drives forward research on state cooperation. Thus, it will be of benefit to specialists of international institutions and scholars of international relations.

For specialists of international institutions, the study could advance research on how international institutions are used by states. Much of the past research on international institutions has been preoccupied with showing that institutions "matter" in international relations. My research can complement these existing studies by theorizing on *how* and *when* institutions matter. Furthermore, by focusing on international secretariats of formal international organizations, my study puts needed attention on formal institutions. Much of the past research on international institutions has not focused on actual organizations, but rather on informal but significant institutions such as regimes. Only recently, beginning with studies of the European Union, has attention turned to analyzing formal organizations. My study will take the theories used to explain international institutions and cooperation in general and test them on new data involving formal international organizations. In this way, I hope to increase the leverage of these theories.

My study will also build a bridge to potentially useful studies of formal international organizations done in the fifties, sixties and seventies. Such studies – which used to fill the pages of *International Organization* and other journals – have been underutilized by many scholars of international institutions and deserve attention.

For scholars of international relations, my research could be of interest for explaining other puzzles. I argue that explanations of delegation in international relations cannot only concern themselves with the reasons for delegation, as most functional explanations do. Rather, such explanations should also take into account the *costs* of delegation. Delegation involves the

risk that one's agent will not act as one desires. Rational states anticipate this risk and act to address it through institutional design, decisions rules, or other control mechanisms. Thus, the delegation which we observe empirically is influenced by the reasons for delegation *and* the costs of delegation. This insight could usefully be applied to other instances of delegation in international relations.

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