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Publication Date
2006-06-01

**WORKING PAPER   The Design of Environmental Regimes:
Social Construction, Contextuality, and Improvisation**

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Abstract   While much of the literature on environmental regimes has focused on effectiveness, this article takes a new look at a lesser studied topic, regime design. Understanding how regimes differ in design, and how various factors and processes shape their design, is important if we are to more deliberately and intelligently craft these regimes. Another important notion is the countervailing actions of social construction and context. Focusing on transboundary marine programs, we see that their designs basically follow a common template, namely that of the UNEP (United Nations Environmental Programme) Regional Seas Programme. However, the action of context (i.e., local actors, processes, needs) can modify these designs away from the common template. The extent to which these programs begin to differentiate from each other may be an important sign of program maturity and responsiveness to context. In this article, we examine a set of transboundary marine programs to discover what the important dimensions of differentiation are. Then, we focus on one specific program, the SSME (Sulu-Sulawesi Marine Ecoregion) and closely trace how its specific form and organization came about. The analysis is informed by a model of institutional coherence that portrays institutions as the product of multiple generative mechanisms (e.g., social construction, ecological fit, and others). The work provides us with directions for institutional design and assessment.

Keywords: regime design, transboundary marine programs, regional seas, institutional design, regime building.

I.   Introduction

While the literature on environmental regimes has concentrated on the issue of effectiveness (e.g., Keohane et al., 1993; Victor et al., 1998; Young, 1999; Young, 2002), this article speaks to a lesser-studied aspect, that of regime design. It is essential to focus on the latter since we need a deeper understanding of important elements of design (i.e., how regimes differ from each other) and processes that affect this design (i.e., what causes specific designs to emerge). All this is needed if we are to better and more consciously craft these regimes.

Moreover, the literature on regimes, having emphasized the theme of effectiveness, has concentrated on seeking out universal features that good regimes ought to have (e.g., see Levy, 1996; Victor et al., 1998; Young, 2001). In this paper, we add to this research by focusing instead on elements that make each institution different, the notion being that the extent and manner by which individual programs grown into their own unique designs may spell the difference between a regime that is an active force for environmental change, or a shell of an institution. The primary objective of this research is to construct a new mode of analysis that might afford us deeper ways of describing and analyzing regime design.

We illustrate this with regional marine programs which have been studied to a much lesser extent than their counterpart transboundary freshwater regimes. Part of this is, doubtless, due to the fact that the marine programs are newer and fewer in number. Moreover, the reasons for forging riverbasin programs are plain --there is nothing so urgent as a scarcity induced by states using up more water than the river can sustain. In contrast, the reasons for transboundary marine institutions are, while also compelling, nonetheless not as immediate. For this reason, marine programs often require a visioning phase, wherein policy actors jointly construct the reasons for collective action.

Marine programs are strongly influenced by a common template --that of the United Nations Environmental Programme (UNEP) Regional Seas model (beginning with the Barcelona Convention in 1976). This common origin, along with the overweaning influence of the UNEP, creates a formal uniformity among these marine programs (Sand, 1987). This extends to a uniformity in process and structure or, as referred to in organizational theory, isomorphism (DiMaggio and Powell, 1991) of the transboundary institutions that are invariably created by these conventions. We ask, however: what goes on in these institutions aside from mere adherence in form to the UNEP template? How do policy actors, in each case, define anew the reasons for and manner of collective action? Along what dimensions do marine programs differ, and how might these differences be significant? In asking these questions, we are beginning to generate directions for inquiry into what makes a marine program function (or not) beyond mere compliance with the formal.

Underlying the theory that guides our research is a notion that these institutions are molded by multiple factors, pressures, and contingencies. These institutions are social constructs, most immediately patterned after the Regional Seas model. However, if they were only so, then we would find isomorphism all throughout the field. There are other formative influences, however, including the differing effects that different sponsors will have on the program, as consistent with resource dependency theory (Pfeffer and Salancik, 1978), which may make programs differentiate away from the general template. Moreover, differentiation may arise from the degree to which policy actors may utilize local resources, institutional elements, or concepts in the creation or operation of the marine program --this is a process of improvisation (or *bricolage*). There is also the possibility that the resulting program be, to some extent, designed or managed according to refinements that better suit the cultural or political context for the particular marine

program --the notion of embedding (Polanyi, 1944; Granovetter, 1985). This latter notion corresponds to an ecological model that has also been proposed in the organizational literature (Hannan and Freeman, 1977). In fact, the very culture of these social and political systems needs to be understood (Sievers, 2001). For these reasons, we should expect to find some dimensions by which marine programs differ or reflect contextuality --in other words, to exhibit differentiation. The diagram in Figure 1 is a heuristic that serves to remind us of the manifold factors that may act in concert in the formation and development of the institution (Lejano, 2004). The diagram reflects some patterns found in studies of mechanisms by which international regimes affect the behavior of policy actors (e.g., Young, 1999) and overlaps with aspects of what has elsewhere has been described as issues of fit and interplay (Young, 2003).

[INSERT FIGURE 1 AROUND HERE.]

A key aspect of marine programs, then, is the extent to which policy actors are able to transcend mere adoption of the formal (i.e., the UNEP Regional Seas template) and inject into the institution real agendas, initiative, resources and, ultimately, collective action. The Regional Seas model may be imagined as text that is transported from place to place and simply inscribed. As mere text, however, it may simply remain as a concept, unless it grows into its context, is reinterpeted by local actors, and translated to action. The thesis of this paper is that these elements of context invariably act on the template in order to interpret the latter into real policy and action. The consequence of this is that the core of what these institutions mean may, to some extent, be found in these areas of differentiation. In this article, we focus merely on understanding the aspect of regime design and, so, do not attempt to make the link between differentiation and program effectiveness --the latter is something that needs to be taken up by the larger literature on regime effectiveness. The main questions taken up in this paper is: in what deeper ways can we characterize differences between regime design, and how do these differences evolve?

There are two main parts to this paper, namely:
i.   Comparing the design of six regional seas programs and using the comparative analysis to suggest important dimensions of differentiation;
ii.   Focus on one of these programs more closely and trace how its particular design evolved, what processes molded such design and, in so doing, explain why its design differentiated itself from other regional seas programs.

II.   Method

Comparative Analysis
In the first part of the paper, we compare six different regional seas programs in order to find important dimensions along which these differ. To do this, we consulted a large number of archival records and documents, including program conventions and treaties, action plans, transboundary diagnostic analyses, project reports, and others. We supplemented archival data with information that we obtained through email from program officers. While much of our analysis focuses on the different forms taken on by these regimes, we also sought to discover whether these programs had important differences in practice --for this reason, we also obtained (by downloading from program websites or requesting from program officers) a meeting minutes and transcripts for each of these programs.

The archival data were then systematically compared by contrasting similar documents in parallel (e.g., program agreements, action plans), in a method of pattern matching (Yin, 2003). We also allowed the most relevant thematic differences to emerge from the material through a type of

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grounded research approach (Glaser and Strauss, 1967). For example, when we found important and consistent differences in certain program elements, we highlighted these passages and, then, proceeded to try and categorize these themes. By comparing observations between the two researchers, we resolved the contrasting material into a number of categorical themes, as listed below (these categories will be further discussed in the analysis section).

- coalition: basic descriptive parameters of the group
  (specifically, number, heterogeneity, per capita GDP, and issue salience).
- jointness: described qualitatively, but aspects of it captured through a number of indices
  (specifically, categories of authority, autonomy, and organizational form).

In the above, number is simply how many states have entered into the regional seas agreement. Heterogeneity is indexed by the ratio of the standard deviation of the Gross Domestic Products (GDPs) across the group and the average GDP. Average per capita GDP is calculated as the total GDP of all states combined divided by the total combined population. There are, of course, many other ways to try and capture the heterogeneity of the group, but the above index is intuitively useful. For issue salience, we used content analysis (e.g., see Epstein and Segal, 2000 for similar analyses) of relevant documents (mainly, program treaties, action plans, and transboundary diagnostic analyses) to highlight the problem areas that are most frequently cited. We supplemented this with a cursory look at environmental statistics for each regional sea to verify that identified issues were indeed critical. The issues were generalized into the following categories: pollution (marine and land-based), species protection, habitat, fishing, and development (resource use and livelihood), and the most salient issues ranked for each program. We also summarize these comparisons in coalition characteristics graphically.

The theme of jointness emerged as an important feature of each regime. By this term, we simply mean the manner and concepts by which stakeholders understand the collective --this is important because, if participating stakeholders lack a vision of a common purpose or identity, then the institution may become a mere formality. We develop the theme of jointness narratively, but talking about the nature of the collective vision in each of the programs. Again, we utilized content analysis for this. Some aspects of jointness are more explicitly described, and we attempt to capture three dimensions of jointness using indices. The three dimensions are: authority, autonomy, and organizational form.

The dimension of autonomy is defined as the extent to which the regional institution can make decisions, policies, agreements, contracts, etc. on its own or stand on its own as a separate institution. We index each program along this dimension by seeing how many of the following elements are present:
- Secretariat (composed of state representatives)
- Stand-alone Secretariat (including dedicated program staff)
- Budget Provisions (formal terms for budget allocation and revenue raising)
- Multilateral Organization (degree of bureaucratization, with different levels of authority, composed of state representatives)
- Independent Multilateral Organization (degree of bureaucratization, with different levels of authority, including non-state representatives)
- Contract (ability to let its own contracts)
- Information System (possesses its own information database and maintenance system)
- Policy-Setting (draft policies for states to consider separately)
- Policy-Setting, Independent (set policies without prior process within states)
- Public Participation (formal roles for various publics)
- Subsidiarity (lower levels of governance at sub-state level)

- Formal Autonomy (can supercede states in policy matters)

The dimension of authority is defined as the extent to which the regional institution is able to take policy action that influences the functioning of the respective states. We then categorize the different types of policy actions of the institution, which impact the states and index each program by looking for the following elements:
- Treaty/Convention (employment of formal treaty or convention as legal instrument)
- Territorial (joint actions regarding zoning, allocating, setting aside of territory)
- Capital Improvement (joint capital improvement projects)
- Regulatory (joint setting of action-forcing regulations, across the board)
- Planning (joint planning capabilities and projects)
- Research (joint research capabilities and projects)

The above elements are understood as joint actions --e.g., the Regulatory element pertains to regulations or rules that are set by the joint body as one, and not rules or regulations of the different states. We interpret this strictly and assume that mere intent to "harmonize" policies (as with the Black Sea) falls short of actual standard-setting, resulting in common, implementable standards for all states in the coalition (as with the Baltic Sea). For example, the states of the Baltic Sea have actually set common, enforceable standards for industrial wastewater treatment (though implementation may not be complete).

We emphasize that, in many of these indexing exercises, the analyst needs to make a judgment call. As an example, when we index program participation, we decided not to consider mere invitation of non-governmental entities to program forums but, rather, sought out formal provisions for their inclusion (e.g., formal observer status) or indications of substantive participation in planning and other deliberative bodies (using meeting minutes).

Lastly, we consider collective identity as embodied in the form of the institution itself. In this, we consider only formal aspects of each program and begin with the basic UNEP template which, as explained below, we categorize as the Coordinative (UNEP) Model. The list of basic forms are listed below:
- Coalitional: forum for inter-state deliberation, but no new formal institution
- Entrepreneurial: dependence on non-state, non-UNEP policy entrepreneur.
- Coordinative (UNEP):   conference of states with UNEP as Secretariat
- Coordinative (Independent):   revolves around conference of states, independent of UNEP
- Multi-Level: hierarchical structure, encompassing different scales of governance

Case Study Analysis: the Evolution of the SSME
In the second part of the article, we focus on one of the regional seas programs, the SSME, more closely in order to understand how regime design evolves through the action of multiple stakeholders, political pressures, and institutional processes. Inasmuch as we focus on the evolution of regime design, it is good to study a new program (such as the SSME) unfold from the beginning. For this analysis, the primary research material consisted of interviews with primary stakeholders from each of the three countries. Each of the interviewees were involved closely with the negotiations leading up to the signing of the agreement. We ensured that at least three stakeholders from each state's contingent were included in the interviews. Twelve interviews were conducted, in all, mostly ranging from 0.5 to 1.5 hours in length, all of these in English. Interviews were tape recorded and subsequently transcribed.

Much information was also obtained through direct participant-observer methods, especially as one of the co-authors attended the actual negotiation and subsequent signing of the agreement. Detailed notes, often verbatim quotes, of the proceedings were kept and later analyzed.

Content analysis of these research artifacts proceeded as described above --with highlighting key passages and, later, categorizing these. Specifically, the textual material was classified as to what aspects of the SSME's program design these pertained to (e.g., the functioning of the NGO as the ad hoc Secretariat). Though not a UNEP-led initiative, the influence of the Regional Seas program was evident in the substance of the SSME --e.g., drafters of the agreement for the SSME referred to (and evidently used some of the language of) previous agreements.

III.   Analysis and Discussion

A.   The UNEP Template

We begin by taking a brief look at the UNEP Regional Seas template. As illustrated in Figure 2, the most visible elements have to do with the founding treaty, creation of the intergovernmental body, and adoption of an action plan. The policy actors in this model are the signatory states. The intergovernmental body meets periodically (e.g., every other year) and passes resolutions which are, typically, consensus recommendations that need to then be taken up by individual states and ratified prior to entry into force. The formation of a Secretariat is also typically adopted at the founding convention. The Secretariat may take the form of a new organization or, as a default, the UNEP office. The template extends further, however, inasmuch as the content and language of the treaties and formal organization of the action plans all derive from the same model. The language of the treaties and conventions themselves is typically generic, stating broad objectives rather than specific actions, where the latter are presumed to follow suit through subsequent resolutions. In studying the regional seas agreements, we find that all of these echo passages found in the very first such agreement, the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona, 1976). The formal (rather than specific aspects) of the convention is most important in this regard. In most of the cases studied, large grant-funded projects (sponsored by institutions such as the European Union or World Bank) follow soon after ratification.

[INSERT FIGURE 2 AROUND HERE.   ]

B.   Differentiation: Six Transboundary Marine Institutions

Characteristics of Coalition

We proceeded to contrast the six regional seas programs in order to discover the most essential dimensions of differentiation. We summarize the basic characteristics of each coalition in Table 1 and illustrate these graphically in Figure 3 (as a 3-D plot). As we can see, the size and heterogeneity of the coalition differs widely, ranging from the SSME program with only three participating states and a heterogeneity index of only 0.621 (meaning that the three states are quite similar in terms of GDP) to the Wider Caribbean with 26 states and a heterogeneity index of 4.37 (meaning wide differences in GDP across the coalition). The range of values of the average regional per capita GDP figures is also significant, from a high of $27,849 per capita for the Wadden Sea program to $4,006 per capita for the SSME. Moreover, the most pressing or salient issues that concern the coalition also differs from program to program. For example, while the Mediterranean program focused, at least initially, most strongly on pollution control, the SSME has its primary focus on establishing conservation areas (especially coral reefs) and endangered species (especially the marine turtle). The Baltic Sea, characterized by shallow, brackish-water

conditions and adjacency to highly industrialized areas, is particularly vulnerable to eutrophication and, so, it is not surprising that pollution control be the most salient issue (Gelpke, 1994). Somewhere in the middle of the group is the Baltic Sea program, with nine states, a heterogeneity index of 1.5, and a focus on both pollution control and protected species (especially harbour and grey seals). As we will discuss later in the paper, this may have some implications for regime design.

[INSERT TABLE 1 AROUND HERE.]
[INSERT FIGURE 3 AROUND HERE.]

Jointness
An important plane of differentiation is that of how collective identity or action is understood by the stakeholders, and how it is realized. The link to effectiveness is direct, since, if the regional institution is to be a force for real change, then the collective needs to go beyond the formal and translate jointness into real actions and projects.

The very first instance that we find this is in the conceptualization or realization of what it means to be a region. Granted, there is an important dimension of regionalism that might be understood as social construction --a discourse forwarded by an epistemic community and used for the task of regionalization (Fawcett and Hurrell, 1995; Neumann, 1994; Haas, 1992; Nye, 1968). In this sense, regionalism is a "performative discourse" that seeks to legitimize a new frontier (Bourdieu, 1990). However, it is never just a social construction, and some theorists on region construction propose that there also has to be some material, social, or historical foundation for claiming regionalism, in the first place (e.g., see Neumann, 1994; Lehti, 1999; Engelen, 2004). We thus inquire into how local actors realize commonalities and what these common dimensions are --we will refer to this as "jointness," which occurs along two dimensions.
i.   Jointness in a performative sense: the evolution of activities that either are done jointly by all signatory states, or if individually done by each state, occur only because of the creation of the transnational program.
ii.   Jointness in a constitutive sense: the construction and subsequent realization of a new regional identity.

The first category concerns either the creation of new activities that are carried out jointly, or the coordination of actions such that states act in new ways as a result of the cooperation. Of the six marine programs, this is most distinctly realized in the Baltic Sea program --e.g., creating the Baltic Monitoring Programme (Gelpke, 1994). Granted, all six involve the statement of collective goals and objectives, even including plans to harmonize policies, standards, and activities. However, this takes on action-forcing dimensions in the Baltic Sea program. For example, the intergovernmental agreement and subsequent conferences have not only called for harmonization but specified specific standards that are, in turn, recommended to each individual state. We see this reflected in specific and universal standards for point source control, marine pollution, and land-based nonpoint source pollution (Helcom, 2000). As an example, point source management calls for the employment of best available technologies for management that are, in subsequent documents, spelled out (e.g., advanced secondary wastewater treatment for agricultural waste). Thus, one relevant dimension is the coordination of action-forcing standards which is a step farther along the path of individuation, inasmuch as the initial template only prescribes nonspecific, non-enforceable goals for joint action.

The Wadden Sea program is beginning to exhibit some of these activities, also. Though the program stated common goals more than specific, enforceable standards, the program has

developed uniform sets of criteria for issues like zone delineation (e.g., for eutrophication-vulnerable areas) and common practices for environmental impact assessment.

To a lesser degree, the Caribbean Environmental Programme also has developed some common, action-forcing standards (e.g., water quality criteria for domestic wastewater). A related type of activity occurs in the creation of a Coordinating body to review proposals from signatory states for inclusion of areas for habitat management (under the Protocol Concerning Specially Protected Areas and Wildlife). In this regard, the action is not merely that of the individual state, but joint deliberation on areas for inclusion and associated management systems.

Another joint action is the generation of new scientific collaboration and, most meaningfully, new institutions for cooperative research. The Baltic and Black Sea programs are most distinctive in this regard. In the first case, we find a significant effort made in creating a new data clearinghouse (the COMBINE database, which is managed by a new regional scientific research entity, MONAS, running a data center, ICES). The establishment of a new joint research center is a visible manifestation of jointness. Certainly, the mere creation of the new scientific program needs to be backed by evidence of extensive scientific activity, e.g., eutrophication modeling studies conducted under this new program. The Black Sea program also has given rise to vigorous, collaborative scientific activity. This scientific component is institutionalized in marine research centers located in the Ukraine and Romania, along with the initiation of a Central Meta Directory. These constitute observable indicators not just of joint scientific activities but the formation of a regional scientific community.

The Mediterranean program (or Med Plan) also envisioned the harmonization of water quality and emission standards, though the type of pollution control program and level of implementation varies widely across the signatory countries. Possibly, the most visible sign of cooperative action has been the control of ocean dumping and construction of some wastewater treatment plants (Haas, 1990). To a limited extent, the Med Plan manifests jointness through collaborative and comprehensive planning. In this case, jointness is realized through a process of visioning and in the integrated nature of this visioning. For example, the so-called Blue Plan for the Mediterranean involved evaluating competing scenarios regarding development in the region. In fact, the Blue Plan is not just a visioning plan but an actual organizational entity, a technical unit charged with the mission of scenario development.

By studying how different programs evolve and differentiate away from the general template (and each other), we also, naturally, pick up differences introduced by the differing age of these individual institutions. The Caribbean and SSME programs are relatively new and, so, probably have not had enough time to evolve some of these distinguishing elements --but this is part of what we want to evaluate. The "metric" for jointness in a performative sense is the extent to which a program has moved beyond the idea of coordination to the realization of joint action.

The second kind of jointness is constitutive. In this case, jointness is manifested in the construction of a new regional identity which goes beyond the general template that posits a strategic coalition of actors. In this regard, the SSME program is most distinctive in that, along with the new institution, a completely new regional entity was constructed. That is, whereas geographically, the area has two geographically distinct marine areas --the Sulu and Sulawesi Seas, the transboundary cooperative resulted in a new unitary concept, symbolized by the name, Sulu-Sulawesi. The task of region construction requires a conjunction of vision, political action, and technical activity --an impressive feat that will be described later in this article. At any rate, we observe regional identity formation in new boundaries or aggrupations manifested in maps,

legal descriptions, and socio-historical projects. The role of policy entrepreneurs and epistemic communities are important in this regard, as will be discussed in the second part of this paper.

To some extent, the Baltic Sea region was also an outcome of efforts at regionalism (e.g., see Gelpke, 1994; Neumann, 1998; Engelen, 2004) that reached a crescendo after the dissolution of the Soviet Union. Interestingly, the creation of the marine institution (the Helsinki Commission) preceded this era and was probably an important step in region-formation. Perhaps, along with political and economic motivations toward regionalism, the boundary-spanning effects of environmental phenomena like marine pollution did create part of the material subtext for regionalism.

The realization of jointness is an important dimension by which policy actors take the formal institution and actualize it into action. It is also important for the larger, regional project, the test of which is the widespread diffusion of the notion of a regional entity onto other levels of society, especially down to the level of the individual. As one writer remarked of the Med Plan, "It is sad, but true, that sixteen years after its inception, the MAP (Mediterranean Action Plan) remains largely unknown among the coastal Mediterranean public..." (Chircop, 1991).

While much of our analysis of jointness has been done in a narrative fashion, to some extent some of the aspects of jointness can be described more explicitly. For example, we can look for elements that constitute the degree to which the regional institution is bestowed with *authority*. Also, we also examine the types of actions that the regional institution is able to do on its own and, subsequently, cause the state to act, which we refer to as *autonomy*. Lastly, we look at a discernible aspect of jointness, and that is the way in which the identity of the collective is expressed through the form of the regional entity --we refer to this as *organizational form*. Tables 2 and 3 and Figure 4 summarize the comparison of the six programs along these three aspects of jointness.

[INSERT TABLE 2 AROUND HERE.]
[INSERT TABLE 3 AROUND HERE.]
[INSERT FIGURE 4 AROUND HERE.]

We see that the programs also span a range, from the Baltic Sea program which receives a high index on both autonomy and authority, to the SSME which registers low indices for both. As shown in Table 2, the SSME and Wadden Sea programs differ in that the policy instruments used were a Memorandum of Understanding (MOU) and Joint Declaration, respectively, versus a more legally binding Treaty or Convention. For example, though an MOU may be as closely adhered to as a Treaty in practice, there are some practical differences --e.g., an MOU need not be ratified by the state legislatures. The low indices of autonomy and authority of the SSME may be, in part, due to the relative youth of the SSME program. However, as we will discuss in the second part of the paper, it is also due to the formative influences of the eco-political context in which the SSME evolves. Note the gray areas not reflected in Tables 2 and 3. For example, though we do not credit the Black Sea program as having a full-fledged Secretariat (see Sampson, 1999 for an account), for a number of years, it did have a Program Coordinating Unit administering a multi-million dollar GEF grant. Moreover, while we do not classify the Black Sea Program as a UNEP initiative, the latter organization played a srong, though informal role in directing its evolution (Acherson, 1995; Hobson and Mee, 1998).

The last element of differentiation that stands out is that of organizational form. The structure of the institution is influenced by the motivations, political contingencies, resources, and culture of the stakeholders. For example, the types of working groups (whether ad hoc or formal) that are

created will depend on contextual elements like issue salience, political dynamic, and perhaps some degree of path-dependence. Organization is one means by which jointness is actualized. The convention takes on a physical existence through the formation of a new legal entity, the (intergovernmental) Commission. This is furthered symbolized by the stipulation that the Commission's decisions will signify *unanimity* of the signatory states (as in the Black Sea and Baltic Sea conventions). This is also manifested in the capacity of the new entity to enter in to legal agreements with other bodies. There are also shades of differences in organizational form, as summarized in Figure 4. Here we see a contrast between regimes. The Wadden Sea program is characterized by a multi-layered type of hierarchical organization. The Trilateral Working Group and Secretariat are new, stand-alone institutions that employ at least some professional staff who do not belong to the state governments. Aside from the institution created by the participating states, the Wadden Sea program also employs a notion of subsidiarity, and we see a nested institutional layer at the regional level (the Inter-regional Wadden Sea Conference) composed of stakeholders from counties, provinces, and lower levels of governance. Lastly, the institution provides formal roles for the public, NGOs, and others (e.g., a formal Observership role was established at the Ejsberg Conference).

The SSME, on the other hand, lies in the other direction, in that institutionalization is less complete. The Trilateral Commission, as it is evolving, is to be more of a forum than a new institution --which means that there will be no provisions for dedicated staff, headquarters, and others. The design of the regional program is becoming mostly dependent on already existing institutions (within each state and within the NGO-entrepreneur, the Worldwide Fund for Nature or WWF). While some of this is perhaps due to its relative youth, as discussed later in the paper, much of this is due to the deliberate design of its stakeholders and the formative action of context.

As suggested in Table 3, the Secretariat to the intergovernmental body is itself a site of differentiation. In some cases, there is no permanent Secretariat, and the UNEP acts as the regional coordinator (as with the Caribbean program and, at least in the beginning, the Mediterranean program). In other instances, however, a separate, stand-alone organization is created. This can be an important symbol of regional identity, as the autonomous body literally represents a new entity, embodied in a new, stand-alone organization. There is also a practical matter, in that the creation of a new organization can ensure that there will be a site for daily activity related to the program, which may spell the difference between a nominal institution and an active one. These stand-alone organizations are, in some cases, staffed by representatives from the signatory governments. The most developed organizational form would be autonomous, staffed by career professionals dedicated only to the organization. Examples of the latter are the Baltic and Wadden Sea Secretariats. These two bodies also differ from others in terms of authority --as the Secretariat functions not only to maintain the agenda of the multilateral coalition, but also runs projects, conducts studies, and performs program assessment. On the other end of the spectrum is the SSME, which does not have an independently staffed and funded coordinating unit and, to date, relies on an NGO to take on the duties of a Secretariat.

In some cases, whether due to resource constraints or other reasons, the signatories may decide not to create a new organization. This is the case in the Caribbean, in which the UNEP stands in as the Secretariat. This is also true of the SSME which is, in addition, unique in that, for the time being, an environmental NGO (the WWF) stands in as the functional Secretariat. In a sense, the strength of regionalism is mirrored in the strength and viability of its joint institutions, such as the intergovernmental body or the Secretariat.

Observations

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The authors suggest that, at least to some extent, these programs differentiate away from the common template because each program responds to different situations found in each context. Referring back to Figure 1, if the UNEP template is the international norm or social construct that guides all of these regional seas programs, the formative influence of context acts to differentiate these programs away from each other. In the following section, we will analyze the SSME program more closely to illustrate exactly how context shapes program design and why this is important to regime theory.

We can only make some tentative suppositions at this point, though these are merely general notions and certainly not rules of regime design. The first is the influence of the size and heterogeneity of the coalition. One reasonable proposition is that the larger and more diverse the coalition is, the greater the need for structure, rules, and formal elements --in other words, for institutionalization. This is complemented by the supposition (in the international relations literature) that programs with relatively large, hegemonic players will actually be a stronger, more stable institution (Keohane, 1984). This is certainly seen in the high degree of institutionalization of the Mediterranean Sea program (with 21 states) and only weakly so for the Caribbean. Moreover, we might suppose that, the higher the average per capita GDP across the coalition, the greater its capacity for institutionalization. This might explain why the Caribbean program, with its very low average per capita GDP, chose to turn to the UNEP as its foundation rather than create its own institution. It also helps explain why the Wadden Sea program has created a high degree of institutional complexity. All of these suppositions certainly ring true for the SSME, with its small number of participating states, homogenous mix, and low per capita GDP. These observations will be studied in more detail with regard to the SSME in the next section.

Moreover, we can suppose similar linkages to other elements of regime design, namely relative authority and autonomy. As consistent with insights from the field of international relations, weaker states may choose to join a coalition with a strong state only if the institution has strongly formal elements that protect their interests. In other words, more heterogeneous coalitions may require more formal institutionalization. This may help us understand why the Mediterranean program (with a high heterogeneity index) has a highly developed institutional design. On the other hand, in the case of the Caribbean (with an even higher heterogeneity index), the best option may have been to turn to the UNEP as its base and use the latter's institutional mechanisms in lieu of a new regional system. Undoubtedly, some of these differences are partly temporal --the SSME, being much newer than all the others, has not had enough time to mature. However, maturity time does not explain much concerning the older programs, as seen in the differences in institutional complexity between the Baltic and Mediterranean programs, both of which were conceived in the 1970s.

However, the main point of this article is that these suppositions are general concepts, at best, and that we need to closely examine the action of context in order to understand how regime designs evolve. In the next section, we study the evolution of the SSME and more carefully piece together the story of how its particular design came about.

C.   A Closer Look at the SSME Program: The Evolution of Design in Context

In this section, we closely trace the evolution of the program and attempt to explain why certain aspects of the regime design evolved the way they did. The legal instrument used was a Memorandum of Understanding (why this is so will be discussed below) and was signed by Indonesia, Malaysia, and the Philippines as a keynote event at the Conference of Parties to the Convention on Biological Diversity (CBD COP7) held in Kuala Lumpur, Malaysia in February, 2004. The parties also simultaneously adopted the Ecoregion Conservation Plan (SSME, 2004)

which was a product of twelve regional workshops, drawing as much as 460 participants in all, that led up to the signing.

Being the newest addition to the set of regional seas agreements, the SSME also exhibits some unique features from the start. By a number of accounts (e.g., WWF, 1998), this region is the site of one the greatest collections of marine biodiversity in the world. There is a relative parity in economic or other strength among the three signatory countries --Indonesia, Malaysia, and the Philippines have GDPs of $758B, $207B, and $391B, respectively. Thus, we would not expect cooperation to result from the influence of a hegemonic power (e.g., as in Keohane, 1984, Gilpin, 1987). The region covered by the SSME has been the site of various territorial disputes among Southeast Asian and other Asian countries in the past. While certainly influenced by the UNEP model (as seen in the mirroring of language in the 1976 Barcelona Convention and subsequent conventions after its mold), the international body has not formally been part of the institution formation process. We now examine, using Figure 1 as a guide, how the different formative elements acted to shape the regime.

International Norms

International norms can be important factors in the social construction of the institution. At least in its first year of existence, the SSME Program fits well within the mold of the UNEP template. Its founding agreement is modeled after Regional Seas agreements that preceded it, both in form and in some of the very language used. The most basic organizational structure also follows the norm set by marine programs preceding it, i.e., a convention of national ministers that convenes periodically, a secretariat to act as the coordination and administration unit assisting the main body, and primary representation from key ministry or department heads from each participating state. The primary international treaty that influenced the proceedings was the Convention on Biological Diversity which is, in fact, mentioned in the MOU.

The action of international norms on the institution occurs in several ways --primarily, as a larger subtext that determines the outlines within which the institution is forged. The influence of the larger sphere of international affairs surfaces more explicitly at various points in the process, however. For example, at various points during the drafting of the founding agreement, the drafters brought up the question of what necessary elements of the treaty would international funding agencies need to see. This also emerged from analyzing the interview texts. As one interview respondent put it, "...because of that signing also, we were also able to leverage funding from other institutions. UNDP [United Nations Development Programme] and GEF [the Global Environment Fund] are now offering to revive and old proposal on the Sulu-Sulawesi..." The effect of this on the process and the design of the institution is a formal one, but there are substantive effects. The prominence of habitat conservation in the SSME agreement is a reflection of this larger subtext. In general, norms can affect all of the elements of differentiation (issue salience, organizational form, etc.).

Policy Entrepreneurs and the Construction of the SSME

The program is also shaped by the presence, nature, and actions of policy entrepreneurs. Policy entrepreneurs are present in each of the programs studied, and in some cases, NGOs have assumed the role. However, the SSME is distinctive in the fact that it is the only one where the NGO assumes a formal role in the organizational structure of the transnational program. The Worldwide Fund for Nature (WWF), an international NGO, presently functions as the Secretariat of the preparatory committee (and, by extension, the Trinational Committee). There is a possibility that the WWF may be eventually replaced by a trinational secretariat in the future, but the most likely outcome is that WWF would still retain some formal place in the organizational structure.

As the secretariat for the process of drafting the agreement (the Preparatory Committee) and, by extension (based on this author's interpretation), the ad hoc secretariat for the resulting Trinational Committee, the influence of the WWF on the process and design of the SSME agreement has been substantial. To some extent, the form and function of the trinational program mirrors that of WWF's Southeast Asian operations. Each country's conservation activities, which are managed by the national environmental agency, are coordinated by the intergovernmental Trinational Committee. In parallel fashion, the country WWF offices, which work closely with each of the national agencies, are steered by a central WWF-SSME Unit (based in Manila). To some extent, the concept of the SSME is partly a construct engineered by the WWF. The concept of an ecoregion was proposed by WWF in the late 1990's as a manner of integrating conservation agendas across a region, as well as a logical response to the extensive physical range of some species, particularly pelagic fish, and conserving the fullest possible range of global biodiversity (Miclat and Trono, 2002). The resulting portrayal of the regional ecosystem, which eventually became the SSME, is shown in Figure 5, a map which grew out of the early workshops leading up to the SSME Agreement.

[INSERT FIGURE 5 AROUND HERE.]

The use of the concept was an ingenious one. The map depicts a "marine-state," in which the land masses of the nation-states recede into the background, as the outlines of what one might mistake as something like a "republic of SSME" are brought to the foreground. In this construction, the boundaries are not that of the nation-states, but of the ecoregion. In fact, territorial boundaries in the open ocean are not shown in the construct, which is significant given the history of territorial disputes over islands in the SSME area. The construct led to the conception of an area to be known as the Sulu-Sulawesi, whereas previously, the Sulu and Sulawesi Seas were recognized as distinct bodies. In this instance, the effect of the local actor (WWF) on regime design was most obvious in linking two separate bodies of water (each of which could have been the foundation for its own regional seas program) into one ecoregion. This is because the WWF chose to define boundaries not in terms of political demarcations or geographic features, but in ecological terms. When asked about the motivation behind a trilateral effort, all but one of the interview respondents attributed it to the inherent needs of migratory species (one respondent, however, thought illegal fishing was a primary reason). One respondent explained it in this manner: "...one of the main characteristics of the pelagic resources is that they migrate. Migration. You see, they might spawn in Malaysian waters, but in ther lifecycle, they will go into Philippine waters, and maybe they will come to Indonesian waters... so what I am saying is that they do not know political boundaries." Another respondent brought up the marine turtle as a prime motivation: "...a target or a strategy for the trinational is to get key species, not really all the species within the area. To get key species like the sea turtle --beacause it's highly migratory, it was already proven that the population of the sea turtles are shared among these three countries within the Sulu-Sulawesi."

There is a certain nominalism to this, in that the construction of the ecoregion stemmed not so much from either a consideration of the member states of degrees of joint action, or from a recognition of the same of cross-boundary effects or collective gains, but simply through the act of social construction --i.e., the naming of the region and a scaling-up of the concept of the conservation area (Miclat and Trono, 2002). This is consistent with descriptions of the construction process in the literature on regionalism, which posits some basic stages: (i) visioning/construction, (ii) institutionalization, and (iii) internalization (Neumann, 1998). The first of these stages occurred during the ecoregion planning workshops which were held in each of the three countries, an important part of which was creating a process in which an epistemic

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community might congeal (Miclat and Trono, 2002). By 'epistemic community' we mean a group of "networked professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area" (Haas, 1992).This was influenced by the culture of the NGO, which is a highly professional organization that maintains some foothold in the scientific and technological fields. For example, the use of Geographic Information Systems (GIS) by WWF during these workshops may have been an important element in the evolution of both the notion of the SSME and the epistemic community that formed around it. The nature of what we might identify as the epistemic community in the SSME is shown in Table 4, which lists the groups, agencies, and other parties represented in the original visioning workshops leading up to the SSME convention. In this case, the epistemic community was composed of WWF, other NGOs, government agencies, and academics from all three countries, including a group of policy actors that had earlier forged an agreement around turtle habitat management in the Turtle Islands, which straddle the Malaysian-Philippine boundary. The group consisted largely of scientists from marine biology, which helps explain the dominance of habitat conservation as the most salient issue in the SSME negotiation. Absent from this group, for example, are persons from fields like pollution control, chemical engineering, or even fisheries, unlike other regional seas programs. Still and all, there seems to be a genuine aspiration towards a common bond that is developing --as one of the respondents put it: "It is something like, we call it *adik-beradik*, it's something like brothers and sisters. You are talking about a family now." The primary stakeholders also share common notions about scientific justifications for joint action --such as the need for regional approaches to managing migratory species (e.g., yellow-fin tuna and whalesharks).

[INSERT TABLE 4 AROUND HERE.]

The WWF has influenced the process in other ways, as well --e.g., though the final MOU was definitely a trilateral effort of the state delegates to the conferences, the very first draft of it was crafted by the WWF-SSME Unit. In short, we see how the action of local policy actors move the institution to differentiate in the ways described earlier. For example, jointness in its constitutive sense, was realized in the SSME partly by taking a vision of regionalism fostered by WWF. Issue salience, specifically the dominance of conservation as the policy focus, stems from the nature of the epistemic community.

There is also some question as to the manner of integration of non-state policy actors into the transboundary regime. To a large extent, what has evolved thus far has not been a vigorous polity of transnational non-state policy actors engaging in a plurality of ideas, motivations, and concerns. Rather, the WWF has been a lone policy entrepreneur. Integration of the three member states has partly occurred through the integration of WWF's three country offices under the WWF-SSME Unit's umbrella. There is both an inherent efficiency and incoherence in this. It is efficient in the sense that communication, joint decision-making, and consensus are aided by having the same organizational machinery and culture behind the process in all three countries. Moreover, this organizational efficiency is bolstered by coordination efforts of the central WWF-SSME Unit to bring all three country offices under a consistent agenda. The incoherence comes about when we understand integration to require a coming together of diverse national interests, regional and local concerns, and others.

What is the difference between the classic state-led formation of transnational institutions and one that is fueled by the efforts of an NGO? As some respondents said, it is the ability of the NGO to transcend the self-directed agendas of the individual state and look to the larger agenda, along with its perceived neutrality, that transcends statist concerns. It was so much less likely for the concept of an ecoregion to come from a state actor. Beyond their constitution as "non-

government", this also speaks to the particular culture of the organization(s) involved. Several stakeholders also commented on the perceived neutrality of WWF. Still, notwithstanding the ability of this NGO to integrate national agendas and envision issues that transcend boundaries, it brings up the question of how and when do member states jointly develop a strong notion of the collective and make sense of their jointness in ways that go beyond the formal? Is there a possibility of capture of the institution by the policy entrepreneur, and does the primacy of habitat conservation issues in the negotiations thus far reflect this?

Improvisation
Improvisation is another important element that, for better or worse, shapes the SSME program (refer to Figure 1). We see this in the use of elements of the local context to patch together the larger entity. Organizational form can be strongly affected by improvisation. In this case, the action has been to create a trinational committee that is more of a forum than a stand-along institution and, moreover, to have an NGO stand in as the ad hoc Secretariat. The reasons are plain, as one respondent put it: "In the initial negotiations, we thought that it [the trinational committee] should really be a separate group with its own Secretariat independent of other agreements. But that would entail more resources." One of the principal negotiators put it this way: "It won't be a body-like committee to me. It will only be a coming together of principally the Chair of the three National Committees. And its functions will just be steering, broad policy direction, information-exchange updating --just basically a meeting of the three Chairs. And it won't probably have a budget by itself..."

Moreover, as several respondents pointed out, the future configuration may require the folding in of the SSME into the larger ASEAN (Association of Southeast Asian Nations) and make use the institutional mechanism of the latter. As one respondent put it: "The suggestion was to... link it under the framework of the ASEAN so that we can tap the resources of the ASEAN as a subregional project." This is a clear example of improvisation at work (Figure 1) where, instead of creating an institution anew (which is an underlying concept in the regime literature), it is instead drafted onto an already existing set of institutions, in order to make use of existing mechanisms and organizational structures. This is also seen in the crafting of the SSME program upon an already existing WWF-SSME initiative.

Improvisation also affects technical capacity, which, in the SSME, stems from the combined resources of three participating departments: MOSTE (Ministry of Science, Technology and the Environment) in Malaysia, DENR (Department of Environment and Natural Resources) in the Philippines, and the Ministry of Marine Affairs and Fisheries in Indonesia, along with the combined resources of the country WWF offices. We see elements of improvisation, too, in the suggestions that some of the parties are making to fold the entire SSME institution inside the Marine Unit of the ASEAN (Association of Southeast Asian Nations) and, so, to make use of resources of the larger ASEAN. This would mean that some of the practices, protocol, processes, and institutions within the ASEAN would be incorporated into the SSME, thus avoiding the need to reconstruct much of these. There is no autonomous stand-alone organization in the SSME, and the lead agencies from each state, along with the WWF, make up the organization per se.

Improvisation also looms large in the construction of the SSME Ecoregion Conservation Plan or ECP, which was adopted with the signing of the agreement (SSME, 2004). Inspection of the ECP suggests that it is simply the three national conservation plans bound together into a single volume. Apart from this simple aggregation, the plans were developed separately and indpendently of each other, and there does not seem to be any jointly planned or implemented conservation elements. What is missing from the regional plan is any evidence of a joint seeking out of what collective action means for the SSME.

Embeddedness and Political Context

As a political process, the evolution of the SSME is wrought from the same political processes that hold sway in each of the member states. This has formal, procedural, and material implications. Formally, the modality of the agreement was determined by considerations of national politics. There was uncertainty on the part of two of the signatory states about the feasibility of having the agreement course through their respective legislative processes. There was the prospect of impasse in these legislatures, as the agreement waited ratification before it could enter into force --even more certainly, these processes would take extended periods of time in each of these two member states.

Moreover, respondents recounted how Malaysia began lobbying for a quicker process, inasmuch as it was to be hosting the CBD COP7 in February, 2004. Their hope was to showcase progress in conservation with the formal signing of the SSME agreement at the convention. The result of this push and pull was the decision to call the instrument a Memorandum of Understanding (MOU) instead of a treaty or convention. This meant that the MOU could be simply ratified (subsequent to the initial signing) by the executive branch in one country. With a treaty or convention, on the other hand, the document would need to be ratified by the legislative body of the state prior to entry into force (UN, 2001). Beyond the formal consequences of this, there are substantive implications of the fact that the agreement did not go through two countries' legislative bodies prior to entry into force. The evolution of the SSME concept came out of a long series of workshops, consultations, and participative forums. The drafting of the agreement, on the other hand, occurred within a small body of representatives with WWF personnel acting as facilitators.

Both interview transcripts and notes from the MOU negotiations reveal how uncertainty in the commitment of national legislatures creates material impacts on the program, as well. The pall of budget constraints in at least two of the signatory states exerted a significant influence on the structure of the agreement and, presumably, will do so on the implementation from this point onwards. This led to the deletion of language in the agreement providing for a dedicated budget, to be shared by the member states, for the SSME program. Along with this was the choice not to create a new organization or new bureaucratic structure. As international agreements go, the strength of the language quickly degenerates with any contention whatsoever, and it was the same with the drafting of the SSME agreement. As one delegate suggested, the SSME program might be more of a forum, not an institution. As of this date, the SSME has no Secretariat, and the WWF has filled this void, by default. Another instance of this type of diluting effect was seen in the disagreement among drafters over certain issues in the agreement (such as intellectual property rights), which eventually caused some text to be deleted from the final document (which was substantially condensed compared to the initial draft). In these instances, we see how contextual elements help shape organizational form --in this case, to the effect of weakening the institution.

The cultures of the member agencies that comprise the SSME's action arm also determine the form and function of the SSME. There is somewhat of a slight distinction already to be seen in the technocracy found in the Malaysian MOSTE and the culture of decentralization found in the Philippine DENR, the first with its greater facility for scientific research, and the latter with a deeper background in community-based resource management. The need for advocates to carry the conservation agenda may require or encourage the entry of NGOs and other policy entrepreneurs outside of the international agencies, and this will no doubt influence the direction of the program in the future.

In the above discussion, we have studied how various formative elements act to shape the SSME program and individuate along the planes of differentiation we identified. The hope is that, knowing how the process of individuation works, we can better steer its evolution towards stronger, more responsive institutions.

D.   Conclusion

In this paper, we describe an analytic that may be used to more closely study regime design. We embark on this inquiry with the notion that a deeper understanding of why and how regimes are designed as such can give us means to more rationally direct regime development and and to more consciously tailor regimes to their specific contexts. The research leads us to make the following observations:

1.   Through a comparison of six different transboundary marine programs, we found some important dimensions of differentiation. These include the basic characteristics of the coalition, as well as indicators of joint action such as autonomy and organizational form. Within each of these dimensions, we found wide differences to exist across cases.

2.   When we study one of these programs, the SSME, more closely we begin to understand how it is, exactly, that these differences come about. Using Figure 1 (a depiction of institutional coherence) as a guide for analysis, we are able to explain how the processes of social construction, improvisation, and others acted in concert to produce the present transboundary regime. As we study the evolution of the SSME, we are able to explain why some characteristics, e.g., some basic weaknesses in institutional form and use of the existing structure of a large NGO, evolved.

The stakeholders we interviewed spoke on various aspects dealing with the task of tailoring the institution to the needs of the context, e.g., lack of willingness to bureaucratize and to the tendency to improvise by crating institutions onto existing mechanisms. This notion of contextual fit seemed to be naturally assumed by all of the respondents. Moreover, their analysis of how and why such things as the trinational committee should look and function displayed a consistency across respondents, which is evidence of not just the ongoing consensual negotiation but also a common understanding of context. The analytic that we present in this paper can hopefully help us appreciate, and better describe, the complexity of the process of regime design.

Acknowledgment

References

Acherson, Neal (1995), *Black Sea*, New York: Hill and Wang.

Adler, Emanuel (1997), 'Seizing the Middle Ground: Constructivism in World Politics', *European Journal of International Relations*, 3, 319-63.

Akiwumim Paul and Terttu Melvasalo (1998), 'The UNEP Regional Seas Programme: Approach, Experience and Future Plans', *Marine Policy*, 22(3), 229-234.

Axelrod, Robert (1984), *The Evolution of Cooperation*. New York: Basic.

Benvisti, Eyal (2002), *Sharing Transboundary Resources: International Laws and Optimal Resource Use*. Cambridge: Cambridge University Press.

BSEP, Black Sea Environment Programme (1996), Transboundary Diagnostic Analysis for the Black Sea, found in http://www.dominet.com.tr/blacksea.

Bourdieu, Pierre (1990), 'Structure, Habitus, Practice', in *The Logic of Practice* (trans. Richard Nice), Stanford U. Press, Palo Alto.

Chircop, Aldo (1991), 'The Mediterranean and the Quest for Sustainable Development', in Couper, Alistair and Edgar Gold (eds.), *The Marine Environment and Sustainable Development: Law, Policy, and Science*. Law of the Sea Institute, Honolulu: University of Hawaii Press.

DiMaggio, Paul and Walter Powell (1991). The iron cage revisited: institutional isomorphism and collective rationality in organization fields. In DiMaggio and Powell (eds.), The new institutionalism in organizational analysis. Chicago: U. of Chicago.

Drammeh, Ousman (2000), *Illegal, Unreported and Unregulated Fishing in Small-scale Marine and Inland Capture Fisheries*. Report of and Papers Presented at the Expert Consultation on Illegal, Unreported and Unregulated Fishing, Sydney, Australia, May 15-19, 2000.

Dzidzornu, Davis (2002), 'Marine Environment Protection under Regional Conventions: Limits to the Contribution of Procedural Norms', *Ocean Development & International Law*, 33(3-4), 263-316.

Engelen, Hilde (2004), *The Construction of a Region in the Baltic Sea Area*. Paper presented at the Fifth Pan-European Conference, The Hague.

Epstein L., Segal J. (2000), 'Measuring Issue Salience', *American Journal of Political Science*, 44(1), 66-83.

Fawcett, Louise and Andrew Hurrell, eds. (1995), *Regionalism in World Politics: Regional Organization and International Order*. New York: Oxford University Press.

Gelpke, Nikolaus (1994), *Regional Cooperation in Science: The Helsinki Convention for the Baltic*, Regional Case-Studies: The Baltic Sea, and Indian Ocean, in Payoyo, Peter Bautista (ed.), Ocean Governance: Sustainable Development of the Seas, New York: United Nations University Press.

Gilpin, Robert (1987), *The Political Economy of International Relations*. Princeton: Princeton University Press.

Glaser, Barney G., and A. Strauss, (1967), *The Discovery of Grounded Theory; Strategies for Qualitative Research*. Chicago: Aldine Publishing Company.

Granovetter, M.(1985), 'Economic action and social structure: The problem of embeddedness', *American Journal of Sociology*, 91, 481-510.

Haas, Peter (1990), *Saving the Mediterranean*. New York: Columbia University Press.

Haas, Peter (1992), 'Introduction: Epistemic Communities and International Policy Coordination', *International Organization*, 46(1).

Hannan, Michael and John Freeman (1977), 'The population ecology of organizations', *American Journal of Sociology*, 82, 929-64.

HELCOM, Helsinki Commission (2000), *Summary Report in Implementation of HELCOM Recommendations Under HELCOM TC*, 21st Meeting, Convention of the Protection of the Marine Environment of the Baltic Sea Area, Helsinki.

HELCOM, Helsinki Commission (2001), *Draft Guidelines on Granting Observer Status*, 22nd Meeting, Convention of the Protection of the Marine Environment of the Baltic Sea Area, Helsinki.

Helm, Carsten and Detlef Sprinz (2000), 'Measuring the Effectiveness of International Environmental Regimes,' *Journal of Conflict Resolution*, 44(5), 630-652.

Hobson, Sarah and Laurence Mee (1998), *The Black Sea in Crisis*, Singapore: World Scientific.

IRWSC, Inter-regional Wadden Sea Conference (1997), *The Husum Statement, 3rd Inter-regional Wadden Sea Conference*. Husum.

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

Keohane, Robert, Peter Haas, and Marc Levy (1993), 'The Effectiveness of International Environmental Agreements," In Haas, Peter, Robert Keohane, and Marc Levy (eds.), Institutions for the Earth, Cambridge: MIT Press.

Keohane, Robert and Joseph Nye (1977), *Power and Interdependence: World Politics in Transition*. Boston: Little, Brown, and Co.

Laaine, Ain (2001), 'Protection of the Baltic Sea: The Role of the Baltic Marine Environment Protection Commission', *Ambio* 30(4/5):260-262.

Lehti (1999), *A Baltic League as a Construct of the New Europe. Envisioning a Baltic Region and Small State Sovereignty in the Aftermath of the First World War*. Frankfurt am Main: Peter Land.

Levy, Mark (1996), 'Assessing the Effectiveness of International Environmental Institutions', *Global Environmental Change*, 6(4), 395-397.

Lise, Wietze, and Richard Tol (2004), 'Attainability of International Environmental Agreements as a Social Situation', *International Environmental Agreements: Politics, Law and Economics*, 4, 253-277.

Matthew, G.J. (1992), 'International law and policy on marine environmental protection and management: trends and prospects', *Marine Pollution Bulletin*, 25, 1-4.

Miclat, Evangeline and Romeo Trono, eds. (2002), *A Vision for Life: Biodiversity Conservation Planning for the Sulu-Sulawesi Marine Ecoregion*. WWF Philippines, Quezon City.

Neumann, Iver (1994), 'A Region-Building Approach to Northern Europe', *Review of International Studies*, 20, 53-74.

Nye, Joseph, ed. (1968), *International Regionalism*. Boston: Little, Brown, and Company.

Pfeffer, Jeffrey, and Gerald Salancik (1978), *The External Control of Organizations*. New York: Harper and Row.

Polanyi, K.(1944), *The Great Transformation*, New York: Holt.

Pressman, J. and A. Wildavsky (1979). *Implementation: how great expectations in Washington are dashed in Oakland : or, why it's amazing that Federal programs work at all, this being a saga of the Economic Development Administration as told by two sympathetic observers who seek to build morals on a foundation of ruined hopes*. Berkeley: University of California Press.

Raab, Jorge (2004), 'Selznick Revisited: Goal Displacement as an Unavoidable Consequence of Cooptation?', *Organization Studies Research Colloquium*, Tilburg University, The Netherlands.

Ruggie, John Gerrard, (1982), 'International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order', *International Organization*, 36(2), 379-415.

Sabatier, Paul, and Hank Jenkins-Smith, eds. (1993), *Policy Change and Learning: An Advocacy Coalition Approach*. Boulder: Westview Press.

Sampson, Martin (1999), 'Black Sea Environmental Cooperation: Toward a Fourth Track', In VanDeveer, Stacy and Geoffrey Dabelko (eds.), *Protecting Regional Seas: Developing Capacity and Fostering Environmental Cooperation in Europe*, Woodrow Wilson International Center, Washington, D.C.

Saussure, Ferdinand de (1910), *Course in General Linguistics*, (Cours de linguistique générale. English trans. W. Baskin, 1966), New York: McGraw-Hill.

Schneider, Anne and Helen Ingram (1996), *Policy Design for Democracy*. Lawrence, KS: University Press of Kansas.

Schneuer, C. (1993), 'The Waning of the Sovereign State: Towards a New Paradigm for International Law', *European Journal of International Law*, 4, 447-456.

Selznick, Philip (1949), *TVA and the Grass Roots. A Study of Politics and Organization*. Berkeley: University of California Press.

Sievers, Eric (2001), 'The Caspian, Regional Seas, and the Case for a Cultural Study of Law', *Georgetown International Law Review*, Winter 2001, 13(2), 361-415.

SSME, Sulu-Sulawesi Marine Ecoregion Program (2004), *Ecoregion Conservation Plan*, adopted at the 8th Global Convention of Biodiversity, Kuala Lumpur, Malaysia.

Taylor, Michael (1987), *The Possibility of Cooperation*. Cambridge: Cambridge University.

UN, United Nations (2001), *Treaty Reference Guide*, found in http://untreaty.un.org/ola-internet/Assistance/Guide.htm, last updated January 17, 2001.

UNEP, United Nations Environment Programme (1975), *Mediterranean Action Plan*, Barcelona.

UNEP, United Nations Environment Programme (1983),*Caribbean Action Plan*, First Intergovernmental Meeting, Jamaica.

UNEP, United Nations Environment Programme (1983), *Action Plan for the Caribbean Environment Programme*, *UNEP Regional Seas Reports and Studies No. 26*, Cartagena.

Victor, D., K. Raustiala, and E. Skolnikoff, eds., (1998), *The Implementation and Effectiveness of International Environmental Commitments*. Cambridge: MIT Press.

Young, Oran (1990), 'International Regimes: Toward a New Theory of Institutions', *World Politics*, 39(1).

Young, Oran (1999), *The Effectiveness of International Environmental Regimes Causal Connections and Behavioral Mechanisms*. Cambridge: MIT Press.

Young, Oran (2001), 'Inferences and Indices: Evaluating the Effectiveness of International Environmental Regimes', *Global Environmental Politics*, 1(1), 99-121.

Young, Oran (2002), 'Evaluating the success of international environmental regimes: where are they now?', *Global Environmental Change*, 12, 73-77.

Young, Oran (2003), 'Environmental governance: The role of institutions in causing and confronting environmental problems', *International Environmental Agreements: Politics, Law and Economics* 3, 377-393.

Chronological List of Conventions, Treaties and Agreements

Convention on the Protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1974.

Convention for the Protection of the Mediterranean Sea against Pollution, Barcelona, 1976.

Joint Declaration on the Protection of the Wadden Sea, Copenhagen (1982).

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Cartagena (1983).

Convention on the Protection of the Black Sea Against Pollution, Bucharest (1992).

Memorandum of Understanding Among the Governments of the Republic of Indonesia, Malaysia, and the Republic of the Philippines for the Adoption of the Ecoregion Conservation Plan and Formation of the Tri-national Committee for the Sulu-Sulawesi Marine Ecoregion, Kuala Lumpur (2004).