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Draft, Comments and suggestions are very welcome.

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Introduction.

International organizations (ios) have increasingly become one of the key international relations foci over this past century. Earlier in the century, scholars generated much normative and analytical enthusiasm over the potential of these organizations to shape international government. More recent decades have witnessed an analytical shift towards more general international relations theory and behavior. In this recent era, Robert Putnam's "two level game" approach has had a particular impact.¹ Putnam's article presents a provocative and persuasive understanding of the relationship between the international behavior of states and the domestic institutional and political situation. This renewed focus on the domestic political impact is an extremely praiseworthy development, which complements rather than contradicts the orientation found in this paper. This paper contends that international relations should make a parallel effort to "bring back" institutional analysis of how the formal structures of international organizations shape and constrain state behavior. In order to advance this institutional perspective, the analysis of international organization structure is combined with the insights of the "new institutional" approach.²

While a tradition studying formal international organizations structures does exist, little of it has made explicit comparison about how different organizations' structures influence international behavior. This paper makes a comparison between the European Union, a very special kind of regional organization, and three more traditional international organizations: (1) the United Nations Economic Commission for Europe (UNECE), (2) the United Nations Environment Program (UNEP), and (3) the Organization for the Economic Cooperation and Development (OECD).³ The paper examines how these three international organizations and one regional organization have tackled environmental policy issues, a policy interest which all four organizations have in common. The fundamental argument is that the European Union represents a very different breed of political organization from the traditionally defined "international organizations."⁴

It is a reasonable question to ask why one should make this comparison in the first place if the EU is so dissimilar. The theoretical rationale is that EU scholars need to focus on how different international arenas for dealing with transnational problems of governance work. With regards to how policy actors confront transfrontier environment issues, the EU is comparable to the more traditional international organizations.

In comparing environmental policy experiences of these organizations, the central question to be answered is the following: how does the peculiar EU institutional structuring shape Member State incentives and behavior in a way different from more traditional international organizations? To answer this question, three environmental issue areas are examined: transboundary air pollution, taxes against global warming, and hazardous waste policy.⁵

A second rationale for the comparison centers on the empirical findings. The research evidence underlines the policy linkage that exists among the four international organizations. The three cases in particular reveal that the EU environmental policy activity is strongly linked to the three international organizations. By using the same three issues and focusing on countries that are members of both the EU and the other organizations, this approach isolates the policy variability that organization structure induces. The impact of differing institutional structures has important policy implications. Given the close linkage among these four international organizations, the differing institutional structure found in these organizations gives EU Member States the chance to use the EU and the other international organizations in different ways to achieve the same environmental goals.

Two-Level Games and Iterated Games.

Robert Putnam's International Organization article provided a great service to the discipline by offering a plausible and parsimonious approach to linking international behavior and domestic concerns. Putnam contends that the negotiation position of countries is best understood by realizing that decision-makers must establish viable bargaining positions for two different political processes at the same time. Consequently the international arena where the bargaining takes place and the domestic arena that must ratify the international agreement are intimately linked.⁶

The strategy of the individual decision-maker/negotiator is constrained both by what the other countries in the negotiating process will accept and what the domestic constituencies will ratify. Putnam defines the range of possibilities which each arena will accept as "win-sets." The two-level game approach uses a rational choice approach for assessing which domestic factors are likely to prove important.⁷ Putnam portrays the negotiator's win-set as being defined by the following variables: (1) the distribution of power and the preferences among the domestic interest coalitions; (2) how the domestic institutions structure the relationship between public officials and private interests; and (3) the strategies that the negotiators undertake at the international level which will affect the politics at the domestic level.⁸

Putnam's approach has the advantage of combining complex processes (that cross levels of analysis) in a parsimonious way. This paper does not challenge the importance of understanding domestic politics. Nevertheless, it does contend that an important element of international negotiation is missed by ignoring how the international institution's structure influences negotiator win-sets and strategies. The Putnam approach consciously follows several characteristics of Classical Realism with regards to diplomatic statecraft, but it also has the unconscious tendency of accepting the realist attitude towards international organizations. It treats these organizations as mere ciphers in which states operate.⁹

This bias is problematic if certain characteristics of one international organization would affect negotiator behavior differently from another io. This difference would become particularly acute if the Member State negotiators are facing the same issue in several international fora. They may alter their strategies to conform with the particular institutional opportunities and incentives made by the formal organizational structure.

Because these international negotiators will be meeting on the same issue in a number of fora, the interactive process takes on the characteristics of an iterated game. Robert Keohane argues that international cooperation is much more likely in an iterated process, where the same players are dealing with each other over time.¹⁰ It is easier to settle disagreements by the linkage of particular

issues and the arrangement of side payments if the organization members meet over time into the future.

It is important to recognize, however, that Keohane was addressing the issue of how states interacting over time would find the rules provided by a single international institution or regime to be mutually beneficial. If the states were facing the same issue over time and in different international fora, the potential exists for "spillover," i.e. the transfer of results and policies from one international organization to the other.¹¹ Decision-makers may decide that it is easier to achieve or to block a policy issue by setting the agenda in one particular international organization before considering the others. Decisions achieved in the first international organization may spill over into the other fora which may have to comply with the first io's decisions.

The literature on environmental policy and international organization gives clear evidence to the fact that close linkages and often cooperation exist between international organizations, especially with regards to the issue of environmental policy. Robert Keohane, Peter Haas, and Marc Levy note in their introductory overview that their findings indicate a close cooperation among agencies.¹² Moreover, they maintain that member state governments often find themselves caught by this web of organizations, which provide domestic interests larger chances for gains from multiple organizations. Keohane et al. conclude that governments find it difficult to withdraw from discussions and renege on commitments because the participation in multiple organizations creates cross-cutting legal obligations. The typical interpretation of two-level games overlooks this linkage of interests and ideas although it is not incompatible with the Putnam's underlying approach.

Overview of the IO Literature.

Having established the potential significance of io institutional structures for altering country behavior, it is important to see how the international organizations literature has dealt with these concerns in the past. Recent articles provide useful overviews of this context.¹³ Friedrich Kratochwil and John Gerard Ruggie view the literature as dividing into four roughly chronological periods: (1) the study of formal institutions, including voting procedures and committee structures, and their implications for the constitutional mandate of the organization; (2) the examination of how the organizational processes led to outcomes and specific actor behavior beyond the formal mechanisms; (3) the inquiry into the potential roles ios have in the more general notion of international governance and international behavior; and (4) the focus on international regimes which decisively moves away from specific organizational aspects towards issues of international cooperation and governance in the systemic arena.¹⁴ The study of international organizations after the 1960s, focusing on regional integration and later complex interdependence, was less concerned with structural analysis of the organizations.¹⁵ Kratochwil and Ruggie note how decisively the discipline has moved away from the study of the first two approaches to international organizations by the early 1980s.

Kratochwil and Ruggie argue for the need to link the most recent regime approach to some understanding of the formal mechanism that real-world actors use. They note that regime literature is taking an interest in how the organizations are designed, under the presumption that particular policy problems can be handled best by different kinds of institutional arrangements. However, the predominant regime literature has focused on single case studies, and not on comparing structures and processes.¹⁶ The same lack of comparative analysis exists in the traditional examination of io institutional structures that dominated the field prior to the regional integration debates of the 1960s. Most of the analysis tended to focus solely on the United Nations and the often normative goal of creating a global political system.¹⁷

While this general overview gives a general characterization of the international organization literature, this naturally does not hold true for all works in the field. One must acknowledge several authors who systematize their analysis of the international organizations in a way that makes comparison possible. In his work on interdependence and international organizations, Harold Jacobson notes several important aspects.¹⁸ Jacobson observes that most international organizations have the same basic institutional structure: a plenary body or assembly, a less inclusive smaller body or council (if the io total state membership is large), and a secretariat to provide services. Jacobson notes that

most organizations do not have judicial bodies, except for a few exceptions like the European Union and the International Chamber of Commerce.

Jacobson also addresses the role of the institutional components, how frequently they meet, and their voting procedures. The assemblies and councils tend to follow the voting procedure of one vote for one member state, but some organizations like the IMF have a voting power weighted by member state contributions and some use qualified majority voting over unanimity.¹⁹ Jacobson examines how secretariat officials are recruited and what role the executive heads have. Jacobson concludes his chapter with a brief comparison of the European Union to traditional international organizations.²⁰ He notes that the EU institutions have considerably greater power than typical international institutions, and that the EU has established special institutions: a powerful Court and a directly elected European Parliament.

In a separate volume Jacobson and Robert Cox create a typology for international organizations.²¹ They stress the importance of differentiating functional goals for the organization and creating a dichotomy between forum organizations and service organizations. They also offer a taxonomy of decisions a particular international organization is likely to make, as well as a list of actors likely to be involved in the international organization.²² Cox and Jacobson differentiate four types of activity actors pursue. Some actors will be "initiators" and have the power to draft resolutions. Some will be "vetoers" and have the power to block initiatives. Certain actors are "brokers" who build consensus among decision-makers. Finally there are "controllers" whose interests and perspective must be heeded because they control resources.²³

Covering similar ground, Werner Feld and Robert Jordan typologize the institutions normally found in the international organization, examine the voting mechanisms, and stress the fundamental importance of understanding the institutions responsible for the tasks.²⁴ Paul Taylor and A.J.R. Groom produced a volume including articles with a more comparative analytical focus than most works.²⁵ In this volume, R.J. Harrison and Stuart Mungall compare the OECD to several other international organizations, finding that the stated goals of an organization can influence how member states perceive policy harmonization and integration. They compare the OECD to the EU, arguing that the greater supranational thrust of the latter has caused acute political controversy while the OECD has had little controversy raised about its organization purpose.²⁶ The clear and non-threatening (to member state autonomy) organizing principle of the OECD, centered around coordination of economic growth, has made it an extremely successful harmonizing body.

The works mentioned so far have concentrated on general examinations of characteristics and behavior and their constituent actors. Several policy oriented articles also merit examination. In examining postwar era international monetary, Miles Kahler emphasizes the need to look at institutional variation to explain how monetary policy coordination has worked after 1945.²⁷ He examines how the monetary organizations varied in two interactive categories: (1) the international organization's autonomy from member states to participate in interstate bargaining and to enforce rules and agreed bargains; and (2) whether the bargains struck to achieve coordination develop within the individual domestic process or at the international level.

David Kay and Harold Jacobson and Peter Haas et al. have gathered a number of important environmental studies of the issue.²⁸ In their overview of international organizations, Kay and Jacobson emphasize that it is almost inconceivable for any international organization to force the compliance of unwilling powerful states or even the weaker states.²⁹ International organizations have little ability to examine policies of states and document violations in order to enforce policy. The authors further find that only certain international organizations have managed to have a role in setting environmental standards and rules. International organizations are most effective when they coordinate the dissemination and exchange of environmental information.³⁰ In explaining this limited effectiveness, Glenn Schweitzer notes the performance of the OECD with respect to toxic chemicals. Only with increased guidelines and the possibility of acquiring additional staff resources did the OECD secretariat grow into more than just a science-oriented clearing house and deal with the policy implications for toxic substances.³¹

Peter Haas et al. arrive at very similar conclusions to Kay and Jacobson although they see international organizations and institutions as having more regulatory potential. They contend that domestic politics and pressure is the key variable explaining policy change within international institutions. International institutions do have a role in this process by: (1) raising the level of national government concern by pushing the policy agenda towards environmental threats; (2) by elaborating

increasingly comprehensive policies by creating a contractual environment (regulate bargaining sessions where information is shared); and (3) by heightening national policy responses by the augmenting national capacity through the provisions of knowledge and other complementary methods.³² Accordingly, Haas et al. emphasize the role of international institutions in setting the international and domestic agenda. International institutions can use the monitoring of state compliance effective as an indirect rather than direct means of enforcing compliance. They have the ability to alert other members to particular state transgressions, which in turn makes state commitments to international bargaining more valuable.³³ The authors contend that, through the mechanisms they describe, international institutions have the potential to shape each stage of the policy making process: agenda setting, policy formulation, and national policy response.

The Haas et al. approach is extremely valuable in that it specifically investigates how a policy process works and how actual decisions are made, in comparison to the typical IO institutional treatise. However, this volume focuses on variations in IO institutional structure to establish the variable impact on policy decisions. This paper contends that it is imperative to use policy analysis to explain how varying institutional structures differ in their effects. The international organizations literature does give some valuable guideposts to pursue this exercise. To summarize, one should examine IO institutional structures with respect to the following: (1) the underlying political goal of the organization and its ability to make the rules and decisions binding upon the members; (2) the voting mechanisms and the ability of individual members to block decisions; (3) the ability of institutions and actors that constitute the organization to set the agenda and to block initiatives; (4) the resources and power provided to the secretariat or administrative bureaucracy; (5) the presence and impact of a judicial body; and (6) how autonomous are the IO secretariats and other institutions with regard to member state bargaining and policy making.

Historical Institutional Approaches.

Most of the authors reviewed in the previous section do not spell out how structure affects the policy making process. Haas et al. focus on the contribution that international institutions make to the policy process but emphasize less the IO structures. To get at the linkage between structure and policy process, this paper turns to the new institutionalism literature in comparative politics. Kathleen Thelen and Sven Steinmo define the institutionalist perspective as covering "the whole range of state and societal institutions that shape how political actors define their interests and that structure their relations of power to other groups."³⁴ Thelen and Steinmo maintain that the institutional context shapes both the strategies and the goals that actors pursue.

Following the lead of Steinmo et al., this theoretical framework argues that institutions have a key role in establishing the strategic context for political actors, leading to a modification of policy direction. For example, having an electoral institution dominated by a two party system has the potential for partisan tension, which enhances the incentives for actors to undertake innovation.³⁵ Institutions also define the channels and mechanisms that translate ideas and innovations into actual policy. Within formal institutional mechanisms for creating policy are critical points where decisions have to be taken; actors who control these decision points have a very large formal role in the policy process. This role makes these actors important to other interests seeking to influence the process. In almost all institutional systems one finds that policy decisions are not single decisions made at one moment in time. Rather, they exist in terms of "sequences of decisions made by different actors at different institutional locations."³⁶ The institutional perspective portrays this sequence of decision-making processes as representing "veto points," any of which may stymie a legislative initiative. The more veto points, as well as more diverse the path of decision-making through the structure, that the initiative must pursue, the less likelihood for policy change. It becomes easier for opponents to find some opportunity to block the initiative.

More complicated decision-making processes, such as federal systems, also give more actors the chance to gain access to the process, and therefore more opportunity to influence it. Such an institutional layout makes it difficult to get a sustained change through this system where so many actors can block the process.³⁷ Systems of political institutions removed from such pressures may have the ability to develop a particular idea and to legitimize and institutionalize it.

On the other hand, the greater permeability of the institutions gives a greater chance for the consideration of a wider range of competing innovative ideas.³⁸ The decentralized character of a federal institutional system should encourage diverse points of view and allow actors with different ideas and interests to operate at the same time. Such a system will have more access points within individual states and the multiple federal institutions, and thus give more opportunity for diverse interest groups. In a more centralized model like the British government, channels of access can be limited.³⁹

However, the fragmented nature of a federal system will also give larger opportunities for groups to oppose proposals. The enactment and implementation of policy becomes more difficult across so many levels of institutions.⁴⁰ Stalemate between institutions within the system is more likely, as can be seen when the US Congress and the US Presidency are controlled by separate parties.⁴¹ The policy initiatives that penetrate the British system have the likelihood of a larger impact. The openness of a national domestic political system may also depend on the capacity of legislative institutions to act independently of the executive and how easy it is to get interests and initiatives represented on both the political agenda and in the actual policy-making and bargaining processes.⁴²

On the basis of the institutional approach, one can analyze the structure of the EU and the traditional international organizations in a number of ways. One can establish which institutions act as veto points within an organization, and which help to set the agenda.⁴³ One can ask how powerful and autonomous are the organizational institutions from both the other institutions within the same system and the assorted interests. The number of institutions and their autonomy and power will determine how easy it is to set the environmental policy agenda and then actually make decisions on the agenda. Bringing in the important characteristics established in the international organizations literature, one must also consider how binding are the actions of the institutions and how do the voting procedures work in the key decision-making processes.

Comparison and Hypotheses.

After establishing the relevant international organization and institutionalist literature as guideposts, one can now turn to comparing the EU to traditional international organizations. On the basis of the comparison, the observer can generate some hypotheses about how these two different types of organizations will shape member state behavior. It is clear from its stated organizational aims and intended scope that the European Union differs from UNECE, the OECD, and UNEP. From its earliest incarnation in 1951, the European Union, now with fifteen members, has widened its objectives to include a single integrated market (for people, goods, and services), a single currency, common environmental policy, and common foreign and defense policies.

While it remains unclear whether the EU will meet all of these objectives, this outlook and the substantial accomplishment of the single market program distinguishes the EU from the other ios. The OECD was an improvement on the Organization for European Economic Cooperation.⁴⁴ Founded in 1960, the goal of the OECD is strictly bound to economic cooperation and the coordination of economic policy. The organization promotes the economic development of its members by coordinating economic issues including science, technology, trade liberalization, and so on. The United Nations Environment Program is a permanent UN agency established in 1973. Its main goal is to instigate worldwide programs for environmental protection. Its Governing Council, made up of fifty-eight member states elected by the UN General Assembly, makes recommendations, proposes environmental standards, and initiates discussions that will develop into international treaties.⁴⁵

In 1947, the UN Economic and Social Council established the UN Economic Commission for Europe (UNECE). One of four UN regional economic commissions, UNECE objectives included the promotion of economic activity, the expansion of trade relations, and investigations of economic and technological developments.⁴⁶ The UNECE mandate is to make recommendations, publish surveys, and initiate programs to enhance regional economic progress.

UNEP was dedicated to environmental issues from the start, but the gradually clearer impact of the environment on wealth and prosperity made the OECD and UNECE establish environmental committees and make environmental issues a policy goal. Juxtaposing the very bounded aim of these three organizations compared to the EU impact on member state autonomy, one can fashion the

following proposition. EU member states wishing to merely consider or study a new environmental initiative are more likely to tinker with it in the three typical international organizations. However, if they want this policy to have a wide-ranging impact on West European states, they will probably pursue it in the EU, with its dense web of interrelated issues and interests. The existence of so many issues facing the EU and its members makes it possible to conduct logrolling and to use side payments to get environmental legislation accepted. The integrated nature of the EU makes substantive efforts at policy programming and program linkage more likely.

[Proposition One]

In comparison to the typical international organization, the EU has an elaborate set of political institutions that are autonomous and constituted from very different interests. Alberta Sbragia contends that the EU shares characteristics found in federal systems.⁴⁷ These federal systems balance territorial claims (made by the individual member states) and nonterritorial functional claims. Regarding environmental policy, this territorial dimension is centered in the Council of Ministers. The Council is a legislative body composed of the national ministers responsible for the specific policy area under review. This body makes all the decisions about the passage of EU legislation. Given the fact that each Council of Ministers has a different policy focus as well as interest, there may be functional tensions and differences in perspectives among the separate Councils.

The EU has a separate executive, the Commission, charged with initiating all EU legislation and overseeing its execution. While recruited from the Member State populations, Commission officials are supposed to undertake the larger interests of the regional organization. However, these bureaus are also subject to differences in organizational/bureaucratic interests that lead to divisions within the Commission.⁴⁸ The European Union has a directly elected legislature which has increasingly gained the power to have inputs in the EU decision-making process.

The EU institutional differs substantially from almost all international organizations in the fact that it has a very independent and powerful judicial body, the European Court of Justice. Functioning by a secret majority vote, this Court is removed from national interests and pressures. This power of the Court is shaped by the fact that EC law is implemented by national courts which then become heavily involved in the EU process.

In contrast, none of the three international organizations discussed here have judicial systems although the International Court of Justice is associated with the United Nations. UNEP has its 58 state Governing Council, as well as a secretariat, a fund, and a coordinating board.⁴⁹ The key policy making institutions are the Governing Council and the Secretariat, which, under its Executive Director, provides coordination and administration. The OECD also has a Council made up of member state representatives. This group votes on resolutions and other decisions.⁵⁰ The OECD Secretariat provides a servicing and coordinating role while particular issues are analyzed by specific member state committees, including one for the environment.⁵¹

The UNECE plenary body consists of all the member states which decide the general policy direction of the organization. Specialized UNECE Subsidiary Bodies generate specific recommendations based on the overall policies set at the Committee level.⁵² These Subsidiary bodies consist of member government representatives addressing specific competencies and are fairly autonomous in terms of their procedures and functioning. The UNECE finally has a Secretariat of roughly 230 officials. Its role is to provide the logistics for UNECE meetings and to prepare studies and reports. The Executive Secretary in charge of the bureau is often requested to make a report on an issue before UNECE takes action.⁵³

In comparison to the EU, the three international organizations have less differentiated institutions addressing territorial and functional perspectives. They tend to have decision-making activity centered in a plenary council or specialized committees made up of member states. This is where the real decision-making and policy guidance occurs. These three organizations do not have the popularly elected and increasingly influential parliament or the independent and powerful Court found in the EU. All three organizations also have a Secretariat, but these bureaus have far more limited budget and manpower than the EU Commission. In 1990, UNEP bureau in Kenya had about 200 professionals with supporting staff and a \$40 million annual budget.⁵⁴

The OECD Secretariat is noted as only having increased its role in certain environmental issue areas when its resources were enhanced.⁵⁵ Similarly, UNECE members decided to support the UNECE secretariat with their own specialists because the secretariat was unable to cope with all the preparatory work involved. While the EU Commission and its Environment Directorate (DG XI) see themselves as also having too limited resources for the tasks at hand, they are substantially more powerful in terms of both material and political resources. With its formal role as the policy initiator of all EU legislation, the Commission has the power to develop proposals and circumvent initiatives that it does not favor. The Executive Director of UNEP, which has had a history of effective, outspoken leaders, and the UNECE Executive Secretary, to a lesser extent, have the ability to define what the important issues are and to cajole the membership to consider specific proposals. However, one cannot really say that these secretariats act as "veto points" or vehicles for formally setting the agenda setting when compared to the EU Commission. These secretariats really have to rely on the member state bodies to take the role of embracing initiatives.

On the basis of the institutionalist perspective, one can create the following hypotheses. The complex and differentiated nature of the EU policy process is such that a wide range of interests can penetrate the political system at all the multiple access points and institutions. There are a lot more access points for interests to try to influence outcomes than one finds in the traditional IO. While both the EU and the international organizations can rely on member states for innovations and alternative viewpoints, the EU has a whole further layer of institutions to consider these propositions and to compete for the EU agenda. Furthermore, these institutions will be geared to move beyond national perspectives, and tend to be more willing to push environmental or integrationist themes against the mainstream consensus of the member states. Consequently, the institutional hypothesis is that it is easier to raise an environmental issue on the EU agenda.

[Proposition Two]

A corollary hypothesis is that these differentiated institutions, some of which may be more oriented towards integrationist values, may make it possible for an environmental issue to persist longer on the EU agenda than it would if all decisions came down to one body made up of member states.

[Proposition Three].

While these hypotheses suggest that environmental causes have a better chance of getting the attention of the EU membership, the complexity of the system has its negative consequences for actual decision-making outcomes. The European Union has a lot more veto points due to its autonomous institutions. Moreover, the permeability of the EU process (with all of its multiple access points for all kinds of interests), lessens the chances for consensus over policy change. One expects that new EU environmental policies are more easily blocked in the EU arena than in the traditional organizations. Arriving at a decision in EU environmental policy takes longer and is more subject to opposition.

[Proposition Four]

A corollary hypothesis to Proposition Four is that the traditional international organizations have a simpler and therefore more transparent policy making process. Transparency here is not defined by whether the meetings are closed to the general public or not. Except for the European Parliament, most of the European Union institutions conduct their key decision-making behind closed doors. This holds true for the other international organizations although the UNECE does hold its plenary meeting in public (all Subsidiary Body meetings are private). What matters is that the multiple veto points and channels makes it easier to bury initiatives in the process or slow them down. In a more unitary

decision-making process involving a single policy making forum, member state interests may draw more attention to themselves if they are obstinate. If the coalition in favor of a proposal is in the majority, it may be easier to force a consensus in a traditional international organization. Member states may still have the right to veto, but they are likely to be more reluctant to ignore the larger consensus.

[Proposition Five]

Moving away from hypotheses suggested by the institutional literature, there are also certain important issues raised in the international organizations literature. With respect to the voting mechanisms used in the decision-making, the EU Council of Ministers, which has the ultimate ability to make law in the EU, has an unusual mixture of unanimous and qualified majority voting. With the 1993 passage of Maastricht, almost all environmental issues (excepting fiscal measures and land use planning) have shifted to a weighted majority system, based on the general size of the member country.⁵⁶ Prior to Maastricht passage, only environmental issues involving Single Market concerns used majority voting.

The UNECE makes final judgements in its plenary session based on simple majorities but it also has adopted a resolution stressing the benefits of unanimous decisions.⁵⁷ The actual informal custom of the organization is to make decisions by consensus rather than by vote. Differences will be worked out in the discussions of draft resolution. This de facto unanimity holds true in the subsidiary bodies as well: if consensus proves impossible in the committee, it is referred to the Committee plenary or is deferred for later consideration. UNEP tends to follow a similarly consensual approach although its ultimate aim is to create treaties which member countries may or may not decide to sign. To come into effect, any environmental treaty requires ratification by a certain number of countries for it to enter into force. Finally, the OECD Council decisions and recommendations require unanimity among the states.⁵⁸

The comparison between the EU and these international organizations centers around the increasingly expanded possibility of majority voting in the EU compared to the traditional focus on unanimity or consensus in the traditional organizations. States reluctant to consider fighting new environmental initiatives will be less willing to see these initiatives placed onto the EU agenda if it would likely fall under majority voting. The incentives would be the opposite for countries that wished to push the European region forward on such environmental issues.

[Proposition Six]

Similar incentives will exist in the final proposition, which is a corollary to Proposition One. The institutional reason why issue areas and policy actions dealt with in the EU are so significant is because of the strong incentives for the Member States to cooperate. In comparison, the OECD can impose binding decisions, but the potential for these will be limited by the drive towards consensus. In the UN organizations, the member countries must ratify the documents for them actually to take affect for that particular country. Within the EU, interviews of Commission and national officials reveal that both Commission as well as national officials perceive the EU laws and regulations to be more binding. Failures of Member States to take action can be referred to the Court of Justice by the Commission. While the Court has gained only very marginally its own resources to sanction Member State compliance failures, Member States do seem to feel a larger obligation to comply.

One reason for this voluntary compliance relates to the notion of iterated games posed by theorists like Keohane. There are a number of programs, both within and beyond the environment, in which Member States participate and get benefits from, like the Single Market regulations and funds for poorer regional areas. All of these programs make it difficult for the Member States to be too obstructive since they all hope for future gains on different issues. Given the fact that European actors see any potential legislation to be more binding if it is passed in the EU, there are two implications.

Similar to Proposition Six, European countries desiring real outcomes and environmental policy change will look to insure that the EU considers the issue.

However, the reverse response may equally happen. Member countries may be more willing to consider new environmental knowledge and policy tools and to place them on the organizational agenda if this occurs in the traditional international organization. They will do so under the expectation that these new and different policy ideas will be less likely to be translated into binding regulations and standards. In organizations like the OECD, policy makers can consider innovative ideas one step removed from the policy making process and the harsh bargaining process of determining which actors win or lose out of a decision. Decision makers can feel more comfortable exploring alternatives.⁵⁹

[Proposition Seven]

Marc Levy's study of acid rain policy and the Long-Range Transboundary Air Pollution (LRTAP) convention in Europe strongly confirms this proposition.⁶⁰ He argues that the UNECE managed to accomplish larger policy objectives because it emphasized scientific research and ambiguous principles at the start, instead of strict and binding rules which would have triggered member state hostility. Levy maintains that the under funded and small LRTAP secretariat was not threatening to states considering participation.

Assessing the list of propositions as a whole, it is unclear whether it is easier to set the agenda in a traditional organization or the EU. While these propositions suggest general patterns, one must acknowledge the conditional nature of each proposition. Just with respect to the voting mechanisms, many previous EU environmental decisions were decided by unanimity voting; only now is weighted majority being extended to most environmental issues. As a general statement, it seems that individual interests will have an easier time getting member states to consider their competing initiatives and an easier time keeping them there on the EU agenda. However, the EU Council and its member states will be less comfortable considering radically different agenda alternatives in the EU fora as opposed to the more traditional ones. Furthermore, it seems likely that the complexity of the EU makes giving any opposition more chances to block an environmental initiative.

Methodology.

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To test these propositions, the paper turns to three policy making histories that have occurred in Europe since 1972: transboundary air pollution, the carbon tax, and hazardous wastes. In the presentation of the historical evidence about member state behavior, the attempt is made to control for the differences in policy and the potential individual differences in member state behavior and attitude by looking at the same issue area and the same set of countries with respect to each international organization. This paper looks at the behavior of all the EU Member States in both the policy making process of the EU as well as the other three organizations. Special attention is given to the EU member states' behavior in the EU and the other organizations. Deviation by the same member states regarding the same environmental issue might suggest the impact of different international organizations.

There is one essential problem with this approach: the uneven activity of the four organizations in the three cases examined. In transboundary air pollution, the OECD did expend resources and attention on this policy area, particularly during the initial burst of interest over acid rain. However, over time European interest in this topic became concentrated in the UNECE and the more limited circle of the EU. UNECE and UNEP meetings have discussed the role of environmental taxation, but it seems to have never been a focus of policy. The dominant theoretical and practical study of environmental taxes has been conducted in the OECD and the EU.

The hazardous waste issue, focusing on the trade and the categorization of hazardous waste, shows heavy participation by UNEP, the OECD, and the EU, but the UNECE involvement has been as an observer. By contrast, the UNECE has given particular focus to hazardous waste disposal.⁶¹ Interviews of EU officials and national officials participating in OECD and EU meetings suggest that,

while all of these organizations may have an equally large interest in most environment areas, a particular io often may dominate the policy-making in a specific field.⁶² Whatever the case, this paper selects three issue areas where the EU activity has been prominent and where at least one of the traditional organizations has had substantial impact, with the OECD active in all three cases. Nevertheless, this approach must still acknowledge the problematic possibility that the lack of policy activity in a particular area by an io reflects a conscious rejection by the constituent countries; only very intensive research of formal and informal meetings held by these ios will reveal such patterns.

The Transboundary Air Pollution Case.

The momentum to deal with transboundary air pollution arose in the early 1970s. Attention became focused on the acid rain issue as highly prized regional ecosystems and manmade structures began to show the impact of acidification damage.⁶³ A critical source of emissions for acid rain is the long-range travelling of certain air particles, particularly sulphur oxides (SO_x) and nitrous oxides (NO_x). Given the particular vulnerability of Scandinavian ecosystems to acidification damage, the Nordic countries were the first countries to push this issue in every forum they could. However, in the early 1970s, major emitters of the long-range pollution in Europe, particularly the United Kingdom (UK) and the Federal Republic of Germany (FRG), were not willing to acknowledge the link between environmental damage and industrial activities. These actors raised particular doubts about the scientific knowledge linking air pollution to the damage.

At the time, the international organization with the largest regional interest in the acid rain issue was the OECD. Up to 1976, the Scandinavians focused their agenda setting efforts in the OECD forum. The OECD conducted studies and discussed the issues, leading to a report asserting that sulphur dioxide could travel long distances.⁶⁴ But all this effort got the Scandinavians, in the pithy words of one EU Commission official, was a thick report--no policy measures followed. The Scandinavians shifted their agenda setting attention to the UNECE after 1976, with its larger country membership including the US and the former USSR as well as the EC countries. Here the Scandinavians managed to achieve a political document, the Convention on Long-Range Transboundary Air Pollution (LRTAP), signed in 1979. However, the agreement had little policy teeth and could scarcely be called binding (Proposition Six) since it only required the parties to limit and "gradually reduce and prevent" their air pollution.⁶⁵ In 1983, the group that signed LRTAP signatories met to discuss the Scandinavian proposal to actually reduce SO₂ emissions, and several countries, notably the US, UK, and France, rejected the proposal.

Throughout this time, the Scandinavians pressed the European Community to undertake complementary measures to the ones the Scandinavians were implementing. This indicates the problems of traditional international organizations characterized in Proposition one. Except for countries like the Netherlands, this request went nowhere until the forest dieback scare seized the FRG political consciousness. Suddenly a very influential EC country started establishing very strict national standards and wanted to do the same for EC environmental policy (Proposition one). The UK, in contrast, continued to suspect the scientific evidence.

Using its contacts in the Commission and its Presidency of the Council in 1983, Germany got the Commission to put forward a proposal, the Large Combustion Plant (LCP) Directive proposal, that looked very much like German regulations.⁶⁶ The Commission proposal was blocked by Britain and France which thought the regulations unnecessarily costly and strict. However, as expected in Proposition Three, several member states, particularly the FRG and the Netherlands, and the Commission and European Parliament remained persistent about keeping the issue on the EC agenda through 1985. The UK was equally insistent in using its veto to block any move in the Council, prolonging the debate (Proposition Four).

Under UNECE auspices, the Executive Body of the LRTAP Convention managed to create a Sulphur Protocol modifying the original convention by agreeing to a flat reduction rate of SO₂ emissions.⁶⁷ Most EC states signed onto the LRTAP protocol, but the UK, Greece, and Ireland refused to sign, largely for economic reasons, although the British pointed to continuing scientific uncertainty. Because of the nature of the Convention, most EC countries could get around the UK veto in the EC, but this Convention would not be binding on the states that did not sign. While the EC has

signed the original 1979 Convention, the controversy over reductions prevented it from signing the Sulphur protocol as a separate body. The Commission continued to submit revised proposals, and countries like the FRG, the Netherlands, and Belgium, all acting as Council presidents for the 6 month period, tried to work out a bargain (Proposition Three). The proposal remained firmly fixed on the agenda, but it was still blocked by Britain (and the poorer Mediterranean countries and Ireland which often used the UK stance as a cloak for their own positions) up to 1988.

The British position on air pollution science began to change before 1988, and the issue of privatization of the electricity industry, which was preoccupying the British government, modified attitudes.⁶⁸ After conducting major horse-trading (involving concessions to Germany on the LCP issue and small car auto emissions to France and Britain), Britain and France reached a compromise with Germany (Proposition One). The Directive assigned emissions reductions to each country on the basis of a political formula, and little scientific knowledge.⁶⁹ No radical policy innovation occurred in this document. Substantial scientific investigation of the acidification problems continued in the 1980s, but it was only starting to bear fruit in the latter part of the decade, too late for the LCP Directive.

This science, under the rubric of "critical loads," started gaining in regional policy importance as the Scandinavian scientific community once again tried to set the agenda, this time based on this scientific knowledge.⁷⁰ Without going into the complicated details of the approach, the critical loads methodology had the advantage of clearly stating how much pollution a particular ecosystem could take damage and tracing the damage back to its original source. The Scandinavia scientific community spread their enthusiasm to other European scientific communities. These groups and the Scandinavian policy makers pressed the UNECE to move in this direction, and the UNECE held several positive workshops and encouraged the development of the science.⁷¹

Although much of the detail about critical loads needs to be still worked out, the fact that the UNECE incorporated this newly developed science in its expert working groups (under LRTAP) is a significant indication of Proposition Seven. When the parties of the LRTAP Convention signed the Nitrogen Protocol, they included references to this new methodology.⁷² Most EC countries have signed the protocol, agreeing to reduce their annual NO_x emissions from the end of 1994 to 1987 levels. In a reversal of roles, however, the British have been very interested in this scientific approach while German policy makers as a whole have been largely indifferent.⁷³ It should be noted that the critical loads methodology was used more as a tool for argumentation and presentation than for actual standards setting.

The UNECE attempt to revise the LRTAP sulphur protocol from 1993 to 1994 is the first real attempt to incorporate the scientific findings in the policy process. Despite the British embrace of the methodology, the same haggling occurred over the actual bargaining over standards, and the outcome reflects more political negotiation than scientific inspiration.⁷⁴ Nevertheless, a dramatic contrast is seen in the EC treatment of the critical loads methodology. While the Commission has been kept apprised of the scientific developments and several countries like the UK have embraced its usage, critical loads science has not made substantial inroads into EU policy making. On the one hand, the Commission seems wary of expending political capital on this new approach, especially given the fact that the real emissions reductions policy is based on political decisions and bargaining (perhaps a policy weariness due to the effects of Proposition Four).⁷⁵

On the other hand, several Member States, including the FRG but perhaps also the UK, seem wary of embracing this knowledge in their policy making (Propositions Six and Seven). The Fifth Action Programme, a general statement of EU environmental aims, makes references to the critical loads knowledge, but nothing more than that.⁷⁶ Nevertheless, any decisions made with regard to the UNECE Sulphur Protocol, which is utilizing this scientific methodology are likely to shape the reevaluation of the LCP Directive during the 1994 period. This is due to the fact that most EU Member States are party to both the directive and the UNECE Protocols at the same time, causing them to seek policy coherence.

Examination of the Carbon Tax Case.

The carbon tax proposal, has been an extremely controversial policy instrument in Europe.⁷⁷ Of all the international organizations, the OECD with its clear interest in economic models and tools,

started raising the issue of the benefits of taxes and environmental instruments. The OECD has published a number of studies on the subject, which have received substantial policy maker attention. However, the organization has only explored the fiscal instruments in a very academic way, considering alternatives and previous country experiences, but this did help to focus attention of the region. Moreover, many of the national policy experts that serve the EU member states serve their countries as the representatives to the OECD. Several of these officials argued that the OECD provided a useful conceptual forum for EU officials studying fiscal instrument options.⁷⁸ This indicates that at least some EU officials find the OECD to be a useful place to talk out ideas (Proposition Seven), but it is important to note that no binding environmental tax policy has come out of such discussions.

In contrast, the more encompassing integrationist imperative of the European Union (Proposition One) seemed to push the EU to experiment with such a policy tool. Part of the impetus from this move came from the fact that individual Member States, initially Denmark and later the Netherlands, were beginning to implement their own carbon taxes.⁷⁹ A number of larger Member States, notably Germany, seemed likely to follow. It is interesting to note how these small countries helped shift the agenda of the EU -as one would expect in Proposition Two. Proposition One argues that the EU encompasses many policies, which often have goals that are linked together. In the carbon tax history, the European Union as a entity had to be concerned about what these individual environmental initiatives would do to the single European economic market. Out of this concern some of the smaller EU states helped to shape the EU Commission's agenda. Having embraced a tax in their own country or at least considering one in the face of issues of economic competitiveness, it is natural that these countries wanted to push a region-wide tax as well.

However, for the tax to get on the EU agenda, it has to be embraced by officials in the Commission. The carbon tax initiative was fortunate in that it found a very energetic EC Environment Commissioner, Carlo Ripa di Meana, to push the proposal through the Commission despite the opposition of certain other Commission directorates.⁸⁰ Arguing that a carbon tax was necessary to enable the EC to become the world leader on such environmental issues as global warming, Ripa di Meana, by 1990, had made the tax his personal crusade and also created a critical alliance with the Commission Energy Directorate, DG XVII. The Joint 1990 Environment/Council, with a similar issue perspective to that of the Commission's Environment and Energy bureaus, shared this general goal and urged the Commission to submit actual proposals for a tax.

After many disagreements within the Commission slowed the initiative, the DG XVII and XI alliance, with the seeming support of the then Commission President Jacques Delors, helped push the idea of the proposal through the Commission. The Commission negotiated the proposal in time for the deadline set for the June 1992 Rio Summit of the UN Conference on Environment and Development.⁸¹ The Commission in the end had to make several significant compromises, including making the tax contingent on action by non-European industrialized states and giving the tax an energy component, but it did manage the significant accomplishment of an actual proposal despite vociferous economic interest objections.

While this was a substantial achievement, the actual proposal was a long distance from becoming actual policy. Moreover, the institutional requirements of the EU process demanded that the proposal be handled by the finance wing of the EC Council, namely the ECOFIN Council. Furthermore, under EU rules, any Council decisions on fiscal policy, regardless of environmental content, must be made via unanimity voting--giving any state a veto. The ECOFIN Council has complete control of tax initiatives, and it jealously guards its prerogative.⁸² This Council, made up of the finance minister of the Member States, did not share the same interest in environmental goals of the Environment/Energy Council.

In the remainder of 1992, the Commission and the Council struggled to come to some agreement on a final carbon energy tax. While the wealthier Northern countries like Germany, Denmark, and the Netherlands supported the proposal, Ireland and the poorer Southern countries led by Spain had severe reservations against any environmental tax being imposed on them.⁸³ However, it was Great Britain, concerned with issues of national sovereignty and taxation, that raised the most vociferous opposition. In the Council meetings since 1992, Britain and a more tacit coalition of poorer EU Member States have blocked any Council vote. The Commission and various pro-tax states holding the Presidency of the Council have tried to create bargains that would satisfy the poorer states, but they still could not overcome the British veto. The prolonged placement of the issue of the Council agenda and the equally prolonged blockage of the initiatives conforms to Propositions Three and Four. The present

sense of the EU regarding the tax is that the EU member states should develop their own individual taxes as they choose. Some of the more eager countries are also considering forming a fast track group with a common tax.⁸⁴

How such a move will affect the EU economic integration and cooperation is unclear, but it is a concern. The carbon tax case reveals European states which are very interested in discussing ideas and alternatives in the OECD. The OECD provides the forum for shared ideas and experiences, but no binding tax policy was likely due to the nature of the OECD as an economic coordinator. This confirms Proposition One of this paper. It also suggests that states are more comfortable discussing new policy instruments when they do not think the organization will translate them into binding commitments (Proposition Seven).

Examination of the Hazardous Wastes Case.

As with transboundary air pollution, hazardous waste management and trade became a significant issue in the 1970s. Since the waste trade is a lucrative business, as well as an environmental concern, national initiatives in the 1970s put pressure on the European Union's drive to integrate the Single Market (Proposition One). The Community and the Commission could not ignore this situation, especially when major economic centers, such as Germany and France, were developing laws.

Thus the EC became the first region wide organization to create regulations. The first regulations, passed in 1975 and 1978 respectively, centered around defining the basic policy scope for waste disposal and specifying what the terms "waste" and "hazardous" meant.⁸⁵ As a first step, the regulations were important, but problematic ambiguities lay beneath the two definitions. Each Member State government interpreted the EC definitions in their own way. The significance of this ambiguity is that it creates regulatory uncertainty and loopholes since one country may define wastes in such a way to benefit its export of wastes or restrict the import of another country's wastes.

After the passage of these initial directives, attention turned to the transboundary shipments problems, in light of several well publicized European waste incidents. In 1983, the European Parliament, reflecting a very pro-environmental regulation stance, worked with environment ngos, particularly Greenpeace, to keep the issue on the EU agenda. This was a EU legislature, at the time a much weaker decision-making body in the EU, which managed to keep the EU and its Member States focused on the agenda, clear evidence of Proposition Two. The Commission, also desirous for some kind of restriction, proposed a directive to control transfrontier waste shipments in 1983. Most of the Member States and the Commission, contrary to the perspective of the European Parliament, Greenpeace, and some of the Member States, wanted the regulation to affirm the free movement of waste. At the end of 1984, the Council agreed on a proposal that would make waste senders have to provide prior notices to receiver states and to transit states through which the waste travels.⁸⁶ Clearly, however, the Council was perceiving waste as a good that should be allowed.

In the 1980s, two ios, namely the OECD and UNEP, also started to develop programs concerning transboundary waste regulations. Interviews with Commission and national officials strongly indicate that there was, and continues to be, an elaborate exchange of ideas and knowledge among these two international organizations and the EU.⁸⁷ For instance, the EU Commission has active participant status at OECD meetings, and the national waste experts meeting in the EU are likely to meet again at OECD fora. One high level EU Commission official noted that the EU Member States were more willing to consider complex and new policy ideas in the OECD because it seemed less likely to be binding than policy discourse in the EU.⁸⁸ Essentially following the definitions generated in the EU, the OECD (acting through a subcommittee called the Waste Group) in the 1980s defined hazardous wastes and attempted to draft an international agreement document for controlling waste shipments.⁸⁹

Despite the activism of the OECD, the recent international attention on transfrontier shipments of waste shifted to UNEP. The UNEP Executive Director, Mostafa Tolba, took a keen interest in the issue. Specifically citing the OECD work as a basis, the UNEP Governing Council decided to initiate a global shipments convention.⁹⁰ In 1988, the OECD and UNEP decided to merge the decisions of the two organizations. During this time, the Dutch and Belgian delegations, small states once again, were pressing the EC Council to come up with some policy consensus to help build the momentum for an international agreement.⁹¹ After intense disagreements among the UNEP representatives that

continued into 1989, the UNEP Council adopted the Basel Convention in 1989.⁹² The Convention does not ban any wastes from exports, but instead protects waste receiving countries by giving them the right to ban imports of substances intended for disposal in that country. The EC signed on to the Convention although pro-environment elements like Greenpeace were disappointed with the outcome.

After the Basel Convention and their approval of this document, the OECD members continued their own efforts, creating a new classification system for managing recoverable wastes in 1991.⁹³ The EC borrowed much of this approach for its own future legislation. However the main international focus continued to rest on UNEP. The intervention of the Executive Director and the general dissatisfaction of developing countries with the Basel Convention's recycling waste provisions instigated a move towards a complete export ban of waste shipments in 1994.

A number of EC countries, including the FRG and the UK, opposed the initiative as did the Commission which thought the EC had adequate safeguards.⁹⁴ The Danes, with the Dutch, had hoped to press the EC to take stronger measures. During the period before 1994, the EC Commission created a new legislative proposal, based on the Basel Convention, to control waste shipments into and out of the Community. Not happy with this initiative, the European Parliament and several member states demanded stronger measures. The Dutch, Greenpeace, and the EP helped put the issue on the EU agenda, evidence for Proposition Two. After much controversy and amendments, the EC agreed to a ban on all export of wastes for disposal outside the EC and EFTA countries.⁹⁵ EC member states can forbid the import of wastes even when it has the capacity to receive it if the waste could be disposed closer to the sender's industrial site. This shift in philosophy reflected the developments in UNEP and the impact of the Basel Convention.

This compromise still did not satisfy the EP and Greenpeace, which continued to press their more sweeping policies on the EU agenda. Seeing the movement in the larger UNEP arena and acting as EC Council President in the first part of 1993, Denmark pushed for an OECD country export ban. The EU Commission was upset by the Danish unilateral move since it ignored the norm of the EU acting as a whole for EU treaties, and the Commission thought that some of the trade involved legitimate recyclable materials. On March 25, 1994, 64 parties to the Basel Convention decided to completely ban all export of hazardous wastes to non-OECD countries by December 31, 1997.⁹⁶ This ban, binding on all parties to the Convention, received major support from a group of 100 developing and East European Countries. Denmark played a significant role in persuading unhappy EU countries to go along with the ban. The German and British ministers attributed their reversed stance to pressure from the developing countries, and Danish officials heavily lobbied German ministers.⁹⁷

It is unclear how much of this policy effort rested on a conscious strategy by pro-environment EU forces. Whatever the answer, the EU Member States, many of whom wanted to keep the recyclable waste trade, found it more difficult to delay the initiative and to oppose it in the single large forum, where a majority of the members countries were developing countries. If the initiative had taken place in the EU, it is likely that enough countries as well as the Commission would find ways of delaying and probably killing the legislation at various veto points. It was a lot easier to build momentum in the face of the clear majority and the simpler process in UNEP (Proposition Five). The EU Member States could still have declined to accept the Third World position, but they found the alternative of vetoing the new legislation unpalatable.

Whatever the ambivalence of the majority of EU states, once the EU agreed to the modification of the Basel Convention, it became necessary to change EU law with the consequences that the ban legislation would indeed be binding. While this ban has substantially changed EU transnational waste shipment policy, the issue of ambiguous EU waste definitions remains on the agenda. The Commission and national delegations have expended a tremendous amount of effort and knowledge trying to create catalogs of the different kinds of wastes, which would serve to define what is a hazardous waste or not. The continued scientific uncertainty about the conditions that can make a substance hazardous and the competing national perspectives have rendered it impossible to achieve consensus.

Thus, in 1994, the same ambiguities in the "wastes" and "hazardous" definitions from the 1970s remain.⁹⁸ This policy outcome contrasts sharply with the transboundary shipment initiatives, but one has to factor in the role of another international organization, which extended the policy game. The reluctance of many EU states to remove all exports to the Third World suggests that a less sweeping compromise would have been achieved in other circumstances.

Conclusion.

In looking over the propositions posed in the paper and the three case histories, EU member state behavior generally conforms to the posed propositions. However, the cases did not provide much evidence for the some of the comparative propositions being made. While Proposition Six regarding voting procedures does seem to have validity, the cases do not really shed light on any difference between the EU and the international organizations. Other cases would have to be selected.

In terms of the second and third propositions regarding agenda setting and the fact that the EU has more widely differentiated institutions, the analysis does seem valid for the EU. However, it is difficult to tell from the evidence provided here how much a difference the EU institutions made compared to what would happen in the three international organizations. Part of the problem lies in the fact that the variables in propositions one and seven, relating to the organizational goals and mandates, probably have an interactive effect with regard to the institutional variables. This suggests that more specific actor analysis of country motivations, beyond the scope of this paper, would have to be conducted.

Nevertheless, it does seem suggestive that small states, a popular legislature, and ngos have such an agenda setting impact in the EU. If one thinks in terms of counter factuals, it seems unlikely that hazardous waste trade policy and the carbon tax would have moved forward onto the EU agenda and stayed there without these actors. Given the fact that the international organizations have a larger membership, it seems unlikely that small states could exert such an effective and influential voice in the member state councils of the traditional international organizations. Similarly, the ability of ngos like Greenpeace to have a policy influence and to have such access to policy-making institutions of the EU Commission and Parliament is unheard of in the OECD, which may be the extreme case of pure member state involvement.⁹⁹ Ngos seem to have a larger influence in UNEP efforts, but member states in the program can still constrain the potential for new initiatives.¹⁰⁰

The cases are less ambiguous on the fact that issues tend to stall in the EU for much longer periods of time. The UNECE had concluded several agreements on transboundary air pollution before the EC finally managed to act in 1988. Issues revealing conflict tend to get removed quicker in an organization like the OECD while in the EU an issue like the carbon tax had to get through all the obstacles within the Commission, and then deal with the veto points of the Council. The LCP Directive for transboundary air pollution and the carbon tax are the classic EU environmental cases of small minorities managing to block EU initiatives for extended periods of time. In the only case to really compare the EU and other organizations regarding Proposition Five, the hazardous waste trade case does reveal a dramatic difference in EU member state attitude when confronted by a vehement majority of developing countries in a single decision-body--outside of the confines of the elaborate EU decision-making process. The EU member state capitulated to the waste export ban.

Finally, the cases seem to give the strongest indication that Propositions One and Seven, with respect to the organization's mandate and scope, play a very large role in shaping member state behavior in the EU compared to the traditional international organizations. In the tax and transboundary air pollution cases, the member states seemed far more comfortable addressing various new policy alternatives and ideas when they were in a forum less likely to create binding policy. At the same time, the pressures for maintaining economic integration and harmony of policies, forced the EU to go further than the other international organizations and come up with actual tax proposals and to be the first in specific waste regulations.

After dealing with the specific conclusions, there remains the issue of generalizing the argument. This paper only offers evidence for the difference between the European Union and the typical organization in terms of the policy making incentives they provide their members. While the focus is on environmental policy, the analytical points presented here are generalizable to other issue areas where more than one international organization or the EU are participants. However, the question remains whether the characteristics and mandate of the EU are unique. One possible comparison worth studying is the Nordic Council, made up of Scandinavian countries with a strong environmental concerns but also stronger shared values than one can say about the European Union. The focus on regional organizations seems to suggest that the differentiation is between regional organizations

(where there is some movement towards mutual cooperation that pools sovereignty, rather than just enhancing it) versus international organizations.

In terms of practical considerations for policy making, policy analysts may be rewarded by examining the different incentives the EU and international organizations makes for the countries that are members of both. Having the same issues in more than one organizations gives EU Member States the potential for raising the issue first in an organization like UNEP. This in turn will alter the nature of the bargaining game going on between the European states within the EU.