

Explaining Transnational Access to International Institutions

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One of the most profound trends in global governance over the past two decades is the growing extent to which transnational actors have been granted access to international institutions. The source of this development is a subject that so far has received limited systematic attention by international relations theorists. This paper addresses that gap by suggesting three alternative approaches, each offering a distinct explanation of transnational access to international institutions. The first approach privileges concerns about functional efficiency, highlighting the benefits to states and international institutions of engaging transnational actors. The second approach emphasizes concerns about democratic legitimacy, and suggests that we have witnessed the spread of a new norm of what constitutes legitimate governance at the international level. The third approach stresses concerns about power distribution, conceiving of transnational actors as instruments in state competition.

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Introduction

One of the most profound trends in global governance over the past two decades is the growing extent to which international institutions offer mechanisms for participation by transnational actors or non-governmental organizations (NGOs), such as advocacy groups, social movements, professional associations, party networks, and multinational corporations.¹ Surrendering the monopoly they previously enjoyed on participation and influence in international institutions, national governments increasingly have engaged transnational actors as policy experts, service providers, and monitors of state compliance. The World Bank, for instance, draws on the expertise of NGOs in the formulation of country reports, engages in operational collaboration with civil society actors in the field, and conducts policy dialogue through the NGO-World Bank Committee. The United Nations Environmental Programme (UNEP) offers NGOs accreditation to its meetings, operates a Global Civil Society Forum, and draws on transnational actors in the implementation of its programs. The World Trade Organization (WTO) invites NGOs as observers at ministerial meetings and grants transnational actors the right to submit legal briefs on trade disputes. Yet the opening up of international institutions is not a uniform development. Whereas some institutions go as far as offering formal representation to transnational actors (e.g., the ILO and the EU), others mainly engage in collaboration or consultation (e.g., the UN and the OECD), and yet others only provide for information sharing (e.g., the IMF and NATO).

This is a development that raises fundamental questions for students of global governance. Why have international institutions increasingly opened up to transnational actor involvement? How can we account for the pattern of variation across international institutions in transnational

¹ In this paper, I use the terms transnational actors and NGOs interchangeably, thus adopting a broad definition of the latter, which is taken to include both profit- and non-profit-oriented societal actors operating across borders.

access? What are the consequences of involving transnational actors for the efficiency, legitimacy, and distributional effects of international institutions?

Despite their relevance for our understanding of global governance, these questions so far have received limited systematic attention by international relations (IR) theorists. Whereas, for sure, international institutions, transnational actors, and global governance have been prominent themes on the research agenda over past decades, the attempts to specifically and systematically address the sources and effects of transnational access have been few (Risse 2002; Simmons and Martin 2002). Furthermore, existing contributions on the topic tend to consist of single case studies, rich in detailing NGO participation within specific institutions, but poor in linking findings to general political science theories (Staisch 2004: 4).

The purpose in this paper is to lay the ground for systematic and theory-informed research on transnational access, by proposing three alternative analytical approaches, informed by rational choice institutionalism, sociological institutionalism, and realism.² The presentation centers on the question of *when, why, and how states offer transnational actors access to international institutions*, while bracketing the subsequent question of effects of transnational participation. For each of the three approaches, I explain the general theoretical logic and identify testable hypotheses, paying specific attention to expected patterns of variation across time, institutions, policy phases, and actors. In this process, I also place existing empirical accounts of transnational access to international institutions in their broader theoretical context.

² In principle, we might also identify a fourth potential approach, with analytical roots in multiple institutionalist traditions, explaining NGO access as the product of autonomous international institutions, working to advance their interests and agendas through cooperation with transnational constituencies. However, this paper gives analytical priority to approaches that privilege states as actors, since the rules governing formal access to international institutions generally are set and changed through interstate agreement. Moreover, this fourth potential approach is partly folded into the second and third approaches, since the concerns that would drive international institutions to engage transnational actors typically are efficiency and legitimacy.

Each of the three approaches offers a distinct explanation of the shift in institutional design toward enhanced transnational access in global governance. The first approach privileges concerns about *functional efficiency*. It highlights the benefits to states and international institutions of engaging transnational actors in order to fulfill functions they are unable or less well positioned to conduct themselves. This approach expects transnational access to vary systematically with functional demands for technical expertise, policy implementation, and monitoring in international cooperation. The second approach privileges concerns about *democratic legitimacy*. It suggests that we have witnessed the emergence and spread of a new norm of legitimate governance at the global level, requiring international institutions to involve representatives of global civil society to be regarded as democratically legitimate. This approach expects practices of transnational access to become increasingly homogenous, as this norm is diffused and consolidated. The third approach privileges concerns about *power implications*. It suggests that states exploit transnational actors as instruments for gaining additional leverage within international institutions, supporting access for likeminded actors and opposing access for adversarial actors. This approach expects the pattern of transnational access to reflect the preferences of the most powerful states.

The attention accorded to transnational access makes this paper distinct from, but relevant to, three related bodies of literature. All have generated impressive research in recent years, but neither offers a systematic treatment of transnational access to international institutions. First, there is a growing literature on international institutional design (e.g., Abbott and Snidal 2000; Koremenos et al. 2001; Tallberg 2002a; Pollack 2003; Hawkins et al. 2006; Acharya and Johnston 2007). Empirically, this literature pays special attention to the delegation of power to international institutions, and the effects of variation in institutional design. So far, however, this literature has not addressed the shift in design toward greater access for transnational actors, or its

variation across international institutions (for an exception, see Alter 2006). Rather, issues pertaining to participation by civil society actors have often been perceived as normative, and therefore alien to the positive analysis of international institutions.

Second, there is nowadays an extensive literature on the role of transnational actors in world politics (e.g., Haas 1992; Princen and Finger 1994; Risse-Kappen 1995; Weiss and Gordenker 1996; Willetts 1996; Finnemore and Sikkink 1998; Keck and Sikkink 1998; Josselin and Wallace 2001; Betsill and Corell 2008). However, much of this literature remains engaged in the exercise of proving against a state-centered picture of world politics that transnational actors matter, and the literature is still weak in its analysis of how states and international institutions enable or constrain transnational participation (Risse 2002: 259). Only isolated contributions address the question of why the design of international institutions has been reoriented toward increased access for transnational actors (Raustiala 1997; O'Brien et al. 2000).

Third, there is a vivid debate on the normative question of democracy beyond the nation-state. Whereas some theorists consider democracy at the international level impossible to achieve, because of the absence of a transnational demos (Dahl 1999; Scharpf 1999), others question the diagnosis of a democratic deficit in global governance, and therefore claim that there are few reasons to engage in democratizing reforms (Majone 1998; Keohane and Nye 2003; Moravcsik 2005). Advocates of a third position recognize the presence of a democratic deficit, and consider it both desirable and possible to democratize international institutions, pointing to transnational actors as an emergent global civil society (Held 1995; Zürn 2000; Scholte 2002; Held and Koenig-Archibugi 2005; Bäckstrand 2006). However, this debate has so far remained strictly normative in its orientation and refrained from addressing positive questions related to the sources of transnational participation.

This paper proceeds as follows. In the next section, I briefly outline the contours of the transnational turn in global governance. The subsequent three sections each present one of the alternative explanations of this phenomenon, including patterns of variation in transnational access across time, institutions, policy phases, and actors. I conclude by summarizing the argument and expanding on the broader implications of this research agenda for our understanding of global governance.

The Transnational Turn in Global Governance

The past quarter of a century has witnessed a gradual transformation in the dominant mode of political organization at the international level, from interstate cooperation, negotiated and managed by national governments, to more complex forms of cooperation, involving transnational as well as supranational actors. The state-dominated international institutions of the post-war period have developed into more multifaceted arrangements, and new forms of governance have emerged that involve both public and private actors. The concept of global governance has become the favored term of both social scientists and policy-makers for denoting these complex patterns of authority in world politics, involving a variety of actors and networks along with states and international institutions (Rosenau and Czempiel 1992; Held and McGrew 2002).

In broad terms, the transnational turn in global governance consists of three developments. First, states and international institutions increasingly offer formal and informal channels for transnational actors to participate in policy-making, mostly by involving them as policy experts, service providers, compliance watchdogs (Raustiala 1997; O'Brien et al. 2000; Risse 2002). Second, recent years have witnessed the proliferation of public-private partnerships, whereby

states and international institutions enter into formal cooperative arrangements, for instance, in areas such as human rights, environmental protection, and development (Osborne 2000; Rosenau 2000; Stern and Seligman 2004). Third, we have seen the development of governance arrangements that rely exclusively on private authority, recognized by states and international institutions, for instance, in the areas of credit rating, risk management, and private commercial law (Hall and Biersteker 2002; Cutler 2003; Sinclair 2005).

Centering on the first of these developments, the new opportunities for access to international institutions are frequently identified both as a factor driving the growth in transnational activity, and as a vital source of transnational influence in world politics. Whereas fewer than 1,000 international NGOs existed in 1956, their number had climbed to 14,000 in 1985, and 21,000 in 2003 (Yearbook of International Organizations). Part of this growth may be attributed to the opportunity structures provided by states and institutions (Reimann 2006). Much like the emergence of the nation-state stimulated the growth of new forms of citizen activism, the creation of international institutions in the post-war period provided new political opportunities and incentives to organize. While cooperation in some instances began already in the 1950 and 1960, it is from the 1980s and onwards that international institutions seriously have expanded both access and resources for transnational actors. “As international institutions and regimes have expanded to handle new global issues, they have increasingly promoted NGOs as their service providers and advocates, and in the past two decades an explosion of new international opportunities for funding and participation of NGOs has created a structural environment highly conducive to NGO growth” (Reimann 2006: 46).

These political opportunities have not been opened without effects. Access to international institutions has been instrumental to the emergence of transnational actors as influential players in world politics. Through advocacy work, information dissemination, service provision,

monitoring of commitments, and other activities, transnational actors contribute to norm development, agenda setting, policy implementation, and rule enforcement (e.g., Risse-Kappen 1995; Raustiala 1997; Finnemore and Sikkink 1998; Keck and Sikkink 1998; Keohane et al. 2000). While scholars dispute whether these transnational activities undermine or reinforce state authority in world politics, few question their importance in global governance. As Thomas Risse concludes in a recent review of existing research on transnational actors: “[W]e cannot even start theorizing about the contemporary world system without taking their influence into account” (2002: 255).

The mechanisms by which transnational actors increasingly have been offered access come in multiple shapes and vary across international institutions. Simplifying slightly, these formal channels of participation may be placed on a continuum, ranging from representation to collaboration, consultation, information sharing, and no access.

Provisions for formal *representation* of transnational actors on the decision-making bodies of international institutions remain rare. The International Labour Organization (ILO) and the European Union (EU) offer exceptional arrangements in this regard. The ILO operates a unique tripartite institutional arrangement, with representatives of governments, employers, and workers working together on both its Governing Council and in the yearly International Labour Conference. In the EU, transnational parties compete for power in the directly elected European Parliament, whose formal influence nowadays equals that of the member states in the Council on most policy issues. Furthermore, business, labor, and consumer groups enjoy a formal platform in EU policy-making through the Economic and Social Committee, with a consultative role in the EU decision-making process.

Formal mechanisms for *collaboration* between international institutions and transnational actors have become increasingly common since the 1980s. Two prominent forms are contracts

for NGOs to perform services on the part of international institutions, and access for private actors to international courts and tribunals. Reliance on service NGOs is particularly common for international institutions operating in the fields of development, humanitarian relief, and conflict management, such as the United Nations (UN) and the World Bank (Reimann 2006; Risse 2002: 260). In the UN, for instance, support to NGOs working as sub-contractors to UN projects has grown remarkably, with official funding of NGOs tripling in the 1980s, and then doubling again in the 1990s (Reimann 2005: 38). Private access to international courts and tribunals is an equally distinct trend, with nearly all new courts created since 1990 offering direct mechanisms for individuals, NGOs, or firms (Alter 2006). Examples include courts in the area of trade, such as the European Court of Justice, the Andean Court of Justice, and NAFTA arbitration panels, as well as courts in the area of human rights, such as the European Court of Human Rights and the international criminal tribunals for the Former Yugoslavia and Rwanda.

Consultation arrangements probably constitute the most common form of access for transnational actors to international institutions. They include arrangements for NGO accreditation to international conferences, civil society advisory bodies, and complaints procedures for private parties. Institutions that previously did not permit transnational actors in decision-making bodies, such as the WTO, have introduced accreditation procedures, and institutions that already offered such provisions, such as the UN, have expanded them. These arrangements allow NGOs to follow negotiations, circulate papers, and sometimes even address the parties, but never to take part in formal decision-making. An alternative and increasingly popular way of consulting with transnational actors is through specific civil society advisory bodies, such as the NGO-World Bank Committee, the OECD Forum, and the civil society forums of major UN conferences. Furthermore, most international institutions have established civil society liaison officers and departments. Finally, international secretariats frequently operate

complaints procedures that allow private parties and organizations to bring to their attention potential infringements of regime rules. Two examples are the complaints procedures managed by the European Commission and the Secretariat of the North American Agreement on Environmental Cooperation (NAAEC) (Tallberg 2002b; Raustiala 2004).

In comparison, *information-sharing* arrangements are more restrictive, as they only consist of the international institution presenting information to transnational actors. Since the early 1990s, a large number of international institutions have adopted public information policies (Florini 2003; Grigorescu 2007). In several cases, such as the EU and the World Bank, these policies have supplemented other and more ambitious forms of interaction with transnational actors. In other cases, such as the International Monetary Fund (IMF) and the North Atlantic Treaty Organization (NATO), they have constituted the primary strategy for opening up to civil society actors. Typically, these public information policies enhance transparency by providing for access to policy documents, minutes from meetings, budgets, external audits, and institutional policies.

An absolute *absence of access* for transnational actors to international institutions is today an exceedingly rare phenomenon. The Bank for International Settlements (BIS) has been mentioned as an example in this regard (Scholte 2005: 92), but not even this institution qualifies for this category anymore, owing to its information policies and practices. This pattern, if anything, testifies to the depth of the transnational turn in global governance.

The Functional Efficiency of Transnational Access

The first theoretical approach that generates coherent expectations about the factors that drive transnational access emphasizes the expected functional benefits to states and international

institutions of engaging NGOs. This approach is informed by rational choice institutionalism, which perceives of institutional design in functionalist terms, explaining the creation and form of a particular institution with the benefits it is expected to produce. In this view, the decision to offer transnational actors access to international policy-making is a deliberate design choice, motivated by the expectation of distinct functional gains. Transnational actors are seen as capable of fulfilling a set of tasks in international cooperation that states and institutions are unable or less well positioned to conduct themselves. Notably, transnational actors may contribute with technical expertise, policy implementation, and monitoring of commitments, thus helping states to address information asymmetries, efficiency problems, and credible commitment dilemmas. This approach predicts transnational access to vary systematically with the pattern of demand for these functions in global governance.

Theoretical Logic

The analytical bed-rock of this approach is the proposition that institutions are created and designed to address shortcomings in the market or the political system as a means of producing collectively desirable outcomes (Williamson 1975; Weingast and Marshall 1988). In the study of international cooperation, this explanation has been deployed to account for the demand for international institutions (Keohane 1984; Martin 1992), the delegation of power to international institutions (Tallberg 2002a; Pollack 2003; Hawkins et al. 2006), and the design of international institutions (Abbott and Snidal 2000; Koremenos et al. 2001). Typically, the establishment, form, and survival of international institutions has been explained with reference to their capacity to help states overcome collective-action dilemmas, related to high transaction costs, information asymmetries, and enforcement problems. Recognizing that not all areas of governance are subject

to the same dilemmas, or dilemmas of identical intensity, rational choice institutionalists have introduced the nature of cooperation problems as a factor explaining variation in international institutions (Stein 1983; Rittberger and Zürn 1990; Zürn 1997; Koremenos et al. 2001).

When applied to the context of transnational actor participation in global governance, rational choice institutionalism generates a distinct interpretation of the relationship between states, international institutions, and NGOs. Most fundamentally, it perceives of states as rational actors that collectively make deliberate choices about the degree and form of transnational access to international institutions, based on assessments of the functional benefits that NGOs may bring in any given context. Transnational access, in this sense, is not different from other dimensions of institutional design, which rational choice institutionalists expect to vary with functional demands. While empirical analyses of NGOs and international institutions frequently refer to the benefits for states of engaging transnational actors, few explicitly link these findings to rational choice institutionalism. Kal Raustiala offers the most explicitly formulated rational functionalist account to date, submitting that states gain rather than lose in authority as a product of NGO participation: “Rather than undermining state sovereignty, active NGO participation enhances the abilities of states to regulate globally. The empirical pattern of NGO participation has been structured across time and functional areas to reap these gains” (1997: 719). Others offer more implicit functionalist observations. Miles Kahler notes that “[t]he pattern of delegation, accountability and participation in [global economic multilaterals] is not primarily the result of inadvertence or agency deviation; it is the result of design by member governments” (2005: 31). Jan Aart Scholte finds that “transworld governance agencies have in recent years increasingly taken proactive steps to engage with civil society associations, recognizing that these relationships can yield important gains” (2005: 92). Thomas Risse, finally, observes that

“[t]ransnational advocacy groups and epistemic communities often perform tasks that states and international organizations either cannot or do not want to carry out” (2002: 260).

What, then, are the functions that transnational actors may perform to the benefit of states and international institutions? While existing literature mentions a full range of task and services, an account that stays closer to the theoretical logic of rational choice institutionalism would lead us to emphasize the advantages of transnational actors in addressing problems related to *information asymmetry, efficiency, and credible commitments*.

First, the issues to be governed are frequently sufficiently complex to give rise to information deficits in international cooperation. The complexity pertains both to the policy options available and the effects of alternative policy choices, often brought together under the rubric of uncertainty about the state of the world. Unless such deficits in information are alleviated, it will be more difficult for states to coordinate efficient regulatory responses. Transnational actors, specializing in gathering, analyzing, and offering policy expertise, constitute valuable partners for states in this context. Moreover, this information is generally provided for free, allowing states to move research costs off-budget, and offered by a plurality of independent actors, granting a check on bias and exaggeration (Raustiala 1997: 727).

Second, engaging transnational actors may help improve policy efficiency. While states are intent on setting the parameters of cooperation, putting policies into effect frequently requires programmatic activities in the field that neither states nor institutions are optimally adapted for. As Kim Reimann notes: “Lacking a strong infrastructure for international governance, both states and IGOs have increasingly had to rely on NGOs to fill in institutional gaps and help them achieve their stated goals” (2006: 64). A prominent example is found the area of foreign and humanitarian aid, where states and international organizations frequently subcontract operations to NGOs, in view of their flexibility, cost efficiency, and capacity to reach the target population.

Third, transnational actors may help states to secure the credibility of their commitments. Since states will be reluctant to sign on to agreements that require costly domestic adjustments, unless they have some form of guarantee that others will do their part as well, they have an interest in designing arrangements for monitoring and enforcement. Relying on transnational actors as “fire-alarms,” offering indirect and decentralized monitoring of state compliance, constitutes a cost-efficient and sovereignty-friendly alternative to direct and centralized “police-patrol” oversight through international institutions (McCubbins and Schwartz 1984; Tallberg 2003; Raustiala 2004). As concerned advocates and defenders of international regimes, NGOs both devote considerable resources to the monitoring of state commitments and have an interest in supplying this information (Mitchell 1998). Likewise, individuals, firms, and organizations negatively affected by state non-compliance have strong incentives to report violations and challenge states in national and international courts (Alter 2006).

Hypotheses and Expectations

This approach to transnational access translates into the general hypothesis that states collectively will structure the participation of NGOs in global governance to match identifiable functional needs, typically, policy-relevant information, efficient implementation, and monitoring of commitments. Transnational access is thus expected to vary across time, institutions, policy phases, and actors, reflecting the relative intensity of these problems and the benefits that NGOs may bring. The effect would be a systematic, rather than random, pattern of NGO access to international institutions.

This approach expects *variation over time* in transnational access as a product of differences in the nature and intensity of the problems to be governed. A move toward

cooperation in areas that involve a higher level of uncertainty, more programmatic activities, and greater incentives for non-compliance would thus translate into increasing demand for transnational actors as providers of expertise, implementation, and monitoring. In this vein, Michael Zürn and collaborators (2007) suggest that the dual trends of supranationalization and transnationalization in world politics are the product of a shift in cooperation toward behind-the-border issues, imposing greater adjustment requirements and new governance challenges. In a similar fashion, Matthias Staisch (2004: 16) hypothesizes that states increasingly enlist NGOs in order to meet continuing demands for effective problem-solving, while constrained by globalization. Raustiala, finally, explains the growing involvement of transnational actors in global environmental governance with a move toward more demanding problems: “The major regimes of the 1980s and 1990s – ozone depletion, transboundary air pollution, hazardous wastes, climate change, and biodiversity – are more complex and more demanding than most of the earlier resource regimes. They require greater levels of implementation and adjustment, and address important, often central, economic activities. They are also the regimes that have the greatest NGO participation and the most inclusive rules governing participation” (1997: 732).

Following the same logic, we would expect *variation across international institutions* in the openness toward NGOs depending on the issues they govern. Transnational actors would be more likely to be enlisted in issue areas characterized by high rather than low complexity. In this vein, the extensive involvement of NGOs in the area of environmental governance is frequently explained with reference to the high level of uncertainty and great demand for policy information in this field (e.g., Raustiala 1997; Albin 1999; Betsill and Corell 2008). Likewise, international institutions would be more likely to involve transnational actors if they operate in an issue area requiring implementation through programmatic activities in the field. This is the favored explanation for the great reliance on NGOs as service providers in the fields of foreign and

humanitarian aid (Reimann 2006). Finally, transnational actors would be more likely to enjoy access to enforcement mechanisms when international institutions operate in issue areas that regulate the behavior of governments vis-à-vis their citizens, or present strong incentives for defection in combination with an absence of alternative forms of oversight. The growing expansion of private access to international courts, especially in the area of human rights, is an institutional pattern attributed to this logic (Alter 2006).

This approach also generates expectations of *variation across the phases of the policy cycle*. Whereas policy information is attractive at the agenda-setting stage, programmatic services at the implementation stage, and monitoring at the enforcement stage, there is no corresponding functional advantage of NGOs at the decision-making stage. On the contrary, there may be a disadvantage in involving transnational actors. As Raustiala notes: “When governments desire secrecy to air possible compromises, or are at the stage of logrolling once positions have solidified, they may find NGO participation undesirable or not useful” (1997: 733). This may help explain the pattern that governments are relatively reluctant to grant transnational actors access to decision-making bodies, and that they frequently develop new, informal mechanisms of negotiation, in those cases where NGOs gain access to formal arenas (Albin 1999).

Finally, if this approach correctly captures the motives driving access, we would expect states and international institutions to discriminate among the NGOs invited to participate, giving rise to *variation across transnational actors*. Much like principals design ex ante mechanisms for selecting among potential agents, international institutions are likely to introduce procedures to screen and select among NGOs. In this process, we would expect them to give low priority to issues of representativeness and distribution, and high priority to the functional contribution of these actors. The procedure of accreditation, requiring transnational actors to apply for access to

international conferences and bodies, and be assessed on the basis of their functional contribution, may be understood in these terms (Willetts 2006: 312-313).

The Democratic Legitimacy of Transnational Access

The second theoretical approach to transnational access privileges norm dynamics in global governance. This approach is informed by sociological institutionalism and constructivism in IR, which direct our attention to processes of norm diffusion and institutional mimicking as the sources of institutional design. According to this interpretation, we have witnessed the spread and consolidation of a new norm of what constitutes legitimate governance at the global level. This norm conceives of NGOs as representatives of an emerging global civil society, whose organized participation can address the democratic deficits of traditional international institutions. States and institutions either have come to adopt this norm through socialization, or adapted strategically to it for purposes of legitimizing existing governance structures. The norm originates from multiple sources: international law, development ideology, normative democratic theory, and domestic political structures. This approach predicts the practices of transnational access to become increasingly homogenous, with extant differences explained by variation in the spread and consolidation of the norm of global participatory democracy.

Theoretical Logic

The analytical foundation of this approach is the notion that institutions reflect broadly shared ideas and norms of what constitutes appropriate and legitimate modes of governance (March and Olsen 1989; Powell and DiMaggio 1991; Scott and Meyer 1994). In this view, institutional design is a process where low priority is given to concerns of efficiency, relative to concerns of

legitimacy. Actors adopt certain procedures and practices, not because they necessarily are the most efficient, but because they constitute collectively legitimated institutional models. The emergence and spread of new norms typically gives rise to the phenomenon of isomorphism – the diffusion and homogenization of institutional models across functional domains. In the study of international relations, broadly conceived, this explanation has been used to account for, e.g., the liberal economic order of the post-war period (Ruggie 1983), homogenization across nation states (Meyer et al. 1997), the growth in international NGOs (Boli and Thomas (1999), the diffusion of central bank independence as an institutional model (McNamara 2002), and the dysfunctionality of international institutions (Barnett and Finnemore 2004).

When taken as a theoretical starting point for analyzing transnational access in global governance, sociological institutionalism generates an interpretation that differs considerably from that of rational choice institutionalism. More specifically, it suggests that the tendency of international institutions to create mechanisms of participation for transnational actors reflects the spread and consolidation of a new norm of legitimate global governance. According to this norm, international institutions, because of the domestic impact of their decisions, must involve representatives of civil society in the policy-making process. Indirect representation through national governments is no longer a sufficient source of democratic legitimacy, but must be supplemented with mechanisms of direct societal participation. In the “thick” constructivist version, states have reformed the practices and procedures of international institutions, because they have become socialized into believing in the superior democratic legitimacy of this model. In the “thin” constructivist version, states have strategically introduced and strengthened access for transnational actors because they recognize the social legitimacy that this confers on the institution.

What, then, explains the emergence, spread, and consolidation of this particular norm?

While only rarely adopting sociological institutionalism as the explicit theoretical framework, empirical work points to four parallel paths of norm development: *international law*, *development ideology*, *normative democratic theory*, and *domestic political structures*.

First, international law is interpreted by some analysts as establishing the principle that NGOs have a right to participate in global governance. More specifically, Article 71 of the UN Charter states that the Economic and Social Council (ECOSOC) “may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.” In a set of contributions, this article is presented as the source of the broad expansion of NGO participation within and beyond the UN system (Weiss and Gordenker 1996; Charnovitz 1997; Willetts 2000; Reimann 2006). Steve Charnovitz submits that “Article 71 set a benchmark for other U.N. agencies” (1997: 253), whereas Peter Willetts, having reviewed the changing status of NGOs in the UN, concludes: “The rock on which all this activity has been built is Article 71 of the UN Charter and the arrangements made in the late 1940s to bring it into effect. With more than fifty years of practice reaffirmed by consensus in each of the three major reviews, in 1950, 1968, and 1996, and gradually extended to all UN conferences, the provisions of the NGO statute can now be regarded as part of customary international law” (2000: 205).

Second, the area of development aid in the 1980s underwent an ideational paradigm shift away from state-led development and toward participatory development, relying on civil society organizations as promoters of bottom-up development. This brought about a new pro-NGO norm, which first emerged among bilateral aid agencies and private foundations, and subsequently was adopted by the UN, the World Bank, and other international development agencies. “According to the new pro-NGO norm, in order to be a properly functioning free market and democratic

nation in the 1990s and 2000s, it was now necessary to have a flourishing ‘civil society’ sector that included NGOs and other citizen-organized groups” (Reimann 2006: 59). As part of this process, the international donor community actively promoted the use, participation, and growth of NGOs world wide, persuading, pressuring, and teaching developing and transitional countries to accept and encourage NGOs.

Third, the early 1990s witnessed the emergence of a new discourse on global democracy, with activists and academics increasingly portraying international institutions as suffering from “democratic deficits,” when measured against traditional standards of democracy, such as participation, accountability, and transparency. In this context, transnational actors were typically conceptualized as representatives of global civil society, whose participation in international policy-making held the promise of a democratization of global governance. This discourse first arose in relation to the EU, but later spread to other international institutions, notably the WTO, the IMF, the World Bank, the G7, and central UN bodies. Activists voiced criticism against the intergovernmental mode of decision-making in these institutions and staged popular protests in association with summits. Academics, for their part, offered diagnoses of democratic deficits and suggested potential remedies, drawing on alternative models of democracy (e.g., Held 1995; Linklater 1998; Lord 1998; Schmitter 2000; Zürn 2000; Scholte 2002). Reflecting the strength of this discourse, there is near agreement today among scholars that international institutions suffer from democratic deficits (Moravcsik 2005: 212; Zürn 2005: 136).

Fourth and finally, scholars have related the development of a norm of global participatory democracy to the influence of democratic states within international institutions, deriving standards of appropriate behavior from domestic political structures (Staisch 2004: 18-19; Grigorescu 2007: 632-33). According to this argument, states export domestic procedural norms to international institutions. The trend toward growing participation of transnational actors thus

reflects the normative consensus on pluralist democracy in many dominating states in global governance, as well as in an increasing number of newly established democracies. Applying a consistent set of procedural standards to all levels of political organizations, democracies generate processes of normative spill-over from the national to the international level.

Hypotheses and Expectations

This approach to transnational access generates the broad hypothesis that states will open up international institutions to civil society actors, as a product of the emergence, spread, and consolidation of a new norm of global participatory democracy, originating from international law, development ideology, normative democratic theory, and domestic political standards. The general prediction is one of increasing homogenization in the level and form of transnational access, as this norm and the organizational model it privileges diffuse across time and space. Extant differences in institutional procedures would be explained by unevenness in the spread and consolidation of this norm.

The most distinct expectation of this approach pertains to *variation over time*, where it predicts growing transnational access, as the norm of global participatory democracy emerges, spreads, and becomes consolidated, following a life cycle pattern (Finnemore and Sikkink 1998). In fact, most contributions to this approach were formulated to explain the continuous expansion of transnational participation. Accounts emphasizing the progression of international law take the UN Charter as their starting point and trace how the principle of NGO participation over the next half decade diffused within the UN system. Studies highlighting the paradigm shift in development ideology center on the emergence of a pro-NGO norm in the 1980s and its subsequent institutionalization during the 1990s within international institutions. The emergence

of a new discourse on global democracy, cultivated by activists and academics, is also perceived of as a development unfolding over time, with an increasing number of international institutions being diagnosed as suffering from democratic deficits, culminating in states responding to the critique through institutional reforms. Finally, the idea that states export domestic procedural standards to international institutions can help explain growing transnational access, if we recognize that the number of democracies in the international system has increased over time.

Variation across institutions is typically interpreted in this approach as a reflection of the pattern of norm diffusion. While structural isomorphism in transnational access is the hypothesized end result, homogenization must be viewed as a process, where some international institutions adapt earlier than others, as the norm of global participatory democracy spreads throughout the population. This is the story often implicitly told in cross-temporal accounts of transnational access, where the spread of this norm is evidenced through its pattern of contagion. It will be expected that the norm spreads most easily among bodies operating within the same broad institutional framework, just as the rules on NGO participation in ECOSOC served as a template for other bodies in the UN system, and the civil society forum of the UN conference in Rio in 1992 served as a model at subsequent UN mega-summits (Bäckstrand 2006: 470). Moreover, it would be expected that this norm spreads easily among international institutions operating in the same geographical region, featuring identical or overlapping memberships. Finally, we would expect international institutions with democratic members to be more open to transnational participation, than those whose members are not democratic.

However, this approach faces challenges in accounting for *variation across the phases of the policy cycle*. There is no a priori reason why state representatives and international officials, socialized into believing in a specific norm or adopting it for strategic reasons, would

systematically favor transnational participation in one phase, but not another. Neither is the norm of global participatory democracy specific to one or several phases of the policy cycle.

With regard to *variation across transnational actors*, this approach generates the expectation that states and international institutions pay special attention to the democratic qualities of the NGOs invited to participate. If transnational actors are to serve as representatives of global civil society, whose participation confers legitimacy on international institutions, then care must be taken to ensure that the included NGOs collectively are representative of the broader population, and individually are democratic in both decision-making procedures and working methods. We would thus expect screening mechanisms to privilege the democratic credentials of transnational actors, rather than to select participants on the basis of functional contribution or state distribution. The emergence of more generous accreditation rules in the UN in the 1990s, permitting greater participation of NGOs from the developing world, has been interpreted in these terms (Reimann 2006: 58).

The Power Implications of Transnational Access

The third approach to transnational access emphasizes the expected distributional implications of involving NGOs. This approach is informed by realism in IR theory, which conceives of international cooperation as a zero-sum game and of international institutions as reflections of the distribution of power in world politics. It suggests that transnational actors constitute instruments of state power and that the interaction between states, institutions, and NGOs is structured in favor of the great powers. States individually exploit transnational actors to gain additional leverage within international institutions, backing participation by NGOs that support their interests and opposing participation by NGOs that challenge their interests. This approach

predicts that the pattern of transnational access will reflect the distribution of state power within international institutions, and vary systematically with the preferences of the most powerful states.

Theoretical Logic

The central theoretical premise of this approach is the notion that international institutions constitute reflections of the distribution of state power (Morgenthau 1948; Waltz 1979; Mearsheimer 1994/95). In this view, international institutions are typically created at the initiative of the most powerful states in the international system, and designed to disproportionately serve their interests. Negotiated norms, rules, and procedures safeguard and advance, rather than challenge and circumscribe, the interests of the dominant states.

International institutions are thus epiphenomenal to state interests, and constitute arenas for acting out power relations, rather than independent constraints on state behavior. States are perceived as motivated by relative gains, and therefore reluctant to participate in institutions and negotiations that risk producing distributional outcomes to their relative disadvantage. In the study of international cooperation, this approach has been advanced to explain, for instance, the limits to international trade liberalization (Grieco 1990), the distributional terms of global communications regimes (Krasner 1991), the capacity of the founding states of NAFTA and the EMU to dictate the terms of cooperation (Gruber 2000), and the dominance of the U.S. and the EU in international regulatory regimes (Drezner 2007).

When applied to the context of transnational access in global governance, realism produces an interpretation of the relationship between states, international institutions, and NGOs that is distinct from its theoretical competitors. Instead of privileging efficiency or legitimacy, it

emphasizes power as the driving concern of states in shaping the terms of transnational participation. The very rise of transnational actors on the international stage in the post war period is explained with reference to the interests of the most powerful states, in particular, the U.S. (Gilpin 1975). Rather than actors in their own right, transnational organizations are regarded as an extended arm of the state, serving the national interest (Krasner 1978). This argument is best developed with regard to multinational corporations, but may be extended to non-profit-oriented actors as well. In this view, states enlist NGOs in international policy-making where this helps to advance national power, and resist their participation where this poses a challenge to their interests.

Just like the functionalist perspective on transnational access, this approach recognizes that NGOs perform tasks that benefit states, such as offer policy expertise, provide services, and monitor commitments. Yet, unlike the functionalist perspective, this approach emphasizes that these are not neutral functions, but activities that benefit some states more than others, depending of the preferences and the distribution of NGOs. Moreover, it suggests that the most powerful states have a disproportionate capacity to structure the terms of transnational access, by using their superior resources to coax and cajole weaker states into accepting institutional arrangements in their favor. More specifically, this approach generates expectations of three forms of dynamics with regard to transnational participation, based on concerns with relative power: *support for likeminded actors, opposition to antagonistic actors, and reinforcement of existing power structures.*

First, states will advocate establishing and expanding means of transnational access to international institutions where the dominant NGOs are likeminded. Involving these actors as biased participants may generate additional leverage within an institution and help swing distributional outcomes. Environmental governance is one domain where this dynamic has been

observed: “Developing countries appear to have supported wide-scale NGO participation as part of the broader North-South environmental bargain, because they often are most in need of NGO expertise, and because NGOs frequently support developing country requests for resource transfers” (Raustiala 1997: 731). Another illustration is the support of developing countries for an extension throughout the UN system of the right for NGOs to participate: “The developing countries wanted to recruit NGOs as allies in the international financial institutions – the International Monetary Fund and the World Bank – because almost all development NGOs share the critique of the Group of 77 (G-77) of structural adjustment programs and the free market philosophy” (Willetts 2000: 199).

Second, and conversely, states will oppose institutional access for transnational actors where the dominant NGOs pursue competing interests. Just as states are reluctant to agree to institutional innovations that reduce their formal weight within international institutions, they will combat reforms strengthening the transnational allies of their competitors. A pertinent example is the opposition of developing countries to transnational participation in the WTO, because of the bias of the NGO community in favor of labor rights and environmental protection. As Miles Kahler explains: “The centre of support for NGOs backing environmental, labour and consumer protection lay overwhelmingly in the industrialized countries. --- For the developing countries, then, incorporating the NGOs into WTO decision-making would represent an additional tilt in organizational power towards the industrialized countries. By circumventing the chain of delegation from national politics, the NGOs would permit the industrialized world a form of double counting in its representation at the WTO” (2005: 29).

Third, where states agree on institutional arrangements for transnational participation, these are likely to be structured in favor of the most powerful states, thus manifesting the existing distribution of power. Whereas the adoption of new institutional rules generally requires the

consent of all parties, great powers have privileged access to instruments of coercion and inducement that allow them to manage opposition and advance their preferred institutional outcomes. Moreover, once NGOs have been enlisted to perform valuable functions, the dominant states continue to dictate the terms of engagement. As Daniel Drezner suggests: “Great power governments can act like a board of directors: states devolve regime management to an NGO, while still ensuring that they can influence any renegotiation of the rules of the game” (2007: 73). Weak states, for their part, will be compensated for their acquiescence and ultimately agree to institutional reforms, as long as these do not further aggravate their relative standing. In this sense, provisions for transnational participation may be seen as a log-rolling arrangement, biased in favor of the most powerful states.

Hypotheses and Expectations

This approach generates the broad hypothesis that institutional arrangements for transnational access will reflect the power and preferences of states, with generous terms for participation where NGOs predominantly promote the interests of the most powerful states, and restrictive terms where NGOs broadly challenge the interests of the great powers. Variation in transnational access is expected to be the product of differences across time and institutional contexts in the preferences of the most powerful states and the predominant orientation of NGOs.

This approach would expect patterns of *variation over time* to reflect the interests of the dominant states in such a development. Much like the growth of multinational corporations in the post world war period was a product of U.S. economic hegemony, the growth of NGO participation in past decades would reflect the preferences of the great powers in global governance. In this vein, Drezner (2007) argues that the U.S. and the EU jointly have dominated

central international regulatory regimes negotiated in recent decades, and structured the participation of NGOs to their advantage. NGOs perform valuable functions that help states to manage interdependence in a globalized world, but the terms of their access are determined by the great powers, and they do not impact on distributive outcomes. The pattern in recent years of some categories of NGOs being extensively financed by resourceful and sympathetic states could be cited as an additional expression of this development.

Following the same logic, this approach would expect *variation across international institutions* in transnational access to reflect differences in the configuration of preferences of the most powerful states. Where international institutions are dominated by different sets of great powers, varying approaches to transnational access is a probable and unsurprising pattern. Yet, even with the same set of powerful states, international institutions display variation, because of shifting great power preferences as regards NGO participation. In the UN context, for instance, the U.S. has favored NGO involvement on environmental, economic, and social questions, but blocked NGOs from participating in bodies addressing issues of arms control, disarmament, and international conflict (Willets 2000: 198-199).

This approach meets greater challenges in explaining *variation across the phases of the policy cycle*. While it remains hypothetically possible that the great powers adopt different positions toward NGO involvement in different policy phases, there is no theoretical reason to expect such a pattern.

Finally, it is a central expectation of this approach that there will be systematic *variation across transnational actors* in their opportunities to participate in international policy-making. More specifically, NGOs whose agendas favor the interests of the most powerful states are more likely to be offered access, whereas NGOs that challenge the interests of the great powers face poorer prospects. This may be the result of powerful states setting the overall level of

transnational access, or of powerful states shaping the instruments for screening NGOs, such as the principles governing accreditation procedures. While the early realist analysis of transnational relations assumed that states favored actors (multinational companies) with a home base in the country (Krasner 1978), this is an unnecessarily restrictive assumption for a modern realist analysis of NGO participation in global governance. Northern NGOs, for instance, are sometimes pursuing agendas that are biased in favor of developing rather than developed countries. We should therefore expect the policy orientations of NGO, rather than the geographic location of headquarters, to shape the terms of access to international institutions.

Conclusion

The opening up of international institutions to transnational actors is one of the most profound changes in global governance over the past quarter of a century. International institutions that previously provided no means of engagement have introduced mechanisms of transnational participation, and international institutions that already presented some measures of access have expanded to new and deeper forms of interaction. The transnational turn in global governance is such that few, if any, international institutions in operation today entirely lack channels for cooperation or communication with civil society actors.

Yet, so far, theory-informed analyses of the sources of transnational access and its variation across dimensions of political organization have been short in supply. While devoting extensive and rewarding attention to the influence of transnational actors, the design of international institutions, and the democratic qualities of global governance, IR scholars have been slow to address transnational access, mainly offering single-case studies that are rich in description, but poor in linking empirical findings to general theories. The purpose of this paper has been to take

Table 1. *Transnational Access to International Institutions: Theories and Hypotheses*

Dimensions	Functional Efficiency	Democratic Legitimacy	Power Implications
Variation over time	Access more likely as cooperation moves into areas subject to greater collective-action problems.	Access more likely as the norm of global participatory democracy spreads and becomes consolidated.	Access more likely as the great powers find this to be in their strategic interest.
Variation across international institutions	Access more likely in institutions in areas characterized by great uncertainty, efficiency problems, and non-compliance incentives.	Access patterns likely to be similar in institutions within the same organizational frame or with the same members.	Access more likely in institutions where NGOs predominantly favor great power interests.
Variation across policy phases	Access more likely in agenda-setting, implementation, and enforcement, than in decision-making.	Access not expected to vary by stage in the policy cycle.	Access not expected to vary by stage in the policy cycle.
Variation across transnational actors	Access more likely for actors that offer functional contribution.	Access more likely for actors with democratic qualities.	Access more likely for actors promoting great power interests.

a first step toward addressing this gap. Drawing on rational-choice institutionalism, sociological institutionalism, and realism, I have developed three competing theoretical approaches, privileging alternative explanatory factors. Table 1 summarizes the expectations they generate as to variation in transnational access across time, institutions, policy phases, and actors.

The principal contribution of this paper is the theoretical basis it provides for systematic empirical testing of competing explanations of transnational access to international institutions. Arriving at a more advanced understanding of the factors that drive, inhibit, and shape transnational actor participation in global governance is an important social scientific challenge. Yet, in addition, it is a project that promises to generate implications for a broader set of issues in global governance, and I conclude by listing the four most important. First, existing research suggests that there is a non-negligible, positive relationship between access for NGOs to international institutions, and their ability to influence policy outcomes (Albin 1999; Risse 2002; Betsill and Corell 2008). Hence, once we know what drives access, we also know an important part about the foundations of NGO influence in world politics. Second, the dimension of

transnational access is unlikely to be causally divorced from parallel dimensions of international institutional design (Koremenos et al. 2001). Exploring the relative importance of efficiency, legitimacy, and power concerns in the politics of transnational access can thus help us to better understand the forces at work in institutional design generally. Third, the patterns of transnational access in global governance carry implications for the promise of civil society participation as a mechanism of democratic representation, accountability, and legitimacy (Held and Koenig-Archibugi 2005; Scholte 2008). If transnational actors are invited primarily to meet functional demands or serve great power interests, with uneven and unequal participation as a result, they will serve poorly as a democratic transmission belt between citizens and international institutions. Finally, transnational access constitutes one expression of the general phenomenon of growing private authority in world politics, which also involves public-private partnerships and entirely private governance structures (Rosenau 2000; Hall and Biersteker 2002). Greater attention to the sources of transnational access may thus shed light on the factors that drive the empowerment of private actors generally in world politics.

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