

Governance Transfer by Regional Organizations: Research Guide for Case Study Authors

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Introduction

Since the end of the Cold War, international organizations and states have developed programs to promote (good) governance in third countries. Development cooperation, for instance, has become a primary tool for transferring governance institutions, such as the rule of law or democracy. The broad mandate of regional organizations, including the European Union, Mercosur or ASEAN, allows them to actively promote the development of legitimate governance institutions in their member states and third countries. Thereby, they may not only foster the evolution of regional but also induce the transformation of national order.

The project “Governance Export by Regional Organizations” investigates the transfer of governance institutions by regional organizations in and to areas of limited statehood. In a first step, we map the objectives, approaches and instruments these external actors use to promote the creation and transformation of legitimate governance institutions in target countries. A comparison of major regional organizations shall enable us to evaluate to what extent we can observe the diffusion of a global governance script. Do regional organizations demand and promote similar criteria for ‘good governance’ institutions, or do regional and local path dependencies prevail? Our final goal is to account for similarities and differences within and between regional organizations and gain first insights into the effectiveness and legitimacy of regional governance transfer in and to areas of limited statehood.

We speak of ‘governance transfer’ if regional organizations explicitly demand and/or intentionally and actively promote the building and modification of governance institutions in member states or third countries. We focus on the legitimacy of governance institutions, i.e. institutions that are the basis for the provision of collective goods and collectively binding rules. Thereby, it is an empirical question which institutions external governance promoters consider as legitimate and on which criteria they rely.

In order to map and explain the governance transfer of regional organizations, we have enlisted the help of regional experts. In order to arrive at a representative set of regional organization covering a broad variety (geography, mandate, legalization), our sample includes so far:

- Julia Leininger: African Union (AU)
- Christof Hartmann: Economic Community of West African States (ECOWAS)
- Anna van der Vleuten & Merran Hulse: South African Development Community (SADC)

- Andrea Ribeiro Hoffmann: Mercado Común del Sur (Mercosur)
- Osvaldo Saldías: Andean Community (CAN)

- Anja Jetschke: Association of South-East Asian Nations (ASEAN)

- Francesco Duina: North American Free Trade Agreement (NAFTA)

- Carina Breschke: European Union (EU)

- Vera van Hüllen: League of Arab States

I. Defining Governance Transfer

In the framework of the SFB 700, we define **governance** as *institutionalized modes of coordination for the adoption and implementation of collectively binding rules and the provision of common goods*. This implies that governance can be described both as a structure and as a process. In our project, we focus on **governance institutions** as *norms, rules, and procedures* that are the basis for the provision of collective goods and collectively binding rules (what), *defining the who (governance actors – state and non-state), how (modes of social coordination – hierarchical and non-hierarchical), and for whom (governance collective) of governance*.

We speak of **governance transfer** if regional organizations *explicitly demand and/or intentionally and actively promote the building and modification of governance institutions in member states or third countries*. We are interested in macro level institutions referring to the organization of rule/authority more broadly as it is reflected in a country's political system. In this, the state is certainly a major point of reference, providing the overall (constitutional) framework for governance. However, state actors are not necessarily the only governance actors, as non-state actors can be involved in governance, e.g. through public-private partnerships or even in the form of private self-regulation. While focusing on the political system, we are also interested in norms, rules, and procedures delimiting the political from the economic and the social sphere, basically defining state-market and state-society relations.

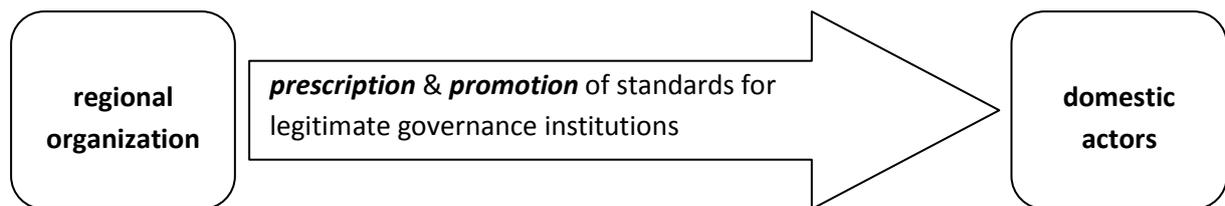
By setting and promoting standards for governance institutions, the regional organization defines what governance should look like at the national level to be legitimate. We therefore clearly focus on the normative dimension of legitimacy and not on the actual belief in legitimacy (Weber). However, it is an empirical question which criteria for legitimacy regional organizations establish.

When regional organizations are transferring governance institutions, this does not imply that they are themselves governance actors at the national level, directly involved in the adoption and implementation of collectively binding rules and/or the provision of collective goods. Rather, regional organizations try to influence governance institutions at the national level, which may be its member states or third countries.

II. Mapping the Governance Transfer by Regional Organizations

In this section we present the analytical framework specifying governance transfer by regional organizations as our dependent variable. Governance transfer is an activity where actor A at the regional level seeks to influence actor B by prescribing and promoting standards for legitimate governance institutions at the national level (see figure 1 below). In order to grasp this phenomenon empirically, we basically ask for the who, what, and how of governance transfer.

Figure 1: Governance transfer by regional organizations



Who prescribes what for whom?

In **prescribing** standards for legitimate governance institutions, the regional organization assumes the role of *standard-setter* vis-à-vis domestic actors as the *addressee* in member states and/or third countries, specifying a set or norms, rules, and procedures as the *content* of the standard to be transferred.

Who promotes what and how vis-à-vis whom?

In actively **promoting** standards for legitimate governance institutions, the regional organization becomes the *promoter* vis-à-vis domestic actors as the *target* (actor B) in member states and/or third countries, pursuing its *objective* of transferring certain norms, rules, and procedures with certain *instruments*. To make matters slightly more complicated, we distinguish three different dimensions of active promotion. First, the regional organization can have a policy or strategy of governance transfer, in which it specifies the objectives and devises instruments as well as guidelines for their implementation at a general level. Second, the regional organization can formally adopt specific measures of governance transfer. This has to be kept separate from the actual practical application of these measures as the third dimension of active promotion. Below, figure 2 summarizes the various dimensions and categories for analyzing governance transfer by regional organizations. Please note that for conducting and presenting the empirical mapping of governance transfer, we suggest proceeding in two analytical steps, focusing on the framework and the measures of governance export respectively. The framework, on the one hand, combines the prescription and policy dimensions and measures, on the other hand, the dimensions of formal adoption and practical application (see below for practical guidelines for the case study reports).

Figure 2: Governance transfer by regional organizations

categories		regional organization	domestic actors	standards	mechanisms	case study
prescription		standard-setter	addressee	content	-/-	framework
promotion	policy	promoter	target	objective	instrument	
	formal adoption of measures					
	practical application of measures					measures

The remainder of this section discusses the various categories for analyzing governance transfer by regional organizations and illustrates the differences between the four dimensions.

Regional Organization: Standard-setter & Promoter

By definition, we are interested in governance transfer by regional organizations, prescribing and/or actively promoting standards for legitimate governance institutions in member states and/or third countries. However, regional organizations are not unitary actors and it is an empirical question who exactly – within the regional organization – acts as standard-setter and/or promoter. This could be first of all formal bodies of the regional organization, but it could also be states explicitly acting as *member states* of the regional organization, e.g. in the founding treaties or in joint political declarations. Formal bodies of a regional organization can comprise a secretariat, parliamentary assembly, councils, or agencies. Of course, more than one actor can be involved in the prescription and/or promotion of standards for legitimate governance institutions. Actors at the regional level can be classified according to their supranational or intergovernmental quality, giving the regional organization a role in governance transfer more or less independent of its member states.

Domestic Actors: Addressee & Target

Regional organizations can attempt to transfer standards for legitimate governance institutions as part of the political system to member states and/or third countries. The addressee of governance transfer is the actor responsible for upholding the standard prescribed by the regional organization at the national level. In actively promoting standards, the regional organization targets this or other actors in order to achieve the objective of building or changing specific governance institution. Especially when prescribing standards, the regional organization might simply name the ‘state’ as its addressee. However, in prescribing and promoting standards, it can also refer to specific state actors, belonging to the national and/or sub-national government, judiciary, and legislative, and even to non-state actors, such as civil society, business, or community-based organizations. Basically, we want to know which (domestic) actors in which countries the regional organization identifies as addressees and targets of governance transfer.

Standards: Content & Objectives

Looking at what the regional organization tries to transfer in terms of norms, rules, and procedures defining legitimate governance institution, we distinguish the content of standards prescribed from specific objectives pursued by the regional organization in actively promoting these or other standards. Apart from the substantive dimension, standards can basically vary in their degree of abstraction, ranging from very general norms as standards for appropriate behavior to more specific rules and procedures.

In order to guarantee comparability in the application of commonly used but contested concepts, we suggest a categorization of standards for legitimate governance institutions, grouping together certain sets of norms, rules and procedures. As we are interested in the regional organization's criteria for legitimate governance institutions within the political system, we expect four concepts to be the major points of reference, namely good governance, the rule of law, human rights, and democracy.

The substance of all of these concepts is highly contested and subject to endless debates and countless propositions. They are interrelated and depending on their exact definition, they significantly overlap. Good governance in a wider, political sense may serve as a generic term for all the other concepts. A substantial approach to rule of law would include human rights, just as rule of law and human rights can be seen as essential elements of the concept (liberal) democracy. We adopt a narrow definition of the four the concepts to keep them analytically distinct.

As it is an empirical question what your regional organization considers as standards for legitimate governance institutions, the list of concepts, on the one hand, and the norms, rules, and procedures indicated below for each of the four concepts, on the other hand, is necessarily incomplete. Please note if you find norms, rules and procedures which cannot be categorized accordingly and give evidence for the need of other concepts. In addition, our categorization as laid out below can differ from the label your regional organization uses. For example, a regional organization might speak of good governance referring to the independence of judiciary which falls in our rule of law category. The question of how the regional organization frames its standards for legitimate governance institutions is important and should be noted, but please do also apply our categories.

Good Governance

Good Governance (GG) is a prominent but controversial concept as regard content. The discussion about GG has its origin in the development cooperation context at the end of the 1980s and the beginning of 1990s. The World Bank initialized the discussion and shaped it with its particular mandate. Therefore the Bank was decisive for the development of the two different concepts of GG. Its economic mandate – to base its decisions solemnly on economic reasons forbidding taking political ones into account – prevented a wider political discussion of GG in the World Bank. GG was limited to its technical, economic aspects – an administrative core. A political widening of the concept took place in other organizations, such as the Development Co-operation Directorate of the OECD and the UN Development Programme (UNDP).

Compared to 'governance' GG has deeper normative implications. It is about *legitimate* governance. GG definitions can systematically be ordered by the concept of legitimacy. The first approach to GG corresponds to the output dimension and focuses on strengthening the output legitimacy of

institutions. GG refers to an administrative core with the proper functioning of the state's administration at its centre. The second perspective states a wider political connotation of GG. It aims to strengthen the input legitimacy of institutions and therefore includes questions of democracy and human rights in the narrow concept.

The B2 Project decided to adopt 'democracy', 'human rights' as well as 'rule of law' as separate and independent concepts along with GG. This distinction is necessary for our research. We want to know which governance institutions regional organizations consider as legitimate and on which criteria they rely. A wide concept which includes all the other terms complicates capturing the particular normative contents/standards for legitimate governance institutions. Therefore, we understand GG in a narrow perspective comparable to the World Bank concept.

Our concept distinguishes the following core norms of GG: The state's administration should be *efficient, effective, accountable and transparent*. In general, **efficiency** describes the relation between input, e.g. resources, and output, e.g. effort. An efficient administration is capable, works result-orientated and profitable. It is characterized through its competence and speed in performance. **Effectiveness** describes the extent to which an organization accomplishes some predetermined objectives. Nowadays it includes the overall performance of an organization from the viewpoint of some strategic consistency. Regarding administration, its efforts (output) should cause the intended effects (outcome). **Accountability** implies that state action should be answerable. State officials are responsible for their actions and should account for their efforts. Control is necessary and relevant. Finally, **transparency** means that accurate and credible information about state policies and actions should be provided as well as financial information of private sector.

Objectives of governance transfer usually address more than one norm. For example with decentralization one might enhance all four principles; with fighting corruption at least accountability and transparency. It is therefore recommended to look for the more specific rules and procedures the regional organization specifies. Examples for possible objectives regarding good governance are:

- Public sector management/public sector reform:
 - a) Public Expenditure Management
 - b) Civil Service Reform
 - c) Reforming Public Enterprises
- Decentralization: output-aspect of decentralization. Enhancing output-legitimacy through a decentralized state and administration structure
- Fighting corruption, the misuse of institutional power to obtain unjust advantages
- Public Finance/Financial Management/Financial Governance:
 - a) Public Revenues
 - b) Budget Reform
 - c) Financial Administrative Reform
 - d) Intergovernmental Fiscal Relations
 - e) Auditing of accounts
- Civil Society: output-dimension. Strengthening civil society for producing better policies by including non-state actors in the implementation process

Rule of law

'Rule of law' is often subsumed under the narrow, technical concept of Good Governance. Exemplarily, the World Bank concept includes a rule of law component. Still, the legal framework is central to both approaches of Good Governance. Both strands of literature pay attention to rule of law as a safeguard of institutions. It therefore links the two perspectives on Good Governance. This special intermediate position is the main reason why we established rule of law as an independent concept.

Generally, two different conceptions of the rule of law can be distinguished: The first 'formal' perspective defines procedural requirements the legal framework should fulfill and formal aspects of a norm while ignoring its content. By contrast, the second 'substantial' approach broadens this narrow perspective by including certain substantive rights necessary for rule of law. Nevertheless, by deciding for an independent 'human rights' category in our analytical framework, we consequently adopt a narrow perspective on rule of law, focusing on the following core norms:

- Supremacy of law (general accountability of citizens as well as state officials). The equality before law (no discrimination) is captured in our human rights concept.
- Principles for state organization: independence of judiciary; separation of power
- Principles for law-making, law application and enforcement: fairness, efficiency, publicity/transparency, predictability
- Principles for attributes of laws, manner of regulations: consistency, stability, clearness, generality

Possible reform objectives regarding rule of law may be related to the following issues:

- Justice: organization, staff, adjudication
- Law enforcement/implementation: police, administration of justice
- State organization: checks and balances
- Promulgation: information, access to law
- Process of law-making and -changing

Human Rights

This concept is special in two ways: First, human rights are substantive/material norms which impose requirements for content. Second, human rights are codified in international law. In 1948 the General Assembly of the United Nations adopted the *Universal Declaration of Human Rights*. It is backed by the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966/1976) and a growing number of other global and regional human rights agreements.

Regarding the content of human rights, three different generations can be distinguished: The first generation of human rights contains fundamental civil and political rights which protect the individual from state excess and entitles the individual to political participation. The second generation extends this protection to economic, social and cultural rights the state has to guarantee. Each of the two Covenants treats one of these two generations separately. A so called third generation goes back to the engagement of the developing countries since the 1970s including a broad spectrum of human rights such as group and collective rights, right to development or the

right to a healthy environment. They are established in several declarations but not included in legally binding documents. For our research it will be very interesting to find out which type of human rights the regional organizations promote.

Regarding the human rights concept the following basic principles can be distinguished: Human rights are **universal** to all humanity. They are inherent to all people not depending upon their origin or the formal recognition of human rights by the state. This justifies the principle of non-discrimination on any grounds, such as gender, race, age, etc. Therefore, human rights are **inalienable**. They are an attribute of a person which cannot be taken away or changed. Lastly, they are **indivisible** and **interdependent**. The deprivation of one right adversely affects the others. Specific human rights norms, rules, and procedures can be best grouped according to the different types or generations of human rights, namely Civil and political rights; Economic, social and cultural rights; Collective (or “third generation”) rights (see figure 3 below). Gender equality, often framed as women’s rights, is a cross-cutting issue. It is not confined to one group of human rights but can be linked to any of them, e.g. when asserting the right to work specifically for women.

Figure 3: Categories for analyzing governance transfer

Civil and political rights	Economic, social and cultural rights	Collective rights
<ul style="list-style-type: none"> - Prohibition of slavery and torture Fundamental freedoms: - Right to freedom of thought and religion - Right to freedom of opinion and expression - Right to freedom of assembly and association - Right to take part in government Place of the individual in society: - Right to freedom of movement - Right to marriage and family - Right to privacy - Right to own property - Right to a nationality Relation between individual and the executive/legal system - Right to recognition as a person before the law - Equality before the law - Right to an effective legal remedy - Right to public hearings - Right to the presumption of innocence - Ban on arbitrary detention 	<ul style="list-style-type: none"> Economic rights - Right to work - Right to leisure, rest and holidays Social rights - Right to social security - Right to an adequate living - Right to a social and international order - Right to health Cultural Rights - Right to Education - Right to take part in cultural life 	<ul style="list-style-type: none"> - Group and collective rights - Right to self-determination - Right to economic and social development - Right to a healthy environment - Right to natural resources - Right to communicate and communication rights - Right to participation in cultural heritage - Rights to intergenerational equity and sustainability

Democracy

The core of democracy constitutes popular sovereignty or 'rule of the people'. The demos possesses the power to make collectively binding decisions and to ensure their execution. Generally, freedom, equality and control are essential for allowing a democratic exercise of popular sovereignty. Within our concepts the dimensions of freedom and equality are already captured in the section of human rights. Control is also partly included in the concept 'rule of law' as far as its horizontal dimension is concerned, e.g. control within the political system between institutions (separation of power, independence of judiciary etc.). Therefore our concept of democracy is limited to the vertical dimension of control. The relation between the political system/institutions and the citizens is central here, focusing on representation and participation, with elections playing a central role in most conceptions of representative democracy.

Representation describes the delegation of the execution of political authority. The demos is not deciding and implementing collectively binding decisions himself but mandates periodical elected representatives. Throughout the legislative period the elected members of parliament act independently in their decisions (independent mandate). The promotion of the building and modification of governance institutions in this area is related to representative, parliamentary democracy which includes for example the competencies and organization of the parliament.

Participation means the political involvement of the people. It describes the possibility of preference formation and their channeling into the political process whereby influence and control is exerted.

Rules and procedures to realize political participation can relate to different aspects of political life:

- Elements of participatory democracy (popular initiatives, referenda, recall elections)
- Parties (party system, intra-party organization)
- Civil Society: The term describes the intermediate sector between state and individual. It ranges from pressure groups (such as labor unions, organization of employers) and NGOs to citizens' initiatives, groups and movements. In contrast to the civil society dimension of 'Good Governance' the input-perspective is focused here. Reforms regard the inclusion of civil society in the political decision making.
- Media

Elections form a link between representation and participation. In representative democracies elections are the decisive and common option of political participation. Through elections the eligible voters choose the representatives and control their actions. Elections permit the periodical replacement of the political leadership. Due to its importance 'elections' is a category of its own. Rules and procedures defining standards for legitimate elections can refer to the following issues:

- Electoral law, principles of suffrage
- Organizational structure
- Control mechanisms

Mechanism: Instruments

Finally, several types of **instruments** can be identified through which regional organizations seek to induce compliance with standards for legitimate governance institutions. These could be e.g. bodies mandated with a specific task, treaty provisions regulating certain procedures, or programs allocating resources for some type of activity. In order to illustrate what instruments for governance transfer by regional organizations might look like, the remainder of this section outlines four different types of instruments: litigation and military force (coercion), sanctions and rewards (incentives), assistance (capacity-building), and fora for dialogue and exchange (persuasion and socialization).

The transfer of governance institutions does not necessarily take place in a non-hierarchical context. If the standards for legitimate governance institutions are legally binding for the addressee (probably in most cases the regional organization's member states), the regional organization might have provisions for enforcing compliance with these standards through **litigation or military force**. Standards can be legally binding if they are inscribed in (regional) international law ratified by the member states, e.g. the founding treaties or a charter of the regional organization, or if they are set in secondary legislation by the regional organization that has a supranational nature. In these cases, the regional organization might have the mandate to monitor compliance with these standards (e.g. regular reporting mechanism, body entrusted with monitoring) and, if necessary, (re)establish compliance. Enforcement mechanisms can take the form of a supranational dispute settlement procedure or an international (regional) court that deliver legally binding rulings. They might allow for the use of military force, drawing on regional or national military resources.

Besides the legal or military enforcement of standards for legitimate governance institutions, regional organizations can also set **incentives** for the norm addressees to facilitate compliance. Institutional provisions for setting incentives usually take the form of codified (political) conditionality, either promising rewards (positive conditionality) or threatening sanctions (negative conditionality) based on the performance of the target, establishing a direct link between certain conditions and respective incentives. Positive incentives can e.g. be accession to the regional organization, participation in programs, and eligibility for (additional) funds. The latter are not necessarily used for governance transfer as such (see below for assistance), but conditional upon the compliance with or efforts to meet certain standards. Negative incentives are not simply the withholding of rewards if the condition is not met, but sanctions that alter the status quo, e.g. the suspension of membership or normally unconditional aid.

While the regional organization can use aid as an incentive, it can also provide **technical and financial assistance** to directly support the creation or modification of legitimate governance institutions in member states or third countries. The regional organization might create (formalized) programs with a specific budget and clearly defined procedures, e.g. for the implementation of projects or budget support.

Finally, the regional organization can create **fora for exchange and dialogue**, bringing together different actors to facilitate compliance with standards for legitimate governance institutions. The purpose can range from an exchange of views to the transfer of knowledge and expertise. Such fora could be e.g. regular meetings, workshops or seminars organized by the regional organization or formal bi- or multilateral political dialogue. They can also be linked to a best practice exercise through monitoring and benchmarking.

The instruments you find in your case might, however, not clearly correspond to any of these ideal types, so it is important to describe their design in detail. Sometimes, it might be difficult to draw a clear line between different types of instruments, especially when dealing with sanctions (coercion or negative incentive?) or development assistance (capacity-building or positive incentive?). However, the underlying logic differs: Economic and political sanctions as negative incentives do leave a (theoretical) choice to the targeted actor to either accept the costs inflicted by the regional organization or change his behavior accordingly, which is (in theory) not the case for coercive measures that force behavioral change. Membership conditionality is definitely a border case if it is not only used ex-ante, defining eligibility for accession, but also ex-post, allowing for the suspension or cancellation of membership, effectively excluding a member state from decision-making in the regional organization. Aid can be granted as a positive incentive, e.g. when funding as such is conditional upon compliance with a standard prescribed by the regional organization. It can also be used to directly support the targeted actor in building or modifying governance institutions according to these standards.

Figure 4 below provides an overview of the different categories for analyzing governance transfer by regional organizations.

Figure 4: Categories for analyzing governance transfer

Regional organization	actors within the regional organization, at the regional level: <ul style="list-style-type: none"> - bodies of the regional organization, e.g. secretariat, parliamentary assembly, agencies - states collectively acting as member states ➔ supranational vs. intergovernmental
Domestic actors	actors at the national level in member states and/or third countries: <ul style="list-style-type: none"> - state actors, e.g. national and/or sub-national government, judiciary, legislative - non-state actors, e.g. civil society, business, community-based organizations
Standards	norms, rules, and procedures defining legitimate governance institutions <ul style="list-style-type: none"> - good governance - rule of law - human rights - democracy ➔ general/abstract vs. specific/precise
Mechanisms	instruments <ul style="list-style-type: none"> - litigation and military force (coercion) - sanctions and rewards (incentives) - assistance (capacity-building) - dialogue and exchange (persuasion and socialization)

Dimensions of governance transfer

Of course, these categories play out differently in the four dimensions of governance transfer by regional organizations (see figure 5 below).

Figure 5: Dimensions of governance transfer

Prescription		setting of standards for legitimate governance institutions in member states and/or third countries
Promotion	Policy	specification of strategic guidelines for how, when, and where standards for legitimate governance institutions should be promoted
	Adoption	formal adoption of measures to actively promote standards for legitimate governance institutions in a specific instance
	Application	practical application of measures to actively promote standards for legitimate governance institutions in a specific instance

In order to illustrate the differences between the various dimensions, we use the fictitious example of a regional organization prescribing and promoting democratic standards vis-à-vis its member states (see figure 6 below). A regional organization **prescribes** a model of representative democracy to legitimize national politics in its member states, and in particular the holding of free and fair elections. This standard is set in the founding treaties of the regional organization, so it has been prescribed by the collectivity of member states themselves. In a political declaration of the regional organization’s council, its member states further develop the outlines of a **policy** for promoting this standard by providing active support to national authorities (*target*) in organizing free and fair elections (*objective*). The council sets aside a budget for financial and technical assistance (*instrument*) to be coordinated by the secretariat of the regional organization (*promoter*). Turning to the **adoption of specific measures**, the secretariat (*promoter*) decides in its annual programming exercise to provide election assistance and deploy an election observation mission for the upcoming general elections in a member state. More specifically, it envisages the transfer of expertise (*instrument*) to the ministry of interior (*target*) for electoral reform (*objective*) and the provision of technical assistance (*instrument*) to the national election office (*target*), equipping polling stations in order to ensure a secret ballot (*objective*). Finally, the **practical application** goes beyond the formal adoption of these measures, as it is still an open question whether and in what way expertise and technical assistance have been provided by the secretariat. De facto, it might be the case that only half of the budget envisaged is spent on equipment and the training seminars are indefinitely postponed by the ministry.

Figure 6: Example for the prescription and promotion of democratic standards

Categories		Regional organization	Domestic actors	Standard	Mechanism
Dimensions					
Prescription		regional organization	member states	representative democracy	-/-
Promotion	Policy	regional organization	national authorities	free and fair elections	financial & technical support
	Adoption	secretariat of regional organization	<ul style="list-style-type: none"> - ministry of interior - national election office 	<ul style="list-style-type: none"> - electoral reform - secret ballot 	<ul style="list-style-type: none"> - expertise: four training seminars - equipment: 500 polling booths and ballot boxes
	Application	secretariat of regional organization	<ul style="list-style-type: none"> - <i>ministry of interior</i> - national election office 	<ul style="list-style-type: none"> - <i>electoral reform</i> - secret ballot 	<ul style="list-style-type: none"> - <i>expertise: postponed</i> - <i>equipment: 250 polling booths and ballot boxes</i>

III. Explaining Governance Transfer by Regional Organizations

There is hardly any research on the question of when and how regional organizations prescribe and promote what kind of standards for legitimate governance institutions. Drawing on different approaches in International Relations, dealing with international cooperation, integration, and institutions more generally, we still have no consistent theory that allows us to derive a standard set of explanatory factors and testable hypotheses. Therefore, a crucial contribution of the case studies is to inductively identify potential explanatory factors in the tradition of a y-centered research design: It is first of all an empirical question, what governance transfer by a regional organization looks like (*dependent variable*), before we can try to identify its causes (*independent variables*). This section is still work in progress and will be further discussed and developed in light of the empirical insights gained from the case studies.

Basically, we suggest focusing on three different levels of potential explanatory factors, namely actors and factors at the international, regional, and national levels, and to investigate what role they play for the different dimensions of governance transfer by regional organizations (see figure 7 below). Overall, the project is interested in explaining the emergence of governance transfer by regional organizations (yes/no, since when) as well as its specific form (dimensions and categories) and in accounting for changes over time.

Figure 7: Explanatory factors for governance transfer by regional organizations

level \ dimension	prescription	promotion		
		policy	adoption	application
international				
regional				
national				

With the *international* level, we mean actors and factors outside of or external to the regional organization. This includes the international or global system and other international actors, such as nation states, other international organizations, and transnational actors transcending the region. The *regional* level refers to actors and factors within the regional organization, including the regional organization itself (its institutional design, etc.), regional politics (among member states and within the bodies of the regional organization), and other regional actors, such as other (sub-)regional organizations in the same region and regional transnational actors, as well as structural factors at the regional level (e.g. the overall level of stability or democracy within the region). At the *national* level, the domestic politics of member states and/or third countries are crucial. It is important to remember that the role of actors and factors at the three levels might play out differently for the four dimensions of governance transfer by regional organizations. While many theoretical approaches in IR have, by analogy, something to add on explanatory factors for the prescription of standards for legitimate governance institutions as part of the institutional design of a regional organization, we have less approaches to go by for explaining the active promotion of governance institutions, especially regarding the adoption and application of specific measures.

One literature that we can draw on is policy diffusion.¹ Governance mainstreaming can be conceptualized as a process of diffusion, as John Meyer and others have described it (cf. Meyer et al. 1992). Regional organizations adopt the governance script of 'Western' states and organizations adapting to the dominant discourse. This process of emulation is supported by active attempts of the World Bank or the EU to socialize regional organizations into specific concepts of governance, e.g. in the Asia-Europe Meetings (ASEM) and the EU-Mercosur and EU-Africa summits. While the literature on diffusion may account for converging outcomes, it largely fails to specify conditions under which divergence or at least difference prevails.

Historical institutionalism (Steinmo et al. 1992), by contrast, would expect regional path dependencies that do not necessarily prevent the diffusion of a global governance script, but should lead to differential outcomes. Regional organizations are not simply adopting international norms. The example of the Arab League shows that regional organizations can at least partially elude diffusion. Power based theories highlight the interest of a dominant state in this respect (Pevehouse 2005; Van der Vleuten 2007). If there is a regional hegemon that advocates governance transfer and is willing to share the costs, a regional organization is more likely to actively promote governance institutions.

Rationalist approaches point to the national governments and domestic coalitions that have an interest in adopting or rejecting external (governance) ideas and concepts (Goldstein 1993; Milner 1988). States join international or regional organizations to secure or avoid domestic reform (Solingen 1994; Moravcsik 1995; Pevehouse 2005). The greater the interest of member states in changing their own governance institutions or in protecting them against domestic demands for change, the more likely is governance transfer by regional organizations. The mobilization of national or transnational actors cannot only facilitate compliance with norms and rules of international and regional organizations in their member states, it can also exert pressure on the governments and regional organizations to actively promote governance institutions in third countries (Keck/Sikkink 1998; Van der Vleuten 2007). The stronger the advocacy of (trans)national actors for governance transfer, the more likely a regional organization will engage in promoting standards for legitimate governance institutions.

Constructivist approaches highlight the fit between external (governance) principles and norms and the identity of actors (Pevehouse 2005). Regional governance discourse may be highly indicative for the extent to which regional organizations endorse or reject global or Western standards. The more the member states of a regional organization share and internalize the same ideas and concepts of what constitutes legitimate governance institutions, the more likely the regional organization will engage in prescribing and promoting standards for legitimate governance institutions.

All of these approaches focus on the member states of regional organizations. However, there are also characteristics of regional organizations themselves that can influence their governance transfer. Their capacity to act strongly depends on the interests of their members. At the same time, norms, rules, and procedures such as binding (majority) decision-making or an independent dispute settlement authority can increase the autonomy of a regional organization (Abbott et al. 2000; List/Zangl 2003). The higher the degree of legalization of an organization, the more likely it will actively promote standards for legitimate governance institutions.

¹ It would go beyond the scope of this proposal to discuss its variety of approaches and arguments. For a good overview of the literature see Holzinger et al. (2007) und Simmons et al. (2006).

Finally, the regional and international environment plays an important role for the governance transfer of regional organizations. Thus, the EU started to develop a comprehensive programme for governance transfer within the framework of its enlargement and neighbourhood policies when the breakdown of the Soviet Union threatened the stability of its backyard (Magen/Morlino 2008). Likewise, widespread governance failure on the African continent could explain the extensive provisions for governance transfer institutionalized in the African Union. The more limited the statehood in the area of activity of a regional organization, the more important is the role of governance transfer. In this context, the Second Image Reversed literature in International Relations refers to the importance of domestic structures within the target countries of regional governance transfer.² The example of the EU shows that limited statehood crucially influences the objectives that the EU pursues and the instruments it uses. Similarly, economic and political interdependence plays an important role (Jünemann/Knodt 2007; Börzel et al. 2008, 2009). The more fragile the political system of a target country, the more likely the regional organization will focus on the effectiveness rather than the legitimacy of governance institutions and the more likely it will use 'soft' instruments such as capacity building. In authoritarian systems, the objectives and instruments depend on the interdependence between the target country and the regional organization. The greater the strategic interest of the organization and the lower the resource dependency of the target country, the less likely the regional organization will be in using 'hard' instruments such as coercion or conditionality to promote its ideas of legitimate governance.

² Inter alia Gourevitch (1978); Katzenstein (1978); Zürn (1993); Risse-Kappen (1995); for an overview see Gourevitch (2001).

IV. Guidelines for Case Study Reports

This section provides some practical guidelines for conducting and presenting your empirical analysis. The case study reports comprise two parts: First, the report itself as a narrative, where you describe and analyze your empirical findings (approximately 25'000 words); second, as an annex, the material on which you base your analysis.

Below, you find a template for the narrative with guiding questions along the lines of the analytical categories set out before. Your presentation should be a mixture of a chronologic (e.g. according to documents; evolution over time) and a systematic (e.g. according to dimensions, categories) assessment of governance transfer by your regional organization. We do not provide a style sheet for the case study reports, but we ask you to please use Microsoft Word (2003/2007) so that we have less trouble with the final editing for the online publication.

The annex should comprise

- a list of references, including a bibliography of secondary literature on the subject for your regional organization and primary sources, such as documents (treaties, decisions, reports, etc.) and interviews – if possible, we would highly appreciate if you also compiled this information in an EndNote library;
- tables summarizing your empirical analysis according to the Microsoft Excel templates we provide together with these guidelines; and
- a compilation of the material used in your analysis as far as they are available as data files.

Outline of case study reports

- 1) Introduction
- 2) Overview of regional organization
- 3) Mapping governance transfer
 - a) Prescription & promotion
 - b) Adoption & application
- 4) Explaining governance transfer
- 5) Conclusions

Annex

- 6) References (→ *EndNote library*)
 - a) Bibliography
 - b) Sources (documents, interviews)
- 7) Tables (→ *Microsoft Excel*)
 - a) Prescription & promotion (per document)
 - b) Adoption & application (per instrument)
- 8) Material (→ *data files*)

1) Introduction

Please provide a sort of executive summary of your case study!

- brief introduction to your regional organization (see below for more detailed overview)
- main empirical findings regarding the emergence and evolution of governance transfer (standards, actors involved, instruments)
- overview of methodological issues, e.g. documents analyzed, interviews conducted, problems in accessing material for specific issue, etc.

2) Overview

Please give a brief overview of the main features of the regional organization, including answers to the following questions:

- When has the regional organization been founded? What is its legal basis? What are the main treaty reforms over time?
- Who are the member states of the regional organization? Has membership changed over time? (accession to/exit from regional organization)
- Are standards for legitimate governance institutions part of the regional organization's constitutive norms, e.g. its identity (shared values, norms and principles) or mission (overall goals and areas of integration or cooperation)? What are the membership criteria? Does the regional organization refer to other regional or international organizations or regimes?
 - o e.g. "community of values"
- What is the general mandate of the regional organization? What are the areas of cooperation or integration? What powers are conferred to the regional organization and its bodies?
 - o secretariat, commission
 - o intergovernmental council; parliamentary assembly
 - o expert committees; economic and social committee
 - o dispute-settlement panels, courts
- What kind and how many resources does the regional organization have at its disposal?
 - o budget (money)
 - o staff (people)
 - o infrastructure (office, branches)

In describing your regional organization, please trace major developments over time for any of these aspects, especially for the post-Cold War era. If necessary, refer briefly to predecessor organizations if they are relevant during the last two decades.

3) Mapping

You might not find empirical evidence for all four dimensions of governance transfer by your regional organization. Even if you do, they might not be linked, chronologically or systematically, to each other. For example, a regional organization may prescribe standards for legitimate governance institutions without seeking to actively promote them or they might be committed to active promotion without implementing measures – or the other way around. Furthermore, a regional organization might promote different standards than it prescribes. In systematically describing the governance transfer by regional organizations, the case study should therefore draw attention to inconsistencies between the different aspects of governance transfer.

According to the different dimensions outlined above, the mapping proceeds in two analytical steps, investigating first the framework of governance transfer, reflected in the prescription of standards and a policy for active promotion, and second the formal adoption and practical application of specific measures of governance transfer.

a) The framework of governance transfer: Prescription & policy

Please identify documents in which regional organization

- prescribes norms, rules, and procedures as standards for legitimate governance institutions for member states and/or third countries (*prescription*) and/or
- commits itself to actively promote certain standards and specifies objectives and instruments for governance transfer at a general level (*policy*).

These documents can include constitutive documents, e.g. founding treaties, secondary legislation by the regional organization, policy programs, strategy papers or political declarations. It is likely that governance transfer first appears in constitutive documents at a very general level that might then be further specified in secondary legislation or policy programs. It might also be the case, however, that the idea (and practice) of governance transfer has initially been developed in policy programs and has only later been introduced into the treaties.

Please describe chronologically for each document, in how far the regional organization prescribes standards for legitimate governance institutions and/or defines a policy for promoting them, according to the analytical categories as set out above.

In addition, please give the following background information on the document analyzed:

- What kind of document? (e.g. founding treaty, declaration, charter, etc.)
- Who adopted it? (e.g. member states and/or bodies of the regional organization)
- When? (Date of adoption, evt. ratification and entry into force)
- What is its legal status? (e.g. legally binding, international or supranational law or declaratory, soft law)

Does the regional organization prescribe standards for legitimate governance institutions?

- Who is the *standard-setter*?
- Who is the *addressee*?
- What is the *content* of the standard(s)? Which norms, rules, and procedures are prescribed?

Does the regional organization specify strategic guidelines for governance transfer? Does it have a policy for promoting standards for legitimate governance institutions?

- Who is the *promoter*?
 - o Who is supposed to engage in governance transfer?
- Who is the (potential) *target*?
 - o Who are the potential partners for implementing measures?
 - o Which actors should be supported in the creation or transformation of governance institutions?
- What are the *objectives* of governance transfer?
 - o Which standards for legitimate governance institutions does the regional organization seek to actively promote?
 - o What are the norms, rules, and procedures to be promoted?
 - o What is the intended effect? Is the objective set in a long-term perspective and at a macro-level (e.g. compliance with an abstract norm) or rather in a short-term perspective, at a micro-level (e.g. modification of a specific procedure)?
 - o Does the regional organization specify an ultimate goal to attain or rather procedural objectives?
- Which *instruments* does the regional organization refer to or create for governance transfer?
 - o Does the regional organization foresee military interventions to (re)establish compliance with certain standards for legitimate governance institutions? Where? Under which conditions? What does the decision-making procedure look like? What (military) resources can the regional organization draw upon?
 - o Does the regional organization have a (supranational) dispute-settlement mechanism or a court that deals with breaches of standards for legitimate governance institutions? Who can litigate and under which conditions? How can the regional organization enforce rulings and decisions?
 - o Does the regional organization set incentives to facilitate compliance with standards for legitimate governance institutions? Where, in what context? What is the incentive? (e.g. positive vs. negative, material vs. immaterial, economic vs. political) What is the condition? Does the regional organization set clear benchmarks or does it refer to general standards (norms, rules, and procedures) for legitimate

governance institutions? What does the procedure to apply incentives look like? Who monitors compliance and who decides on the application of sanctions and rewards?

- Does the regional organization have assistance programs to promote standards for legitimate governance institutions? What is their legal basis? How much funds does the regional organization allocate? Who is eligible for these programs?
- Does the regional organization establish fora for regular exchanges on matters related to standards for legitimate governance institutions?

Please assess the evolution of governance transfer in terms of the prescription of standards and a policy for active promotion over time more broadly.

How have the standards changed over time? Have standard-setters and addressees changed over time? Are there major changes in content? e.g. standards prescribed

- cover more or less concepts
- become more or less specific
- become more or less legally binding

How have strategic guidelines for active promotion of standards evolved? Has the role of different promoters changed? Which instruments does the regional organization have at its disposal? Since when and have they changed over time? Does the regional organization make a difference between member states and third countries?

Do the prescription of standards and the policy relate to each other? Do e.g. standards set and objectives for promotion correspond? Does the regional organization create specific instruments in line with the broader strategy? E.g. the regional organization might claim to support non-state actors but only develops instruments targeting state actors.

b) Measures of governance transfer: Adoption & application

Even if the regional organization has elaborate provisions for governance transfer on paper, this does not necessarily mean that it implements them in practice. Therefore, in a second analytical step, we ask you to investigate any instance where the regional organization formally adopts and practically applies measures to actively and intentionally promote standards for legitimate governance institutions in its member states or third countries.

If the regional organization has a policy for governance transfer, the first place to look for measures of active governance transfer are certainly the instruments identified on paper. The practices of governance transfer can, however, go well beyond the implementation of instruments specifically designed for this purpose and include measures taken on a more ad-hoc basis or on the basis of institutional provisions not explicitly linked to the objective of governance transfer. So, when you describe the practices of governance transfer, please identify any measure that aims to promote standards of legitimate governance institutions, no matter under which policy or institutional

framework it is subsumed. In addition, please note if you find measures that interfere with or even contravene the objective and practices of governance transfer.

Please identify measures of governance transfer in terms of their formal adoption and practical application. The formal adoption normally leaves paper trail, often in the form of decisions to apply certain instruments, e.g. to grant a reward, send an election observation mission, create a forum for dialogue, or allocate funds for assistance. The practical application might be more difficult to trace through reports, evaluations, interviews, etc. in order to ascertain if the regional organization has indeed granted the reward, sent the election observation mission, conducted the dialogue, or implemented the assistance projects.

Please describe individual measures as far as possible in detail, e.g. military interventions or litigations, or provide an overview of similar measures under one instrument, listing individual measures as far as possible, e.g. in the case of series of meetings or projects under an assistance program. Presenting measures chronologically, you might sometimes want to include 'non-events', i.e. instances where you feel the regional organization could or should have implemented an instrument. This could e.g. be the case if the regional organization foresees the possibility of military intervention in the event of a *coup d'état* in a member state but has only made use of this option on some occasions but not on others. Please group the measures according to the underlying mechanism or specific instrument (e.g. all instances of military interventions or election observation missions), and refer to the analytical categories outlined above.

In particular, please provide information on the following aspects:

- When was the measures adopted and/or applied? (Date of decision, start date and duration of projects, date of meetings, etc.)
- Who is the *promoter*?
 - o Who made the decision to adopt a measure and how? Who took the initiative? What was the decision-making procedure?
 - o Who was responsible for its application? Did the regional organization commission implementing agencies with the application?
- Who is the *target*?
 - o Who did the regional organization support in the creation or transformation of governance institutions? Who were the partners for implementing the measure?
- Which objectives did the regional organization pursue in adopting and applying this measure?
 - o What was the intended immediate effect of the measure (micro-level)? In how far was this seen as a contribution to the attainment of a larger objective (standards; macro-level)?
- Which instruments did the regional organization use?

- What kind and how many resources did the regional organization allocate? (e.g. staff, funding)
- What did the measure look like?

Please assess the evolution of measures of governance transfer over time more broadly, e.g. by referring to the following questions:

- Which instruments have been used, since when and where? Does the regional organization focus on specific countries or a type of targets?
- How do the formal adoption and the practical application of measures relate to each other? Is there a systematic gap in implementation?
- How do measures relate to the foundations of governance transfer in terms of prescription and policy? How consistent is the regional organization in its governance transfer across the different dimensions?

c) Summary

Please summarize your main empirical findings on the governance transfer by your regional organization: Since when is the regional organization engaged in governance transfer and in how far has this engagement changed over time? Does it focus on specific dimensions or sets of standards? What is the role of the different actors? What is its overall approach in terms of targets and instruments? Please highlight any phenomenon or development that you think begs explanation!

4) Explaining

In order to account for continuity and change in governance transfer over time, including inconsistencies between the different dimensions it is important to not only consider today's situation, but to go back in time and trace trends and highlight singular events. Please be careful to distinguish in how far factors at the international, regional, and national level might contribute to explaining different phenomena, within or across the various dimensions of governance transfer, This section suggests a few questions that might be helpful, but which are not intended to confine the analysis.

At the international level:

- Are there other international actors, e.g. other regional or international organizations or nation states, active in the region that have engaged in governance transfer prior to the regional organization? Does any of them actively promote specific standards for legitimate governance institutions or the idea of governance transfer? Does the regional organization engage in dialogue or cooperation with any other international actor engaged in governance

transfer? Are there trans-national actors advocating specific standards for legitimate governance institutions or the idea of governance transfer in the region?

- Is there a regional hegemon that actively promotes specific standards for legitimate governance institutions or the idea of governance transfer?

At the regional level:

- Is regional stability threatened by limited statehood or open conflicts? Are there instances of national or regional conflicts linked to the legitimacy of governance institutions?
- In how far is the membership of the regional organization heterogeneous or homogenous in terms of political, economic, social, and cultural factors? e.g. regime type/ democracy, statehood/ state capacity, socio-economic development
- What is the degree of legalization of the regional organization? Which role do supranational actors and decision-making procedures play for governance transfer?

At the national level:

- Are changes in the governance transfer by the regional organization linked to specific events at the domestic level, e.g. regime changes? Did the country witness a democratic transition or an authoritarian backlash? In how far was the transition linked to violence and domestic instability, e.g. a *coup d'état*?
- What is the status quo regarding standards for legitimate governance institutions in the target countries of governance transfer, i.e. member states and/or third countries? Does the degree of misfit between national and regional standards affect the active promotion by the regional organization?

5) Conclusions

By way of concluding, please highlight any issues you feel deserve our attention, such as open questions, methodological problems (e.g. if data is not accessible), as well as political and/or theoretical implications of your findings.

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