

Regime Complexity and Policy Coherency: Introducing a Co-adjustments Model



*Jean-Frédéric Morin
and Amandine Orsini*

*This article looks at regime complexes from a state policymaking perspective. It develops a theoretical model in which regime complexes become denser over time while governmental policymaking becomes more coherent. Under this model, interactions between global regime complexes and national policymaking are twofold. On the one hand, greater policy coherence generates negotiated mandates asking for regime connections and complex density. On the other hand, regime-complex density creates more cohesive audiences, which increase incentives for national policy coherence. This co-adjustments model brings states into the discussion of institutional interactions and critically questions the desirability and feasibility of recent calls for joined-up government and whole-of-government approaches. **KEYWORDS:** regime complexity, policy coherency, substantive coherence, procedural coherence, political audience, life cycle.*

WHAT DO REGIME COMPLEXES ACTUALLY IMPLY FOR GOVERNMENT POLICY-making? Arguably, regime complexes are both shaped by and constraining on states. Although complexes are themselves the result of interstate negotiation, they also provide the institutional environment for such negotiation. As the constraining effect of regime complexes on states increases, one can hypothesize that states will become more aware of their existence, adjust their behavior in response, and attempt to shape their evolution. In a nutshell, complexes and states continuously impact one another.

As domestic policymaking has not yet been seriously integrated in theories of regime complexes, we focus here on theory building instead of theory testing. We introduce a co-adjustments model that enables creative thinking regarding policymaking in the context of regime complexity. In the first part of the article, we schematically describe the life cycle of regime complexes in four stages. In the second part, we examine these stages with four ideal types of policy coherence. In the third part, we hypothesize the nature of the mutual interactions between a complex's integration and a state's attempt to establish policy coherence. Finally, we discuss the implications of this model for policymaking.

How Do Regime Complexes Evolve with Time?

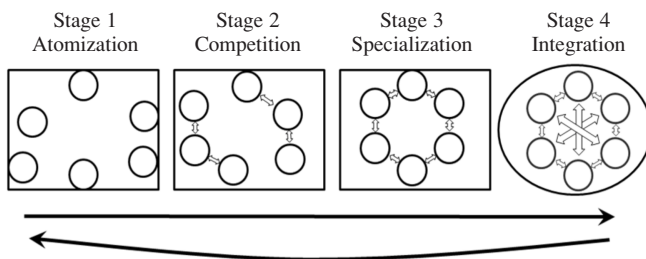
Regime complexes are made up of individual regimes. The international complex of biodiversity protection, for example, includes regimes on endangered species, migratory species, wetlands, and whaling. Like other complexes, it is driven by internal tension among varying principles, norms, rules, and procedures across multiple elemental regimes. In the case of biodiversity protection, the complex includes anthropocentric and ecocentric principles, conservationist and preservationist norms, ecosystemic and species-specific rules, as well as voting and consensus-seeking procedures. These tensions, or more precisely attempts to manage them, make regime complexes particularly dynamic.

Figure 1 shows a schematic evolution, grasping the broad tendencies of regime complexes to become denser over time as internal tensions are managed either by negotiation or implementation.¹ It is not a precise and infallible model, as several complexes evolve at an irregular pace and in a nonlinear manner.² A complex may very well not evolve and remain at the same stage for several years or even indefinitely. Our goal is not to make a deterministic claim. We argue nevertheless that a complex is more likely to move forward toward integration than to move backward toward disintegration. Indeed, we are not aware of a single regime complex that disintegrated; the majority of cases discussed in this issue and by the regime-complex literature in general have evolved toward integration.

During the first stage of the life cycle, labeled *atomization*, the complex is yet to be created and elemental regimes exist independently from one another. In some cases, potential links between elemental regimes are not considered and their problematic interactions are not recognized as such. Until recently, for example, potential conflicts or synergies between the energy and water regimes were poorly articulated.

During the second stage, *competition*, the complex takes form and the different elemental regimes compete for strategic positions within it. This

Figure 1 The Evolution of Regime Complexes



competition among regimes favors the establishment of the first formal links.³ To move from the first stage to the second stage, positive or negative externalities have to be recognized and discussed. For instance, whereas the finance and trade regimes continue to operate far more independently than what John Maynard Keynes envisioned when he proposed an International Clearing Union, the relationship between exchange rates and exports is well-known, recognized as problematic, and therefore closer to the second stage than to the first stage.⁴ To marginalize counterregime claims, institutional bridges are established between elemental regimes that share normative affinities or strategic goals. These ties can take many different forms, such as legal references, saving clauses, observatory status, or joint projects. For example, in the 1980s demands from developing countries for technological transfer mechanisms led to a strategic link between the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) that was operated by a coalition of developed countries and formalized by a cooperation agreement in 1995.⁵ This strategic alliance successfully positioned the WTO and WIPO at the center of the complex for intellectual property rights and marginalized developing countries' claims to other elemental regimes situated at its periphery, including the health, agriculture, biodiversity, and human rights regimes.⁶

Some complexes appear to be hovering at the second stage and may take decades before reaching—if ever—the third stage, *specialization*. On food security, for example, two regimes have been competing for nearly two decades to occupy the central position in the complex: one hosted by the WTO and the other by the Food and Agriculture Organization.⁷ Here, mutual recognition is a metaprinciple that balances the different opinions and ties the elemental regimes together. This metaprinciple makes reaching the third stage easier. In this regard, the paradigm of sustainable development is a perfect illustration of a metaprinciple designed to bring antagonist regimes together and may eventually be instrumental in the evolution of the food safety complex.⁸ Metaprinciples, like liberal environmentalism,⁹ serve as reference points by actors and competition becomes progressively embedded in a common normative framework. Once these metaprinciples are well established, elemental regimes can avoid direct conflict and start specializing. They can focus on functions in which they have “a comparative regulatory advantage” (e.g., functions in which their rules are more clear or the expertise of their members stronger) and rely on other regimes to perform complementary functions.¹⁰ At one point, it becomes impossible to change a key principle in one regime without affecting all of the others. In Europe, the relations among the human rights regime around the Council of Europe, the security regime around NATO, and the trade regime around the European Union (EU) have likely reached this third stage. While they were initially

in competition during the postwar period to become the main stabilizing force of Europe, they now coexist in relative harmony and explicitly recognize each other's competence. The investment regime complex is a similar example. After a period of intense competition among the trade, financial, and development regimes, each elemental regime currently focuses on specific tasks such as dispute resolution, assistance to bilateral negotiation, and promotion of private initiatives. The old tension opposing the rights of investors to the rights of host countries disappeared with the consensual principle that investment protection fosters economic development.

Finally, during the fourth stage, *integration*, the regime complex becomes unified and reaches internal stability. Even though some internal disagreement might persist, boundaries between elemental regimes are dissolved and interregime links become intraregime complex links. The complex then returns, as a single regime, to the first stage, where it operates independently from neighboring regimes. The regime complex for international trade has arguably gone through this entire process. During the Uruguay Round, it federated regimes on goods, services, customs procedures, sanitary measures, subsidies, and textiles in a coherent manner. And now, new questions arise on its relations with several regimes, including those on health, biodiversity, and finance.

This four-stage life cycle of regime complexes adds to the frequent assumption that normative conflicts and regulatory competition "drive the institutions towards an accommodation even in the absence of a coordinating institution."¹¹ According to specialists of institutional interaction, the evolution of regime complexes is pictured as a path-dependent motion toward greater density and synergies. Feedback loops fueling this path dependency, however, remain to be fully articulated.

Understanding pathways toward greater density requires taking agents more seriously. Indeed, "an international institution will rarely influence another institution directly without intermediate adaptation of preferences or behaviour by relevant actors."¹² However, the evolution of regime complexes still lacks a conceptual connection to states.

Some intergovernmental organizations undoubtedly have the capacity to influence the evolution of a regime complex.¹³ No regime, however, can be conceptually limited to an intergovernmental organization.¹⁴ For example, there unquestionably is a coherent regime on investment protection and liberalization made up of more than 2,500 bilateral agreements, some multilateral agreements, and various dispute settlement mechanisms. But the investment regime cannot be reduced to a single organization. Claiming that the investment regime can in itself strategize, compete, or specialize would be committing the sin of anthropomorphism. On the contrary, regime complexes are more likely driven by governmental politics.

How Do Governments Behave Toward Complexity?

From a state perspective, the problem of complexity is expressed in terms of national policy coherence. More precisely, governmental policy coherence has two dimensions: a procedural one referring to the degree of coordination among the administrative units comprising a government and a substantive one referring to the degree of complementarities among the policies adopted by the same government.¹⁵ Full coherence requires the administrative capacity and the political commitment on a given subject matter. Situations where both dimensions are absent or where one dimension prevails over the other are more common. Under this 2×2 typology, shown in Figure 2, four ideal types of policies appear: erratic, strategic, functionalistic, and systematic.

Erratic policies are based on the assumption that elemental regimes are unrelated to one another. In such cases, there is minimal internal coordination and no desire to improve this situation. As bureaucratic units involved in different venues vary, the positions expressed can appear inconsistent to outsiders. For example, several developed countries have defended national agricultural subsidies at the WTO, even though these subsidies contradict their development policies. This is so because the trade or agriculture ministries that are responsible for subsidies follow different objectives than development ministries. Two conditions increase the risk of erratic policymaking: (1) the lack of leadership on the part of a head of government, department of foreign affairs, or any bureaucratic unit; and (2) the strong specialization of the various governmental units involved in policymaking, all driven by their own ideational missions.¹⁶ Under these circumstances, bureaucratic politics prevails and negative externalities on neighboring regimes are likely to be exacerbated.

Under the ideal type of *strategic policymaking*, a state has the institutional capacity but no interest for greater policy coherence; it is voluntary and strategically incoherent. Governmental authorities can be well aware of potential connections between elemental regimes, but deliberately try to play one against the other “by explicitly crafting rules in one elemental regime that are incompatible with those in another.”¹⁷ When a complex is

Figure 2 A Typology of Policy Coherence

		Procedural coherence	
		Weak	Strong
Substantive coherence	Weak	Erratic policy	Strategic policy
	Strong	Functionalistic policy	Systematic policy

in the creation process, substantive incoherence can be a rational strategy either to set the agenda for future negotiations, to introduce counterregime norms, to transfer a debate to a more favorable setting, or to expel an inextricable controversy to a forum where it will not obstruct negotiations. For instance, in 1999 while biosafety rules were being negotiated under the Convention on Biological Diversity (CBD), the United States' trade representatives suggested, during the Seattle WTO meeting, putting biosafety on the global trade agenda. They were fully aware of the CBD negotiations and tried to stop this process by changing the negotiating forum. However, they experienced resistance from developing countries that succeeded in keeping the ongoing discussions at the CBD.¹⁸

Functionalistic policymaking operates in policy chimneys or policy silos. This situation occurs when states are politically committed to greater substantive coherency, but do not have strong institutional mechanisms to ensure intragovernmental coordination. In these circumstances, they can reduce substantive incoherency by establishing clear boundaries between issue areas and attributing a single bureaucratic unit to each one. Units can then focus on their specialized function and avoid addressing overlapping issues. There is increasing evidence of the willingness of the EU to progress on the subject matter of human rights protection at the United Nations. However, inefficient coordination seriously hampers the influence of the EU on this subject matter.¹⁹

Finally, *systematic policymaking* scores high on both substantive and procedural coherence. States with a systematic approach perceive the regime complex as a single regime and consequently institutionalize coordination mechanisms among bureaucratic units. These units then deliver a coherent message and actively promote the integration of the complex. For instance, the Swiss government has put in place a special coordination mechanism among the different federal agencies dealing with the issue of access to natural genetic resources and traditional knowledge. The coordination mechanism gathers the agencies responsible for negotiations at the WTO, WIPO, and CBD. This procedural coherence is coupled with substantial coherence; indeed, Switzerland advocates in all three fora for disclosure of origin of genetic resources in patent applications.²⁰

While we have evidence of different stages of complexity and different coherence levels of policymaking, we need to connect these two elements in order to propose an explanation of the evolution of complexes.

How Do Regime Complexity and Policy Coherency Interact?

Under our co-adjustments model, the life cycle of regime complexes and the coherence of governmental policymaking are mutually linked phenom-

ena. These evolutions are co-adjusted: states negotiate the evolution of regimes and complexes structure the evolution of national policymaking.

A good example of this co-adjustment is the shaping of a regime complex for environmental governance created from the interactions among a growing number of environmental regimes.²¹ Before the 1970s, environmental regimes were relatively independent from one another and most countries did not have environmental ministries. However, the complex appeared unavoidable with the 1972 Stockholm Conference on the Human Environment and the creation of transnational advocacy nongovernmental organizations (NGOs) like Friends of the Earth (in 1969) and Greenpeace (in 1971). States reacted to the development of international talks on the environment and to the rise of this new generation of NGOs by creating environmental ministries in the early 1970s. In turn, the establishment of these new administrative units supported greater policy coherence and favored the integration of environmental regimes around shared principles.

The impact of policy coherence on regime complexity might be the most obvious dimension of this interaction. Given that states negotiate the evolution of international regimes, the more they work internally for substantial and procedural coherence, the more their negotiating mandates will ask for regime connections and more dense complexes. Not all states participating in a complex need to simultaneously reach the same level of coherence. Actually, the time dimension is a crucial parameter distinguishing the life cycle of regime complexes and the evolution of policy coherence. The internal dynamics of states, such as changing of governments and bureaucratic leadership, occur during briefer timescales. As a result, several ideal types of national policymaking coexist in a complex. However, as most participants move toward greater coherence, through learning and appropriateness, the complex moves toward greater integration. The genetic resources regime complex is now entering its fourth stage, with important negotiating countries (e.g., the EU and Switzerland) demonstrating a high level of procedural and substantial coherence while traditional laggard states (e.g., Japan) are progressing toward greater coherence.²² Countries that are coherent do not necessarily pursue the same proactive politics. In fact, coherence does not say much about the content of their political message. However, coherent countries share a common perception of what the negotiating context is, which means they can start by working on common ground.

Though it may be less obvious, states' perceptions of regime integration are also likely to increase the coherence of policymaking. The importance of perception has been demonstrated in studies that have found a positive causal relation between audience cohesion and policy coherence.²³ States tend to be incoherent when their public, such as stakeholders or other states, is fragmented and focused on several narrow issues rather than on

one common claim. In such circumstances, states lack the incentive to coordinate their policy and tend to seek simultaneous gains with conflicting audiences. However, once the various publics associated with a subject matter are coordinated and develop a common organizing position, states tend to become more coherent, notably to avoid reputational costs associated with overt incoherence. On the subject matter of access to medicines, states have been increasingly constrained by transnational networks to carefully link the policies they are advocating at the World Health Organization with the decisions they are making on the WTO's Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs).

Indeed, a regime complex moving toward greater integration has the capacity "to increase the value of loyalty."²⁴ As Robert Keohane argues, for a government "to break the rules of a regime, the net benefits of doing so must outweigh the net costs of the effects of this action on other international regimes."²⁵ This is even more so in a regime complex because being inconsistent affects not merely the reputation of one regime but that of an entire complex. At one point, states cannot afford to be erratic or strategic. Erratic states risk suffering reputation costs while strategic ones risk being caught in a rhetorical trap. If we go back to the biosafety issue, the United States was finally compelled to validate the adoption of the Cartagena Protocol on Biosafety under the CBD. Its failed attempt to act as a blocker during the Seattle meeting only reinforced the political will for an agreement under the CBD.²⁶ With time, audiences are likely to become more cohesive, expectations to converge, complexes to get denser, and fungibility of states' reputations to increase.²⁷ Therefore, states rationally increase their coherence as they perceive increased integration in their environment.

Another important factor is misperception. Indeed, misperception of other states' political positions may amplify this calculation in favor of greater policy coherence and put the feedback loop in motion. Robert Jervis has famously demonstrated that a common misperception in foreign policy "is to see the behavior of others as more centralized, planned, and coordinated than it is."²⁸ As Jervis explains, it is a "manifestation of the drive to squeeze complex and unrelated events into a coherent pattern."²⁹ The perception of an integrated institutional environment (accurate or not) induces more policy coherence, which in turn favors dense complexes. Other actors may act similarly through increasing their own coherence. This phenomenon recurrently occurs in the domain of security politics for which allies and enemies also tend to exaggerate the other parties' attitudes. As the complex becomes denser, the group of negotiators experiences repeated interactions and the fungibility of their reputation increases. This interperception among agents establishes and feeds regime complexes.

Implications for Global Governance

The conjecture of the dynamic interactions between regime complexity and the policy coherence of states remains to be empirically validated. Nevertheless, some policy implications can already be sketched. First and foremost, our co-adjustments model suggests that the search for greater institutional density and policy coherence is a never-ending quest. Once a web of regimes integrates to create a complex in the shape of the fourth stage, it continues to interact with neighboring regimes and can easily go back to the first stage. Likewise, coherence in one issue area can be achieved at the expense of other issue areas.³⁰ As Grant Jordan and Darren Halpin argue, “the project to rid policy practice of incoherence is too heroic.”³¹ Full coherence and full density are goals that can never be reached.

At the state level, improved policy coherence is often achieved through centralization and control rather than transparency, inclusiveness, and debate. As the Organisation for Economic Co-operation and Development acknowledges, “excessive efforts to enhance coherence can result in a high degree of central control and a consequent loss of flexibility in the policy-making system.”³² In turn, a certain level of procedural and substantive competition could reduce risks of groupthink, favor creative out-of-the-box thinking, prevent policy capture by a single interest group, and increase adaptability to new conditions.³³ Therefore, current calls for joined-up government or whole-of-government approaches should be critically examined. Are they calls for greater procedural coherence, substantive coherence, or control? 🌐

Notes

Jean-Frédéric Morin is professor of international relations at the Université libre de Bruxelles where he teaches international political economy and global environmental politics. His research explores political dimensions of the international intellectual property regime such as the impact of capacity building, the role of NGOs, the influence of academics, and trust building among stakeholders. Some of his work has been published in journals such as the *European Journal of International Relations*, *Global Society*, the *British Journal of Politics and International Relations*, and *International Interactions*.

Amandine Orsini is professor of international relations at the Facultés Universitaires St Louis at Brussels. Her research focuses on international environmental negotiations from different angles, such as business lobbying, nonstate participation, foreign policy analysis, and regime complexes. She is the author of articles in journals such as *International Environmental Agreements* (2009), *Business & Society* (2010), *Global Society* (2011), and *Environmental Politics* (2012).

1. For a discussion of the impact of complexes on the negotiation and implementation phases of the policy process, see G. Kristin Rosendal, “Impacts of Overlapping International Regimes: The Case of Biodiversity,” *Global Governance* 7 (2001): 95–117.

2. For an interesting contribution on the timing of institutional change, see Jeff Colgan, Robert O. Keohane, and Thijs Van de Graaf, "Punctuated Equilibrium in the Energy Regime Complex," *Review of International Organizations* 7, no. 2 (2012): 117–143.
3. Ernst Haas, "Why Collaborate? Issue-Linkage and International Regimes," *World Politics* 32, no. 3 (1980): 372.
4. Paul Davidson, *Financial Markets, Money and the Real World* (Cheltenham: Edward Elgar, 2002).
5. Christopher May and Susan Sell, *Intellectual Property Rights: A Critical History* (Boulder: Lynne Rienner, 2006).
6. Laurence Helfer, "Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking," *Yale Journal of International Law* 29 (2004): 1–83.
7. See Matias Margulis in this issue.
8. Steven Bernstein, *The Compromise of Liberal Environmentalism* (New York: Columbia University Press, 2001).
9. See Fariborz Zelli, Aarti Gupta, and Harro van Asselt in this issue.
10. Thomas Gehring and Benjamin Faude, "Division of Labor Within Institutional Complexes and the Evolution of Interlocking Structures of International Governance: The Complex of Trade and the Environment," paper presented at the 2010 Workshop in International Relations (WIRE), Brussels, May 2010.
11. Sebastian Oberthür and Thomas Gehring, "Institutional Interaction in Global Environmental Governance: The Case of the Cartagena Protocol and the World Trade Organization," *Global Environmental Politics* 6, no. 2 (2006): 26.
12. Thomas Gehring and Sebastian Oberthür, "The Causal Mechanisms of Interaction Between International Institutions," *European Journal of International Relations* 15, no. 1 (2009): 129.
13. For an illustration with the example of the OECD, see Dries Lesage and Thijs van de Graaf in this issue.
14. Oran Young, "The Architecture of Global Environmental Governance: Bringing Science to Bear on Policy," *Global Environmental Politics* 8, no. 1 (2008): 14–32.
15. Michael Di Francesco, "Process Not Outcome in New Public Management? Policy Coherence in Australian Government," *The Drawing Board: An Australian Review of Public Affairs* 1, no. 3 (2001): 103–116.
16. Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd ed. (Reading, MA: Addison-Wesley, 1999); Raymond F. Hopkins, "The International Role of Domestic Bureaucracy," *International Organization* 30, no. 3 (1976): 405–432; Daniel Drezner, "Ideas, Bureaucratic Politics, and the Crafting of Foreign Policy," *American Journal of Political Science* 44, no. 4 (2000): 733–749.
17. Kal Raustiala and David Victor, "The Regime Complex for Plant Genetic Resources," *International Organization* 32, no. 2 (2004): 301.
18. Sebastian Oberthür and Thomas Gehring, "Institutional Interaction in Global Environmental Governance: The Case of the Cartagena Protocol and the World Trade Organization," *Global Environmental Politics* 6, no. 2 (2006): 13.
19. Karen E. Smith, "Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations," *Journal of Common Market Studies* 44, no. 1 (2006): 113–137.
20. Jean-Frédéric Morin and Amandine Orsini, "Linking Regime Complexity to Policy Coherency: The Case of Genetic Resources," GR:EEN Working Paper Series

No. 15 (2011), www2.warwick.ac.uk/fac/soc/csgr/green/papers/workingpapers/no.15_orsini_morin.pdf.

21. John W. Meyer, David John Frank, Ann Hironaka, Evan Schofer, and Nancy Brandon Tuma, "The Structuring of a World Environmental Regime, 1870–1990," *International Organization* 51, no. 4 (1997): 623–651.

22. Morin and Orsini, "Linking Regime Complexity to Policy Coherency."

23. Peter J. May, Bryan D. Jones, Betsi E. Beem, Emily A. Neff-Sharum, and Melissa K. Poague, "Policy Coherence and Component-driven Policymaking: Arctic Policy in Canada and the United States," *Policy Studies Journal* 33, no. 1 (2005): 37–63.

24. Karen J. Alter and Sophie Meunier, "The Politics of International Regime Complexity," *Perspectives on Politics* 7, no. 1 (2009): 20.

25. Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984), p. 104.

26. Cathleen A. Enright, "United States," in Christoph Bail, Robert Falkner, and Helen Marquard, eds., *The Cartagena Protocol on Biosafety* (London: Earthscan, 2002), p. 102.

27. Alter and Meunier, "The Politics of International Regime Complexity," pp. 18–20.

28. Robert Jervis, *Perception and Misperception in International Politics* (Princeton: Princeton University Press, 1976), p. 319.

29. *Ibid.*

30. David Dery, "Policy by the Way: When Policy Is Incidental to Making Other Policies," *Journal of Public Policy* 18, no. 2 (1999): 163–176.

31. Grant Jordan and Darren Halpin, "The Political Costs of Policy Coherence: Constructing a Rural Policy for Scotland," *Journal of Public Policy* 26, no. 1 (2006): 21.

32. Organisation for Economic Co-operation and Development, *Building Policy Coherence: Tools and Tensions* (Paris: OECD, 1996), p. 8.

33. Charles Lindblom, "The Science of Muddling Through," *Public Administration Review* 19, no. 2 (1979): 79–88; Irving Janis, *Groupthink* (Boston: Houghton Mifflin, 1982); Allison and Zelikow, *Essence of Decision*.