

Individuals and the Making of International Law: The Case of the IMO Climate Strategy

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Bureaucrats Are People Too: An Introduction

“Did you give him a warning?”

The hearing room was cold from elevator drafts outside the door. Another day, another street-use citation hearing. The judge had addressed the question to the man to his left, a City representative, a long-time bureaucrat.

“No, I didn’t.”

“Why not?”

“We’re not required to issue warnings before giving a citation.”

“But you *do* give warnings sometimes?”

“Sometimes.”

“Why do you give warnings sometimes and not others?”

“I don’t know. It depends.”

The exchange was nothing extraordinary. The hearing concluded, we moved on with our days, and never did I expect to think about it again. Most hearings I forgot by the end of the week. This one I didn't.

In that office, I routinely watched wealthy white citizens complain about low-income housing, about losing their views of Puget Sound. Then, sometimes even on the same day, I saw low-income residents, immigrants, BIPOC citizens appeal citations for inoperable vehicles, for “junk” in their yards, citations with monetary penalties they could not afford to pay. I saw anger in the former, tears in the latter.

“It depends,” echoed in my mind. Depends on what?

Bureaucrats don't care about their jobs; bureaucrats are rude and unfeeling—so the stereotypes go. From my seat in that hearing room, day in, day out, I saw some people who fit that description. But I also saw—much more often, I might add—people who cared an awful lot. And the ones who cared made a difference; not just in citizens' lives who crossed their paths, but in the organization itself. When the man sitting on the City's side of the table said, “it depends,” he meant on the situation, on the citizen. But what I came to realize in my time there is that it depends a whole lot more on the person sitting in that chair. It depends on their passion. It depends on their kindness, even their mood. It depends on how much they care. And while those individuals did not directly make the law, they did shape it through their interpretations and their actions.

Years later, as I learned more about political institutions, international law, comparative politics, and political psychology, I began to wonder why so few people talk about bureaucrats at the international level. Is it possible that international law also “depends” on the bureaucrats?

[A Holy Curiosity: Research Questions](#)

Work on international organizations (IOs) typically asks high-level questions about IO autonomy and agency,¹ IO authority and legitimacy,² and the effectiveness of international organizations in carrying out their intended purposes.³ Over time, scholars have increasingly allowed us a view inside the “black box” of international organizations, creating a solid foundational understanding of IOs as structuring bodies—structuring both international cooperation, at the macro-level, and bureaucratic culture and decision-making at the organizational level.

For example, in their exploration of bureaucratic autonomy found in three IOs,⁴ Michael Barnett and Martha Finnemore discuss how certain individuals in organizations have shaped the culture, direction, and expansion of their organizations, and make reference to staff perceptions of the role of their organization. They use individuals as evidence to support their argument about how bureaucratic rules and culture shape IO behavior and outcomes for IO member states. In their argument, individuals (particularly those in high-level positions) can shape bureaucratic rules and culture, and those rules and culture are what create IO behavior on a wider scale.

In addition, much of the work on IOs as bureaucracies focuses on organizations tasked with accomplishing specific goals, like those studied by Barnett and Finnemore. However, many IOs were created by international conventions and are tasked with managing those conventions through organizing meetings among member states, providing assistance in domestic implementation, and/or drafting recommendations and amendments. International law, for its part, also has its own distinct literature, addressing origins, impacts, effectiveness, and future

¹ See for example: Barnett & Finnemore (2004), Hawkins et al. (2006), Johnson (2013) Abbott et al. (2015)

² Barnett & Finnemore (2004), Johnson (2014), Hooghe & Marks (2015), Sending (2015), Zürn (2018)

³ Young (1999), Barnett & Finnemore (2004), Autesserre (2014), Abbott et al. (2015)

⁴ The International Monetary Fund (IMF), the UN High Commissioner for Refugees (UNHCR), and the UN Secretariat

directions of various treaties. With few exceptions,⁵ however, little work exists that ties elements of IO bureaucracy directly to international law itself.

Thus, within the international organization literature there is room for further exploration of both individuals within IO bureaucracies and IO interaction with international law and its evolution over time. The International Maritime Organization (IMO) is an IO that is ripe for this type of exploration. The IMO Convention was adopted in 1958 and the organization was formed the next year. Its purpose as laid out in the convention is to facilitate international cooperation regarding shipping and international trade, creating standards for safety, efficiency, and pollution control. The organization was also tasked with managing the administrative and legal matters associated with these goals (International Maritime Organization, 2019b). Since its creation, the IMO has adopted three key conventions and over twenty-five less extensive and more specific conventions.

The IMO also continuously amends older conventions to keep current with the issues and technology of the day. The amendment process is one of “tacit acceptance”: instead of requiring that amendments are accepted by a certain number of parties in a vote, amendments adopted by the IMO enter into force after a certain amount of time unless a specified number of parties actively objects to them (International Maritime Organization, 2019c). Due to the number of amendments the organization creates—with nine amendments entering into force in 2022 alone—and the nature of the amendment process, the IMO is an appropriate institution to explore the questions: *How do individuals within the IMO bureaucracy affect the rules and law that the organization produces over time? To what extent do those rules and law as adopted by the IMO depend on the beliefs and actions of individual bureaucrats?*

⁵ See for example Young (1999) and Reiners (2021)

One change in IMO direction in the shaping of law that is particularly interesting—along with the changes in international law that have resulted from it—is their recent explicit adoption of climate change–related goals. Although the IMO has long involved pollution control as one of its functions, ensuring maritime safety was initially seen as its primary and most important function (International Maritime Organization, 2019b). The IMO began discussing greenhouse gas (GHG) reductions in the late 1990s, but it was not until 2018 that the organization formally announced a strategy with this aim (Kerr, 2021). The strategy explicitly commits to contributing to the UN’s Sustainable Development Goal (SDG) 13 on climate action, aiming to reduce emissions from shipping by at least 50 percent below 2008 levels by 2050 (International Maritime Organization, 2018).

Although adoption of the strategy itself does not change the law, Baine Kerr argues that the IMO has effectively bound itself with an *erga omnes* obligation to combat climate change (2021). In addition, the IMO’s Marine Environment Protection Committee (MEPC) has already begun taking action in accordance with the strategy, passing an amendment to the International Convention for the Prevention of Pollution from Ships (MARPOL) in June 2021 that requires ships to calculate their energy efficiency and carbon intensity, as well as prohibits the use of heavy fuel oil in Arctic waters, which enters into force in November 2022 (International Maritime Organization, 2022).

Following from its strategy, the IMO plans to continue making concrete strides in the direction of reducing GHG emissions from international shipping in the years to come. What causes institutional change is one of the least well-understood questions of institutional theory, and this recent and ongoing process of change in IMO policy and the specifics of MARPOL

offers a unique opportunity to observe change as it happens and better understand the role individuals play in this process.

The next questions I seek to answer in this project deal with the mechanisms at work in the answers to the above questions. If individuals at the IMO have the autonomy and ability to substantively change aspects of international law, *how do they exercise this autonomy?* And finally, I suspect that individuals' passion and care for the IMO mission may affect the way they operate within the IMO structure. By care, I mean the normative commitments of IMO delegates toward environmental protection that lead to perceptions of work meaningfulness, and subsequently, work passion. The level of commitment an individual has toward this normative value may drive some individuals to use their autonomy in ways that meaningfully and directly change international law in the direction of environmental protection.⁶ Thus, the final question of this project is: *What roles do care, work meaningfulness, and motivation play in the IMO?*

This project is ultimately about crossing theoretical boundaries—for example, combining macro-level institutional theories as applied to international organizations with individual-level political psychological study of bureaucrats. The questions pursued in this project are worthwhile for two reasons. First, the extent to which individuals can have independent influence on IO actions or goals has not been adequately explored, as will be shown through the literature review below. Second, understanding how and when individuals impact international law not only expands scholarly understanding of international law and IO behavior, but could also point to avenues for improving IO effectiveness at bringing about desired outcomes in international law. This project would thus also contribute to a body of research in political science and

⁶ See literature related to primary value orientation, public service motivation, and work passion in the literature review below

international relations that increasingly reflects a growing need for policy-relevant research and practical research applications (Maliniak, Peterson, & Tierney, 2019).

Mind the Gap: Current Literature

While this project will contribute to a body of the work on the IMO specifically, it will also speak to literature on international bureaucrats more broadly, along with certain strands of political psychology and international institutions literatures. Current scholarship that addresses bureaucrats typically comes in two forms, from two different subdisciplines. The first is the study of bureaucracy as a unit within a political landscape, as in comparative politics. Tracing back to Max Weber's ideal rational bureaucracy, most literature on bureaucracy in comparative politics treats it as part of a principal-agent model, with the state as principal and bureaucrats as agents (Huber & Shipan, 2002; Van Slyke, 2006; Weber, 1922 / 2019)—or, in the case of international bureaucracy, the member states are treated as principals (Abbott & Snidal, 1998).

As Mai Hassan points out, “states and formal institutions do not act;” it is the bureaucrats who do (2020, p. 3). In this tradition, Hassan also frames bureaucracy as primarily a principal-agent problem in which a leader, as principal, must successfully manage bureaucrats, its agents, in ways that further their own agendas (2020, p. 6). Most relevant to the questions of this project, Hassan highlights how different individual bureaucrats in Kenya have behaved differently and consequently changed outcomes for citizens in their respective provinces. Hassan justifies her close study of bureaucracy by arguing that “bringing bureaucrats into our analyses promises to provide insights on regime durability, the state and its effectiveness, and principal-agent dynamics within organizations” (2020, p. 3). If this is the case at the domestic level, it is not difficult to imagine that bureaucrats at the international level could have similar impacts on IO actions and, subsequently, international law.

One notable work on international bureaucrats is Séverine Autesserre's *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (2014). This book offers unique insight into the everyday operations of what the author has named Peaceland: the collection of "interveners for whom peace is either the primary objective (such as peacekeepers) or part of a broader set of goals (such as certain diplomats and development workers)" (2014, p. 6). Autesserre argues that her work "demonstrates that the process of international efforts (the 'how') is just as important to examine as their substance (the 'what')" (2014, p. 9). In other words, her work ultimately points to exactly why the study of international bureaucrats is so crucial—bureaucratic actions have the ability to shape outcomes in their areas of expertise.

One potential problem with the literature on bureaucrats in both comparative politics and international relations is that it often treats bureaucrats as a nameless, faceless group, rather than a collection of individuals with personal *and* collective impact. The impacts described by Autesserre, for example, are at the collective group level. *Peaceland* is a systemic analysis of the processes and actions of Peaceland; Autesserre does not argue that the actions of individual peacekeepers matter *per se*, but rather that the processes and actions of the organization as a whole do. The defense of this approach would be, of course, that individuals, while different, are not different *enough* to change outcomes in a systematic way. If this is the case, then system-level studies of bureaucracies are wholly sufficient for scholarly purposes. However, if this assumption is incorrect, we are missing an entire layer of explanation for international organizations, change within them, and the form of international law.⁷

A second form of literature on bureaucrats stems from political psychology, which brings more focus to the individual level of analysis. While some international relations scholars may

⁷ Understanding, of course, that if this the case, the *extent* to which individuals have independent influence on outcomes likely varies among IOs

view political psychology's focus on the individual as fundamentally contrary to international relations, which typically deals with decision-making in the aggregate (i.e. that of states or institutional bodies), Ross James Gildea notes that psychological theories of individual behavior are not inherently inadaptable to aggregate levels and thus can be incorporated into IR theorizing (2020). In addition, political psychological work that emphasizes the impact of individuals at the international level has increasingly made its way into mainstream international relations scholarship. Typically, these individual-level analyses are aimed at influential political leaders.⁸ As Theodore A. Wilson writes in *Presidents, Diplomats, and Other Mortals*, "the history of American diplomacy is...a mosaic of innumerable biographies" (Clifford, Wilson, & Ferrell, 2007, p. 2).

However, despite a general and increasing willingness to entertain individual-level analysis, a majority of political psychology literature on bureaucrats instead examines bureaucratic behavior at the group level, viewing bureaucracy through a lens of group dynamics and decision-making ('t Hart, 1994; Janis, 1972). While Stephan Grimmelikhuijsen et al. have called for a more wholistic incorporation of what they call behavioral public administration studies—which emphasizes micro-level individual and group behavior—into public administration scholarship writ large, this line of inquiry is still in its beginning stages, and certainly not yet a common approach to discussing international organizations (Grimmelikhuijsen, Jilke, Olsen, & Tummers, 2017). In fact, as Beth Stephens observes, in the context of international law the very idea that individuals could be impactful players, "impl[ies] a role for individuals in a legal system in which, the traditionalists insist, only sovereign states are legitimate players" (2002).

⁸ An example of this type of analysis is Janice Gross Stein's psychological analysis of Gorbachev and his decisions regarding Soviet foreign policy (1994).

Another line of literature from psychology that is relevant to this project is the study of job choice, motivation, and performance. Timothy A. Judge and Robert D. Bretz show that people are inclined to choose jobs that emphasize the same values the individual holds most closely. For example, jobs that emphasize concern for others are more desirable to those whose “primary value orientation” is concern for others, and the same is true for other values such as fairness and achievement (1992, p. 268). This should mean that individuals who choose to work in a bureaucratic capacity at an IO devoted to a particular cause are predisposed to perceive their work as meaningful and care about what they do, because their values should align with the organization’s.⁹ In addition, perception of work meaningfulness is argued to be the most important factor determining work motivation (Humphrey, Nahrgang, & Morgeson, 2007) and has been found to contribute to levels of work passion (Vatou & Gkorezis, 2018). Public service motivation (PSM), in particular, is likely present in this type of role, defined by Hal G. Rainey and Paula Steinbauer as “a general altruistic motivation to serve the interests of a community of people, a state, a nation, or humankind” (1999, p. 23).

A default perception of bureaucrats is often in line with Charles Lindblom’s concept of “muddling through.” Lindblom argues that bureaucrats use bounded rationality and little analysis when formulating policy, defaulting to very small, incremental policy changes over time as a result (1959). However, public service motivation and work passion have both been linked to increased job performance (Bushardt, Young, & Beal, 2018; Miao, Eva, Newman, & Schwarz, 2019). It thus stands to reason that the extent to which an individual within an organization perceives their job as meaningful may serve to counteract this tendency to “muddle through,”

⁹ Richard J. Hackman and Greg R. Oldham define work meaningfulness as “the degree to which the employee experiences the job as one which is generally meaningful, valuable, and worthwhile” (1975, p. 162).

and instead lead to more comprehensive policy changes. In order for this to be the case, however, those individuals would need to have some level of policymaking and agenda-setting autonomy.

It is also worth noting that public service motivation does not make employees immune from things like work-related stress (WRS), and Silvia De Simone et al. argue that in fact, these contexts may make WRS even more likely to appear, in part because of “the service and intangible nature of the activities generally deployed” (De Simone, Cicotto, Pinna, & Giustiniano, 2016, p. 1571). In turn, work-related stress can cause “loss of enthusiasm, loss of interest, erosion of work motivation, disappointment, boredom, and demoralization” (2016, p. 1571), undermining the motivation that value alignment and work meaningfulness could otherwise provide. In addition, Renate E. Meyer et al. have argued that a traditional “Weberian legalistic-bureaucratic logic” that emphasizes hierarchy and procedure is not the most conducive structure for fostering PSM, effective policymaking, or compassion in employees, despite its widespread use (Meyer, Egger-Peitler, Höllerer, & Hammerschmid, 2014). All of these factors could impact the way phenomena like public service motivation and work passion play out in an organization pursuing environmental protection–related goals such as the IMO.

Finally, important insights on this topic will of course come from institutional theory and existing literature on international organizations and international law. As stated above, one way that IOs have been conceptualized in international relations is with a traditional principal-agent model of institutions, tracing back to Kenneth W. Abbott and Duncan Snidal’s explanation for the existence of IOs in 1998. For example, Darren G. Hawkins et al.’s work *Delegation and Agency in International Organizations* asks why states delegate to international organizations in the first place. The authors argue that IOs are best understood as agents serving states as principals, and that these international bureaucracies have varying degrees of autonomy just as

bureaucracies do at the domestic level. Ultimately, they say, states delegate to IOs because the benefits outweigh the costs (Hawkins, Lake, Nielson, & Tierney, 2006). This is essentially an international-level extension of the way comparative politics tends to view bureaucracies at the domestic level, tracing back to Weber.

However, others view IOs as more autonomous than Abbott and Snidal or Hawkins et al.'s conceptualization might allow. Because IOs evolve and expand over time, and often beyond their original mandated purpose, Barnett and Finnemore see IOs not as agents of member states but as autonomous bureaucracies, which both regulate and construct aspects of the international social system. As an example, they note that the UN High Commissioner for Refugees is involved not only in aid to refugees but determining *who* refugees are and *what* a refugee is (2004, p. 7). While IOs are created and certainly influenced by states, they hold a certain level of autonomous power beyond a simple principal-agent relationship with states. Later work by Abbott, Snidal, and others acknowledges that IOs do have limited autonomy from states, and that IOs can use their authority to increase this autonomy over time (Abbott, Genschel, Snidal, & Zangl, 2015). An example of this can be seen in the change of the IMO amendment process from one of active member-state voting to the more passive policy of tacit acceptance. Tana Johnson makes a similar argument to that of Abbott et al., noting that a majority of IOs today are created and designed by other IOs, rather than states, and that IO bureaucrats typically embed autonomy into the design of new IOs (2013, 2014).

General institutional concepts such as path dependence, sequencing, and drift may also be relevant to any explanation of international bureaucratic behavior. For example, the path dependence and sequencing of events at the IMO may help explain the nature of their current processes and practices and how they came to be (Newman, 2017; Pierson, 2000). Meanwhile,

the concept of drift— when an institution does not change in form but serves functions other than those originally intended—may help explain the IMO’s recent movement toward more climate-aware policies and amendments, taking on a level of responsibility for realizing the UN’s SDG 13.

Literature that specifically addresses the IMO often focuses on the impacts of its conventions or amendments, particularly their effectiveness at accomplishing stated goals and their implementation by member states.¹⁰ Rather than examine impacts of the law, this study would seek to explain the origins of law and changes to it in the context of the IMO as an international bureaucracy. Works by Jack Corbett et al. and Judith van Leeuwen et al. have already begun to explore this question, but from the perspective of member-state influence on such change (2020; 2013). The IMO has previously been criticized for lack of transparency (Psaraftis & Kontovas, 2020), and little is yet known about the internal dynamics of the IMO amendment and strategy-making process. However, although this information is not easily gathered, it is not impossible to obtain—media representatives and researchers are allowed to observe IMO committee meetings, and the IMO is attempting to increase the transparency of their operations (International Maritime Organization, 2019a).

Four Roads Diverged: Theoretical Expectations

Due to the lack of full-fledged theory about the impact of individuals on international law—both in general and concerning the IMO specifically—this study is intended to be an inductive, theory-building process rather than theory testing. As such, I do not have formal hypotheses going into this project.¹¹ However, there are at least four theoretical paths that this project could take, which I will describe below. This type of research design is encouraged by

¹⁰ See for example Germond & Fong, 2019; Shi, 2014; and Wang, Psaraftis, & Qi, 2021

¹¹ See discussion regarding inductive reasoning and generalizability in the design and methods section below

Joe Soss and his concept of a “nominal” approach to casing, which is sometimes better aligned with an interpretivist approach to research (2018). As Soss explains:

In immersive research, we often enter research sites for practical and political reasons, or for reasons related to language, culture, funding, or something else. Our research strategies prioritize discovery and embrace changes in research goals and questions. For these and other reasons, we often wind up with an emerging study (noun) that we need to case (verb)...Wrestling with what we are studying, we ask “what should I treat this as a case of?” (2018, p. 21)

As a solution to this problem, Soss suggests that researchers do not assume they know what their site or study is a case *of*, but rather “position[] the study in relation to [] different bod[ies] of knowledge with [their] own tale to tell about why this thing matters and works in a particular way. Each specifies a different scope of analytic generalization, its own path for insights that travel. As I re-case my study, I create new interpretive opportunities by putting the same social action into dialogue with different theories and empirical sets” (2018, pp. 23–24).

Following from this advice, the bodies of literature outlined above inform the four theoretical frameworks that are relevant to the questions of this study:

1. Bureaucrats as individual actors—This framework would apply principles of political psychology of individuals as well as elements of organizational psychology. In this framework, the focus is on individuals, who are thought to have relatively high levels of autonomy within the organization.
2. Bureaucrats as actors at the group level—This framework would apply theory from the political psychology of groups literature (for example, groupthink). In this framework,

the focus is on bureaucrats as individuals within a larger group. Individuals within the group are still autonomous, but their autonomy is somewhat lessened by group dynamics.

3. Bureaucracy as a unit within a wider institution—This framework would view bureaucracy as one system within a wider institution. In this framework, the focus is on bureaucracy as an institution within an institution. Those within the bureaucracy would not have much individual autonomy, but the bureaucracy is fairly autonomous itself.
4. Bureaucracy as institution—As comparative politics views bureaucracies as institutional units within national political landscapes, this theoretical framework would treat the IMO's bureaucracy as an institution within the wider international political landscape, in which it is an agent carrying out the goals of principal member states. In this framework, the focus is on bureaucracy as an institution, which has little to no autonomy (for either the individuals or the organization itself) separate from its principal(s).

Figure 1 below shows how these frameworks relate to each other with respect to their level of analysis and the amount of autonomy those actors are presumed to have.

	Individual	Bureaucracy
Autonomous	1	3
Less autonomous	2	4

Figure 1

I have expanded on each of these frameworks below with the implications they hold for the meaning and roles of individuals, bureaucracy, and institutions in the IMO setting.

1. IMO bureaucrats and delegates as individual actors

To use Soss's language, here the bureaucracy of the IMO would be treated as a "case of" individual actors at the international level. This would essentially take political psychology's interest in individual-level analyses of prominent figures and bring it down to not-so-prominent figures who, nonetheless, are autonomous actors with agency. This approach would also involve organizational psychology as it relates to job choice and motivation. Within this framework, I would explore *how* and *when* individuals matter within the IMO. Three ways I expect I may find individuals to matter include:

1. Discretion: The power of individuals to decide when, how, and what to do in a given situation.¹²
2. Gatekeeping: The ability for individuals, whether intentionally or not, to gatekeep who is involved in the amendment process or other internal IMO processes.
3. Care: The passion of IMO staff and delegates as a driver of change in international law.

This is not meant to be an exhaustive list, as exploring this question would be part of the theory-building process. However, these would guide me in the beginning stages of field research while acknowledging that it will be an iterative process that can (and likely will) change (Kapiszewski, MacLean, & Read, 2015, pp. 24–25). Again, I would also explore *when* the above factors matter—whether always or in certain situations or points in time.

2. IMO individuals as a collective group-level actors

¹² Alexandru Roman has argued that within bureaucracies, levels of administrative discretion do impact the behaviors and actions of public administrators (2015).

In this framework, the bureaucracy of the IMO would be treated as a *case of* a group operating as a collective actor. This is distinct from the third framework below, which looks at bureaucracy as a unit, in its psychological approach. In the third framework, the focus is on *bureaucracy as part of an institution*, whereas here the focus would be on *bureaucrats as a group of individuals* who make collective decisions and have collective impact. Groupthink is an example of this level of analysis, but there are other ways in which groups have been theorized to behave differently than individuals on their own.¹³ For example, the process of group decision-making has been observed to be different depending on whether the atmosphere is cooperative or competitive (Toma, Bry, & Butera, 2013). Overall, this framework would view the IMO as a group of individuals, in which behavior and actions stem not just from individual preferences but from group dynamics as well.

3. IMO bureaucracy as unit operating within a larger institution

In this framework, the delegates of the IMO would be a *case of* bureaucracy as part of an institution. The bureaucracy of delegates would be considered a distinct and autonomous body within the IMO, which supports but does not define the institution itself. The institution exists outside of the bureaucracy and includes its ideas, rules, and physical space in addition to the bureaucracy. In this framework, individual bureaucrats would not matter in a systematic way, but system-level aspects of the bureaucracy could have tangible impacts. This would be similar in theoretical scope to Autesserre's *Peaceland*, in that it would develop the idea that specific aspects of bureaucratic practice can have larger impacts than one might assume, due to bureaucratic autonomy.

4. IMO bureaucracy as institution within a wider political landscape

¹³ For example, Alex Mintz and Carly Wayne have identified what they call polythink—when group members have such diverse opinions that they fail to reach consensus at all (2016).

In this final framework, the IMO bureaucracy would be a *case of* an international institution serving a specific purpose at the direction of a principal. In this case, the principal would be the collection of member states of the IMO. The bureaucracy would be treated as the unit that physically embodies the institution, which is itself the international actor. In other words, the bureaucracy *is* the institution—the institution has no existence outside of this physical manifestation. This follows from Weber and others' conception of bureaucracy as part of a principal-agent relationship. At a national level, the principal is the state and the bureaucracy of an institution is the agent carrying out the desires of the state. At the international level, the bureaucracy of the IMO is the agent carrying out the desires of the IMO member states. In this framework, the analytic focus would shift away from the actions of individuals at the IMO and toward the actions and preferences of the member-state principals.

This is distinct from the previous framework in that it frames the bureaucracy *as* the institution, in the vein of Hawkins et al. (2006). In the third theoretical framework above, the bureaucracy is treated as an autonomous actor within a wider institution, whereas in this model, the bureaucracy and bureaucrats are incidental to the system they serve. The internal practices, policies, and employees of the bureaucracy have little relevance; it is the existence and purpose of the institution and its outcomes that are important. This framework would also incorporate macro-level institutional theories as they relate to the existence, survival, and effectiveness of international organizations.

5. Any combination of the previous four

Finally, as mentioned above, I do believe this project has the potential to cross the boundaries of these theoretical frameworks, and as such, I am open to the idea—expect, even—that a combination of these frameworks and conceptualizations is most appropriate. In

advocating for “casing a study,” Soss emphasizes that in some instances our *a priori* expectations “carry substantial risks of lock-in and tunnel vision. In many research projects, settled and enforced case definitions can work to foreclose insights and constrain research in rigid and undesirable ways” (2018, p. 26). In other words, expectations of what a thing is should not dictate what we can and cannot see in it.

It is quite possible that multiple elements from any of these frameworks could be present together. In particular, a combination of the first and third frameworks is most in line with my *a priori* expectations of what I will find. This would be the interaction of individual-level actions with bureaucratic institutional-level practices, together creating explanations for changes in policy and international law at the IMO. This combination of theoretical frameworks would be somewhat in the vein of Grimmelikhuijsen et al., who called for incorporation of behavioral public administration studies into public administration literature more broadly.

Rudra Sil and Peter J. Katzenstein provide a framework for such an approach, advocating for “eclectic” research designs that “seek[] to extricate, translate, and selectively integrate analytic elements—concepts, logics, mechanisms, and interpretations—of theories or narratives that have been developed within separate paradigms but that address related aspects of substantive problems that have both scholarly and practical significance” (2010, p. 10). This approach “takes on problems as they are understood and experienced by political actors, without excessively simplifying such problems simply to fit the scholarly conventions or theoretical boundaries established by any one tradition” (2010, p. 10).

Up Close and Personal: Design and Methods

There are four motivations for the choice of the IMO as the object of study: First, as stated previously, the IMO produces tangible and observable outcomes in international law, in

the form of amendments, new conventions, and policy directions. Second, the role of individuals in the formation of international law has not been systematically studied. Third, to explore the role of care, the organization must be one in which perceptions of work meaningfulness and job passion could plausibly play a role in bureaucrats' motivations and actions. One of the IMO's primary goals is pollution prevention, and thus protection of the environment and ocean habitats, a cause that surely inspires passion and is perceived as meaningful by many—whether motivated by a passion for marine life, the preservation of the planet for future generations, or another reason. And finally, I personally care very much about environmental protection and regulation—and as Barbara Geddes wrote, “Curiosity, fascination, and indignation should guide the choice of research topic...one place [emotion] should remain is in the choosing of research topics. The standard advice on how to choose a topic leaves out the role of such emotions as commitment, irritation, and obsession” (2010, p. 28).

Within the context of the IMO, the central empirical focus of this research is the initial GHG-reduction strategy adopted by the IMO's Marine Environment Protection Committee at their 72nd meeting in 2018. Prior to the adoption of this strategy, the IMO had not previously formally acknowledged GHG reduction and climate change as issues under its purview. Although pollution control and some degree of environmental protection have always been part of the IMO's functions,¹⁴ the adoption of the 2018 strategy marks the first time that the IMO has explicitly taken on responsibility for climate change—mitigation through GHG emission reduction, accepting some responsibility for attaining the UN's SDG 13. This wholistic incorporation of climate change—mitigation into the stated goals of the IMO thus represents a significant policy shift from their previous pattern of piecemeal environmental action. The

¹⁴ For example, to this end, the organization adopted energy-efficiency measures in 2011 and data collection for oil consumption in 2018.

document lays out a plan for GHG reduction, with “a vision to...phase them out, as soon as possible in this century” (International Maritime Organization, 2019d). The plan is said to be consistent with the temperature goals of the Paris Agreement, passed in 2015. It creates a framework for member states to follow in the years to come and includes measures to support those efforts, including “capacity building, technical cooperation and research and development (R&D)” (International Maritime Organization, 2019d). As noted previously, MEPC has already begun passing amendments in accordance with the strategy and plans to continue taking steps toward fulfilling the promise of the strategy in the years to come.

The data I plan to gather will thus focus on the events and processes that led up to the adoption of this strategy. Data collection will consist of three methods: I intend to 1) observe committee and subcommittee meetings at the IMO headquarters, 2) do archival research at the Maritime Knowledge Centre (MKC), and 3) interview IMO staff and member-state delegates, each of which I discuss further below. The goal for all three of these methods is to gather data that will allow me to explain the role of individuals within the IMO in bringing about this policy shift.

First, I’ve chosen observation of IMO meetings as one method suited to investigate these questions about individuals in international bureaucracy because, as Samer Shehata writes, “ethnography is best suited to exploring things that cannot be observed directly because they do not have a physical presence in the world, and yet these ‘things’ shape it in very real ways: the implicit assumptions, operating principles, relations among concepts, and categories of thought and understanding that people take for granted and do not make explicit” (2006, p. 224). Elisabeth J. Wood also notes that one of the instances when field research is most appropriate is “when the scholar seeks to understand the internal processes of a group” (2009, p. 126). The

questions I am seeking to answer have to do with individuals, along with functions and processes of the bureaucratic structures of the IMO; these are elements that cannot be observed from the outside. Observing the organization and interacting with and interviewing people who work there (or have in the past) are the only ways to truly understand what is going on within the IMO and, consequently, how it impacts the international law under its aegis.

Second, archival research at the Maritime Knowledge Centre will allow me to gain a deeper understanding of the history of the IMO, its mission, and its policy trajectory over time with documents that are not available online (i.e. pre-2000). This information is crucial to understanding the extent to which path dependence or sequencing may explain the current actions of the IMO, and how the organization has gotten to this point of action on climate change.

Finally, in addition to observing the IMO's committee meetings and conducting archival research, I will conduct both informal, conversational interviews and formal interviews of selected delegates to the organization. Due to the nature of the project, selection of these interviewees would be treated as an ongoing process rather than a set of previously defined criteria (Fujii, 2018, pp. 37–38). However, these interviews may include both current and former delegates, depending on who was involved in the creation of the IMO's climate strategy as well as former and subsequent environment-related amendments. The aim of these interviews would be to hear directly from those involved about how they view their role and impact in the IMO and the larger agenda it serves. The answers to these interview questions and the discussions that arise from them will help situate this study within the four theoretical frameworks discussed above, shedding light on the extent to which individual actions, group-level thinking,

organizational policies and culture, or member states as principals impact the IMO's internal processes, and more specifically, the IMO's GHG-reduction strategy.

A Beginning's End: Preliminary Data & Results

During February and March of 2023, I completed the first stage of my fieldwork for this project. I observed three committee meetings at the IMO headquarters in London, United Kingdom: Sub-Committee on Ship Systems and Equipment (SSE 9), Facilitation Committee (FAL 49), and Legal Committee (LEG 110). Each meeting consisted of four days of plenary meetings along with one day set aside for working groups and drafting groups. I was granted permission to observe plenary sessions only, so I gathered twelve days of observation data across the three committees. However, I was also able to speak with delegates during coffee breaks and lunches. During those times, I connected with delegates from both member states and NGOs with observer status. For member-state delegates, I did my best to speak with a variety of delegates in terms of region of the member state, the member state's interest in maritime matters (i.e. port states, flag states, coastal states, etc.), and the member state's level of development. I completed five interviews during this time and gathered the contact information of fifteen other delegates for conducting remote interviews in the coming months. I also plan to use the "snowball" method of interview participant selection (Fujii, 2018, p. 40), so I will ask each of these interviewees if they can suggest other delegates who may be willing to speak with me.

I also spent five days in the IMO's Maritime Knowledge Center exploring the meeting records of past meetings of the Marine Environment Protection Committee (MEPC) to develop an understanding of the IMO's trajectory from focusing exclusively on oil pollution from ships to creating a comprehensive climate strategy. These documents included committee meeting

reports, agendas, and all submitted documents from the MEPC's first meeting in 1974 to the 45th meeting in 2000.

Based on the data I have gathered so far, I have begun to situate my study within the four theoretical frameworks mentioned above, and have noticed a few patterns in need of further exploration. First, as noted above, I most expected the data to lead to a combination of the first and third theoretical frameworks, bureaucrats as individual actors and bureaucracy as a unit within a wider institution. However, based on the data collected so far, a combination of the first and second frameworks may be more appropriate—bureaucrats as individual actors and bureaucrats as actors at the group level (shown as boxes 1 and 2 in Figure 1). To reiterate, these frameworks can be described as follows:

- Bureaucrats as individual actors: this framework applies principles of political psychology of individuals as well as elements of organizational psychology, focusing on individuals with relatively high levels of autonomy within the organization.
- Bureaucrats as actors at the group level: this framework applies theories from the political psychology of groups literature, focusing on bureaucrats as individuals within a larger group. Individuals within the group are still relatively autonomous, but their autonomy is somewhat lessened by group dynamics.

I noted previously that within the first framework, there were three ways I most expected individuals to matter: discretion, gatekeeping, and care. The observations and interviews conducted so far have indicated that both discretion and care do play a role in how individuals are able to or choose to exercise their autonomy within the IMO. Regarding discretion, the delegates interviewed thus far have indicated that they have almost full autonomy during meetings to represent their state's interests, and in some cases, nearly full autonomy in deciding

what those interests are in the first place in the context of the IMO. This autonomy granted to delegates allows them to use discretion during both plenary meetings and working groups in order to accomplish their goals. In many cases, delegates who are diplomats rather than subject-matter experts will defer almost entirely to their subject matter expert advisers on the best course of action. This suggests that many decisions at the IMO are not made “by states,” as a principal-agent model would suggest, but rather are made by experts in the field, who are often many degrees separated from anyone involved in international policy making at the state level.

This amount of autonomy and discretion exercised by IMO delegates seems to be an expansion of a certain level of autonomy that has long been present within the UN and its specialized agencies. For instance, in the meeting record from the UN Conference at which the IMO was created, delegates are said to have been “going beyond their Governments’ instructions.” At one point, a delegate stated that a document “went far beyond his Government’s instructions, but he would nevertheless recommend its acceptance” (UN Economic and Social Council Maritime Conference record, 1948). Thus, while these delegates are clearly indicating instruction from a policy-making office within their state’s government, they were also granted a seemingly high level of autonomy in how to execute those instructions. In the IMO today, it appears that delegates may have less instruction, and thus even more autonomy in how they execute their roles.

Care for and commitment to the IMO’s mission also played a role in delegate interactions and behaviors. One delegate from the SSE committee noted that part of why he does this work at the IMO is because what they do is important: “It saves lives and it matters,” (Interview, 03/03/2023). One moment that solidified this idea was during the farewell speech of the current secretary of a committee, who is soon retiring. Near the end of his speech, he noted: “You often

hear people say, ‘IMO is a technical body,’ but I am sure we are more than that.” He said it is also a humanitarian effort, and that “this committee is doing real things to help real people,” (Fieldnotes, 03/31/23). It is interesting to hear the IMO framed this way, considering its mandate as an international organization is quite literally as a technical body. This person’s comment shows that delegates within the IMO do find meaning in what they do and act according to their passion for that mission. Some delegates were seemingly most motivated by the impacts on human beings, while others were more motivated by care for the environment, but the delegates who made the biggest impressions in plenary meetings were the ones who expressed a certain level of passion and care for some aspect of the IMO’s mission. Going forward in this research, I hope to also explore how timing impacts these elements of discretion and care—for example, is discretion most important in working groups while care is more important in plenary sessions? This is a question that will be explored in subsequent interviews.

Concerning the second framework, there were many interactions during committee meetings that supported the idea that group dynamics are at play within the IMO. For example, each committee had a distinct personality and way of interacting with each other, despite the fact that many (though not all) of the member-state delegates were the same at all of the meetings. This indicates that perhaps the Chair of each committee, in particular, has a high degree of influence through their leadership style and ability to foster a desired atmosphere. Returning to Toma, Bry, and Butera’s observation that the process of group decision-making is different depending on whether an atmosphere is cooperative or competitive (2013), the atmosphere at all three committees was primarily cooperative. There were moments of competition between delegations, but the overall atmosphere was one of working together toward a common goal.

This atmosphere of expected cooperation seemed to influence the behavior of some delegates, particularly when there was disagreement. During observations, a pattern emerged when delegates disagreed that suggests a norm of expected behavior. When a delegate would challenge something said by someone else, the challenged would respond, and the challenger would either accept the response or push back one more time. If there was still disagreement, the conversation always moved on to something else, and both delegations dropped the point. Often, norms become most obvious when they are broken; an incident where two delegations argued back and forth numerous times stood out as overly hostile and uncooperative compared to the typical atmosphere during meetings, and the Chair eventually put an end to it. This suggests that the group dynamic of expected cooperation toward a common goal constrains the behavior of individual delegates to some extent.

I will be returning to London in July 2023 to attend the meeting of the Marine Environment Protection Committee, which will be more directly related to the primary focus of the project, the 2018 Climate Strategy. During that visit, I will gather more observation data and conduct additional interviews. I also plan to continue archival research using the online portal for committee meeting records from 2000 to present in the intervening time. Through this iterative and inductive process, my goal in this project is to continue to forge a path for incorporating individuals more fully into international bureaucracy and international law theorizing, to make discussion of the individual indispensable—not ancillary—to theorizing even at the international level. Using the data I have collected so far to shape my research going forward, I plan to develop a theory for when, why, and how individual bureaucrats are able to exert influence over matters of international law.

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