

Comparative Global Governance:
Interest Groups and Transnational Governance

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Abstract: The role of interest groups in the policymaking process is a fundamental issue in the understanding of political systems. This paper considers the emerging network of global governance organizations from the interest group perspective. Drawing upon literature devoted to interest groups in domestic contexts, hypotheses are generated regarding transnational interest group dynamics. In particular, issues of mobilization, alignment, participation and influence are highlighted. These hypotheses are assessed based on ongoing empirical investigation of global governance organizations including the World Health Organization, Internet Corporation for Assigned Names and Numbers, the International Telecommunications Union and the World Intellectual Property Organization.

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The role of organized interest groups is a key consideration in the study of political systems. While contemporary popular usage has transformed the term “interest group” into an epithet, a less normative use communicates merely a collection of individuals with shared concerns. As political systems are fundamentally about the hammering out of collective decisions for populations with disparate demands, the manner in which interests are aggregated and represented is quite critical to any understanding of the policymaking process.

Interest groups – sometimes referred to as pressure groups or lobbying groups – play a significant role in transnational governance. In every substantive area, the rules and regulations generated by global governance organizations (GGOs) have profound consequences for a variety of constituencies. The differential effectiveness of the formal organizations representing those constituencies, and the fundamental qualities of latent interest groups that determine whether a formal organization emerges, influence the policy outcomes reached through the GGO decision-making process.

The dynamics of transnational interest group politics merit additional study. Comparative examination of interest group activity has demonstrated that the role of groups in the policymaking process varies quite a bit across national contexts with significant consequences for affected parties (Ehrmann 1958; Thomas 1993).

Understanding the process of global governance requires an assessment of the role of interest groups rather than an assumption that a domestic analog is representative of interest group activity in this novel environment. There are multiple reasons to suspect that the dynamics of interest group formation and participation in transnational governance are different than what is observed in most domestic contexts. First, global governance organizations look quite different than the national governments interest groups are typically attempting to influence. The memberships of GGOs are often comprised of national governments. Thus interest groups may play roles in setting national policy with respect to global governance and subsequently have a second opportunity to influence affairs once they reach the transnational level.* National governments may even depend on interest groups to provide information regarding the behavior of global governance organizations. Some GGOs are entirely non-governmental, created and run by private individuals and organizations.

Second, interest groups are direct participants in the transnational policy-making process, often formally represented at the decision-making table, giving them an unusual level of access. On the surface, this seems most similar to *corporatist* models that are less familiar to students of

* It might be observed that in a federal system interest groups also have two opportunities to influence policy domestically. However, representation in a federal system rarely is managed by the states and policy is not determined for the sub-national unit before the deliberations at the national level begin.. For GGOs, in contrast, the nation-states generally arrive at a policy position which is then brought to the organization.

American policymaking who generally think of groups in *pluralist* terms. Corporatism emphasizes the institutionalization of bargaining between the state and “peak associations” representing key sectors of society. Indeed, some GGOs effectively grant membership to interest groups, pushing beyond even some corporatist examples and calling into question the very appropriateness of an interest group framework that places the group “outside” the organization.

Third, transnational interest groups may possess the unique ability to mobilize constituencies across borders. Members of the organization are typically focused within national political communities created an unusual asymmetry among participants in each GGOs policymaking network. This may represent an interesting parallel to the efforts of interest groups to directly influence national politics by participating in the elections of individual legislators in their districts.

Finally, most GGOs have limited formal tools to secure compliance with their regulations. As a consequence, acquiescence of interest groups may only be guaranteed by GGOs making an unusual number of concessions (relative to domestic governments) on matters of policy. This is one of the overarching themes of the global governance project of which this paper is a part. GGOs face an unusual challenge; they must achieve some level of legitimacy (usually judged against democratic norms) and yet cannot maintain their authority in the face of widespread dissatisfaction of key constituencies. Thus the “power dynamic” between governor and interest group is quite different in the context of transnational government (Koppell 2005b). This idea is elaborated in other work but will be explored as it relates to the interest group discussion here as well.

All these observations inform the hypotheses driving this research project. They are organized into three principal areas of concern to political scientists who examine interest group politics in all contexts: interest group mobilization, interest group alignment, and interest group participation in the policymaking process. With respect to each topic, the literature on interest group is mined for insights that yield hypotheses related to transnational governance. The empirical research (to date) exploring these hypotheses is then presented. In the concluding section, these strands are tied together to suggest broader inferences regarding the dynamics of interest group participation in global governance.

Global Governance Project

The overall project of which this paper is a part treats GGOs as a class of entities responding to a unique set of imperatives and constraints. Examining the design and administration of global governance organizations, the research combines rigorous empirical examination of a large segment of the GGO population with the development of a theoretical framework intended to provide a context for understanding the emerging patterns of global governance.

In order to make a more manageable project, the object of this research is a subset of international organizations dubbed “global governance organizations.” In other work, a typology is

introduced to sort out the heterogeneous population of international organizations. For the moment, however, it is important merely to define clearly the class of entities that is the subject of discussion in this paper.

First, as the label implies, the organizations discussed in this paper all have or aspire to a global reach. This distinguishes them from many regional or multinational transnational governance organizations. As a practical matter, this creates a more manageable population to research. As a theoretical matter, it is reasonable to hypothesize that any variance observed in the design and operations of regional governance organizations would be partly explained by differences across regions. Thus maintaining a focus on global governance organizations avoids (to some extent) such confounding regional variables.

Second, the term “governance” is used more narrowly than many might intuitively understand it. The issue of what constitutes “governance” is explored fully in the greater study of which this paper is a part. Essentially, “governance” is defined as any activity seeking to order the behavior of actors *outside* the organization through the creation of rules, regulations, standards and so on. Two distinctions are drawn with this definition.

One, “regulatory” activity is separated from what is sometimes referred to as a “positive” activity. That is, the study is not interested in organizations that produce public goods directly – through, say, a food aid program – but focuses on global organizations trying to make rules that govern the behavior of all actors. Again this distinction serves practical and theoretical purposes. By focusing on regulatory governance, it is possible to compare organizations as they undertake similar tasks and encounter similar challenges.

Two, governance organizations are seeking to order the world around them not just their internal processes. Positive government certainly involves establishment of rules and regulations in the sense that programs must be managed. All organizations are, in this broad sense, governed. This project is focused on those organizations that are trying to govern others, in fact, the world.

This leaves a diverse set of organizations generating rules, standards, and regulations in a wide range of substantive areas include finance, shipping, communications, aviation, manufacturing and so on. Among the organizations discussed in this paper are the World Health Organization (WHO), the World Wide Web Consortium (W3C), the International Telecommunications Union (ITU), the World Intellectual Property Organization (WIPO), the Internet Corporation for Assigned Names and Numbers (ICANN) and the International Accounting Standards Board (IASB).

I. Transnational Interest Group Mobilization

“Interest group” is a somewhat ill-defined term even as used in the political science literature. James Madison’s definition of a “faction” in Federalist 10 remains an elegant if inflammatory statement: “a number of citizens whether amounting to a majority or a minority of the

whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community” (Hamilton and Rossiter 1961, 78). In his classic study of interest group influence in American politics, Truman offered a more benign restatement when he cast an interest group “any group that, on the basis of one or more shared attitudes, makes certain claims upon other groups in the society for the establishment, maintenance, or enhancement of forms of behavior that are implied by the shared attitudes” (Truman 1993, 33). Both definitions emphasize the common concerns of group members.

Almond laid out a useful typology that clarifies the subject of this paper (and many studies of groups in politics) by separating interest groups from other group types. This clarifies further what is generally meant with the term. He identified four types of groups:

- (1) “associational interest groups,” which correspond to the type of organizations usually referred to as interest groups;
- (2) “non-associational interest groups,” by which he means family, ethnic, status and similar groups or aggregates that articulate interests “informally, and intermittently,” through individuals, cliques, and the like;
- (3) “anomic interest groups,” referring to “more or less spontaneous breakthroughs into the political system . . . such as riots and demonstrations;” and
- (4) “institutional interest groups,” by which he means organizations or groups with organizations such as “legislatures, political executives, armies, bureaucracies, churches, and the like.” These are, in his terms, “organizations which perform other social or political functions but which, as corporate bodies or through groups within them . . . may articulate their own interests or represent the interests of groups in society.” (Described in Truman, xxxi)

True to the patterns of most analysis of interest groups participating in the policymaking process, this paper focuses on the activities of groups in the first and fourth categories. These are formal organizations with concrete and durable agendas that are pursued through legislative, administrative or electoral strategies. In the political and policy-making context, such groups have the ability to mobilize citizens, raise money, influence elected officials and political parties, establish working relationships with civil servants, influence public opinion, collect and disseminate information with the goal of securing outcomes favorable to their members.

In general, interest groups can be a potent force in the policymaking context. It is well-known that the framers of the American constitution were very wary of the destructive potential of the “mischiefs of faction.” Indeed, many of the U.S. constitutional structures they designed were explicitly intended to curb the power of groups. The designers of global governance organizations

(GGOs) have not, it seems, incorporated safeguards against interest group influence. Indeed, interest group influence may have been explicitly sought rather than shunned. This is a hypothesis considered in the paper.

The vision of interest groups as formal entities neglects the thousands of *latent* interest groups that are not organized; these groups are comprised of individuals and organizations whose interests are aligned but unrepresented. Any picture of the interest group landscape for transnational governance must account for the presence of certain interest groups and the absence of others. Are the dynamics of group activation and mobilization different in the context of global governance? This is an important aspect of the story regarding interest group participation in the transnational policymaking process and it is a natural starting point.

Mancur Olson challenged the intuitive assumption underpinning the analysis of interest groups: that group formation and collective action stems from the shared interests and objectives. While common concerns may be a prerequisite to collective action, they do not stimulate or ensure successful group activation. On the contrary, Olson argues that the provision of selective benefits – excludable items with utility for an individual – bind people into organized groups (Olson 1971, 51).

This insight helps explain the idiosyncratic translation of potential interest groups – or what Almond would call non-associational interest groups – into formal, organized interests. Moe’s description of the “political entrepreneur” starts to put a human face on the actor who initiates this transmogrification (Moe 1980, 37). The entrepreneur sees the potential for a group and is able to satisfy the selective demands of potential members sufficiently to create an organization capable of pursuing the collective benefits.

An entrepreneur may be willing to bear the costs of organizing and maintaining the group because of the enhanced influence and credibility that are not attainable acting alone (Salisbury 1984). Such an entrepreneur recognizes the disproportionate costs he will bear relative to other group members and still moves forward because the net benefits of creating the group remain positive.

In some instances, following the logic of Olson, this is easier because the groups in question are small. Smaller groups have an advantage inasmuch as the benefits of group activity are distributed more narrowly and free-riders are more readily exposed (Olson 1971). In every context, we would expect groups comprised of a smaller number of members to be more robust than larger groups.

Moe enumerates the variables we would expect to influence the successful stimulation and maintenance of interest groups in any context: the ease of communication to and among potential members, the feasibility of administering collective and selective benefits, the facilitation of bargaining and coordination among members, and the establishment of relationship with other

players (Moe 1980, 72). For each of these aspects of interest group formation and maintenance, the transnational governance context offers unique wrinkles.

Communication. This presents special challenges and opportunities for transnational interest groups. Of course, the global distribution of potential group members poses a logistical hurdle. Given the contemporary technologies available, the distance itself may not be the most formidable consequent challenge. Linguistic and cultural difference makes communication costly and uncertain. Forging trust and rapport among members is time-consuming and face-to-face interaction is difficult to arrange and expensive.

These impediments place a premium on the investments of an entrepreneurial individual or organization. Such an entrepreneur can bear the costs of group organization until the group is formed and can make claims upon its member for financial support. [example]

The emergence of Internet-based technology may actually reduce the costs of organization sufficiently to overcome the new hurdles of transnational organization. Thus when formulating hypotheses regarding the nature of group mobilization in the transnational policymaking context we must temper our appreciation of the barriers to communication with appreciation for the other environmental elements that may more than compensate.

Selective benefits. Olson's insight into the organization of interest groups concerned the importance of providing each member with an individual benefit. Thus many organized interest groups provide magazine subscriptions, discounts, token items (e.g. bags, umbrellas) to lure like-minded individuals into group membership. This model is most applicable to groups made up of individuals but it can be extended to firms as well.

A corporation considering membership in a group or trade association might value access to data, use of a facility or access to benefits that are in turn available to its employees. For example, the National Association of Realtors controls access to the Multiple Listing Service, a vital tool for selling homes in the United States (Justice 2005). All real estate sales enterprises face huge competitive obstacles if they forgo association membership. In general, however, it may be more difficult to design selective benefits that appeal to corporate members because they seem less likely attracted to "symbolic" goods like those commonly offered to individuals. The transnational interest group generally confronts organizations – for-profit, non-profit or governmental – as potential members (although there are a small number of individual-based groups in select policy areas). This would, it seems, limit the Olson-oriented approach to group building. Thus the provision of collective goods through the group seems particularly important.

Collective goods. The set of international organizations has been chosen from the entire population to focus on rulemaking bodies rather than producers of public goods. That does not mean that various interests do not have a great deal at stake as GGOs deliberate, set and implement

policy. Indeed, rules in the fields of accounting, shipping and communications can have profound economic consequences for market participants. Even groups without an economic interest may feel the effects of the rules adopted by GGOs. Thus the collective good at stake for interest groups in the global governance sphere all revolve around the attainment of preferred rules.

Bargaining and coordination among members. Olson rejected Truman's assumption that groups were constructed around shared interests. The interests of individual group members may not be perfectly aligned. It is the groups' power to create a single position through internal bargaining, offering of selective benefits, coercion and persuasion that renders it effective. A group that cannot work out differences among members (and potential members) will not likely succeed.

This poses a serious challenge for interest groups in the transnational milieu. Potential members must take into consideration their interests in the domestic context in addition to the transnational arena. That is, a concession at the international level could prove harmful in the domestic context where the organization is likely more influenced by public policies. Thus the incentives to make concessions in intra-group bargaining are likely low relative to domestic interest group environments. Moreover, uncertainty regarding the impact of GGO policy may significantly limit the payoffs to any concession.

Relationships with relevant parties. The persistence of any interest group devoted to securing collective benefits to members in the form of preferred policy outcomes will be inextricably linked to its ability to influence the government. In the case of GGOs, interest groups must be able to sway the rulemaking, enforcement and adjudicatory proceedings to the benefit of members. This is likely an area of strength for transnational interest groups for several reasons. First, many of the groups actually predate the GGO and played a role in their design. Indeed, several transnational interest groups have formal roles in the governance and administration of GGOs. This provides prima facie evidence of the importance of the group and thus encourages potential members to support the group.

Second, GGOs have grown to rely upon transnational interest groups. They are sources of information and intelligence regarding conditions in the field. In some cases, they allow GGOs to get input from non-members. Most interest groups also have connections at domestic levels thus providing at least two levels of contact – directly with the GGO and through the members (frequently national governments).

Third, trade and professional interest groups in the transnational context may enjoy a comparative advantage due to the challenges associated with organizing and influencing policy on a global scale including logistical challenges and high expenses.

All of these differences in the nature of transnational interest communities and their concerns with regard to the governance organizations they are interested in influencing lead us to set of hypotheses regarding the mobilization and organization of transnational interest groups.

Hypotheses

I.a. James Q. Wilson introduced a classic model for understanding the dynamics of interest group formation and mobilization. His four category typology of interest group politics focused on the distribution of costs and benefits associated with policies in a given arena (Wilson 1980). When benefits of a policy are concentrated, for example, and the costs are widely distributed we would expect the beneficiaries to organize in support and face little opposition (because no individual suffers enough “harm” to undertake the organization). You would expect a very different landscape (i.e., organized opposition) if the benefits were diffuse and the costs were concentrated. The logic of Wilson’s analysis is quite applicable when considering the incentives of potential interest group participants in the realm of transnational governance.

It seems that the costs of organizing a transnational interest group are high. This is true in financial terms – information may be more difficult to obtain and disseminate, face-to-face meeting requires expensive travel by participants, documents may require translation for wide accessibility – as well as non-financial. Diversity of opinion and interest is likely greater on a global scale than in even the most heterogeneous domestic context.

It seems likely that industry and business groups would have advantages (relative to citizen, consumer or “public good” groups) because of the greater financial resources available to them. Moreover, the benefits of any particular GGO policy are likely concentrated on producers or firms in the regulated area while the costs of any such policy are likely borne collectively by a disparate population.

Thus based on Wilson’s logic, we would expect an interest group terrain dominated by corporations and trade associations. It is a classic condition for the emergence of “*client politics*,” a model in which a relatively small group benefits while a large diffuse group pays.

However, as the hypotheses below suggest, there are reasons why the applicability of the Wilson model may be misplaced. Or to be more accurate, it may be that the nature of transnational governance makes the interest group climate something other than client-centric.

I.b. An alternative, contradictory, hypothesis would emphasize the revolutionary nature of the Internet and other technologies that reduced the costs and logistical difficulties in creating groups. Through message boards, blogs, email, voice-over-internet-protocol (VOIP), and other innovations, it is now relatively easy to identify those with shared interests, build relationships, bargain regarding group position, formulate strategy, coordinate activity and sustain relationships.

As a result, it would be argued, two things are true. First, the organizing costs are *not* terribly high. Second, the threshold at which it makes sense to organize others is much lower than is typically assumed. Both points tie into Olson's theory regarding group formation and would lead to a contrary hypothesis (1971). Olson recognized that small groups are easier to form and maintain because the "payoff" to the organizer and participants would more likely outweigh their costs. If the costs of organizing a transnational interest group are truly low, this logic would apply. Moreover, the role of the entrepreneur is always critical. With the advent of new communications technology, the required investment of an entrepreneurial individual or organization is much lower. Thus we might expect to find a similar penetration of group formation and activity across different constituencies in the transnational interest landscape.

I.c. Reformulating this technology hypotheses (**I.b**) as a corollary to the first rather than its direct opposite, one could hypothesize that the general dominance of corporate interest groups will hold true *except* in areas where affected individuals or groups have sufficient access to and knowledge of technologies that allow them to overcome barriers to mobilization. This allows differentiation among transnational governance contexts which surely is necessary.

Many of the newest GGOs, especially those with responsibilities related to the Internet or communications, utilize processes that lower the costs of participation. But this is hardly universal. Thus our expectations for interests groups concerned with a GGO that only produced paper records and held meetings without remote access would be different than those for a GGO with an active on-line presence and electronic accessibility.

I.d. The formal and informal sources of influence for interest groups in transnational governance – explored more fully in subsequent sections – likely affects the mobilization dynamics. If participation in an interest group offers an opportunity to influence relevant public policy, the value of participation rises accordingly and more likely outweighs any costs associated with membership (Salisbury 1984).

One might frame this reasoning in terms of the benefits of group membership. The likelihood of interest group influence on policy means that their ability to offer *collective* benefits is formidable. That is, they play a major role in shaping the policy output of GGOs. The more this is true, the more we would expect robust interest group mobilization.

As shall be explored in the subsequent section of this paper, it is likely that interest group formation in a particular policy sphere will be influenced by the nature of the operative GGO. That is, the more that the GGO's activities "matter," the more valuable influence over the GGO becomes. Given the formal and informal importance of interest groups in the transnational policymaking, one would expect a high level of membership among potential group affiliates to be even higher when the GGO has more power.

The reader will note the endogeneity problem that is explored further below. Can we explain the “influence” of the GGO without treating interest group participation as a causal variable? If the answer is no, the danger of circular inference is quite real.

I.e. Taking as a given the high level of interest group influence in GGO policymaking, the importance of being a group member for purposes of participating in the determination of an interest group’s position is quite high. Free-riding off the work of other interest group members imposes a high cost on the free-rider. It means forgoing an opportunity to determine the final policy. This is only a reasonable strategy if a firm believes its interests are exactly aligned with those of all group members, unlikely considering the multinational memberships of transnational interest groups.

Given these incentives for membership in the interest group, the provision of *selective* benefits seems less likely and less important to attract and retain members. This hypothesis seems to contradict a central tenet of Olson’s theory of collective action but this depends on one’s interpretation.

Observations

Collection of data is not complete but material has been gathered sufficient to report observations relevant to the hypotheses. These are not offered as findings because the ongoing collection and coding of data leaves open the possibility of substantial revision! It is, however, interesting to note where there is (and is not) initial evidence in support of the hypotheses.

There is strong prima facie evidence for the anticipated dominance of industry and trade groups in most GGO spheres (**Hypothesis I.a**). This is revealed through interviews with individuals involved in the policymaking process at GGOs as well as examination of the organizational documents (including reports of participation in GGO conferences, meetings, conventions; records of organizations submitting comments on pending rules; and the rosters of organizations that have official status with GGOs).

The roster of organizations commenting on proposed regulations under consideration by the International Accounting Standards Board (IASB), for example, is dominated by entities doing business in the financial sector. Consider one rule under review. Responses to the Proposed Amendments to IFRS 2 - Vesting Conditions and Cancellations are posted on the organizations website. As one would expect, the parties interested in this highly arcane area are specialized organizations and firms including national accounting standards organizations, accounting businesses, professional associations and some individual corporations.¹ There is no obvious representation of public interest or civil society groups in this list.

¹ http://www.iasb.org/current/comment_letters.asp?showPageContent=no&xml=16_314_79_30052006.htm

This is consistent with the IASB's general structure. It is a non-profit entity based in London that generates accounting standards to be adopted globally by national accounting standards agencies. The drafting of new rules and regulations takes place through "Working Groups" that are made up of industry representatives. The participating firms and organizations must pay their own costs for the work they do on IASB matters. Thus not only is there a natural tendency to emphasize entities with an interest in the field, those organizations with resources "to spare" play a prominent role in the rulemaking process (Hallström 2004).

Another rulemaking body - the International Organization for Standardization (ISO) - reveals a similar pattern. Unlike the IASB, the ISO's members are semi-governmental, the national standardization organizations from around the world. Still the bulk of the work of the ISO - the research and drafting of new standards - is carried out by a series of technical committees whose members typically are drawn from the affected industries in areas like textiles, cast iron and cement.²

This pattern seems to carry over to some more governmental global governance organizations such as the International Maritime Organization and the International Civil Aviation Organization. Both organizations seem to cultivate - or at least allow - participation from a rather rarified population of interested companies (preliminary author interviews). Thus one cannot infer that the "privateness" of the IASB and the ISO explains the pattern of interest group formation. Moreover, there is little evidence for **Hypothesis I.b** that revolutionary technology will make interest group formation universal and evenly distributed across all policy domains and sectors.

In select policymaking spheres, however, the organization of non-commercial interests is particularly robust. This preliminary observation is offered without a clear explanation for the variation. Consider two GGOs that are surrounded by active interest groups representing a cross-section of concerned parties: ICANN and the WIPO.

ICANN is the Internet Corporation for Assigned Names and Numbers. It is an unusual entity created to administer the Internet's Domain Name System, essentially the phone book of the World Wide Web. ICANN has multiple functions in carrying out its general mission (see Koppell 2005a; Mueller 2002). Like the IASB and ISO, ICANN provides formal opportunities to constituencies with a business interest in its activities to participate in the rulemaking process. It has several "supporting organizations" with memberships made up of such entities. Unlike the other bodies, however, ICANN is also surrounded by a constellation of interest groups - some of whom are also formally represented in the organizations - who represent more diffuse constituencies, many of whom have no financial interest in the policies created by ICANN.

² See <http://www.iso.ch/iso/en/stdsdevelopment/whowhenhow/how.html>

Prominent among these is “ICANN Watch,” an organization that monitors and frequently offers critiques of ICANN actions.³ One might argue that ICANN Watch is not an interest group at all as it is essentially a community organized around a website. This definitional matter shall be left unexplored for the moment to focus on the more pertinent issue. Based on the postings and publications authored by ICANN Watch founders and regular participants, it is clear that the members of this community/group are concerned not with their financial interests but a set of beliefs regarding the governance of the Internet and the allocation of political power within and around ICANN.

ICANN Watch is a collection of individuals we would expect to be overwhelmed by the costs of organizing (especially relative to the benefits). And yet they are organized and persistent. This is partially a product, without a doubt, of the relatively low costs of organizing using the Internet. Persons with an interest in the subject area are by definition accessible via the Internet, a communications medium which is relatively immune to problems of distance and cost. Yet these explanations miss a somewhat ineffable quality regarding the subject area. Internet governance arouses great passion and dedication among a significant community of users who are not economically interested in the subject. There is no analogous motivation for communities surrounding the International Maritime Administration or IASB.

This suggests that the logic of **Hypothesis I.c** – that transnational interest group communities will be overwhelmingly commercial except where constituencies have access to communications technology – misses a crucial ingredient. Technology matters but the salience of the issues to diffuse, financially-disinterested parties is an equally indispensable condition.

ICANN itself does provide for some integration of individual users into the organization. Interestingly, the current institutional arrangement represents a version with *reduced* participation for the public at-large. The organization experimented with global on-line elections for several members of its Board of Directors. For various reasons, the election system was scrapped to the great displeasure of many ICANN followers. Individual Internet users now participate through one of ICANN’s “supporting organizations,” formal bodies focused on specific aspects of the organizations mission (e.g., the Address Supporting Organization (ASO), the Generic Names Supporting Organization (GNSO), and the Governmental Advisory Committee (GAC)). Instead of directly electing board members, “Consumer and civil society groups, selected by the Non-commercial Users Constituency of the Generic Names Supporting Organization,” play a role in the selection of this body’s nomination of a director.⁴ There is also an At-Large supporting organization that provides membership opportunities to public interest groups.

³ http://www.icannwatch.org/about_us.shtml

⁴ ICANN bylaws (<http://www.icann.org/general/bylaws.htm#VII>)

Perhaps the global governance organizations that seems to be surrounded by a robust interest group community most consistent with a pluralist vision of competition among conflicting claims is the World Intellectual Property Organization (WIPO), a body dedicated to harmonizing rules establishing ownership of intellectual property (e.g., patents, copyrights and trademarks). WIPO is a “specialized agency” of the United Nations system which suggests it is on the governmental end of the spectrum for transnational governance organizations. Its members are exclusively nation-states. The organization does grant “observer” status to a variety of international organizations and non-governmental organizations, a category into which a wide range of interest groups are placed.⁵

The issues surrounding intellectual property do not neatly divide into corporate and consumer camps. There are divisions within the business constituencies related to the diversity of profit-making plans. Some firms derive income from strict control of intellectual property including music and movies while other companies are more interested in selling hardware (and thus favor more lax standards). Moreover, there are multiple industries with interests in the area whose priorities are simply different. Media companies are joined by software, pharmaceutical, agribusiness, biotech and a host of other businesses as they monitor and attempt to influence WIPO proceedings. All of these constituencies are represented in the list of official “observers” provided on the WIPO website.⁶ Examples include the Federation of Scriptwriters in Europe, the Global Anti-counterfeiting Group, the Asia-Pacific Broadcasting Union, and the International Federation of Musicians.⁷

Non-commercial groups have also organized (generally using the Internet as the primary forum for interaction) around WIPO. An example of such a group is IP Justice, “an international civil liberties organization that promotes balanced intellectual property law in a digital world.”⁸ Like the commercial interest groups, IP Justice is difficult to evaluate in terms of its membership and activities. Its website does not list the names (or number of) members or an annual budget. Thus it is difficult to determine its scale or scope until additional research is completed. As with the Internet denizens who have mobilized in the policy sphere defined by ICANN, the WIPO public interest groups seem to be organized and led by individuals who for intellectual or ideological reasons are willing to make the entrepreneurial sacrifices necessary to stimulate and maintain these organizations.

Hypothesis I.d concerned the rates of membership which, it was posited, would be high given the involvement of interest groups in the GGO policymaking process. This represents an

⁵ <http://www.wipo.int/members/en/organizations.jsp>

⁶ http://www.wipo.int/members/en/organizations.jsp?type=NGO_INT

⁷ Ibid.

⁸ <http://www.ipjustice.org/>

analytical challenge which has not yet been met. Testing this hypothesis demands some assessment of the potential universe of members, an ambiguous and daunting task. However, there is much evidence that the hypothesis may be wrong.

The interest group landscape across transnational policy appears to be populated in large numbers by national and (to a lesser extent) regional organizations. While there are international interest groups in many policy areas, many of them seem secondary in stature to the national organizations. Moreover, lobbying and other activities intended to influence GGOs is clearly carried out by individual firms as much as if not more than interest groups in particular policy spaces. The lack of established “peak associations” suggests that the diversity of interests fractured by industry and nationality undermines this sort of collective action.

There are significant exceptions. The International Air Transport Association is appears to represent multiple constituencies affected by the policies generated through the International Civil Aviation Organization, including airlines, travel agents, freight shippers and suppliers. The provided listing of airline members, for example, covers every continent and seems fairly comprehensive.⁹

Observations to this point make any supposition regarding **Hypothesis I.e** (provision of selective benefits are less important) premature. Much of the information provided by interest groups is publicly available through organizational websites or by mail-order. However, several groups do have password-protected “members only” portions which presumably offers access to additional materials.

Interestingly, several GGOs do try and induce membership or affiliation by offering selective benefits including access to the policymaking process. The International Telecommunications Union, for example, offers special access and discounts to member nations and organizations:

In addition to publicly-available information such as that found on the ITU Website, [Member States](#) and [Sector Members](#) have also access to a large volume of restricted data such as draft documents, statistics, development plans, training modules, etc.

As a Sector Member, you will receive the invitations with related documentation to all ITU events (information on new [publications](#), circular letters, vacancy notices, [Notifications](#) by Member States and Sector Members, information bulletins, etc). You will be given a [TIES \(Telecom Information Exchange Services\)](#) account that allows you to access restricted databases, documents and technical databases.

Discounts of 15% off the catalogue price are granted to all ITU Sector Members on the purchase of any ITU Publication (except those available from the [ITU Electronic Bookshop](#)).¹⁰

⁹ http://www1.iata.org/membership/airline_members.htm

¹⁰ <http://www.itu.int/members/sectmem/benef.html>

Taken together, the observations regarding activities of individual firms (independent of interest groups) and the active solicitation by GGOs of potential interest group members is suggestive of a unique governance model. Seen through the lenses of pluralism and corporatism (which shall be discussed at length later in this paper), it suggests the possibility of novel hybrid where the governing body is performing some of the functions typically associated with peak association or interest groups. GGOs are engaging individuals and firms in the process of providing collective goods by providing selective, excludable benefits and it is aggregating industry-wide preferences in the course of policymaking. Of course, if this is an accurate depiction of the emerging model it begs the question: are some constituencies systematically excluded from the process?

II. Transnational Interest Group Alignments and GGOs: Cause or Effect?

The interaction between government agencies and interest groups is more complicated than the simplistic models typically underpinning political discourse. Interest groups do not simply “lobby” bureaucrats and elected officials to get desired outcomes. The relationship is ongoing and multi-faceted. Government officials often rely upon interest groups to collect information, communicate to members and even sway public opinion on key matters. Far from being adversarial, the relationship is often derided as being too cozy, prone to the phenomenon of “capture” where the bureaucracy may be *too* influenced by pressure groups (e.g., Bernstein 1977).

Indeed, interest groups in some policy domains were actually created with government support. The most notable example in the American context is in the agricultural sector where the government farm bureaus actually supported the establishment of interest groups that later grew quite powerful and influential (Browne 1988; Wilson 1977). While the origins of most interest groups cannot be traced so clearly back to public sector origins, the idea that bureaucracies can shape interest groups is well established.

This government-interest group connection is quite different than the more formal incorporation of interest groups into the policymaking apparatus that is common outside the United States. Although interest groups in the United States have been seeded with government funds, they are not typically granted official recognition (particularly as recognized “peak associations”) by government bureaucracies or provided guaranteed, formal roles in the policy making process (Salisbury 1979). In Europe, for example, this inclusion of interest groups in the apparatus of the state is common and is considered a core attribute of a “corporatist” system. (A fuller description of corporatism, contrasted with pluralism, is included in the next section of this paper.)

The question of why the corporatist inclusion of interest groups in the policymaking structure is not generally evident in the United States is an interesting intellectual puzzle with great

relevance to the GGO study. Speculation has raised cultural factors (i.e., American individualism carries over to organizational behavior making group coherence a challenge) and market realities (i.e., the interests within in sector are too diverse to allow group coherence) (Salisbury 1979; Wilson 1982). Moreover, the structure of American government likely works against corporatist unity of interest groups; the splitting of American government through fragmentation, federalism and party division makes interest group solidarity more difficult (Thomas 1993; Wilson 1982). Finally, the general aversion to centralized economic control in the United States seems to obviate the need for corporatist-style representation. Although these hypotheses offer explanation for the structural difference between the American and classical corporatist system, it is not contended that the lack of formal interest group participation in the American system results in less *influence* on public policy.

To the contrary, some scholars have looked through the prism of government-interest group relations to reach the conclusion that the influence of American interest groups may be deeper than is realized. Instead of examining the role of government in shaping interest groups, Terry Moe has argued that the groups play an active role in shaping bureaucracies (Moe 1989). Moe's claim is more profound than the simple capture thesis. He argues that interest groups may not simply secure preferred policies, they are able to shape governmental organizations such that preferable outcomes (including organizational failure) are more likely. This may be applicable in the transnational governance context because many interest groups pre-date the GGOs they are now attempting to influence.

In the American context, the relationship between interest groups and political parties is also emphasized as is their ability to use financial resources to influence elected officials. In general, both of these aspects of group-government interaction are de-emphasized in analysis of interest group activity outside the United States. This again reflects the emphasis on the formal relationship between groups and government bureaucracies.

This very brief skimming of some literature on the interaction between bureaucratic and interest group structure and organization introduces issues that are of potential interest in the context of transnational governance. There are many ways in which the global governance organizations at the heart of this study resemble domestic policymaking bodies. And yet it seems unlikely that the organizational structure – of either the GGO or the interest groups in the constellations around them – will mimic any domestic arrangement. There are simply too many distinctive aspects.

The hypotheses presented below all are derived from interest group literature in light of GGO distinctiveness as it relates to interest groups. The objective is a basic understanding of the dynamics regarding organizational structure at the intersection of interest groups and GGOs. Is there a detectable pattern connecting one to the other? Does this feature of traditional domestic

policymaking – deemed quite significant in studies of policymaking – carry its significance into the transnational arena?

Hypotheses

II.a. In most domestic policymaking contexts, government is older than the interest groups seeking influence. That is, the bureaucratic institutions responsible for crafting and implementing public policy precede the interest groups. This is not always the case, of course. And even when it is true, bureaucracies may be reformed and reshaped in the midst of an active interest group community.

In the context of global governance, the converse seems to be the norm. That is, organized interest groups (at least domestic version of transnational groups) generally pre-date the establishment of policymaking transnational governance organizations. This likely creates a somewhat different dynamic in the GGO-interest group relationship.

Following on the logic of Moe’s argument introduced above, we would expect pre-existing interest groups to influence the design and management of GGOs (1989). Groups would seek to ensure access and influence in the design of new governance institutions.

The case of the most well-known international organization, the United Nations, provides an illustrative example. During the drafting of the UN Charter, interest groups were able to secure official consultative status through the United Nations’ Economic and Social Council (Willets 1982). This formalized inclusion in the UN decision-making process created an opportunity for non-governmental organizations to push the boundaries of UN activities. As Willets reports, a complex hierarchy of organizations subsequently developed providing more or less access and influence to different groups (1982).

Although these interest groups are different from many of the transnational interest groups of primary interest in this paper, many of the international interest groups identified in Willets’ edited volume were born as transnational entities rather than evolving from domestic groups (1982, 179-80). This suggests an interesting sub-hypothesis.

While investigating whether pre-existing interest groups are more structurally intertwined in the GGO than groups created *after* the GGO, it will be interesting to see if there is additional variation tied to the nature of the pre-GGO groups. It is plausible that there is variation in the patterns of interest group integration that is a function of the interest groups’ “transnationalism.” A working hypothesis is that interest groups that are already transnational at the time of GGO creation are more influential in the organization’s design and thus more tightly woven into the fabric of the GGO’s structure.

II.b. In previous work examining the sources of GGO legitimacy and authority, I argue that transnational governance organizations cannot secure consent and “obedience” from the

“governed” through force or other coercive measures (Koppell 2005b). Generally they have no direct police powers and have limited ability to sanction non-compliance. Therefore, it is necessary for them to win authority by – at least in the aggregate – satisfying the interests of key constituents. If pivotal nations or interest groups were simply to walk away from the GGO, the credibility and authority of the GGO would crumble. Every GGO is thus constrained in its policymaking activities. In previous work, this argument was applied to the rulemaking process adopted by global governance organizations (Koppell 2006).

This argument has important implications for the relationship between interest groups and GGOs. If accurate, the argument would imply that integration of interest groups would be essential to securing their consent and, by extension, essential to thriving as a governance organization. One might call particular attention to established interest groups that precede the GGO because their acquiescence would seem especially critical in this light.

The implication of this argument is that principles generally applied to the design of public rulemaking bodies do not explain the effectiveness of global governance organizations. Anderson, for example, articulates seemingly universal principles related to the design of public bureaucracies (1979); organizations should (1) “prevent government from becoming the instrument of some faction of the community,” (2) remain impartial among interests, and (3) “complement and enhance popular sovereignty, but not displace it.” Being true to such principles, while perhaps important to creating an organizations that satisfies normative expectations associated with democratic legitimacy, may alienate key constituencies and thus undermine the GGO.

Thus it is hypothesized that GGOs that did not integrate existing interest groups – or that are operating in an area without organized interests – will be weaker than governance organizations that do provide structural opportunities for interest group influence.

This hypothesis poses a serious analytic challenge due to the glaring endogeneity problem it presents. Integration of interest groups into a powerful GGO would seemingly support the hypothesis. But interest groups will be more motivated to insinuate themselves into a powerful GGO, of course. Thus their participation could be seen as a consequence of – rather than a cause of – the GGO’s power. It will require great care in the analysis of the GGO landscape to disentangle these two competing interpretations of similar fact patterns.

II.c. Treating GGO power as a potential lure to induce greater interest group involvement leads to another hypothesis. Global governance organizations are dynamic. They are rarely endowed with significant authority on the day of creation. Thus they present an opportunity to evaluate the behavior of concerned interest groups as the GGO evolves.

As GGOs mature and the rules promulgated are of greater consequence to the governed, the value of participation and influence to the interest groups should increase. Indeed, for communities

affected by GGO policies that do not *have* organized interest groups, increases in GGO power raise the incentives to overcome collective action challenges and form organized interest groups.

Thus the creation of specialized groups, formed in direct response to the structure and activities of the GGO, should be more pronounced as GGOs acquire more authority. As this hypothesis is essentially the converse of the Hypothesis II.b, it is plagued by the same analytic challenge. A GGO's increased power may be the result of (rather than the cause of) greater interest group participation! Again the interpretation of dynamic events to determine which direction the causal arrow is pointing is key to evaluating this claim.

Observations

Again it would be premature to offer findings given the ongoing collection of data. Still the “early returns” suggest that some of these hypotheses have stronger support than others. Moreover, research to date indicates the substantial challenge in reaching definitive conclusions.

Hypothesis II.a concerns the degree to which interest groups are integrated into the organizational fabric of GGOs. It is clear that most global governance organizations do provide for formal integration of interest groups into the policymaking structure and process. With respect to each organization, the names and arrangements are somewhat different. It is difficult to surmise in which cases the interest groups are more (or less) integrated. There is limited evidence (at this point) supporting the contention that interest groups pre-dating the creation of the GGO are *more* integrated than interest groups that were formed *after* the GGO.

Some illustrations of the integration of interest groups into the structure of GGOs were provided in the previous section. The IASB and the ISO are good examples. Both organizations create working groups around projects to introduce new rules or revise existing regulations. The ISO creates technical committees with responsibility for drafting standards in specific areas. Each technical committee consists of representatives from national standardization bodies. Within each committee, groups are assembled to generate specific rules. These committees generally have interest groups participating as “organizations in liaison.”

Consider an example. Technical Committee 59 is concerned generally with building construction which is defined to cover “Standardization in the field of building and civil engineering, of:

- general terminology for building and civil engineering;
- organization of information in the processes of design, manufacture and construction;
- general geometric requirements for building, building elements and components including modular coordination and its basic principles, general rules for joints, tolerances and fits;
- general rules for other performance requirements for buildings and building elements including the coordination of these with performance requirements of building components to be used in building and civil engineering;

- geometric and performance requirements for components that are not in the scope of separate ISO technical committees.”¹¹

Within the portfolio of TC59, the committee addresses specific standards questions and forms working committees to generate standards. In particular, there are groups dedicated to “terminology and harmonization of languages,” “dimensional tolerances and measurement,” and “jointing products.”¹² The group devoted to “Sustainability in building construction” has representatives of several national standards organizations. It also works “in liaison” with several interest groups including the Federation of the European Rigid Polyurethane Foam Associations, the European Insulation Manufacturers Association, and the International Initiative for a Sustainable Built Environment.

The IASB generally establishes working groups around areas of ongoing research and development. The groups carry out research and draft proposed rules that are ultimately adopted by the Board. Membership in these groups is individual rather than institutional. Still by looking at the affiliations of group members one can get a sense of the representation. Some groups also name institutional “observers” whose role is formally undefined.

An example of an IASB Working Group is the body established with the broad topic of financial instruments.¹³ Its members include personnel from a range of financial institutions including Morgan Stanley, UBS and Credit Suisse First Boston. There are some groups represented (e.g., Japanese Bankers Association) as well as individual corporations (e.g., Siemens, Johnson & Johnson). Observers include groups representing national public agencies (e.g., International Association of Insurance Supervisors, International Organization of Securities Commissions) which may meet the definition of an interest group but certainly not in a typical sense (because they ultimately represent the “state” rather than the non-governmental sectors).¹⁴

Another IASB working group is generating standards applicable to “small and medium-sized entities.” This group’s membership include individuals affiliated with a variety of institutions including individual companies, accounting firms, government agencies and some trade groups (e.g., Association of Chartered Certified Accountants, UK).¹⁵ Of course, members of the Board have an opportunity to influence all rules generated by this or any other working and they too are affiliated with national accounting standards agencies, private firms and professional associations.

¹¹

<http://www.iso.ch/iso/en/stdsdevelopment/tc/tclist/TechnicalCommitteeDetailPage.TechnicalCommitteeDetail?COMMID=1912>

¹²

<http://www.iso.ch/iso/en/stdsdevelopment/tc/tclist/TechnicalCommitteeDetailPage.TechnicalCommitteeDetail?COMMID=1912>

¹³ http://www.iasb.org/uploaded_files/documents/16_99_FIMembershipListWebsite.pdf

¹⁴ This represent an interesting topic to be explored in future versions of this paper. Is an organization of state agencies properly considered an interest group?

¹⁵ http://www.iasb.org/uploaded_files/documents/16_33_WorkingGroupMembers.pdf

The integration of interest groups and firms into the deliberative process and structure of the organization is not a practice exclusive to these “newer” GGOs. The World Health Organization (WHO) also formalizes access mechanisms for interest groups. Through its “collaborating centres,” the WHO carries out research and also attempts to leverage national institutions to accomplish its mission. Most collaborating centers are governmental but the relationship extend to groups as well (e.g., Industrial Accident Prevention Association (Canada) and the Federal Association of Company Health Insurance Funds (Germany)).¹⁶ The WHO also has partnerships – generally meaning that the WHO provides financial support to projects administrated by NGOs – with a variety of organizations (e.g., International Federation of Fertility Societies, International Medical Informatics Association, and World Confederation for Physical Therapy).¹⁷ It is important to note that these collaborations do not necessarily involve the rulemaking functions of the WHO, the focus of this research project.

During rulemaking, the WHO provides “observer status” to interest groups at key deliberative conference where nation-states are the sanctioned participants. For example, the WHO Framework on Tobacco Control is perhaps the most significant rule development undertaken by the organization in its history. Joining national delegations at the meeting of the Open-ended Intergovernmental Working Group were representatives of International Pharmaceutical Federation, World Heart Federation, and the International Organization of Consumers Unions (among others) which were designated as “Nongovernmental Organizations in Official Relations with the WHO.”¹⁸

None of the cases examined in detail nor aggregate data suggest any support for the hypothesis that interest groups whose creation precedes the origination of the GGO have more influence or power within the organization. There does not appear any structural distinction among groups that would lead one to this conclusion. Of course, gathering of qualitative data may yet lend support to this supposition.

Hypothesis II.b is also not clearly supported by the data gathered to this point. Non-integration of interest groups into the GGO structure does not seem correlated with a lack of organizational power, as expected. It is far too preliminary to posit an explanation as the data suggest that integration is the norm. Therefore evaluating the hypothesis may always prove difficult.

The example of the World Intellectual Property Organization is, however, instructive. There does not seem to be formal inclusion of interest groups into the organizational structure nor does the policymaking process seem to grant interest groups any privileged position.¹⁹ And yet the WIPO is the object of much attention from all concerned industries. It plays an active and consequential

¹⁶ <http://www.who.int/kms/initiatives/whoccinformation/en/index.html>

¹⁷ http://www.who.int/civilsociety/relation/NGOs_list_rlct_EB117_decsE.pdf

¹⁸ http://www.who.int/gb/fctc/PDF/igwg2/FCTC_IGWG2_D2R1.pdf

¹⁹ <http://www.wipo.int/about-wipo/en/>

role in promoting the adoption of uniform standards in the fields with which it is concerned. It is by most subjective accounts, a GGO that “matters.” This clearly is a hypothesis requiring further examination. It is worth pointing out that the WIPO is a venerable GGO and its established status and function may have something to do with its freedom to eschew integration of interest groups.

Perhaps the claim in the section with the most support observable to this point is **Hypothesis II.c**, that as GGOs mature and establish power, they will attract more interest groups. WIPO seems to be an example of just this pattern. ICANN is another illustrative example that seems to support this argument as well. In the short period since ICANN’s creation – approximately six years – a vibrant interest community has grown up around the organization. Indeed, ICANN has effectively cultivated this community by re-structuring itself to integrate groups through its “supporting organizations.”

III. Interest group participation and influence in GGOs

Concern with interest group influence on public policy is widespread in political discourse. The framers of the American constitution famously worried about the “mischiefs of faction.” Consistent with this historical take on the role of “pressure groups,” contemporary debates on the political process typically view the role of organized interest groups with normatively negative eye. Interest groups are portrayed as the natural enemy of the common good, advocates for a narrow set of concerns at the expense of the public welfare.

At the same time, students of democratic politics and policy-making (particularly in the United States) have come to regard interest groups as a fundamental and inherent feature of the landscape (and not all bad). Organized interests groups help shape and articulate the views of citizens, influence and mobilize voters, support and oppose candidates for public office, gather information and research problems, and shape policy debates. Indeed, one could hardly recognize politics and policy-making *without* interest groups. Moreover, while the role of interest groups as a whole is frequently maligned, individual interest groups are often celebrated for their effectiveness in mobilizing citizens or promoting a viewpoint or cause.

The ambivalence with which interest groups are greeted in the domestic political and policy-making context carries over to the transnational policymaking realm. Each global governance organizations is embedded in a network of interest groups (including businesses, NGOs, international organizations, trade associations and others) that are concerned with and attempt to influence the policymaking process. Indeed, one aspect of transnational governance that distinguishes it from most domestic analogues is the formal participation of interest groups in many GGOs’ deliberations. In some cases, the interest groups are *de jure* or *de facto* members of the GGO. Thus their influence is intended and structurally guaranteed.

There is a rich political science literature devoted to the participation and influence of interest groups in the policymaking process. Scholars have attempted to provide an accurate description of the interaction between groups and governments while the normative question – what is the appropriate role of interest groups in a democratic polity – is never far below the surface. In a vast oversimplification, the competing perspectives can be placed in two camps: pluralism and corporatism. Generally, the pluralist understanding of interest groups is associated with the United States while corporatist theories are generally utilized to explain group participation in the politics of Europe and, to some extent, East Asia. Reviewing key pluralist and corporatist concepts and their connections to transnational governance is a useful starting point.

Given the American founding fathers' concerns with interest groups, it is ironic that political scientists have offered the normatively positive “pluralist” take on the role of groups in the United States policymaking process. David Truman's “The Governmental Process” is considered a bedrock of scholarship in this vein. In it, he lays out the functions performed by interest groups as aggregators and representatives of key concerns in the republic. There is nothing inherently “undemocratic” about group participation in politics because of the egalitarian nature of group formation and participation. All groups have an opportunity to enter the fray. As discussed in the previous section, the same argument, bolstered by observations regarding cost-reducing consequences of information technology, is applied to the transnational governance context.

But critiques of the “pluralist” perspective have challenged this view by focusing on the empirical reality of disparate influence for different interests. E.E. Schattschneider's famous observation, “the flaw in pluralist heaven is that the heavenly chorus sings with a strong upperclass accent” remains an elegant statement of this perspective (1975, 34). Some interest groups have more money, more connections to leaders, more opportunities to influence public opinion, more access to valuable information than other groups. In general, the powerful groups represent business and corporate interests – labor unions represent a prominent exception – and interest groups representing diffuse populations are left at a comparative disadvantage (Lowi 1969; Schlozman and Tierney 1986).

Moreover, Schattschneider observed the “persistence of bias,” the enduring advantage enjoyed by powerful groups that are able to build victory upon victory by skewing the structure of laws and bureaucracies to their benefit. In light of the previous discussion regarding the integration of interest groups into the structure of GGOs, the persistence of bias question is certainly relevant for transnational governance.

Although the specific tactics may have evolved since Truman wrote, his overview of interest groups' means of influence remains quite accurate. In the American system of policy-making, interest groups attempt to influence policy through one of four avenues: swaying public opinion,

shaping the positions of political parties, participating in electioneering, and getting access to legislative and bureaucratic policymakers.

Interest groups in the transnational governance context face a somewhat different menu of alternatives. Some of the avenues identified by Truman are closed to transnational interest groups but other routes may be available as well. First, to the extent GGOs are made up nation-states, interest groups have “two bites at the apple.” They can attempt to influence the policies adopted by national governments (using the multifarious approaches suggested above) and then they can influence policy at the international level, leveraging their successes or attempting to compensate for failures in the first round.

On the other hand, interest groups attempting to influence the policymaking of GGOs face constraints that their domestic peers do not. Global governance organizations – by and large – seem less likely to be influenced by public opinion (given that the public is scarcely aware of most GGOs’ existence) and they are of little interest to political parties. Thus these two avenues of influence are less accessible. On both counts, change may be in the air as shall be discussed below. Some GGOs do feature elections for positions of leadership but the opportunities to sway masses of voters that are available in democratic domestic contexts are not seen internationally.

Interest groups seem most likely to concentrate their efforts on directly accessing the policymaking apparatus. This would include frequent consultation with the leadership and bureaucracy, provision of information and analysis, submission of proposals and critiques, and serving as “fire alarms” on behalf of national governments and domestic interest groups (McCubbins and Schwartz 1984). This approach is driven not only by the limitations on the alternative strategies but also by the natural structural advantages enjoyed by interest groups in the transnational context including formal inclusion in the deliberative process.

This analysis suggests that in the context of transnational governance, pluralism, in both its positive and negative incarnations, may not be the most accurate model to describe the relationship between interest groups and the GGOs. First, previous sections of this paper argued that the competition between transnational interest is far from equal; business interests generally have advantages in overcoming the barriers to international organization and mobilization. Second, the available means of access to GGOs are least hospitable to pluralist competition among interests. Indeed, the theory and language of “corporatism” may provide a better fit with the contours of interest group participation in global governance.

Corporatism, in its essence, is distinguished from pluralism by the structural integration of interest groups into the policymaking apparatus. Corporatist policymaking, which has many guises that shall not be differentiated here, is marked by a “process of interest intermediation which involves the negotiation of policy between state agencies and interest organizations arising from the

division of labor in society...” (Grant 1985). That is, the government and interest groups will negotiate state policy as partners in governance.

Unlike a pluralist framework, therefore, the interest groups of the corporatist system are not competing with rivals for the attention and favor of policymakers. The corporatism model emphasizes the role of “peak associations,” bodies that represent all groups in a particular sphere or sector of society, that are embedded within the system. Thus the rivalries among entrepreneurs of the pluralist world are internalized within the peak association and less significant in the analysis.

Corporatism is most frequently linked with analysis of post-war Europe but has been applied to the state-industrial relationships observed in Asia. In general, it is associated with a strong centralized management and control of the economy. In recent decades, the return to free market approaches in Europe has been conflated by some scholars with a decline of traditional corporatism (Goldthorpe 1984).

The mechanisms by which interest groups collaborate with the state in the corporatist framework seem more consistent with the patterns of transnational governance. In characterizing the “stable corporatism” of the continent, for example, Offe describes a bureaucracy thoroughly entwined with the interest groups in formal and informal respects (Offe 1981, 150). Thus rather than mobilizing public opinion or influencing political parties, the corporatist model embodies an intimate relationship between state and interest group. Indeed, Offe cites the potential cooptation of the groups by the state as a threat to the legitimacy of the corporatist system (Offe 1981).

Substantively, the corporatist model of interest group participation in politics emphasizes economic policies and the groups with greatest concerns, business, labor, agriculture, professions (Thomas 9). As noted, corporatism is associated with significant state intervention in the economy; therefore these “producer groups” will work out the distribution of resources across the economy. More contemporary “neo-corporatist” models move away from this anachronistic vision of centralized control and resemble more the policy bargaining of the pluralist model. This notion of corporatism seems better suited to the regulatory activities of the GGOs under consideration in this study.

Another aspect of corporatist theory that may not map well onto transnational governance is the emphasis on state power relative to the interest groups. Where the pluralists see the political process as a contest for influence over the state, many corporatists see the institutional arrangements tying interest groups into the bureaucracy as a strategy for state domination (Williamson 1985). As the previous sections of this paper and other parts of the broader project make clear, there is little reason to imagine GGO domination over anyone! Fundamentally, GGOs are engaged in a constant struggle for legitimacy and authority. Thus to the extent invocation of corporatism implies domination of interest groups, it is entirely misplaced.

Hypotheses

The very brief review of pluralist and corporatist theories of interest group participation in policymaking suggests strengths and weaknesses for modeling interest group dynamics in transnational governance. Observations reported in previous sections indicate that the reality of transnational interest group activity is a blend of pluralist and corporatist patterns. Thus the working expectation animating this investigation is that a unique hybrid model will be uncovered.

III.a. This hybrid expectation makes statement of a strong hypothesis, one that lends itself to a rigorous test, very difficult. Essentially, it is hypothesized that patterns of influence and participation will reveal an unusual combination of pluralist and corporatist characteristics.

Interest groups are likely to be tightly integrated into the GGO policymaking process due to their participation in the creation and design of GGOs. They will possess significant influence by virtue of advantages in collecting and analyzing information, communicating across borders (especially juxtaposed with organizations structured around national memberships) and their economic importance in the fields being overseen by GGOs.

The remoteness of global governance issues from most citizens and even elected officials contributes to the influence of corporate interest groups by making the costs of participation in – even knowledge of – the activities of GGOs too high for most people.

At the same time, it is expected that there will be robust competition among interest groups. Within constituencies, the challenges in forming and maintaining “peak associations” in the transnational context will yield contests to represent populations with shared interests. The ability of any industry to speak with a unified global voice – drowning out national or regional or interests – is highly questionable. Thus it is not obvious that any group could be represented within a GGO’s negotiations by a single organization in a way that would satisfy all individual members.

Between constituencies there may be heightened competition due to the potential for previously marginal participants in the policymaking process to mobilize. Additionally, the likelihood of complex bargaining among groups and GGO members suggests a free-for-all more consistent with a pluralist model of governance.

Pluralism seems better suited to the multiplicity of political issues at stake in the domestic context as opposed to the largely economic considerations factoring into GGO policymaking. Corporatism envisions a landscape in which a relatively well-defined set of groups with a stake in a given policy will engage in bargaining among themselves. The process is rather removed from the tumult of popular politics.

Concertation is a model blending pluralism and corporatism that might prove applicable in the transnational context (Harrison 1980). This model describes interest groups in a collaborative

role (akin to the corporatist interest group) but the relationship keeps the group formally outside the government. Moreover, the notion of concertation would seem to suggest some competition among groups leading to the problem of “recognition,” which group should the government work with (Harrison 1980, 73). Lehmbruch takes this notion one step further describing concertation to include government access for a “plurality of organizations usually representing antagonistic features” (Lehmbruch 1984).

[Concertation may not fully capture the distinctiveness of groups in this new area. They may attempt to influence GGOs through mechanisms not typically available. For example, attempt to mobilize public opinion to influence one or more individual (powerful) members of a GGO rather than approaching the GGO bureaucracy.]

III.b. One hypothesis that would extend across models stems from the novel nature of issues confronted by many GGOs and the diversity of group members implied by global scope. Either of these factors in isolation would likely cause cleavages in existing interest groups. Most obviously, policies may affect members in different countries or regions differently thus causing ruptures along national lines. There may be distinctions based on the level of development of group members’ countries. Any such division could rupture interest groups and reduce their influence with GGOs. Moreover, the low costs of organization may create opportunities for new groups of affected parties (or sub-groups of existing interest organizations) to mobilize and act asymmetrically. Therefore it is hypothesized that interest groups in the transnational sphere will display low group coherence relative to domestic peers.

Observations

Naturally, the dynamics of interest group participation in the policymaking and implementation of each GGO is distinctive. Research to date reveals that many transnational governance organizations are designed to incorporate interest groups thoroughly into all activities while others place more structural barriers between the GGO and the interest groups. Moreover, the sensitivity of GGO leaders and staff to the concerns and desires of interest groups varies from case to case. Therefore any generalizations offered are almost certainly not applicable to multiple cases.

Still this paper (and the project of which it is a part) treats global governance organizations as a class of entities. Thus the observations regarding interest groups are focused on the commonalities -- the dominant patterns -- revealed even as the critical differences are noted and considered.

There is strong support in the data gathered thus far for the concertation hypothesis or, more generally, a hybrid model combining pluralism and corporatism. In addition to the cases discussed already to which I shall return, the World Wide Web Consortium (W3C) provides an

excellent illustration of the novel interest group dynamics characteristic of transnational governance. The mission of the W3C is “to lead the World Wide Web to its full potential by developing protocols and guidelines that ensure long-term growth for the Web.”²⁰

The organization describes itself as a consortium of its members (which include technology companies, non-profits and some trade associations/interest groups) who work together to develop standards (generally labelled “recommendations”) related to Internet-based communications and interaction. The organization is private, only a small number of its members are affiliated with governments, and run according to its own self-determined procedures and rules.

The bulk of the organization’s work – research and development of new standards – is carried out through “Working Groups” that draw upon members to provide technical expertise. For example, the W3C Voice Browser Working Group was created to develop a standardized language to accommodate voice commands for Internet telephony applications. Members of the Working Group represented individual companies including, for example, Loquendo, TellMe Networks, Vocalocity, IBM, VoiceGenie, and Cisco.²¹ One can infer from the names of the companies, and the willingness of the firms to devote significant amounts of staff time to the project, that the standards generated were of great business importance.

The collaboration of experts with an interest – both intellectual and financial – in the generation of standards is consistent with the corporatist vision of state/group negotiation of policy. It is not concluded that this collaboration results in a sub-optimal outcome for consumers or the public write large (although that is possible if this coordination reduces competition that might generate innovation or reduced prices). Indeed, the coordination achieved through the creation and adoption of standards presumably has positive effects for all Internet users (including for-profit service, software and hardware providers).

The W3C provides for other levels of participation for parties interested in the standards generated by the organization.²² In addition to the Working Group mode of participation, there are also “Interest Groups” and “Coordination Groups.” W3C Interest Groups are intended to serve as more general venues for discussion and evaluation of internet technologies and issues. Unlike the Working Groups which are open only to representatives of member groups and invited experts, Interest Groups are open to any subscriber to W3C email. Thus the general public has access to these discussions. Interest Groups cannot generate the “Recommendations” that are the core output of the W3C. Coordination Groups, as the name suggests, are bodies intended to bring together representatives of other groups (Working Groups, outside organizations, etc.) whose tasks overlap in some fashion and would benefit from interaction and mutual updating. Thus the

²⁰ <http://www.w3.org/Consortium/>

²¹ <http://www.w3.org/TR/2005/WD-ccxml-20050629/#acknowledgements>

²² See <http://www.w3.org/2005/10/Process-20051014/> for explication of the points raised in this paragraph.

negotiation of new standards is semi-permeable to parties outside the organization's network of members.

Like most GGOs examined thus far, the W3C thus meets our hypothesized expectations. The representation of interests is structurally guaranteed through the organizational process defined in W3C's standard operating procedures. The general public has limited voice in the process. Participation is carried out on a firm level (as opposed to an interest group level) suggesting the difficulty in forming peak associations. Further collection of qualitative data will help push beyond organizational documents to provide a better understanding of W3C governance.

Previous discussion of the IASB, the ISO and ICANN demonstrated that the W3C model is not unique. Indeed, all three of these rule-making organizations rely upon interest groups (including members) to help develop new regulations and standards. It is tempting to conclude from these examples that this approach is unique to the non-governmental GGOs. Indeed, these three entities (and the W3C) are non-governmental (although many ISO members are, in fact, governmental bodies). The rise of these "private" governance organizations is a fascinating aspect of transnational governance (and the subject of another chapter) but the integration of interest groups is not confined to this subset of GGOs.

Both the World Health Organization and the International Telecommunications Union, two GGOs discussed earlier in this paper also provide for direct participation by interest groups. These organizations are as governmental as GGOs get; they are part of the UN system and their members are nation-states. As noted earlier, the WHO has multiple working relationships with interest groups. The ITU provides an even more formal status for non-governmental members who are referred to as Sector Members or Associates (a lesser level of membership that gains only partial privileges including limited access.) The ITU is explicit in its recognition that Sector Members gain access and influence: "Through membership of the world's largest, most respected and most influential global telecommunication organization, government and industry alike can ensure their voice is heard, and make an important and valued contribution to the developments reshaping the world around us."²³

Sector members and associates join through one of three sections (Radio communication, Telecom standardization, and Telecom development). In so doing, members have an opportunity to influence the development of new standards which come through these sections:

"Whether through their participation in conferences, assemblies and technical meetings or in day-to-day work, members benefit from unique networking opportunities and a universal meeting ground where they can debate issues and forge deals and partnerships.

²³ <http://www.itu.int/aboutitu/overview/membership.html>

ITU Sector Members also develop the technical standards which will underpin future telecommunication systems and shape tomorrow's networks and services."²⁴

Not surprisingly, many firms and organizations see this as a valuable proposition. There are 590 Sector members and 110 Associates according to the ITU website.²⁵ Many of the members are individual firms as is the case with the W3C but there are also a wide range of associations that participate as well. Examples from the Radio Communication group include the International Amateur Radio Union, the Institute of Electrical and Electronic Engineers, the African Telecommunications Union, and the Society of Motion Picture and Television Engineers.

Within each section, Study Groups are formed to examine areas for potential revision or introduction of new standards and regulation. The Study Groups generate recommendations that are considered by the body as a whole. The membership of the Study Groups – and the individual Working Groups within each Study Group that consider narrow issues – are not publicly available through the ITU website. At this stage of the research, therefore, no comment is offered on the composition of these entities.

It would be possible to go through each GGO in the population of organizations being studied and detail the participation of interest groups and/or individual firms. The exact nature of the integration varies but the basic pattern seems evident. Global governance organizations generally provide formal, open-ended opportunities for participation in the rulemaking process. It stretches beyond the hearings and public comment opportunities made available in many Western democratic nations by placing much deliberative and policy-generating responsibility in the hands of interested parties.

It is equally important to note what is not universal: interest group participation in the selection of and oversight of GGO leaders and staff. Across the set of GGOs included in the research, there is wide variation in the status of interest groups as it relates to this facet. Here the distinction between governmental and non-governmental governance organizations is quite important. Although interest groups are integrated into the organization for purposes of policy formulation, the governmental GGOs do draw a distinction between governmental members and interested parties. Generally, the unfocused (in terms of policy matters) governance responsibilities are retained by the representatives of nation-states.

The non-governmental governance organizations, in contrast, are essentially governed by interested parties as these members are of equal status with governmental representatives (if there are governmental members). It is reasonable to infer that level of influence over organizational

²⁴ <http://www.itu.int/aboutitu/overview/membership.html>

²⁵ <http://www.itu.int/members/index.html>

behavior and outcomes is affected by this distinction although that remains a question to be investigated further.

With respect to **Hypothesis III.b**, that interest group coherence would likely suffer in the context of transnational governance, there is some support in the observations of group membership. As has been pointed out with respect to many GGOs, participation tends to take place on an individual firm basis. Although international interest groups do exist, the relationship between firms and GGOs is generally not mediated by such organizations. There is no support for the argument that the direct participation is a result of weak transnational interest group organization and I would surmise that this is not the explanation. Rather it appears that paucity of strong transnational corporate interest groups is the result of the direct engagement by firms.

An interesting observation that will be explored further in subsequent work is the role of the GGO as aggregator of preferences. That is, it appears that the governance organization itself performs some of the functions typically associated with interest groups and peak associations. Under the GGO umbrellas and through policy working groups, individual firms with competing priorities and preferred outcomes settle their differences to arrive at a mutually agreeable outcome. This essentially obviates the need for interest groups.

It appears that transnational public interest groups are more robust than commercially-oriented groups. This is perhaps explainable by the resource differences for such groups compared with for-profit firms. Citizen or public good groups cannot afford to organize and participate without working collectively whereas industry-based groups may add something but companies that see the benefits in influencing GGOs are willing to foot the bill to act solo.

IV. Preliminary Conclusions: GGO Authority and the Satisfaction of Interest Groups

This paper has theorized about the mobilization and participation of interest groups in transnational governance. In general the question of power has been left unexplored. That is, the degree to which interest groups – or individual firms – translate access into preferred policy is largely unspecified. For the moment, the research project does not extend to that important question.

This may seem peculiar as one might argue that this is the bottom line in any study of influence. However, this issue is fraught with analytical peril. The question of causality – did an interest group's integration into the GGO's structure lead to the policy adopted by the GGO – is vexing and invites problematic inferences. For the moment, the preliminary conclusions are focused on the nature of interest group interaction with GGOs with only limited inference regarding the relative influence of groups in this context versus various national contexts.

Three noteworthy general conclusions suggested by the observations made in testing the specific hypotheses should be highlighted:

First, groups representing corporate or business interests do seem to enjoy advantages in terms of mobilization and participation but perhaps this is less than one might expect.

Second, GGOs are distinguished by the direct participation of groups and interest parties in the policymaking process.

Third, the need to secure support from concerned groups leads to a structure that places interest groups well-situated to influence outcomes.

With the caveat offered at the beginning of this section kept in mind, it is premature to conclude that business interests have the upper hand in the domain of global governance. This charge is offered by activists in a range of policy domains and it is difficult to assess objectively. It is clear from the research carried out thus far, however, that business-related interests do seem to enjoy organizational advantages when compared with public interest groups.

Most obviously they have the benefit of greater resources. This allows individual firms to bear a significant burden in doing the work of GGOs as policies are researched and developed. Public interest groups simply do not have the ability to participate in this fashion. They will be hard-pressed to raise the membership fees that are a pre-requisite to participation in most GGOs (even the lower fee schedules generally offered for non-profit organizations). And even if they are entitled to participate, they do not have the ability to second sophisticated staff to the GGO projects.

Is this inequality more or less profound than that observed in national governance contexts? That too, of course, is a difficult question to answer. However, from a structural perspective it appears that GGOs often provide a level of access and participation to interested parties that is familiar only in corporatist environments. From an American perspective, the reliance on businesses and trade associations to develop and propose new standards and regulations is unusual. It is worth pointing out that even in contemporary corporatist regimes, the partnership between the state and industry is under attack. Thus it is interesting that the emerging pattern of global governance represents a model that may be fading domestically.

It must be noted that in several transnational policy domains, public interest groups have thrived. That is, they have created active, well-informed constituencies that participate in the deliberations of GGO and monitor activities. It would be incorrect to paint a picture of GGO interest group dynamics that implied corporate interests face no counterbalancing forces. Indeed, given the inherent challenges in organizing on a global level, it is noteworthy how several public interest groups have created global networks. The variation from sector to sector on this dimension seems to be a function of the passion aroused in the affected communities. At present, Internet-related policy domains seem most likely to spawn a persistent set of public interest groups.

Given that the inclusion of interest groups in the structure and process of global governance seems to be a defining and distinctive characteristic, explaining this feature is quite important to

understanding the dynamics of global governance more generally. In another paper, I argue that global governance organizations must constantly maintain their authority by ensuring a minimum level of satisfaction for key interested parties. Of course, one way of interpreting this argument is to focus on the nations who are the members of many (but not all) GGOs. The national governments of powerful countries – and the list of powerful countries will vary somewhat by substantive arena – will simply walk away if the conclusion is reached that participation does not provide net benefits. Ultimately this is the death knell for any GGO. For if the most powerful nations simply walk away, ignoring the rules, regulations or standards generated by the GGO, then the importance of those rules to every other player is dramatically undermined.

An inference to be drawn from this study of interest group dynamics suggests that the logic of satisfying national governments extends to interest groups as well, even individual companies. Securing the consent of interest groups may be necessary to maintain GGO authority. GGOs cannot afford the luxury of normative democratic legitimacy that enjoyed by putting all groups on a level playing field and preserving organizational neutrality by barring interested parties from the process. Key interests must be placated or the interest groups (or the countries' whose government they influence) will simply walk away.

Schmitter talks of the challenge of legitimation for corporatist arrangements. He points out that “neo-corporatist arrangements” must “justify their existence with respect to existing community, market and state institutions” and also “explain how they are compatible with the norms and procedures of political democracy” (Schmitter 1985, 60). The argument offered here is quite the opposite. Contrary to *requiring* legitimation, the corporatist-type involvement of interest groups in transnational governance actually *provides* vital legitimation of the GGO. Indeed, without it, the GGO ceases to have any relevance as a rule-making body.

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