The Provision of Conflicting Public Goods. Incompatibilities among Trade Regimes and Environmental Regimes

Zelli, Fariborz

2007

Document Version:
Publisher's PDF, also known as Version of record

Tübinger Arbeitspapiere zur Internationalen Politik und Friedensforschung

No. 49

Fariborz Zelli

The Provision of Conflicting Public Goods

Incompatibilities among Trade Regimes and Environmental Regimes

Center for International Relations / Peace and Conflict Studies
Institute for Political Science
University of Tübingen

Address: Melanchthonstr. 36, D-72074 Tübingen

Phone: +49 (0)7071 29-78372

Fax: +49 (0)7071 29-2417

E-mail: ifp.irarchive@uni-tuebingen.de

Homepage: http://www.uni-tuebingen.de/ib

Tübingen 2007

ISBN 3-927604-46-1

Editors in Chief: Andreas Hasenclever, Volker Rittberger

Managing Editor: Thomas Rausch

Table of Contents

SUMMARY

From its early days, the academic debate on public goods has focused on discrepancies or trade-offs regarding the provision of public goods on the one hand and private goods on the other. However, both the extension of the public domain and an increasing interdependence in international relations clearly drive the expansion of an agenda in which there are a growing number of cases where public goods collide with each other. This trend is mirrored by an increase in conflicts among international regimes, since regimes either act as the legal providers of such goods or can be considered public goods themselves.
The working paper first outlines the logical nature of the connection between both kinds of conflicts and illustrates this relation by presenting examples of incompatibilities among free trade regimes and environmental regimes. Second, moving from description to analytical reflection, the article introduces and discusses an assumption about the outcome of regime conflicts. Based on the distinction of different types of public goods, this assumption predicts that those regimes providing *designed* public goods tend to prevail over regimes regulating *pure* public goods. This hypothesis will be applied to the conflict about the Convention on Biological Diversity (CBD) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), showing that complementary explanatory factors such as power constellations or regime design have to be taken into account.

1 INTRODUCTION

In the following, I intend to link two phenomena which have in recent years attracted the attention of scholars across disciplines, namely collisions among international regimes on the one hand and conflicts among global public goods on the other. The main objective of this working paper is to establish a logical connection between both phenomena and to make this connection usable in order to predict the consequences of both types of conflicts.
The second section of this working paper will elucidate the character of this connection, leading to the deductive conclusion that – under given circumstances – regime conflicts can be used as signposts when examining public goods conflicts. This conclusion will be based on two possible understandings of the role of regimes; their function as providers of public goods and their classification as public goods themselves. After introducing a definition of international regime conflicts, the remainder of the second section will explore the connection between the two sorts of conflicts by illustrating the variety of regime incompatibilities at the intersection of free trade and several environmental public goods.
Moving from description to analytical reflection, the third section of the working paper explores how to make this connection usable for the analysis of global public goods conflicts, with particular regard to the question of which good "prevails" in such a conflict (i.e. which good does achieve a comparative advantage in terms of its provision) and for what reason it does so. Building on the earlier observation that colliding regimes mirror the conflictive overlap of the public goods they are

regulating, it will be argued that an analytically feasible way to answer this question is to direct the investigation towards the different consequences of such conflicts for the affected regimes – or, more specifically: to explain the prevalence of a particular regime. In order to further explore the viability of this research program, a first hypothesis will be generated, predicting the potential consequences of regime conflicts. The explanatory factor in this hypothesis will build on a crucial achievement of the recent literature on global public goods, namely the notion of different types of 'publicness', distinguishing between pure public goods and designed public goods. Finally, the working paper will briefly explore the plausibility of this hypothesis in light of the conflict between the Convention on Biological Diversity (CBD) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

2 Slowly Expanding the Agenda: Bringing Collisions among Public Goods into Focus

2.1 Old Binoculars for Moving Targets: Missing Half of the Picture

Before developing the argument about the logical connection between regime conflicts and public goods conflicts, a brief retrospection shall illustrate that both scholars of economics and international relations have taken into account the phenomenon of collisions among public goods only rather late. This is quite astounding, since they were anything but unaware of two major trends, namely the blurring frontier between public and private domains on the one hand, and the increasing interdependence on the international level on the other.

Starting with its introduction into the academic economist debate by Paul Samuelson (1954), the concept of public goods has immanently forced every scholar who used the concept to provide an explicit delimitation of the term against its private counterpart. At first glance, this ongoing demarcation seems redundant, since well into the 1990s the major distinctive criteria used in textbooks – namely (non-)rivalry in consumption and (non-)excludable benefits – have not undergone serious changes. Nevertheless, whereas the theoretical underpinnings have remained fairly stable, the empirical ground has moved. Due to developments such as technological progress, economic liberalization and privatization, the substantial scopes of these criteria, i.e. the actual types of goods which could be assigned to the two labels, have significantly shifted in recent decades (Kaul/Mendoza 2003: 78f.).

More specifically, the frontier between private and public displays a growing permeability, mostly in one direction: the expansion of the public domain.

> "The shifts between private and public […] reflect greater shared concern for the public domain among all the main actors – the state, businesses, civil society organizations, and households – and for what others expect of them and how their private activities affect others." (ibid.).

This blurring of the frontier between private and public has kept scholars busy with their focus on collisions across this very frontier, i.e. with their concentration on conflicts between public goods on the one hand, and private ones on the other. They had good reason to keep this focus, since the change in the character of some goods

constantly added new potential cases to their research agenda – an agenda which, among other objectives, tried to pinpoint the conditions for an appropriate provision of single public goods in light of collective action problems such as free-riding. Most prominently, Olson (1965) developed an analytical approach to predict chances for successful cooperation, depending on which side of the public-private fence the respective good is located. According to this theorem, a single actor's willingness to pay for public goods is very low, since he or she cannot be excluded from the consumption of these goods. Following this deductive approach, one can assume that rational actors, i.e. actors with stable preferences who try to minimize their costs and maximize their benefits, will cooperate when it comes to the provision of private goods rather than bear the costs of providing public ones. This assumption has, for instance, revealed particular explanatory strength when applied to the "tragedy of the commons", i.e. the collision between sustainability concerns on the one hand, and short-term economic benefits on the other (Hardin 1968; Ostrom 1977, 1990).

To sum up, there has been considerable progress in the scholarly perception of the extension of the public domain and in the subsequent economic analyses of conflicts between public goods and private goods. Given this progress, it is yet more astounding that until present, a second offspring of the extension of the public sphere has not been put on the research agenda with at least a remotely similar fervor. With more and more goods gaining public qualities (at least in terms of public concern for them), it should not have come as a surprise to researchers that more and more cases have appeared in which public goods collide with each other.

This omission is even more startling in light of another development which is logically connected to the widening of the public domain: an increasing both mutual and costly dependence among states on the international level. Again, scholars have captured a considerable portion of the picture, but not all of it. True, international relations theorists, and in particular proponents of the neo-institutionalist school of thought, have analyzed the growing interdependence in the most different policy areas. In particular, they have explored the extent to which this interdependence could induce the formation of international regimes. For instance, Keohane and Nye distinguished between two dimensions of this mutual dependence according to the extent to which the resulting costs could be avoided through internal or unilateral policy changes. Whereas "sensitivity" still allows for such steps, the emerging phenomenon of "vulnerability" refers to the incapacity of states to take appropriate and sustainable cost-avoiding measures on their own; subsequently, vulnerable states have displayed a growing propensity to engage in negotiations with other governmental actors on the international level (Keohane/Nye 1989: 10ff).

However, these and other analyses of growing interdependence on a global level mostly looked at the consequences of international cooperation outcomes within one and the same policy field. In other words: they plausibly explained international agreements – up to the formation of regimes or organizations – on separate trans-boundary challenges such as ozone layer depletion or trade liberalization. Hence, very much akin to their economist counterparts, international relations theorists captured only half of the picture. They missed a phenomenon closely linked to the very tendency of growing interdependence: the increasing overlap of different policy fields and policy objectives and the respective intersections of programs and outcomes

associated with these fields, including the incompatibility of mechanisms designed to provide public goods. In fact, as will be briefly outlined below, it took until the mid-1990s for a respectively comprehensive research outlook to evolve.

2.2 Consequence or Essence? International Regime Conflicts as Signposts of Colliding Global Public Goods

This and the next section (2.3) shall provide a conceptual deductive clarification on how collisions between global public goods can be grasped and analyzed. At the outset, it is important to stress that the following argument is clearly restricted to a particular level and type of conflict, namely conflicts among regimes operating on the international level. Why regimes? As this paper intends to show, the contradictive overlaps of international regimes mirror the collisions of the global public goods they regulate. More specifically, regime conflicts can embody public goods conflicts in a double sense: first, as their consequence (given the quality of regimes as producers of public goods) and second, as their essence (given the quality of regimes as public goods themselves).

With regard to the first sense, leading proponents of the literature on public goods agree on the specific role of regimes as essential providers of public goods on the international level. For instance, Kaul and LeGoulven stress that, despite the importance of other mechanisms such as unilateral action by governments or even private entities, multilateral agreements should be considered as comparatively reliable producers of global public goods (Kaul/LeGoulven 2003: 373ff). This assessment rests upon a "triangle of publicness" (Kaul/Conceição et al. 2003: 24) which distinguishes among a good's publicness in consumption, publicness in decision-making and publicness in the distribution of net benefits. When interpreted as providers of public goods, international regimes can particularly play an important role in providing the latter two of these dimensions.

What is the rationale behind international regimes providing for publicness in decision-making and distribution of benefits? It is obvious that, even at the local level, not everyone consuming a good can be equally involved in the process of deciding about this very good. Subsequently, when going global, it will be even more difficult to provide for a good which is public in decision-making. Moreover, on an international scale, not only individual private actors, but also aggregate public actors such as states might be tempted into free-riding. Facing these pitfalls, international regimes can counter actors' tendencies to defect by giving these actors, a share in decision-making, and by providing sustainable and iterative structures for interaction. The resulting stability and transparency of the decision-making process will eventually alter the preferences of the actors involved; more concretely, the process will help diminish uncertainties (about the behaviour of others) which previously have lured actors into free-riding (Keohane 1984: 89f). Instead, actors will increasingly comply with the agreed rules, hence guaranteeing a fair provision of the benefits. Thus, ideally speaking, international regimes can enforce the production of public goods on both the international and national level and at the same time instigate or operate monitoring and reporting of this production.

Given this close functional connection between international regimes and global public goods, it should hardly be surprising that both of the aforementioned trends – the fact that more and more issues are "going public" as well as the increasing international interdependence – have been accompanied by a dramatic increase in the number of international regimes. This ongoing regulation process in international relations has, to some extent, led to substantial and functional overlaps between regimes, i.e. the various rules addressing specific issue areas do not always make up a coherent and complementary system. Instead, most of these rule systems have been developed independently of each other, they cover different geographic and substantial scopes, and are marked by different patterns of codification, institutionalization and cohesion including different compliance mechanisms and sanctioning capacities. As a result of this uncoordinated process, some regimes contain rules for conduct which directly contradict the provisions of other regimes and hence might make full compliance with every regime impossible.

Given these parallel trends one might easily argue that regime conflicts have predominantly arisen as consequences of public goods conflicts. But is it appropriate to simply infer a causal connection between both phenomena? In other words: can any incompatibility among international regimes be interpreted as a logical consequence of conflicting public goods?

In order to answer this question properly, it is essential to take a closer look at different types of regime conflicts. This will be undertaken in section 2.4. However, at this point, it is helpful to introduce a first vital distinction among two types of regime overlap, namely between constitutive and operational interplay (Young 2002: 125ff). Applying this distinction to the phenomenon of regime conflicts, one needs to differentiate whether regimes collide with regard to some major principles and core norms (= constitutive conflict), or whether they merely collide over the mechanisms and means they prescribe in order to attain their objectives (= operational conflict)?

Bearing this distinction in mind, one can make the following qualification: If a regime conflict is merely operational and if alternative tools are at hand,[1] one should clearly refrain from simply tracing a conflict among two regimes back to a potential conflict among the subject matters of these regimes. In this case, chances still exist for a more harmonious if not synergetic pursuit of both objectives. Likewise, in case of constitutive conflicts which are rooted in the incompatibility of chief regime objectives (e.g. public goods such as biological diversity on the one hand versus accessibility of genetic information on the other), a connection between both kinds of conflicts should obviously be considered.

[1] In the terminology of Rittberger and Zürn one could also phrase this condition as if we are facing a conflict about means, but not one about values (Rittberger/Zürn 1990: 31f). In a similar way, G. Kristin Rosendal developed a valuable analytical framework for the study of institutional overlaps (Rosendal 2001: 96ff). Building on Krasner and his four-fold definition of international regimes - principles, norms, rules, procedures (Krasner 1983: 2) - Rosendal distinguishes four types of divergence between regimes. These types differ depending on the (compatible or diverging) constellation of core and secondary norms as well as on the relation of programmatic and regulatory rules across regimes. She expects overlaps between regimes with diverging core norms and diverging regulatory rules to have the highest scope for conflict, whereas programmatic incompatibilities should have higher potential for synergies.

Having argued that constitutive international regime conflicts are signposts of colliding global public goods, this does not necessarily mean that there is a direct causal link between the two. This is the time to bring in an alternative, or rather complementary assessment of the connection between both phenomena. Rather than stressing a (chrono)logical sequence of public goods conflicts and regime conflicts, this notion considers regime conflicts as the very essence of public goods conflicts, arguing that international regimes can be considered to be public goods themselves. Among others, Young contends that "[i]nternational regimes, like other social institutions, will ordinarily exhibit the attributes of collective goods (that is, non-excludability and jointness of supply) to a relatively high degree" (Young 1989: 21, n. 31).

However, it is obvious that the feature of non-excludability does not apply to every benefit a regime generates or offers. Clearly, regimes still discriminate between members and non-members, making it far more likely for certain benefits to be enjoyed only by a particular group of actors (e.g. a certain portion of regime parties). "Indeed, what are collective goods to some, may be private goods to others" (Hasenclever/Mayer/Rittberger 1997: 96). Olson illustrates this discrepancy by describing a parade:

> "that is a collective good to all those who live in tall buildings overlooking the parade route, but which appears to be a private good to those who can see it only by buying tickets for a seat in the stands along the way." (Olson 1965: 14, n. 21)

Furthermore, it is simply a matter of fact – backed by considerable historical experience – that states failing to comply with major regime injunctions can be excluded from the advantages of a regime. For instance, they can be excluded from the benefits of the free trade regime when refusing to open their markets, with considerable consequences: "[o]ther members might close their own markets to the products of those states, while continuing to practice openness in their mutual exchange relations." (Hasenclever/Mayer/Rittberger 1997: 97).

Subsequently, it is not advisable to simply equate international regimes with public goods. Nevertheless, it would be ignorant to dispense with the argument altogether since a number of regimes are certainly likened to public goods. A helpful indicator for this sort of regimes has been developed by Kaul and Mendoza who differentiate between stocks such as regimes, norms or knowledge, and flows, i.e. policy outcomes such as peace or financial stability (Kaul/Mendoza 2003: 104). Whereas they term flows as "final public goods", they label stocks as "intermediate public goods". Stocks are 'public' in that they are fully located in the public domain, and intermediate since their consumption is often "of an instrumental character", e.g. by providing information and behavioral guidance, but mostly by producing or regulating a final public good. Drawing from this distinction, one can state that international regimes can be interpreted as public goods whenever their subject matter, i e. the final public good underlying them, displays the qualities of non-excludability and non-rivalry. Hence, irrespective of which regime benefits are restricted to non-members (e.g. emissions trading in case of the Kyoto Protocol), the ultimate objective (e.g. global climate stability) cannot be denied to any kind of actor.

Concluding this section, the lessons to be drawn from the restrictions of both lines of argument – regime conflicts either as consequences or as essences of public goods conflicts – remarkably coincide in a simple caveat: to have a closer look at the goals and principles of regimes. In short: regime conflicts should only be captured as signposts for public goods conflicts if, a) both regimes have the objective to provide a good that fulfills the criterion of publicness, and b) both regimes collide about major principles and core norms which are substantially linked to these very objectives.

2.3 DEFINING INTERNATIONAL REGIME CONFLICTS

Having both established and qualified the double link between global public goods and international regimes, this section briefly embarks upon developing a working definition of the term "regime conflict" itself.

The first step towards a definition of regime conflicts is to look at the more general phenomenon of regime interactions. In his taxonomy, Oran Young (1996: 2ff; cf. King 1997: 18ff) differentiates between four types of such "institutional linkages" (Young 1996: 2ff; cf. King 1997: 18ff):

1) "Embedded institutions" (issue-specific regimes embedded in overarching institutional arrangements);
2) "Nested institutions" (specific arrangements restricted in terms of functional scope, geographical domain, etc. "are folded into broader institutional frameworks that deal with the same general issue area but are less detailed in terms of their application to specific problems");
3) "Clustered institutions" (regimes combined with other regimes of other issue areas into "institutional packages", i.e. a common and more generic framework);
4) "Overlapping institutions" (regimes formed for different purposes and largely without reference to one another intersecting "on a de facto basis, producing substantial impacts on each other in the process").

Unlike the first three types of regime linkages, the overlap of institutions is "often unforeseen and unintended by the creators of individual regimes" (ibid.: 6). International regime conflicts belong to the fourth type. However, they are not to be equated with it, since the mutual impact of an unforeseen intersection could also prove to be positive, i.e. synergetic.

Hence, for a proper definition of regime conflicts, one more aspect needs to be added to Young's understanding of this fourth type of overlapping institutions. This missing link is the aspect of "contradictive externality". The term "contradictive" borrows from Dahrendorf's definitions of "conflict" as any kind of relation between elements which is characterized by objective (latent) or subjective (manifest) contradictions (Dahrendorf 1961: 201). Contradictive externality implies that regime A – outside the behavioral complex of a regime B – collides with the objectives and rules of regime B.[2] Subsequently, a regime conflict can be defined as a functional overlap among two

[2] The understanding of "external" follows the study of Young/Levy (1999) on regime environmental effectiveness. In that study, the terms "internal" and "external" refer to the behavioral complex each regime is embedded in, including the problem to be solved, the different stakeholders and their interests, etc. However, Young and Levy are using these terms to qualify the consequences of a single

or more international regimes (formed for different purposes and largely without reference to one another), consisting of a significant contradiction of rules and/or rule-related behavior.

2.4 International Regime Conflicts on Environmental Issues: Signposts for the Collision of free Trade and Environmental Public Goods

After deductively arguing in favor of a connection between public goods conflicts and international regime conflicts, it is now time to look at the empirical evidence for such a connection. With the tendency towards intensified regulation on the international level, it is not surprising that regime interactions in general, and regime conflicts in particular, have appeared within and across highly different policy fields. Nonetheless, apart from an exceptional debate about interlocking institutions in the domain of international security dating back to the 1970s,[3] scholars of various disciplines have only slowly shifted their focus towards this empirical phenomenon. The conclusions of more recent studies on cases of regime overlap involving environmental institutions coincide in the notion "that much interesting work remains to be done to formulate and examine assumptions about how and when overlap between international institutions will affect the effectiveness of international environmental cooperation" (Rosendal 2001: 113).[4]

Building on the increasing number of studies on regime interactions, the remainder of this working paper intends to approach the phenomenon of regime conflicts in a more comprehensive and comparative manner, beginning with a typological account of regime conflicts. First of all, however, the topical focus of this paper needs to be justified – namely its concentration on environmental and trade regimes.

---

regime in relation to its own effectiveness. Unhelpful external effects are non-intended consequences outside of the regime's geographic and/or substantial scope. They contradict the objectives of the very regime and might, in the worst case, produce boomerang effects.

[3] This debate has recently been revived with a focus on inter-organizational collisions in the field of international security (cf. Daase 2004; Grigorescu 2004; Hardy/Phillips 1998; Wallander/Keohane 1999). Furthermore, the human security concept attempts to tackle the increasing overlaps between security and other public goods (cf. Buzan 1997).

[4] Among the more encompassing research projects, three are particularly noteworthy: first, the Inter-Linkages Initiative of United Nations University (Chambers 2001; Velazquez/Piest 2003); second, the Institutional Interaction Project (Gehring/Oberthür 2004; Oberthür/Gehring 2003, 2006), the latter comprising a large number of case studies mostly concerning the interaction of international treaty systems and EU environmental instruments. A third and still ongoing major project on regime interplay, the Institutional Dimensions of Global Environmental Change (IDGEC) project, has been developed under the auspices of the International Human Dimensions Programme on Global Environmental Change (IHDP). This project also takes into account the horizontal and vertical interaction of institutional arrangements (cf. King 1997; Young 2002, 2002a).

2.4.1 WHY FOCUSING ON ENVIRONMENTAL REGIMES AND TRADE REGIMES?

When it comes to environmental regimes, it is fairly easy to make the connection to global public goods, at least in a functional sense of regimes as providers of such goods. Environmental regimes have been specifically designed with a view to setting rules for dealing with trans-boundary ecological challenges. These rules regulate (and thereby intend to guarantee the provision of) certain final public goods, namely non-excludable subject matters such as biological diversity or clean air.
However, as much as this connection is evident for environmental regimes, the same line of argument might be called into question when looking at the second type of regimes under scrutiny. Do free trade regimes produce a final public good after all? Conybeare for instance refutes this notion of free trade being a public good, observing that:

> "free trade exhibits excludability and rivalry, and is fundamentally a problem of predatory income transfers, whereas the public good situation centers on the problem of introducing free riders to contribute to the supply of the public good." (Conybeare 1984: 8)

The problem with this assessment is that it puts the focus on the (ultimate) consequences of free trade, namely the final distribution of traded goods and services. Certainly, due to market failure and unbalanced resource distribution, these goods or services might indeed end up in the hands of few. However, when examining the public character of trade liberalization as such, it is crucial not to focus solely on final and mostly non-intended consequences. Rather, the spotlight should be focused on free trade as a process. Major features of this process are the improved general accessibility and availability of certain products. These procedural benefits can be considered as public goods themselves since they fulfill the major criteria for defining such goods. For example, the criterion of non-excludability is well reflected in the free access across borders to foreign products and services.
This point of free trade regimes as public access or consumption providers can be further backed by coming back to the triangle of publicness referred to earlier (Kaul/Conceição et al. 2003: 24; cf. Albin 2003). This triangle also includes the criterion of a good's publicness in consumption. By the same token, Mendoza argues that the global trade regime's "benefits (and costs) are available for the global public to consume – to some extent whether they choose to or not" (Mendoza 2003: 460).
Having thus argued in favor of the notion that both environmental regimes and free trade regimes serve as providers of public goods, the question remains why exactly these two types of regimes have been chosen here to illustrate the connection between conflicts among international regimes on the one side and conflicts among global public goods on the other. Two reasons can be named for this choice: an analytical one and an empirical one. As for the former, the previous argumentation has insinuated that, although both subject matters – free trade and environmental resources – can be identified as public goods, this classification is due to very different characteristics. These characteristics are consequential qualities in the case of ecological goods (for which the respective regimes predominantly try to provide public decision-making and public distribution whereas public consumption often already exists beforehand), and process features in the case of free trade (for which the respective regimes intend to

provide public consumption). Further elaboration on this difference will be provided below (section 3.2). At this point, it should suffice to state that such a variation in the quality of the conflicting public goods might prove highly useful when trying to explain the outcome of such conflicts, i.e. why these conflicts have different effects on the involved goods and the regimes regulating them.
Apart from this analytical reason, there is also an empirical incentive for focusing on conflicts between trade regimes and environmental regimes: in fact, a considerable number of constitutive conflicts exist between both types of regimes.[5] This amount of observable cases provides a welcome starting point for a preliminary examination of the underlying assumption of this working paper, namely that constitutive regime conflicts mirror public goods conflicts.

2.4.2 Types and Examples of Regime Conflicts on Environmental Issues

The following lines intend to sketch the diversity of regime conflicts on environmental issues by differentiating and illustrating chief types of regime incompatibilities. Moreover, this part will elaborate on what has just been said about the frequency and intensity of trade-environment conflicts. In fact, the majority of the examples to follow will be cases of constitutive conflicts between a trade regime and an environmental regime.
A first major line shall be drawn between the latent (or legal) type of regime conflicts on the one hand and the manifest (or political) type of conflicts on the other. Latent regime conflicts take the shape of incompatibilities of rules, i.e. they are not manifested in an immediately perceivable conflictive behavior of actors. Among the most prominent cases are conflicts between the trade provisions of multilateral environmental agreements (MEAs) on the one hand, and General Agreement on Tariffs and Trade (GATT) rules on the other hand. As early as 1996, the World Trade Organization (WTO) Committee on Trade and Environment (CTE) identified about 20 MEAs containing trade provisions. Of these MEAs, three in particular authorize measures that clearly violate GATT rules through so-called trade-related environmental measures (TREMs), namely: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 1975 (which is one of a series of regimes promoting the global public good of biological diversity), the Montreal Protocol of 1989 (which regulates the public good of a sustainable ozone layer) and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal of 1992 (which affects several public goods from health concerns to clean air and soil). All three regimes collide with GATT "by banning the import of various substances on the basis of the status of the country of origin (e.g. countries that are not Parties to the MEA, Parties to the MEA that fall into particular categories, and Parties not in compliance with the MEA)" (Werksman 2001:

[5] Of course, trade regimes are not the only kind of institutions which can collide with environmental regimes. As Dinah Shelton has shown, multilateral environmental agreements have also gotten into conflict with resolutions of the International Labour Organisation or with United Nations human rights regimes, e.g. about the right to reproduce, which has been attested in the final document of the UN International Conference on Population and Development in Cairo (Shelton 2001: 257).

183). More precisely, the three MEAs are partly incompatible with the most-favored nation treatment of Article 1 GATT which promotes equal import or export conditions for the same good to all parties.[6] Still, despite the contradiction between the abovementioned TREMs and WTO rules, so far the record shows no WTO challenge to a trade-related MEA measure. This rather surprising evidence justifies the classification of these incompatibilities as merely latent conflicts.[7]

Unlike latent conflicts, manifest conflicts do not or do not only appear among rules, but have materialized in the form of disputes over behavioral contradictions among actors. This understanding still leaves open when in a regime's life-cycle (e.g. during negotiations or after entry into force), where (e.g. within regime organs or before courts of third parties) and, most of all, in which context or why (e.g. because of their initiatives for regime change or because of their compliance with contradicting rules) certain actors come into conflict with each other. Moreover, the focus on behavioral contradictions does not foreclose who these actors are (e.g. states [parties, non-parties] or bureaucracies). All these open questions obviously call for the introduction of further distinctive criteria. Yet, with respect to both the scope and purpose of this working paper, this section will suffice with only presenting one further distinction to this type of conflict. This distinction is rooted in the question whether or not a manifest conflict has been preceded by a latent conflict, i.e. in what way a manifest conflict can be traced back to an explicit incompatibility of regime rules.

Wherever manifest conflicts display a consequential connection to latent conflicts, they are classified as direct manifest regime conflicts. In other words: a direct manifest regime conflict is a dispute or behavioral contradiction among actors who are justifying their behavior by explicitly referring to the colliding rules of different regimes (cf. Bernauer/Ruloff 1999: 13f, 35ff). An example of a direct manifest regime conflict – and another example of a conflict between trade and environmental provisions – is the dispute on halibut fishing between Canada and Spain. The conflict became manifest when the Canadian Navy arrested a Spanish flag halibut-fishing vessel just outside the Canadian 200-mile-zone in the high seas in March 1995. Canada justified this action by referring to the rules of the Northwest Atlantic Fisheries Organization (NAFO)[8] which promotes the public good of sustainable fishery resources in the "waters of the North-west Atlantic Ocean north of 35°00' latitude" (Article I, No. 1 NAFO Convention). Canada claimed that, at the time of the incident, NAFO's annual total allowable catch rates for halibut had already been exceeded. On the other hand, Spain, though being a NAFO member (via the European

[6] Nevertheless, supposing a strict collision of rules in these three cases would turn out too simplistic since certain provisions in GATT might tone down the respective rule contradictions. Most importantly, GATT Article XX grants "general exceptions" to the agreement's regulations.

[7] Werksman briefly offers three possible explanations for the absence of manifest disputes in the three cases: 1) self-restraint on behalf of WTO members that are also parties to these MEAs; 2) broad participation on both sides (all three MEAs have a high number of parties); 3) minor economic impacts of the trade in endangered species, ozone-depleting substances (ODS) and hazardous waste (Werksman 2001: 183f).

[8] More precisely, Canada referred to its national Coastal Fisheries Protection Act which again is based on the multilateral agreement underlying NAFO. This agreement, the Convention on Future Multi-Lateral Co-operation in North-East Atlantic Fisheries (NAFO Convention), entered into force in 1979. Among its 18 members are Canada, the United States, Russia, Norway, and the European Union (EU).

Union), interpreted the Canadian behavior as a violation of the UN Convention on the Law of the Sea (UNCLOS). The convention regulates the public good of free access to the high seas and therefore only grants countries the right to protect their marine environment within their 200-mile-zones ("exclusive economic zones", Article 57 UNCLOS). The conflict was finally settled by an agreement in April 1995 between Canada and the EU, which introduced control and enforcement measures such as a satellite tracking system.[9]

Unlike direct manifest conflicts, indirect conflicts are behavioral contradictions among actors whose actions have been (unintentionally) induced by otherwise non-colliding rules of different regimes. This implies that though not legally contradictive, at least one of these regimes may include rules which induce a certain behavior running contrary to the objectives of the other regime. Therefore, one could also term this type "disincentive type" or "behavioral type".[10] A noteworthy example for an indirect regime conflict is an incompatibility occurring between two environmental regimes, namely the Kyoto Protocol and the Montreal Protocol. On the one hand, both regimes, the climate change regime and the ozone regime, intend to provide global environmental public goods. On the other hand, an evident incompatibility exists with regard to so-called hydrofluorocarbons (HFCs). After the phasing-out of several ozone-depleting substances by the Montreal Protocol and other amendments to the Vienna Convention, HFCs were left as one of the major substitutes since they showed no indication of an ozone-depleting effect. Thus, though none of the provisions of the ozone regime explicitly refers to HFCs, they have given a significant incentive for respective companies to use these substances. However, while HFCs are important substitutes for ozone-depleting substances, and therefore are part of the solution within the ozone regime, they also represent destructive greenhouse gases to be phased out within the climate regime (Rosendal 2001: 99).

Yet, as important as the proper examination of indirect conflicts might be when studying regime effectiveness: unlike latent conflicts and direct manifest conflicts, they can only concern specific tools and mechanisms. This brings us back to an important qualification from the preceding section, namely the distinction between constitutive regime conflicts, which can be signposts for public goods conflicts, and merely operational regime conflicts. When trying to link this distinction to the above typology of latent, direct manifest and indirect manifest regime conflicts, it is evident that the third type, indirect conflicts, falls into the category of operational disputes. Since by definition, indirect regime conflicts cannot rest upon an explicit incoherence of major regime goals, they should clearly be sorted out when looking for examples of conflicting public goods: likewise, the two regimes mentioned in the example do not collide about constitutive rules, i.e. it is not their chief objectives which are

[9] Nevertheless, Spain appealed to the International Court of Justice (ICJ) which stated in its December 4, 1998 ruling (Fisheries Jurisdiction Case) that "the Spanish submissions no longer have any object" and that the court lacked jurisdiction to adjudicate the dispute (Bernauer/Ruloff 1999: 35ff).

[10] This type should not be confused with the type of "behavioral interaction" used by Gehring/Oberthür (2004: 21f.). Given their understanding of the term, this type would rather come close to what above has been defined as a manifest conflict in general, i.e. prior to the distinction of direct and indirect subtypes.

incompatible. In fact, the indirect conflict between them is merely related to a particular mechanism, the use of HFCs, as induced by the ozone regime.
On the other hand, latent and direct manifest conflicts can (but do not have to) be constitutive collisions, i.e. conflicts about core principles and objectives – and in fact, the trade-environment examples used above for these two types have all been such constitutive cases. Therefore, such conflicts between free trade and environmental regimes will be given further attention in the next part of this working paper.

3 Predicting the Consequences of International Regime Conflicts

This part will move beyond the level of description towards first analytical approaches to the issue of regime conflicts. While it is not possible to generate and test several hypotheses about public goods conflicts here, the intention is to sketch a research agenda which builds on the aforementioned logical connection between regime conflicts and public goods conflicts. First of all, a research question on the outcome of regime conflicts will be phrased – accompanied by suggestions for an appropriate translation of this question into a feasible analytical design. In a second step, with a view to exploring the feasibility, a hypothesis shall be developed which predicts the potential outcome of regime conflicts. This hypothesis will not primarily draw from regime theory, but will be rooted in recent innovations in public goods theory. Put differently, the prediction shall not be based on "external" factors such as power constellations or consensual knowledge, but on the very character of the public goods whose collision underpins the regime conflict under scrutiny.

3.1 Telling Winners from Losers: Which Regime prevails?

The major research question which shall be tackled in the course of this paper is: under which circumstances is the provision of a particular global public good (e.g. biodiversity) given priority over the provision of another global public good (e.g. free access to genetic resources)? Bearing in mind what has been argued earlier about the possible kinship of global public goods conflicts and international regime conflicts, this question translates into: what are the conditions under which an international regime prevails when conflicting with another international regime?
When looking for an observable dependent variable hidden in these questions, a useful suggestion is to relate terms such as prevalence or priority to the concept of regime effectiveness: a regime prevails when its effectiveness has been less restrained by a regime conflict than the effectiveness of any other involved regime. This reasoning about the relative impact on regime effectiveness puts the spotlight on a specific dimension of the results of a regime conflict, namely the distribution of the conflict's (supposedly negative) consequences for the effectiveness of the regimes involved.[11]

[11] When understanding the existence of a colliding regime as an exogenous challenge to a regime's effectiveness, one might well argue that the more appropriate term to use here (instead of effectiveness) is the robustness or resilience of both regimes with regard to each other. This reasoning would concur with the definition of robustness as a regime's "ability to withstand exogenous

Nonetheless, with effectiveness being one of the most debated concepts by regime theorists, new concerns with regard to research feasibility arise. The actual range of the potential obstacles reveals itself when distinguishing three dimensions of effectiveness according to the point of impact of a conflict's consequences:

1) The norms produced by the regime (output);
2) The regime's behavioral effects on relevant actors (outcome);
3) The ultimate effectiveness of the regime with regard to its actual subject matter (impact) (cf. Oberthür/Gehring 2003: 26ff; Miles/Underdal et al. 2002: 10ff; Underdal 2004).

Measuring a single regime's impact effectiveness or, in the words of Young and Levy, its problem-solving effectiveness (Young/Levy 1999: 4f), would require taking into account a considerable number of control variables.[12] The same goes for appraising the outcome effectiveness of the affected regimes. Again, it is evident that there are several other reasons – beside the regime conflict – which can be responsible for shifts in the compliance behavior of states and other parties, e.g. changes of national governments or external shocks such as natural disasters.

Instead, the next pages will content themselves with focusing on immediate consequences for the output dimension of regime effectiveness. The output level includes processes that shape and alter a) the norms produced by the regimes in question, and b) the degree of support these norms meet in the course and in the immediate aftermath of negotiations, e.g. when it comes to signing and ratifying the respective agreements. A reliable indicator for a change of output (which could be linked directly to the conflict with another regime) is a treaty change – via amendments or side agreements, etc. Such a treaty change could either tone down or strengthen certain rules, in light of their (potential) incompatibility with the rules of another regime. A similar signpost is the inclusion of priority clauses, i.e. clauses which explicitly guarantee the prevalence of certain rules or even whole regimes in cases of conflictive overlap.[13] Finally, like direct changes, concrete interpretations of treaty rules can serve as indicators for the consequence of a regime conflict on the output level. Treaty interpretations can be decided upon either by the respective majority of states or they can be provided by regime organs designed for dispute settlement. Moreover, third parties such as regime-external dispute settlement agencies (e.g. the ICJ), which refer to super-ordinate regulatory systems (e.g. the Vienna Convention on the Law of Treaties [VCLT]), might provide interpretations of overlapping rules (Neumann 2002: 343ff).

---

challenges without its effectiveness being diminished" (Hasenclever/Mayer/Rittberger 1996: 1; cf. Hasenclever/Mayer/Rittberger 2004).

[12] This is not to deny the latest methodological progress in measuring the problem-solving effectiveness of regimes, especially through counter-factual approaches (Mitchell 2004) and the "Oslo-Potsdam solution" (Hovi/Sprinz/Underdal 2003; 2003a; cf. Sprinz 2003).

[13] Such treaty changes can occur not only explicitly, e.g. by integrating or altering certain clauses, but also implicitly, e.g. through shifts in customary international law (Neumann 2002: 343ff.).

3.2 PREDICTING PREVALENCE: DESIGNED VERSUS PURE PUBLIC GOODS

Turning now from the dependent variable to potential explanatory factors for the consequences of regime conflicts, the choice of independent variables provided by theories of (separate!) international regimes is abundant. Regime theories cannot only be attuned to the use of rationalist explanatory factors such as power (e.g. relative gains or hegemonic stability) and interest (e.g. situation structure or problem structure), but also account for non-utilitarian explanations of regime formation and effectiveness (e.g. fairness or consensual knowledge) (Hasenclever/Mayer/Rittberger 1997). All these different core variables could be used as building blocks for assumptions about the effect of regime conflicts (cf. Stokke 2001: 11ff). However, it would first be necessary to reframe each of these factors in the context of the interactive character of regime conflicts.

One method of "lifting" these variables, which were originally designed for separate regimes, up on the interactive level is to frame them in a relative/comparative manner. This implies comparing the particular dimensions of a variable (e.g. degree of legalization) across the regimes affected by a regime conflict. Hence, a possible hypothesis could state that the regime with the higher degree of legalization prevails.[14]

Which variables are appropriate for framing in this relative way? In the first place, all variables describing particular regime properties (e.g. geographical scope, membership or regime design) would be adequate. But despite the rich supply of explanatory factors, the focus here shall be put on a different variable, one which has arisen during the course of the previous considerations: the publicness of the goods which are regulated by the affected regimes.

This brings us back to the previous excursion into whether free trade can be considered a global public good at all. True, having argued earlier in favor of such an assessment might have paved the way for interpreting conflicts between trade and environmental regimes as conflicts among public goods. But on the other hand, this understanding of free trade as a public good has also blocked the way to a rather simple assumption about the outcome of conflicts among environmental and trade regimes: if free trade were considered a private good, the consequence of the conflict (which then would take place between a public good and a private good) could be explained in the tradition of Olson's collective action theorem. The respective assumption would state that in case of a conflict between a regime regulating a private good and a regime regulating a public good, the former would prevail. For obvious reasons however, this assumption is useless for predicting the outcome of conflicts among two or more public goods.

Do we thus have to conclude that the literature about public goods is not helpful at all when it comes to generate assumptions about conflicts among their very research objects? Fortunately, the answer is no: in fact, there is an essential difference between

[14] A different method would be that of relational framing, i.e. assuming the existence of an encompassing dimension of the respective variable resulting from regime interaction, e.g. a certain power constellation among actors across the involved regimes. Whereas relatively framed independent variables explain the distribution of the consequences, i.e. of the advantages and disadvantages caused by a regime conflict, relationally framed ones explain the overall extent of these consequences.

the character of the public good "free trade" and environmental public goods which might prove particularly useful when trying to explain the outcome of the conflicts between these two types of goods. But in order to point out this difference, one has to go beyond the classical understanding of the term given by Samuelson (1954) who had based his definition of public goods on the non-rivalry and non-excludability of benefits.

Kaul and Mendoza expanded this definition by distinguishing between goods which are public due to their innate properties ("pure public goods", e.g. peace and security or environmental sustainability) and goods which are "*de facto* public" or "designed to be public" (e.g. basic education or health care). The publicness of the latter type of goods, in particular the publicness of their consumption, is the result of a social construction, for instance because special rules need to be applied in order to guarantee a good's non-exclusiveness, e.g. laws providing free access to education (Kaul/Mendoza 2003: 80ff; cf. Kaul 2003: 2ff).

More importantly, these two different kinds of publicness entail a difference in the roles that regimes play for the respective goods: in the case of "designed" or *de facto* public goods, regimes can be the major provider of the quality of publicness in consumption itself, as in the case of global trade liberalization, which would not be thinkable without the impact of the GATT and other WTO laws. Therefore, one can assume that with respect to designed public goods, the costs of free-riding, i.e. non-compliance, for each actor are higher (since such behavior endangers the non-exclusiveness of the good) than in cases where regimes regulate pure public goods (such as biological diversity or ozone layer protection), because even non-compliance would not – at least in the short run – put the publicness in access to/consumption of the good at stake. Furthermore, non-compliance might, in the worst case, lead to the expulsion from a regime which – in the case of a designed public good – might also clearly diminish an actor's access to the respective good: For example, when excluded from the global trade regime, a country might still take advantage of some of the regime's impacts, e.g. the prevention of trade conflicts; but it cannot further rely on being treated according to the most-favored nation (MFN) clause by other regime members.

In sum: when engaging into "forum shopping" (Raustiala/Victor 2004: 8), i.e. when seeking out the forum most favorable to their interests in light of a cost-benefit analysis, actors should tend to support the regime regulating the designed public good. Remodeling the above hypothesis according to this re-definition of public goods, one can state: In case of a conflict between a regime regulating a designed public good and a regime regulating a pure public good, the former will prevail.

In light of this hypothesis it becomes obvious why collisions between environmental regimes and free trade regimes deserve special attention: Such collisions provide a database for comparative studies on conflicts between a designed public good (free trade) on the one hand and pure public goods (ecological resources) on the other. Given both the confines of this working paper and the state of the art of research on public goods conflicts, this is neither the place nor the time to present the results of such studies. However, in the following, one example of such a conflict will be chosen in order to provide a first, albeit superficial examination of the above hypothesis –

which hopefully helps stimulate further research on this type of public goods conflicts in the future.

The example is the well researched (cf. Rosendal 2000, 2001, 2003, 2006) incompatibility between the CBD and the TRIPS agreement. The case can be classified as a direct manifest conflict since disputes between actors took place both during and after the genesis of both regimes. Moreover, it is a constitutive regime conflict since the two regimes adopt diverging positions on an aspect pivotal to both of them, namely on property rights to genetic resources. TRIPS seeks to strengthen and harmonize intellectual property rights systems, hence trying to facilitate the public good of individuals' access to such resources. On the other hand, the CBD intends to protect the public good of biological diversity by reaffirming "that states have sovereign rights over their own biological resources" (Preamble CBD). Put in terms of publicness: Instead of aiming for the public access to genetic resources, as the TRIPS agreement does, the CBD rather advocates the "equitable sharing", i.e. the public distribution, of benefits from utilization of genetic resources (Article 1 CBD).[15]

As for more specific rules, TRIPS calls for patent legalization in all technical fields including biotechnology: "patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application" (Article 27, No. 1 TRIPS). TRIPS excludes plants and animals from patentability in, albeit stating that, until 2000 (and developing countries until 2005 respectively), "members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* subsystem or by any combination thereof" (Article 27, No. 3 TRIPS). This more or less implies the introduction of Intellectual Property Rights (IPRs) for plants.

The contradiction of core principles between the two regimes has so far not led to disputes among states on the regime-external level (e.g. in the form of trade conflicts or lawsuits), but it has been the subject of several conflicts within regime organs, both between bureaucracies and negotiating parties. These controversies date back to the founding phases of both regimes which partially, in the early 1990s, took place at parallel timelines. Clearly, both processes of regime genesis exerted mutual impacts on each other, while developing and industrialized countries could score quite differently in the two arenas. Though the CBD had originally been advocated by several (OECD) member states of the Organisation for Economic Cooperation and Development (OECD, including the United States!), particularly developing countries influenced its content in the end. On the other hand, the genesis of the TRIPS Agreement in the course of the Uruguay Round was clearly dominated by Western European countries and the United States – with the latter explicitly complaining about the strategy of some developing countries to undermine TRIPS via the CBD (Rosendal 2003a.: 11f, Raustiala 1997: 47).

[15] Besides serving as an example for conflicts among designed and pure public goods, the CBD-TRIPS case hence also illustrates potential tensions between the publicness in access/consumption on the one hand and publicness in distribution on the other: Since patenting is a costly business, multinational corporations might take advantage of the public access under the TRIPS approach by securing monopolies over numerous varieties of genetic material, including those which have been developed over generations by indigenous and local communities. In fact, such behavior, termed as bio-piracy or bio-prospecting, has already taken place to a considerable extent: today, developing countries do not hold more than three per cent of all patents worldwide (Rosendal 2003a: 9).

Even after the original negotiations had ended and both documents had entered into force, these disputes have continued until the present day within different settings and arenas. Roughly, three ‚theatres' of this ongoing conflict can be distinguished, two of them displaying a slight, but nonetheless obvious prevalence of the TRIPS agreement regarding the output dimension of regime effectiveness:

First of all, further controversies have taken place within the institutional architecture of both regimes, e.g. in the CBD's Ad Hoc Open-ended Working Group on Access and Benefit-sharing. An important observation in this regard is that efforts to strengthen the position of the CBD in the course of debates on the WTO level have clearly failed. For instance, the United States – not being party to the CBD – repeatedly voted against the CBD secretariat's request for observer status during TRIPS conventions (Rosendal 2003a: 13ff). Moreover, developing countries have so far been unsuccessful with their suggestion for a treaty change, namely to build CBD principles into the TRIPS agreement, e.g. a requirement for disclosure of the source of patent-relevant biological resources.[16]

Second, disputes have taken the form of an "arms race" (ibid.: 18; cf. Rosendal 2006) of follow-up or side agreements. When assessing the stakes for both regimes in this second arena, it is again the TRIPS side which appears to have an advantage. True, the CBD approach to genetic resources has met some support by several regional agreements on intellectual property rights which partially run counter to TRIPS rules. Such agreements have been adopted by the Andean Community (CAN) and by the Organization of African Unity (OAU) (Raghavan 2000).[17] But on the other hand, several bilateral 'TRIPS plus' agreements have been negotiated between the United States or the EU on the one side and a developing country on the other. These agreements clearly undermine CBD principles, by even exceeding TRIPS demands on patent standards.

Third, additional negotiating forums have been established, e.g. within the UN's Food and Agriculture Organization (FAO) and within the World Intellectual Property Organization (WIPO), in order to deal with the issues of access to genetic resources, of prior informed consent and of benefit sharing. The positions voiced in these forums roughly mirror the major approaches to genetic resources as represented by CBD and

[16] Brazil, India and further countries with highly diverse biological resources keep pushing for an amendment of the TRIPS Agreement which would clearly safeguard key CBD objectives. Accordingly, the amendment shall allow members to ask patent applicants for disclosure of a) the country of origin of biological resources, b) evidence of prior informed consent by the country of origin, and c) evidence of fair and equitable appropriate benefit-sharing agreements with the country of origin (cf. Meier-Ewert 2005).

[17] The CAN IPR-regime was established in the name of TRIPS, however it asks for an amendment of the Agreement's Article 27, No. 3, lit. b, in order to account for potential conditions of patentability such as prior informed consent. The OAU Model Law is even more straightforward in its opposition to TRIPS provisions and explicitly requires the permit and the prior informed consent of importing communities. Another type of CBD-endorsing follow-up treaties are bilateral agreements on bio-prospecting; the CBD's Ad Hoc Working Group on Access and Benefit Sharing prepared the 'Bonn Guidelines' in 2002 in order to include prior informed consent and other principles into such agreements (Rosendal 2003a: 13ff).

TRIPS. However, these additional arenas have so far not produced an output of norms which could promote the prevalence of any of the two regimes. [18]

What implications does this preliminary examination of the case have for this working paper's assumption on conflicts between designed and pure public goods? The short answer is: it seemingly supports the hypothesis – with the designed public goods regime, TRIPS, having a slight advantage over the pure public goods regime. However and not surprisingly, the hypothesis is still far from being confirmed. Naturally, more in-depth research is needed; on other cases, but also on the CBD-TRIPS case itself. As for the latter, without trying to undermine the main hypothesis of this paper, it is fair to end this section by pointing out three qualifications and caveats:

First of all, the case is not closed, i.e. as long as the introduction of IPR systems remains a contested issue in most developing countries, the CBD's claim for national sovereign rights over biological resources might still exert a considerable compliance pull. Even more, the above examination has only focused on the output dimension of effectiveness. A complete picture should include medium-term and long-term consequences of the regime conflict with a focus on how the regimes involved promote behavioral change (outcome effectiveness) and problem-solving (impact effectiveness)

Second, even when conceding that, for the time being, the TRIPS agreement prevails, the precise reasons for this finding are still obscure. So far, all that has been detected is merely a correlation between a potential explanatory factor, the constructed publicness of a good, and the predominance of the regime providing it. But the actual causal pathways between both variables still need to be clarified and examined, e.g. by investigating the extent to which cost-benefit rationales (with regard to the consumption of both public goods) have determined member states' positions and their subsequent behavior. Even more importantly, an in-depth examination would have to tell the impact of such reasoning from the influence of other rationalist factors which might have equally strengthened the robustness of the TRIPS agreement. One of these factors is the degree of legalization, given that the WTO with its dispute settlement and compliance mechanisms obviously gives parties good reasons to abide (Rosendal 2003: 16f.). Another potential cause, which can be held partly responsible for the preliminary outcome of the case, is that the TRIPS agreement has been supported by the more powerful coalition of countries.

Finally, when looking beyond the CBD-TRIPS case, one can find regime conflicts whose consequences run counter to the hypothesis above. For instance, when

[18] These new forums and treaties include FAO's International Treaty on Plant Genetic Resources for Food and Agriculture and WIPO'S Intergovernmental Committee on Intellectual Property Rights and Genetic Resources, Traditional Knowledge and Folklore. This is not to state that FAO has only recently played a role in these issues. Quite to the contrary, had it not been for the pharmaceutical sector and its concern about emerging biotechnologies, the 'gene wars' might have been left to the non-legally binding FAO documents (Rosendal 2003a: 7). As early as 1983, the FAO International Undertaking on Plant Genetic Resources had declared all categories of such resources a common heritage of mankind. Moreover, the 2001 International Treaty on Plant Genetic Resources for food and agriculture explicitly prohibits patenting of material from gene banks in the public domain. However, this recent FAO agreement "will hardly block patenting altogether. Even slight modifications of the germ plasma may qualify for patent protection and the isolation and description of any particular gene may still count as an invention" (ibid.:13).

negotiating the North American Free Trade Agreement (NAFTA), the parties anticipated potential conflicts with several environmental regimes which regulate pure public goods. Surprisingly, they agreed on guaranteeing the prevalence of these regimes through a priority clause in the text of the final document. Correspondingly, the agreement states that in cases of inconsistency between NAFTA on the one hand, and CITES, the Montreal Protocol or the Basel Convention on the other hand, the obligations of the latter prevail (Article 104 No. 1 NAFTA).
All in all, these considerations insinuate that the above hypothesis needs further examination and modification if necessary. The particularity of this assumption was that it built on the very character of the goods regulated by the conflicting regimes, trying to translate information gains from recent literature on public goods into an analytical approach. But even if the doubts with respect to the plausibility of this hypothesis will hold true, this should not keep scholars from embarking upon the analysis of such conflicts altogether. As suggested at the beginning of this section, regime theory provides us with a number of other potential explanatory factors. These factors might – once being reframed with regard to regime interaction – prove valuable when predicting the outcomes of regime conflicts, and, thus, of conflicts among the public goods underlying these regimes.

4 CONCLUSION

This working paper calls for a closer consideration of international regime conflicts when trying to assess the character and outcome of conflicts among global public goods. This observation not only holds true for the policy domains looked at in this paper – namely free trade and environmental protection – but it should equally apply to the collision of global public goods in other issue areas. What can be expected to differ across the various domains is the plausibility of independent variables when trying to explicate the prevalence of a certain good over another. As a matter of fact, the brief discussion on the appropriateness of a particular hypothesis has already documented that looking at international regime conflicts confronts scholars with a highly complex research object, with long causal chains and many different explanatory factors which need to be taken into account.
Nevertheless, this should not deter, but rather attract scholars, since the potential theoretical and practical rewards are equally tempting. First of all, dealing with regime conflicts can significantly contribute to institutionalist theories, e.g. by framing and adapting some of the existing theories in order to lift them up to the inter-regime level, or by gaining additional and innovative theoretical assumptions about the genesis or consequences of regime conflicts. And second, and most importantly, the study of international regime conflicts can have immediate practical relevance regarding the question of the effective provision of global public goods. Some of the research findings could be translated into policy propositions regarding the harmonization of present regulative systems, with a subsequent improvement in the production of the public goods by these systems.
With regard to environmental public goods, for instance, it seems particularly necessary to promote the robustness of existing regimes by means of appropriate data

and suggestions on how to actively handle their conflicts with other regimes – especially as long as they will not be backed up by the (rather unlikely) establishment of a (powerful) World Environment Organization (cf. Biermann/Bauer 2004). Put in pessimistic terms (from an ecological point of view), only the analysis of intersections and frictions between regimes can substantially confirm the intuitive assumption of relatively "weak" environmental regimes and public goods. Put in optimistic terms, the inter-regime approach might uncover supportive conditions for the strengthening of environmental regimes in their role as public goods producers as well as for synergetic effects of free trade and global environmental protection.

REFERENCES

Albin, Cecilia 2003: Getting to Fairness: Negotiations over Global Public Goods, in: Kaul, Inge / Conceição, Pedro / LeGoulven, Katell / Mendoza, Ronald U. (eds.): Providing Global Public Goods. Managing Globalization, Oxford: Oxford University Press, pp. 263-279.

Bernauer, Thomas / Ruloff, Dieter 1999: Handel und Umwelt: Zur Frage der Kompatibilität internationaler Regime, Opladen, Germany: Westdeutscher Verlag.

Buzan, Barry 1997: Rethinking Security after the Cold War, in: Cooperation and Conflict 32:1, pp. 5-28.

Chambers, W. Bradnee (ed.) 2001: Inter-linkages: The Kyoto Protocol and the International Trade and Investment Regimes. Tokyo, Japan: United Nations University Press.

Conybeare, John A. C. 1984: Public Goods, Prisoners' Dilemma and the International Political Economy, in: International Studies Quarterly 28:1, pp. 5-22.

Daase, Christopher 2004: Interlocking Institutions and the 'War against Terrorism'. Paper prepared for the Annual Convention of the International Studies Association, Montreal, March 17-20, 2004.

Dahrendorf, Ralf 1961: Gesellschaft und Freiheit. Zur soziologischen Analyse der Gegenwart, Munich: Piper.

Gehring, Thomas / Oberthür, Sebastian 2004: Exploring Regime Interaction: A Framework of Analysis, in: Underdal, Arild / Young, Oran R. (eds.): Regime Consequences. Methodological Challenges and Research Strategies, Dordrecht: Kluwer, pp. 247-280.

Grigorescu, Alex 2004: Cooperation and Competition among International Organizations in the Promotion of Anti-Corruption Policies. Paper prepared for the Annual Convention of the International Studies Association, Montreal, March 17-20, 2004.

Hardin, Garrett 1968: The Tragedy of the Commons, in: Science 162, pp. 1243-1248.

Hardy, Cynthia / Phillips, Nelson 1998: Strategies of Engagement. Lessons from the Critical Examination of Collaboration and Conflict in an Interorganizational Domain, in: Organization Science 9:2, pp. 217-230.

Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 1996: Justice, Equality, and the Robustness of International Regimes. A Research Design, Tübingen Working Paper No. 25, Tübingen: Center for International Relations/Peace and Conflict Studies.

Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 1997: Theories of International Regimes. Cambridge, UK: Cambridge University Press.

Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 2004: Does Regime Robustness Require a Fair Distribution of the Gains from Cooperation. An Essay on the Methodology of Necessary Conditions as Applied to a Substantive Hypothesis Concerning the 'Staying Power' of International Regimes, in: Underdal, Arild / Young, Oran R. (eds.): Regime Consequences. Methodological Challenges and Research Strategies, Dordrecht: Kluwer, pp. 183-216.

Hovi, Jon / Sprinz, Detlef F. / Underdal, Arild 2003: The Oslo-Potsdam Solution to Measuring Regime Effectiveness. Critique, Response, and the Road Ahead, in: Global Environmental Politics 3:3, pp. 74-96.

Hovi, Jon / Sprinz, Detlef F. / Underdal, Arild 2003a: Regime Effectiveness and the Oslo-Potsdam Solution. A Rejoinder to Oran Young, in: Global Environmental Politics 3:3, pp. 105-107.

Kaul, Inge 2003: Public Goods: A Positive Analysis, New York: UNDP Office of Development Studies.

Kaul, Inge / LeGoulven, Katell 2003: Institutional Options for Producing Global Public Goods, in: Kaul, Inge / Conceição, Pedro / LeGoulven, Katell / Mendoza, Ronald U. (eds.): Providing Global Public Goods. Managing Globalization, Oxford: Oxford University Press, pp. 371-409.

Kaul, Inge / Conceição, Pedro / LeGoulven, Katell / Mendoza, Ronald U. 2003: How To Improve the Provision of Global Public Goods, in: Kaul, Inge / Conceição, Pedro / LeGoulven, Katell / Mendoza, Ronald U. (eds.): Providing Global Public Goods. Managing Globalization, Oxford: Oxford University Press, pp. 21-58.

Kaul, Inge / Mendoza, Ronald U. 2003: "Advancing the Concept of Public Goods", in: Kaul, Inge / Conceição, Pedro / LeGoulven, Katell / Mendoza, Ronald U. (eds.): Providing Global Public Goods. Managing Globalization, Oxford: Oxford University Press, pp. 78-111.

Keohane, Robert O. 1984: After Hegemony. Cooperation and Discord in the World Political Economy, Princeton, NJ: Princeton University Press.

Keohane, Robert O. / Nye, Joseph S. 1989: Power and Interdependence, 2nd ed., Glenview, IL: Scott, Foresman & Company.

King, Leslie A. 1997: Institutional Interplay – Research Questions. A Report for the Institutional Dimensions of Global Change. International Human Dimensions Programme on Global Environmental Change, available from:

http://fiesta.bren.ucsb.edu/~idgec/publications/idgecscience/InstitutInterplay.pdf [Rev. 05-02-2007].

Krasner, Stephen D. 1983: Structural Causes and Regime Consequences: Regimes as Intervening Variables, in: Krasner, Stephen D. (ed.): International Regimes, Ithaca, NY: Cornell University Press, pp. 1-21.

Meier-Ewert, Wolf 2005: The Relationship between TRIPS and the Convention on Biological Diversity. State of Play in the TRIPS Council, Presentation at the WTO Symposium on Trade and Sustainable Development, Geneva, October 11, 2005, available from:
http://www.wto.int/english/tratop_e/envir_e/sym_oct05_e/meier%20_ewert_e.ppt [Rev. 05-02-2007].

Mendoza, Ronald U. 2003: The Multilateral Trade Regime: A Global Public Good for All?, in: Kaul, Inge / Conceição, Pedro / LeGoulven, Katell / Mendoza, Ronald U. (eds.): Providing Global Public Goods. Managing Globalization, Oxford: Oxford University Press, pp. 455-483.

Miles, Edward L. / Underdal, Arild / Andresen, Steinar / Wettestad, Jørgen / Skjærseth, Jon Birger / Carlin, Elaine M. 2002: Environmental Regime Effectiveness. Confronting Theory with Evidence, Cambridge, MA: MIT Press.

Mitchell, Ronald B. 2004: Quantitative Approach to Evaluating International Environmental Regimes, in: Underdal, Arild / Young, Oran R. (eds.): Regime Consequences. Methodological Challenges and Research Strategies, Dordrecht: Kluwer, pp.121-150.

Neumann, Jan 2002: Die Koordination des WTO-Rechts mit anderen völkerrechtlichen Ordnungen. Konflikte des materiellen Rechts und Konkurrenzen der Streitbeilegung. Berlin: Duncker & Humblot.

Oberthür, Sebastian / Gehring, Thomas 2003: Investigating Institutional Interaction. Toward a Systematic Analysis. Paper prepared for the Annual Convention of the International Studies Association, Portland, OR, February 26 - March 1, 2003, available from:
http://www.ecologic.de/download/projekte/850-899/890/isa/isa_institutional_interaction_systematic_analysis.pdf [Rev. 05-02-2007].

Oberthür, Sebastian / Gehring, Thomas (eds.) 2006: Institutional Interaction in Global Environmental Governance: Synergy and Conflict among International and EU Policies, Cambridge, MA: MIT Press.

Olson, Mancur 1965: The Logic of Collective Action: Public Goods and the Theory of Groups. Cambridge, MA: Harvard University Press.

Ostrom, Elinor 1977: Collective Action and the Tragedy of the Commons, in: Hardin, Garrett / Baden, John (eds.): Managing the Commons, San Francisco, CA: Freeman, pp. 173-181.

Ostrom, Elinor 1990: Governing the Commons: The Evolution of Institutions for Collective Action, Cambridge, UK: Cambridge University Press.

Raghavan, Chakravarthi 2000: Andean Pact's New IPR Regime Shaped in US Interests?, Third World Network Online, available from: http://www.twnside.org.sg/title/andean.htm [Rev. 05-02-2007].

Raustiala, Kal 1997: Global Biodiversity Protection in the United Kingdom and the United States, in: Schreurs, Miranda A. / Economy, Elizabeth C. (eds.): The Internationalization of Environmental Protection, Cambridge: Cambridge University Press, pp. 42-73.

Rittberger, Volker / Zürn, Michael 1990: Towards Regulated Anarchy in East-West Relations. Causes and Consequences of East-West Regimes, in: Rittberger, Volker (ed.): International Regimes in East-West Politics, London: Pinter Publishers, pp. 9-63.

Rosendal, G. Kristin. 2000: The Convention on Biological Diversity and Developing Countries, Dordrecht: Kluwer.

Rosendal, G. Kristin 2001: Impacts of Overlapping International Regimes. The Case of Biodiversity, in: Global Governance 7:1, pp. 95-117.

Rosendal, G. Kristin. 2003: Interacting International Institutions. The Convention on Biological Diversity and TRIPs. Regulating Access to Genetic Resources, Paper prepared for the Annual Convention of the International Studies Association, Portland, OR, February 26 – March 1, 2003.

Rosendal, G. Kristin 2003a: The Convention on Biological Diversity and TRIPs. Different Approaches to Property Rights to Genetic Resources – Cause for Worry?, Project Deliverable No. D 5, available from: (http://www.ecologic.de/download/projekte/850-899/890/in-depth/convention_on_biodiversity.pdf [Rev. 05-02-2007].

Rosendal, G. Kristin 2006: The Convention on Biological Diversity. Tensions with the WTO TRIPS Agreement over Access to Genetic Resources and the Sharing of Benefits, in: Oberthür, Sebastian / Gehring, Thomas (eds.): Institutional Interaction in Global Environmental Governance: Synergy and Conflict among International and EU Policies, Cambridge, MA: MIT Press, pp. 79-102.

Samuelson, Paul A. 1954: The Pure Theory of Public Expenditure. Review of Economics and Statistics 36:4, pp. 387-389.

Shelton, Dinah 2001: Environmental Rights, in: Alston, Philip (ed.): Peoples' Rights, Oxford: Oxford University Press, pp. 185-258.

Sprinz, Detlef F. 2003: Internationale Regime und Institutionen, in: Hellmann, Gunther / Wolf, Klaus Dieter / Zürn, Michael (eds.): Die neuen Internationalen Beziehungen. Forschungsstand und Perspektiven in Deutschland, Baden-Baden: Nomos, pp. 251-273.

Stokke, Olav S. 2001: The Interplay of International Regimes. Putting Effectiveness Theory to Work, FNI Report No. 14/2001, Lysaker: The Fridtjof Nansen Institute.

Underdal, Arild 2004: Methodological Challenges in the Study of Regime Effectiveness, in: Underdal, Arild / Young, Oran R. (eds.): Regime Consequences. Methodological Challenges and Research Strategies, Dordrecht: Kluwer, pp. 27-48.

Velazquez, Jerry / Piest, Uli 2003: Introducing the UNU Inter-Linkages Initiative. Focusing on the Implementation of Sustainable Development, in: UNU Work in Progress 17:1, pp. 1-3.

Wallander, Celeste A. / Keohane, Robert O. 1999: Risk, Threat, and Security, in: Haftendorn, Helga / Keohane, Robert O. / Wallander, Celleste A. (eds.): Imperfect Unions. Security Institutions over Time and Space, Ithaca, NY: Cornell University Press, pp. 21-47.

Werksman, Jacob 2001: Greenhouse-Gas Emissions Trading and the WTO, in: Chambers, W. Bradnee (ed.): Inter-linkages: The Kyoto Protocol and the International Trade and Investment Regimes, Tokyo: United Nations University Press pp. 153-190.

Young, Oran R. 1989: International Cooperation. Building Regimes for Natural Resources and the Environment, Ithaca, NY: Cornell University Press.

Young, Oran R. 1996: Institutional Linkages in International Society: Polar Perspectives, in: Global Governance 2:1, pp. 1-24.

Young, Oran R. 2002: The Institutional Dimensions of Environmental Change. Fit, Interplay, and Scale, Cambridge, MA: MIT Press.

Young, Oran R. 2002a: Are Institutions Intervening Variables or Basic Causal Forces? Causal Clusters vs. Causal Chains in International Society, in: Brecher, Michael / Harvey, Frank P. (eds.): Millennial Reflections on International Studies, Ann Arbor, MI: University of Michigan Press, pp. 176-191.

Young, Oran R., and Marc A. Levy 1999: The Effectiveness of International Environmental Regimes, in: Young, Oran R.: The Effectiveness of International Regimes: Causal Connections and Behavioral Mechanisms, Cambridge, MA: MIT Press, pp. 1-32.

No. 1 Mirek, Holger / Nielebock, Thomas / Rittberger, Volker 1985 (revised 1987): Atomwaffenfreiheit - Instrument einer anderen Friedenspolitik (print edition no longer available).

No. 2 Rittberger, Volker / Werbik, Hans 1986: "Gemeinsame Sicherheit" im Ost-West-Konflikt? - Polyzentrisches Sicherheitssystem und friedliche Ko-Evolution in Europa (print edition no longer available).

No. 3 Wolf, Klaus Dieter / Zürn, Michael 1986: International Regimes und Theorien der internationalen Politik (print edition no longer available).

No. 4 Rittberger, Volker 1986: "Peace Structures" through International Organizations and Regimes (print edition no longer available).

No. 5 Rittberger, Volker / Wolf, Klaus Dieter 1987 (revised 1988): Problemfelder internationaler Beziehungen aus politologischer Sicht.

No. 6 Efinger, Manfred 1987: Verifikation und Rüstungskontrolle (print edition no longer available).

No. 7 List, Martin 1988: Internationale Beziehungen und Weltgesellschaft.

No. 8 Rittberger, Volker / Efinger, Manfred / Mendler, Martin 1988: Confidence- and Security-Building Measures (CSBM): An Evolving East-West Security Regime? (print edition no longer available).

No. 9 Zürn, Michael 1989: Geschäft und Sicherheit. Das CoCom-Regime und Theorien über Kooperation in den internationalen Wirtschaftsbeziehungen (print edition no longer available).

No. 10 Schimmelfennig, Frank 1989: Interventionistische Friedenspolitik in den West-Ost-Beziehungen. Annäherung an eine Strategie zur Förderung von Demokratisierungs- und Entmilitarisierungsprozessen in Osteuropa.

No. 11 Rittberger, Volker / Zürn, Michael 1989: Towards Regulated Anarchy in East-West Relations - Causes and Consequences of East-West Regimes (print edition no longer available).

No. 12 Hummel, Hartwig 1990: Sayonara Rüstungsexporte - Die Beschränkung des Rüstungsexports in Japan als friedenspolitisches Modell.

No. 13 Beller, Ekkehard / Efinger, Manfred / Marx, Katja / Mayer, Peter / Zürn, Michael 1990: Die Tübinger Datenbank der Konflikte in den Ost-West-Beziehungen.

No. 14 Schrogl, Kai-Uwe 1990: Die Begrenzung konventioneller Rüstung in Europa. Ein regimeanalytisches Konfliktmodell.

No. 15 Schwarzer, Gudrun 1990: Weiträumige grenzüberschreitende Luftverschmutzung. Konfliktanalyse eines internationalen Umweltproblems (print edition no longer available).

aktuell Arbeitsgruppe Friedensforschung 1991 (Hg.): Analysen zum Golf-Krieg (print edition no longer available).

No. 16 Efinger, Manfred 1991: Rüstungssteuerung und Verifikation in der Zwischenkriegszeit.

No. 17 Breitmeier, Helmut 1992: Ozonschicht und Klima auf der globalen Agenda (print edition no longer available).

No. 18 Weller, Christoph 1992: Feindbilder und ihr Zerfall. Eine Analyse des Einstellungswandels gegenüber der Sowjetunion (print edition no longer available).

No. 19 Billing, Peter / Kittel, Gabriele / Rittberger, Volker / Schimmelfennig, Frank 1992: State Properties and Foreign Policy. Industrialized Countries and the UNESCO Crisis.

No. 20 Kittel, Gabriele 1993: Demokratische Außenpolitik als Voraussetzung der Friedensfähigkeit von Demokratien. Eine Untersuchung am Beispiel der "war powers" in den USA.

No. 21 Schimmelfennig, Frank 1993: Arms Control and the Dissolution of the Soviet Union. Regime Robustness and International Socialization.

No. 22 Rittberger, Volker 1993: Die Vereinten Nationen: Kristallisationspunkt weltstaatlicher Autorität oder Instrument hegemonialer Mächte? (print edition no longer available).

No. 23 Schmitz, Hans Peter 1994: Struktureller Konflikt? Die Debatte um die Neue Weltinformations- und -kommunikationsordnung. Neorealistische Hypothesen zum Nord-Süd-Verhältnis.*

No. 24 Kittel, Gabriele / Rittberger, Volker / Schimmelfennig, Frank 1995: Between Loyalty and Exit. Explaining the Foreign Policy of Industrialized Countries in the UNESCO Crisis (1978-87).*

No. 25 Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 1996: Justice, Equality, and the Robustness of International Regimes. A Research Design (print edition no longer available).*

No. 26 Hasenclever, Andreas / Nielebock, Thomas / Schimmelfennig, Frank (Hg.) 1996: Sovereignty, International Democracy and the United Nations.*

No. 27 Schimmelfennig, Frank 1996: Legitimate Rule in the European Union. The Academic Debate.*

No. 28 Rittberger, Volker / Schimmelfennig, Frank 1997: Deutsche Außenpolitik nach der Vereinigung. Realistische Prognosen auf dem Prüfstand. Ein Tübinger Projekt (print edition no longer available).*

No. 28a Rittberger, Volker / Schimmelfennig, Frank 1997: German Foreign Policy after Unification. A Re-Examination of Realist Prognoses. A Tübingen-Based Project.*

No. 29 Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 1997: Regimes as Links between States: Three Theoretical Perspectives.*

No. 30 Baumann, Rainer / Rittberger, Volker / Wagner, Wolfgang 1998: Macht und Machtpolitik: Neorealistische Außenpolitiktheorie und Prognosen für die deutsche Außenpolitik (print edition no longer available).*

No. 30a Baumann, Rainer / Rittberger, Volker / Wagner, Wolfgang 1998: Power and Power Politics: Neorealist Foreign Policy Theory and Expectations about German Foreign Policy since Unification.*

No. 31 Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 1998: Fair Burden-Sharing and the Robustness of International Regimes: The Case of Food Aid.*

No. 32 Breitmeier, Helmut / Rittberger, Volker 1998: Environmental NGOs in an Emerging Global Civil Society.*

No. 33 Bienen, Derk / Freund, Corinna / Rittberger, Volker 1999: Gesellschaftliche Interessen und Außenpolitik: Die Außenpolitiktheorie des utilitaristischen Liberalismus.*

No. 33a Bienen, Derk / Freund, Corinna / Rittberger, Volker 1999: Societal Interests, Policy Networks and Foreign Policy: An Outline of Utilitarian-Liberal Foreign Policy Theory.*

No. 34 Boekle, Henning / Rittberger, Volker / Wagner, Wolfgang 1999: Normen und Außenpolitik: Konstruktivistische Außenpolitiktheorie.*

No. 34a Boekle, Henning / Rittberger, Volker / Wagner, Wolfgang 1999: Norms and Foreign Policy: Constructivist Foreign Policy Theory.*

No. 35 Hasenclever, Andreas / Rittberger Volker 1999: The Impact of Faith: Does Religion Make a Difference in Political Conflict?*

No. 36 Hasenclever, Andreas / Mayer, Peter / Rittberger, Volker 2000: Is Distributive Justice a Necessary Condition for a High Level of Regime Robustness?*

No. 37 Rittberger, Berthold 2001: Demokratie und Frieden in Europa I – Welche Verfassungsordnung für Europas „erste Gemeinschaft“?*

No. 38 Hasenclever, Andreas 2001: Demokratie und Frieden in Europa II – Europa und der demokratische Frieden.*

No. 39 Reiber, Tatjana 2002: Die Bedeutung der Art der Konfliktbearbeitung für die Befriedung von Bürgerkriegsgesellschaften am Beispiel von Angola und El Salvador.*

No. 40 Mayer, Peter / Rittberger, Volker / Zelli, Fariborz 2003: Risse im Westen? Betrachtungen zum transatlantischen Verhältnis heute.*

No. 40a Mayer, Peter / Rittberger, Volker / Zelli, Fariborz 2003: Cracks in the West? Reflections on the Transatlantic Relationship today (available online only).*

No. 41 Rittberger, Volker / Zelli, Fariborz 2003: Europa in der Weltpolitik: Juniorpartner der USA oder antihegemoniale Alternative?*

No. 42 Rittberger, Volker / Zelli, Fariborz 2004: Die Internationalisierung der Universität im Lichte ihrer Lehre.*

No. 43 Rieth, Lothar / Zimmer, Melanie 2004: Transnational Corporations and Conflict Prevention: The Impact of Norms on Private Actors.*

No. 44 Binder, Martin 2004: Der Einsatz von Söldnerfirmen durch gewählte Regierungen - eine „Antinomie des Demokratischen Friedens“?*

No. 45 Senghaas, Dieter 2005: Zur Eröffnung des Masterstudiengangs „Friedensforschung und Internationale Politik“. Moderne und Antimoderne angesichts kultureller Globalisierung. Plädoyer für einen zeitgemäßen, jedoch geschichtsbewussten Dialog.*

No. 46 Rittberger, Volker 2005: Approaches to the Study of Foreign Policy Derived from International Relations Theories.*

No. 47 De Juan, Alexander 2006: Vom aggregierten und extrapolierten Weltfrieden – Plädoyer für einen integrierten Ansatz des demokratischen Friedens.*

No. 48 Dembinski, Matthias / Freistein, Katja / Weiffen, Brigitte 2006: Form Characteristics of Regional Security Organizations - The Missing Link in the Explanation of the Democratic Peace.*

No. 49 Zelli, Fariborz 2007: The Provision of Conflicting Public Goods - Incompatibilities among Trade Regimes and Environmental Regimes.*

* Available for download from: http://www.uni-tuebingen.de/uni/spi/tapliste.htm