

# **The Power of the Chair: Formal Leadership in International Cooperation**

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This paper explores when, why, and how the chairmanship of international negotiation bodies allows the incumbent to influence bargaining outcomes – an area that so far has received limited systematic attention in scholarship on international cooperation. I present a theory of formal leadership that develops a rationalist argument for the delegation of authority to the chairmanship, the power resources of negotiation chairs, and the influence of formal leaders over outcomes. I test this theory in the context of European Union (EU) negotiations, summarizing the results of a book-length study. The historical evidence shows that the powers of the rotating EU Presidency have evolved in response to functional demands in European cooperation. Furthermore, carefully selected case studies demonstrate that the Presidency constitutes a power platform in EU politics, permitting governments at the helm to influence both the efficiency and the distributional implications of negotiations. Finally, I review the experiences of formal leadership in negotiations on trade, security, and the environment, establishing that the influence of negotiation chairs in the EU is not an isolated occurrence, but the expression of a general phenomenon in world politics. I conclude the paper by outlining its implications for ongoing debates on international cooperation, and by charting a course of further research on formal leadership.

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Multilateral negotiations have become the most prominent method by which states address joint problems, resolve disagreements, and formulate common norms in world politics. Over the last two decades, this development has spurred a substantive body of research on international negotiations in a broad range of issue areas.<sup>1</sup> At the heart of the debate are fundamental issues of efficiency and distribution. Why do some negotiations lead to agreements that exploit all possible joint gains, whereas others collapse or produce sub-optimal bargains? Why are some parties more successful than others in securing benefits from multilateral agreements?

This paper addresses a phenomenon that so far has received limited systematic attention by IR theorists, yet carries important implications for our understanding of multilateral bargaining – the power of the chair.<sup>2</sup> I explore the influence wielded by the formal leaders of international cooperation – those state or supranational representatives that chair and direct negotiations in the major decision bodies of international organizations and conferences. I argue in favor of the chairmanship as a power platform in international cooperation, and find that actors in control of this office enjoy unique opportunities to shape the outcomes of multilateral negotiations. Formal leaders fulfill functions of agenda management, brokerage, and representation that make it more likely for negotiations to succeed, and possess privileged resources that enable them to steer negotiations toward the agreements they most prefer.

The argument is laid out in four steps. First, I review the existing literature and position my argument in relation to two influential, competing perspectives on leadership, efficiency, and distribution in international cooperation. Whereas the first perspective claims that international bargaining involves low transaction costs and therefore a limited demand for leadership, the second perspective considers informal leadership to be a necessary condition for successful

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<sup>1</sup> See, e.g., Winham 1979; Touval 1989; Young 1991; Evans, Jacobson, and Putnam 1993; Zartman 1994b; Hampson with Hart 1995; Moravcsik 1998; Kremenyuk 2002. For a recent overview, see Jönsson 2002.

<sup>2</sup> For exceptions, see Lang 1989; Metcalfe 1998; Odell 2005.

multilateral bargaining. Neither perspective, I claim, is capable of explaining when, why, and how formal leadership matters in international cooperation.

Second, I present a theory of formal leadership informed by rational choice institutionalism. The theory explains the delegation of process powers to the chairmanship as a functional response by states to collective-action problems in multilateral bargaining. It identifies asymmetrical access to preference information and asymmetrical control over negotiation procedure as the central power resources of formal leaders. It suggests that opportunistic chairs will use these privileged resources for both collective and private gain, promoting the one agreement – among a range of efficient outcomes – that is closest to their own preferred position.

Third, I test the explanatory power of this theory in the context of European Union (EU) negotiations, summarizing the results of book-length study. The evidence shows that the powers of the rotating EU Presidency historically have evolved in response to functional pressures in European cooperation and a continuous search by member governments for efficient forms of intergovernmental decision-making. On the basis of six carefully selected case studies, I further demonstrate that the Presidency constitutes a power platform in EU bargaining, permitting governments at the helm to exert distributional influence over negotiated outcomes.

Fourth and finally, I confront the question of whether the European experience is unique or not, by considering comparative evidence from regime negotiations on security, trade, and the environment. More specifically, I review the experiences from three institutional settings with variation in the organizational design of the chairmanship: the Conference on Security and Cooperation in Europe (CSCE) and its successor, the Organization for Security and Co-operation in Europe (OSCE); the General Agreement on Tariffs and Trade (GATT) and its successor, the World Trade Organization (WTO); and multilateral environmental conferences within the ambit of the United Nations (UN). The comparative record suggests that the influence of the Presidency

in EU negotiations is not an isolated occurrence, but the expression of a general phenomenon in world politics.

I conclude the paper by isolating its implications for ongoing debates on international cooperation. More specifically, I claim that it (1) challenges existing conceptions of leadership in multilateral bargaining, by specifying the merits of formal – as opposed to informal – leadership; (2) lends support to an intergovernmentalist interpretation of European integration, by identifying the primary institutional mechanism through which EU governments reach efficient agreements without supranational mediation; and (3) opens up a new agenda of research on formal leadership, offering empirical exploration and theoretical contestation.

### **The Debate: Leadership, Efficiency, and Distribution**

Are states capable of negotiating efficient multilateral agreements by themselves, or are they dependent on the help of political leaders or entrepreneurs for the furthering of international cooperation? Existing research presents us with two competing approaches, which I here refer to as the *efficient negotiation perspective* and the *informal leadership perspective*. These approaches create counter-expectations about the efficiency of negotiations, the demand for leadership, and the distribution of gains from international cooperation. They inform analyses of multilateral negotiations in areas such as trade, environmental regulation, and regional integration. In this section, I present the core propositions of these two perspectives, and explain why neither approach adequately addresses the influence of formal leaders in international cooperation.

According to the first perspective, multilateral negotiations are naturally efficient and interventions from political entrepreneurs are likely to be either futile or redundant.<sup>3</sup> This perspective is grounded in game-theoretical models of decentralized bargaining.<sup>4</sup> Bargaining and decision-making involve no or low transaction costs, and may be seen as taking place on a friction-less spot market. States possess sufficient information about each other's preferences to identify mutually beneficial agreements, and face no shortage of ideas or focal points around which specific agreements can be constructed. "The information and ideas required for efficient bargaining are plentiful and cheap. The range of potential agreements, national preferences, and institutional options can thus be assumed to be common knowledge among governments."<sup>5</sup> By consequence, states rarely fail to reap the full benefits of cooperation because of impediments in the bargaining process. Instead, the central analytical concern of this perspective is the distribution of gains between the parties. More specifically, it suggests that the distribution of gains in decentralized negotiations will reflect the relative bargaining power of the parties, as defined by the parties' best alternative to a negotiated agreement.

This perspective on the efficiency and distributional implications of multilateral bargaining translates into a skeptical position on the importance of leaders and entrepreneurs. If states are capable of identifying efficient agreements themselves and transaction costs are low, there will be little demand for political leadership, which will prove redundant when offered. Alternatively, if the distribution of state preferences prevents a zone of agreement from materializing, the efforts of leaders are bound to fail and thus futile. Since political leadership in neither case will constitute a necessary or sufficient condition for agreement, there are few reasons to believe that

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<sup>3</sup> See, especially, Moravcsik 1998, 1999.

<sup>4</sup> Nash 1950; Schelling 1960; Walton and McKersie 1965; Raiffa 1982; Scharpf 1997.

<sup>5</sup> Moravcsik 1998, 61.

leaders or entrepreneurs will gain a position to shape the distributional outcomes of international cooperation.

The propositions of the efficient negotiation perspective are challenged by the informal leadership perspective, which takes bargaining impediments as its starting point and underlines the role of leaders or entrepreneurs in overcoming these problems.<sup>6</sup> This perspective is rooted in rational choice theory as well, but mainly draws on collective-action theory and transaction-cost theory.<sup>7</sup> It underlines that complex multilateral negotiations tend to be fraught with various forms of bargaining problems that prevent states from concluding mutually advantageous deals. The initiation of bargaining is burdened by conflicts over the agenda. The fear of exploitation makes the parties unwilling to reveal their true preferences and reluctant to offer concessions during the course of negotiations. The complexity of multilateral bargaining renders it difficult for the parties to identify viable agreements, and if they succeed, the existence of multiple equilibria will lead to distributional conflicts.

This perspective on the efficiency of multilateral negotiations translates into an optimistic position on the importance of political leadership. Whereas the parties on their own may be unable to overcome bargaining impediments, leaders or entrepreneurs can dramatically improve the chances of success through measures that solve or circumvent these collective-action problems. More specifically, they can facilitate agreement by shaping the agenda of international negotiations, drawing attention to the issues at stake, devising innovative policy options, building viable coalitions, and brokering agreement. Proponents of this perspective generally conclude that leadership or entrepreneurship is a necessary, although not sufficient, condition for success in multilateral negotiations. “Leadership...is a critical determinant of success or failure in the

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<sup>6</sup> See, especially, O. Young 1991, 1999; but also Fiorina and Shepsle 1989; Underdal 1994; Malnes 1995; Sjöstedt 1999.

<sup>7</sup> Frohlich, Oppenheimer, and Young 1971; Keohane 1984.

processes of institutional bargaining that dominate efforts to form international regimes or, more generally, institutional arrangements in international society.”<sup>8</sup> While paying relatively less attention to the distribution of gains from multilateral negotiations, this perspective suggests that leaders or entrepreneurs are self-interested and likely to be rewarded for their services. The collective benefits generated by their interventions ensure that the parties are in a position to compensate those who provide political leadership. These rewards need not be material in nature, but can also take the shape of intangible currencies, such as prestige, reputation, political influence in other arenas, or progress toward the achievement of some larger personal goal.

The theoretical argument developed in this paper speaks to the debate between the efficient negotiation and informal leadership approaches, by specifying when, why, and how formal leadership matters in international cooperation. While sharing important analytical affinities with both perspectives – notably, the rationalist approach to bargaining – the theory of formal leadership is distinct in two important ways. First, it addresses a form of leadership that the efficient negotiation perspective is unable to account for, and whose specific characteristics the informal leadership perspective does not recognize. Second, the theory is explicitly designed to account for variation in the demand for and supply of leadership, where the dominant approaches offer competing propositions.

The efficient negotiation perspective rejects the potential importance of formal leadership, along with other forms of leadership or entrepreneurship, when assuming that states generally are capable of identifying and concluding efficient agreements by themselves. The informal leadership perspective, for its part, recognizes the demand for leadership in multilateral negotiations, but is agnostic about the identity of leaders or entrepreneurs. Leaders are defined by their attempts to address collective-action problems, and may be state officials, supranational bureaucrats, representatives of non-governmental organizations, or private individuals. No

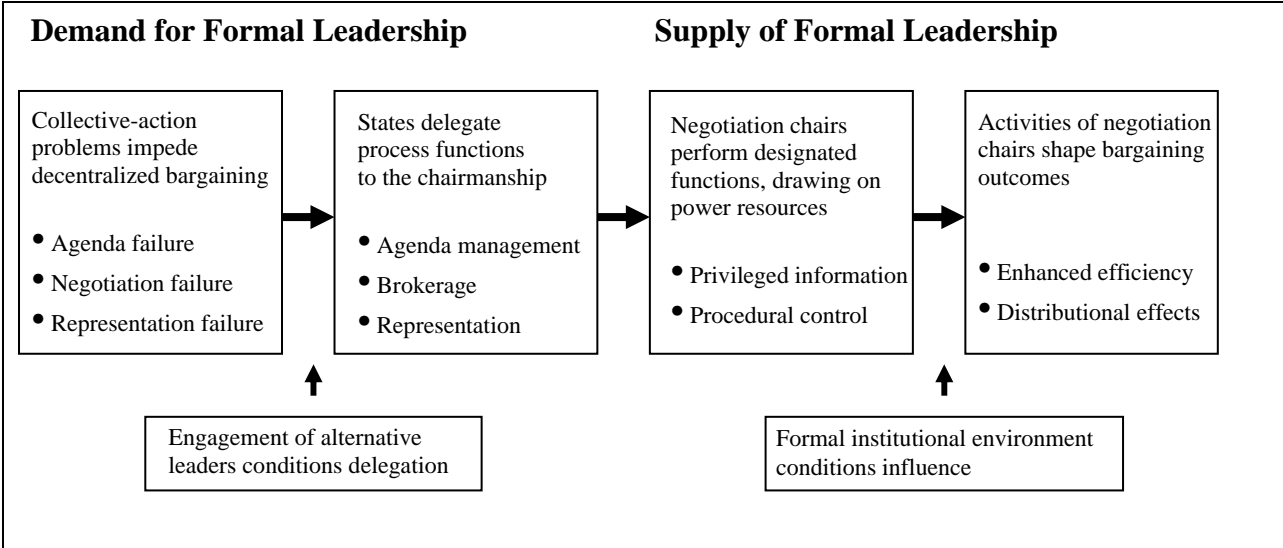
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<sup>8</sup> O. Young 1991, 281.

institutional position in international bargaining provides privileged opportunities to perform this function. My argument points to the limits of this approach, by distinguishing between formal and informal sources of political leadership, and by specifying how access to the institutional platform of the chairmanship grants actors leadership resources they otherwise would not have possessed.

### **Formal Leadership: A Rational Institutionalist Theory**

The theory I advance offers testable propositions about the demand for and supply of formal leadership in multilateral negotiations. Privileging interests, information, and institutions as explanatory variables, it generates specific hypotheses about the conditions under which states are likely to delegate process powers to formal leaders, and the conditions under which formal leaders are likely to influence outcomes in multilateral bargaining. The argument draws on central tenets of rational choice institutionalism: a view of politics as a series of contracting dilemmas that may inhibit mutually advantageous exchange; a functionalist approach to institutional choice and development; a recognition of the agency problems inherent in processes of delegation; and a perspective on formal rules as enabling and constraining factors. The theory is summarized in Figure 1 and developed below in two steps.



**FIGURE 1.** *Formal Leadership: A Rational Institutional Theory*

*The Demand for Formal Leadership*

Why do national governments, sensitive to challenges of their decision-making authority, agree to vest powers of process control in the office of chairmanship? I claim that the delegation of authority to the chairmanship of international organizations and multilateral conferences should be understood as a functional response to three forms of collective-action problems: agenda failure, negotiation failure, and representation failure. The tasks that states generally confer on the chairmanship – agenda management, brokerage, and representation – answer directly to these problems. If this theory correctly captures the sources of demand for formal leadership, we would expect the powers delegated to the chairmanship to vary with the pattern of collective-action problems in specific multilateral contexts.

This argument should not be misunderstood as a claim that only formal leaders may ameliorate these collective-action problems. The organization and practice of international cooperation testifies that individual states, coalitions of states, and international secretariats sometimes are engaged to perform similar functions. Hence, the existence of alternative leaders conditions the empowerment of chairmanship institutions by offering competing institutional

solutions to agenda failure, negotiation failure, and representation failure. Nor should the argument be read as a claim that these are the only impediments to efficient multilateral bargaining. For instance, failure to secure domestic support frequently hinders international cooperation, but is not a collective-action problem that generates a demand for formal leadership.

*Agenda failure* refers to the absence of progress in negotiations because of shifting, overcrowded or underdeveloped agendas. As negotiation theorists regularly emphasize, complexity increases manifold as we move from bilateral to multilateral bargaining, reducing states' capacity to negotiate and conclude efficient accords.<sup>9</sup> Whereas the existence of multiple parties and issues to some extent may facilitate agreement by allowing for cross-cutting package deals, there is a notable risk that agendas will become overcrowded. As Richard Walton and Robert McKersie emphasize: "The parties would want to avoid having an overwhelming number [of issues] – so that the negotiators are not overloaded and do not need to devote too much time sorting through items to the detriment of genuine exploitation of particular items."<sup>10</sup> Conflicts over the format of the agenda and the priority of the issues can force states to devote scarce resources to pre-negotiation preparations whose sole purpose is to arrive at a negotiable agenda.<sup>11</sup>

Rational choice theorists in the study of legislative institutions highlight a related source of agenda failure. Decision systems that grant equal agenda-setting opportunities to all actors are liable to issue cycling and will be unable to secure stable majorities for the proposals advanced.<sup>12</sup> This problem may arise when an issue involves multiple dimensions on which the parties disagree, for instance, left/right next to environmentalist/industrialist. The effect is a constant shifting of coalitions depending on what aspect of an issue is being considered. While originally

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<sup>9</sup> Touval 1989; Zartman 1994a.

<sup>10</sup> Walton and McKersie 1965, 146.

<sup>11</sup> Stein 1989.

<sup>12</sup> McKelvey 1976; Riker 1980.

developed in relation to national legislatures, this argument sheds light on the challenges of arriving at stable outcomes in multilateral negotiations as well.<sup>13</sup> Issues negotiated in world politics, such as regional integration, trade liberalization, security management, and environmental protection, typically involve more than one dimension of contention.

The functional solution to the problem of agenda failure is the institutionalization of agenda control. Negotiation theorists point to procedures and practices for dealing with complexity, such as issue sequencing and subtraction, coalition building, and single negotiating texts.<sup>14</sup> Rational choice theorists, for their part, speak of how institutional arrangements in legislative politics, such as agenda-setting power, gate-keeping authority, and sequential choice, can prevent the manifestation of agenda instability.<sup>15</sup>

In the world of multilateral negotiations, the delegation of agenda-management powers to the chairmanship constitutes a prominent strategy for dealing with the risk of agenda failure. The responsibilities conferred on the chairmanship of international organizations and conferences typically comprise tasks and solutions prescribed for dealing with overcrowded, underdeveloped or unstable agendas. The chairmanship normally possesses the authority to take general decisions on the sequence, frequency, and method of negotiation, as well as specific decisions on the structure of meetings, the format of the meeting agenda, the right to speak, the voting procedure, and the summary of results. By executing these powers, negotiation chairs keep the agenda to manageable proportions, assign priority to the issues on the agenda, and structure the negotiations.

*Negotiation failure* refers to deadlocks and breakdowns in bargaining that are caused by the parties' inability to identify the underlying zone of agreement, because of stratagems that conceal

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<sup>13</sup> Mesquita 1990.

<sup>14</sup> Raiffa 1982, ch. 17; Sebenius 1983; Dupont 1994; Hampson with Hart 1995, ch. 2.

<sup>15</sup> Shepsle 1979; Shepsle and Weingast 1984; Fiorina and Shepsle 1989; Baron 1994.

or distort their true preferences. This is a classic bargaining problem.<sup>16</sup> For purposes of finding an agreement that makes all parties better off, states must signal what they can and cannot accept. Yet revealing information about one's true preferences is both risky and non-tactical, since it exposes a party to exploitation and deprives it of the weapon of concessions. Instead, states have incentives to be secretive or dishonest about their true preferences by exaggerating the value of their own sacrifices and downplaying the benefit of others' concessions. The result is a distorted picture of preferences that either reduces the perceived zone of agreement, with the effect that gains are "left on the table," or eliminates it altogether, with the effect that negotiations break down.

The logic of this bargaining problem is strong in bilateral negotiations – its standard representation. Yet it is compounded in the multilateral setting, with its particular difficulties of communicating preferences and exchanging information among a large number of parties.<sup>17</sup> As one observer notes: "The chief obstacles to multilateral negotiations are complexity and uncertainty: complexity created by the large number of parties to the negotiation and issues on the table, uncertainty heightened by the difficulties of communicating preferences and exchanging information among a large number of participants."<sup>18</sup>

In international cooperation, the delegation of brokerage responsibilities to the chairmanship constitutes a common way for states to deal with the risk of negotiation failure. This act of delegation seldom involves the conferral of formal powers. Instead, it takes the shape of a practice among states to share information about their private preferences with negotiation chairs, and a mandate for negotiation chairs to structure bargaining around single negotiating texts. Through bilateral encounters with the bargaining parties, negotiation chairs are provided

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<sup>16</sup> Luce and Raiffa 1957; Walton and McKersie 1965; Lax and Sebenius 1986, ch. 2.

<sup>17</sup> Winham 1977; Sebenius 1983; Touval 1989; Zartman 1994a.

<sup>18</sup> Hampson with Hart 1995, 23.

with privileged information about state preferences. This information permits them to identify any underlying zone of agreement and construct compromises that can capture this zone. The authority to formulate a single negotiating text facilitates this process and allows negotiation chairs to cut through the complexity of competing and overlapping proposals.

The risk of *representation failure* is a product of interdependent decision-making in international cooperation. Multilateral negotiations seldom take place in a vacuum. Instead, bargaining in one issue area or body tends to be nested within broader processes of negotiation and may even be dependent on agreements with external actors.<sup>19</sup> In such cases, the negotiating states must find a formula for collective representation vis-à-vis third parties.

The interdependency between a negotiating forum and its external environment may take a variety of forms. International regimes are becoming increasingly interlinked, and activities in one issue area (e.g. trade) often impact on activities in another field (e.g. environment), producing a demand for mechanisms of inter-institutional coordination. Furthermore, international organizations seldom encompass all potential parties, creating a demand for procedures that enable the members to handle relations with non-members and to negotiate the accession of prospective members. Finally, agreements within one negotiating body may be directly dependent on external negotiations with third parties, generating a demand for agents that can represent the collective of states.

The delegation of representation authority to the chairmanship offers a functional solution to these problems. International organizations cannot be represented by all constituent member states in their external relations, but must devise institutional arrangements for representation and negotiation. States' decision to empower the chairmanship to speak on their behalf constitutes a

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<sup>19</sup> On nested games generally, see Tsebelis 1990.

subset of the general phenomenon of representation powers being delegated to negotiating agents.<sup>20</sup>

In sum, this theory predicts that the powers conferred on the chairmanship of international negotiation bodies will reflect particular functional demands in cooperation, and be concentrated in the areas of agenda management, brokerage, and representation. Empirical data lend support to this hypothesis when providing evidence of a causal link between actual or anticipated collective-action problems and specific acts of delegation. By contrast, empirical data challenge this proposition if the conferral of authority on the chairmanship is random, or systematically addresses other problems than agenda failure, negotiation failure, and representation failure.

### *The Supply of Formal Leadership*

What are the consequences of creating and empowering chairmanship institutions in international cooperation? I claim that the office of the chairmanship, once vested with powers of process control, becomes a political platform with implications for the outcomes of multilateral negotiations. More specifically, I suggest that formal leaders enjoy privileged access to a set of informational and procedural power resources that may enable them both to enhance the efficiency of negotiations and to favor certain distributional outcomes. However, I also specify how the institutional environment conditions the ability of formal leaders to steer negotiations toward the agreements they most prefer.

Negotiation chairs benefit from an asymmetrical distribution of two forms of *power resources*. First, they tend to enjoy access to information that is either unavailable to the other parties, or relatively more costly to acquire. As principal-agent theory reminds us, information asymmetries may arise because an agent acquires information through its activities that the

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<sup>20</sup> Mnookin and Susskind 1999; Meunier 2000; Pollack 2003, ch. 5.

principal cannot obtain, or because the behavior of an agent is not fully observable to the principal.<sup>21</sup>

In multilateral negotiations, formal leaders benefit from information asymmetry in three ways. First, the practice of bilateral encounters at which governments offer negotiation chairs privileged information about national resistance points provides formal leaders with unique information about state preferences. Second, international secretariats at the chairman's special disposal endow formal leaders with expert information about the technical subject matter of the negotiations (content expertise), as well as legal and procedural advice (process expertise).<sup>22</sup> Third, formal leaders tend to know more about their own influence over outcomes than the negotiating parties. This is particularly true with regard to the function of representation, when formal leaders often interact with third parties beyond the immediate control of the collective of states, since close oversight would reduce the representative's capacity to conclude external deals.<sup>23</sup>

The second power resource is asymmetrical control over negotiation procedure. As process managers, formal leaders tend to enjoy privileged control over decisions on the sequence of negotiations (from prenegotiation to negotiation and endgame), the frequency of negotiation sessions (and associated time for domestic deliberations and bilateral interaction), the format of negotiations (multilateral, minilateral or bilateral), and the method of negotiation (competing proposals or single negotiating text). As managers of individual negotiation sessions, formal leaders open and conclude meetings, structure the meeting agenda, allot the right to speak, direct voting procedures, and summarize the results. Expressed in more political terms, negotiation

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<sup>21</sup> Kiewiet and McCubbins 1991, ch. 2; Miller 1992, chs. 6-7.

<sup>22</sup> Wall and Lynn 1993; Metcalfe 1998.

<sup>23</sup> Nicolaidis 1999; Meunier 2000.

chairs tends to enjoy asymmetrical influence over who gets to say what, when, how, and to what effect.

By drawing on these power resources, negotiation chairs can help states overcome bargaining impediments that prevent the realization of collective gains. However, the very same resources may be exploited to pursue private gains as well. As agenda managers, negotiation chairs are endowed with formal procedural instruments that permit the organization of a negotiable agenda; yet the structuring of the agenda is not a neutral exercise, since it involves prioritizing some issues at the expense of others. As brokers, negotiation chairs are granted privileged access to information about the parties' preferences in the pursuit of viable compromise proposals; yet this exclusive preference information may be used to promote agreements with certain distributional outcomes rather than others. As representatives, negotiations chairs enjoy the power to act and negotiate on behalf of a collective of states; yet the interaction with third parties offers possibilities to present positions and strike bargains that diverge from the group's median preference.

Assuming that negotiation chairs are strategic and opportunistic actors with an independent set of preferences, we would expect them to exploit their exclusive resources to promote agreements with distributional implications structured in their own favor. In the language favored by rational choice theorists, formal leadership would not only move outcomes toward the Pareto frontier (making negotiations more efficient), but also along the Pareto frontier (affecting the distribution of gains).<sup>24</sup>

However, negotiation chairs do not operate in a political world without constraints. I conceive of the *formal institutional environment* as an intervening factor, affecting the discretion of negotiation chairs. Two components merit particular attention: the institutional rules governing agenda setting and decision making, and the institutional design of the chairmanship.

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<sup>24</sup> Krasner 1991; P. Young 1991; Moravcsik 1998.

Agenda-setting rules shape the ease with which the chair can favor the introduction of proposals it wants to promote. Where the parties have concentrated agenda-setting power in one actor, this limits the discretion of formal leaders, unless this actor is the chairmanship. Negotiation chairs will be unable to present formal proposals on their own initiative, but must convince the exclusive agenda setter to table them as its own. Where all parties possess equal agenda-setting rights, negotiation chairs will find it relatively easier to influence the formal agenda. They can either table proposals on their own (if they represent a state) or turn to any of the parties (if they represent a supranational institution). Furthermore, equal agenda-setting rights benefit formal leaders indirectly, by raising the likelihood of overloaded agendas and subsequent delegation to the chairmanship of the power to draft single negotiating texts.

Decision rules shape the ease with which the chair can promote proposals that satisfy the requirements of an efficient bargain and meet the partisan interests of the chair.<sup>25</sup> Where unanimity or consensus is prescribed, negotiation chairs must take the interests of all parties into consideration, and will find it relatively difficult to steer negotiations toward their ideal point. Finding an agreement that makes everyone better off may in itself constitute a major challenge. Where decisions may be taken through majority voting, it is relatively easier for states to reach an efficient outcome and for negotiation chairs to influence the distribution of gains. The fact that not all parties must be brought on board expands the range of potential agreements, as well as the discretion of formal leaders, who may select among multiple equilibria.

The institutional design of the chairmanship affects the incentives and discretion of formal leaders. The world of international cooperation offers three alternative institutional models. The first model – rotation of the chairmanship between the parties – is likely to create dynamics of diffuse reciprocity that work to the advantage of negotiation chairs. This model effectively entails a sharing over time of the private gains that states can derive from the chairmanship.

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<sup>25</sup> On the implications of decision rules, see Scharpf 1997; Tsebelis 2002.

Instead of investing scarce resources in costly control mechanisms, we would expect states to offer each other latitude in the execution of the chairmanship, as all parties eventually get their privileged opportunity to direct the negotiations.

The second model – election of one state’s representative as permanent chairman – is likely to result in constrained formal leaders with more limited impact on distributional outcomes. Unless states wish to grant one of the parties extraordinary means of securing national interests, they will establish means of control. The parties can exercise *ex ante* control by electing a chairman from a state with central and/or weak preferences in the issues under negotiation, or by appointing co-chairmen drawn from competing interest constellations. Alternatively, the parties can establish *ex post* control mechanisms, such as time limits and re-election restrictions.

The third model – appointment of a supranational official as permanent chair – presents states with a similar control problem, but is unlikely to yield outcomes systematically structured to the advantage or disadvantage of any particular government. Supranational secretariats hold preferences of their own, normally the furthering of the political ideals embodied in the international organization they serve. The supranational promotion of these ideals generally consists of efforts to facilitate the process of cooperation and tends to serve the collective good of the regime. While favoring the most ambitious negotiation parties on each individual dossier, the aggregated effect of these actions on state interests is likely to be diffuse, given variation between the parties in the relative weight attributed to alternative issues.

In sum, this theory suggests that the office of the chairmanship may offer the incumbent privileged opportunities to shape negotiated outcomes. Empirical data lend support to the theory’s hypotheses if the influence of negotiation chairs can be linked to informational and procedural advantages, and varies with formal properties of the institutional environment. By contrast, empirical data that give evidence of random patterns of influence, or systematically speak to alternative power resources and behavioral constraints, challenge the same propositions.

In the following two sections, I assess the explanatory power of this theory through a case study of decision making in the EU and comparative evidence from trade, security, and environmental negotiations.

## **Formal Leadership in the European Union**

In the EU, the office of the Presidency rotates between all participating governments on a six-month basis. The member state that holds the Presidency chairs the working groups, committees, and ministerial meetings in the Council of Ministers – the EU’s central decision forum – as well as the summits of the European Council. In this section, I summarize the empirical argument of a book-length study on formal leadership in the EU.<sup>26</sup> The book maps the delegation of process powers to the Presidency from the 1950s onwards, and offers six case studies of Presidency influence. Space limitations preclude a full presentation of the empirical evidence, for which I refer the reader to the book. Instead, I present the core results through an outline of the Presidency’s institutional development, and synopses of the case studies.

### *The Institutional Development of the EU Presidency*

The historical evidence strongly supports a functionalist interpretation of the EU Presidency’s evolution from the 1950s until the early 2000s.<sup>27</sup> When first established in 1957, the office of the Presidency was only equipped with basic administrative powers. Today, Presidencies performs essential functions of agenda management, brokerage, and representation that make them a central and contested part of the political life of the EU. This transformation of the EU

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<sup>26</sup> Tallberg 2006. See also Tallberg 2003, 2004.

<sup>27</sup> For full details, see Tallberg 2006, ch. 3.

chairmanship reflects a process of rational institutional adaptation to actual or anticipated collective-action problems in European decision-making. Member governments have continuously adjusted and extended the functions of the Presidency, in search of more efficient methods of intergovernmental cooperation. Even if other institutions and actors at times have been chosen to perform similar process functions, each decision to confer powers of agenda management, brokerage, and representation on the Presidency can be linked to considerations of efficiency in EU bargaining.

**Agenda management.** In the original design of the EC, the Presidency was only entrusted with limited procedural tasks, whereas the European Commission enjoyed exclusive authority to set the Community's substantive agenda. Two parallel developments propelled the Presidency into a more pronounced agenda-management role. First, the Commission's capacity to dictate the agenda suffered from the so-called empty chair crisis in 1965-1966, when France challenged the development toward further supranationalism. While retaining its formal monopoly on policy initiation, the Commission's informal political authority was severely weakened. Second, the scope and intensity of EC policy-making increased in the late 1960s, following the completion of the customs union, giving rise to new working groups, committees, and ministerial configurations in the Council. Decision-making became progressively more fragmented, and the Council experienced problems coordinating policy developments across the whole spectrum of EC activity. Next to the creation of the European Council in 1974, the conferral of new powers on the Presidency constituted member governments' primary response to the problem of overcrowded and badly organized Council agendas.

Consecutive rounds of adaptation in institutional practices reinforced the Presidency's function as agenda manager, often at the expense of the Commission. The effect was to "ascribe to the Presidency burdens, functions and opportunities for leverage which were not explicitly part

of the initial institutional design.”<sup>28</sup> The need to strengthen the Presidency, with the aim of improving the coherence of Council activities, constituted a central part of a 1974 reform package, the 1976 Tindemans report, and the 1979 report of the Three Wise Men. The conclusions of the latter report well illustrate the functional demands driving this process:

In improving the Council’s performance, the first priority is to strengthen the Presidency in its dual role of organizational control and political impetus. It is no accident that the functions of the Presidency have been both expanded and more widely recognised in recent years. The strong central management which it can provide offers the most natural means of compensating for the centrifugal tendencies within the Council. It bears the prime responsibility for tackling the spread of specialized business, the ramifying inter-institutional relations, the differing interests and behaviour of the Member States. --- [I]f the Presidency does not do this job, there is not longer anyone else who can fill the breach.<sup>29</sup>

When EC governments in the mid-1970s created new negotiation forums outside the traditional Council machinery, through the establishment of European Political Cooperation (EPC) and the European Council, they eschewed the services of the supranational Commission and placed the rotating Presidency in the driving seat. In the EPC, the Presidency quickly emerged as the primary source of political proposals, even if all governments formally held the same right of initiative. In the European Council, the administrative and political preparation and execution of summits devolved upon the Presidency, which gained a discretionary role in defining and delimiting the agenda.

The 1980s and early 1990s witnessed a further expansion in EC activity, and the annual number of ministerial meetings increased with over fifty percent from 1980 to 1993. One effect of this development was the delegation in 1989 of an explicit authority for the Presidency to prioritize among competing policy concerns in a comprehensive work program. The Presidency’s agenda-management function was further strengthened by the right to propose issues for general

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<sup>28</sup> Wallace 1985, 3.

<sup>29</sup> Three Wise Men 1979, 35.

policy debates, and the steadily growing use of informal meetings in the Presidency country with agendas decided by the host government. In recognition of the political dimension of these agenda-management powers, each Presidency nowadays appears before the European Parliament to present its work program in the beginning of the term and to outline its achievements at the end of the period.

**Brokerage.** In the early years of EC cooperation, the member governments mainly relied on the Commission as broker of compromise in the Council. Not being one of the bargaining parties, the Commission was expected to be detached from national interests and able to function as an impartial mediator. Yet, increasingly aware and skeptical of the Commission's supranational agenda, member governments began to rely more heavily on the rotating Presidency as their preferred broker from the mid-1960s and onwards. In the EPC and the European Council, member states' decision to exclude the Commission from the institutional framework left the Presidency without a competitor. Nowadays, the "Presidency compromise" is an established term among EU policy-makers and observers.

The demand for the brokerage services of the Presidency mainly was driven by two developments. First, the growing complexity of European decision-making made it relatively more difficult for the parties to identify potential agreements. Successive waves of enlargement expanded the number of bargaining parties and the spectrum of preferences. In addition, the expansion of the EU's policy range, and the associated growth in negotiation arenas, created a pressure for cross-cutting package deals. As a link between the various bargaining arenas in the Council, the Presidency was well placed to meet these needs.

Second, a string of institutional reforms, stretching from the Single European Act (SEA) in 1986 to the Nice Treaty in 2000, created a demand for more active mediation and coalition-building. The growing use of majority voting in the Council gave the Presidency an important

role in identifying and building viable coalitions. To facilitate this task, the member states in 1987 provided the Presidency with the authority to call votes. Since then, it has become standard practice for the Presidency to work toward a minimum agreement supported by the requisite number of member states, and then invite outliers to join the majority under the threat of voting. Furthermore, the extension of significant legislative powers to the European Parliament increased the dependence on the Presidency as broker. The obligation of the Commission to take the Parliament's views into full consideration when revising its legislative proposals placed the responsibility to broker compromises in the Council firmly with the Presidency.

To facilitate brokerage, EU governments have equipped the office with specific mediation resources that enable the Presidency to unveil resistance points and identify underlying zones of agreement. The General Secretariat of the Council, at the Presidency's special disposal, tracks state preferences and positions, provides tactical advice on negotiation procedure, and offers expertise on the dossiers under negotiation. To sound out concerns, extract concessions, and test compromise proposals, Presidency representatives at various levels engage in shuttle diplomacy – *tours des capitales* – meeting bilaterally with their counterparts in the European capitals. The format of the bilateral encounter permits governments to share information on their bottom lines with the Presidency, thus improving the chances of agreement without exposing themselves to exploitation by other parties. The practice of the “confessional” was developed to serve the same purpose during the course of negotiation sessions. When confronted with a deadlock, the Presidency may adjourn the proceedings for confidential discussions with individual delegations. “The objectives are threefold: first, to encourage individual delegations to be more open and more direct about the ‘bottom lines’ of their negotiating positions; second, to put pressure more

fiercely on individual delegations to make concessions; and, third, sometimes, to offer ‘unofficial’ inducements to cooperation.”<sup>30</sup>

**Representation.** Since the early 1970s, the Presidency step by step has acquired more encompassing responsibilities as member governments’ external representative vis-à-vis third parties and internal representative in relation to other EU institutions. The evolution of these representation powers closely reflects increasing functional demands, resulting from growing EU involvement in world politics and intensified legislative bargaining with the European Parliament.

The first decade and a half of European foreign policy cooperation was characterized by consecutive rounds of delegation to the Presidency. When EC governments launched the EPC in 1970, they charged the Presidency with the task of functioning as liaison with the applicant countries at the time. In 1973, they expanded this authority by conferring the right to speak on their behalf in EPC dialogue in general. In 1975, the Presidency became the member states’ collective spokesperson in the UN General Assembly. In 1981, the member states endowed the Presidency with the authority to meet with third parties on their behalf, explicitly citing external demands for contact channels and expectations on concerted European action. By the mid-1980s, the Presidency’s function as external representative was well-established: “As the external relations of the Community have expanded, so different formulae have been agreed for representing common positions, which have come to impose more and more of this responsibility on the Presidency. Since the establishment of political co-operation, the representational role of the Presidency has taken a quantum leap forward.”<sup>31</sup>

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<sup>30</sup> Hayes-Renshaw and Wallace 1997, 147.

<sup>31</sup> Wallace 1985, 19.

In the 1990s, the Presidency was delegated explicit negotiation powers and greater executive authority, following the failure of EU governments to respond rapidly and concertedly to the velvet revolutions of Eastern Europe 1989-1991, the war in the Gulf in 1991, and the outbreak of fighting in Yugoslavia in 1991. When revising the institutional structure of EU foreign policy in the 1997 Amsterdam Treaty, the member states equipped the Presidency with the power to negotiate international agreements on their behalf. At the same time, the late 1990s witnessed a broadening of the formula for external representation, through the appointment of secretary general of the Council Secretariat as High Representative for the Common Foreign and Security Policy.

The evolution of the Presidency's function as Council representative vis-à-vis other EU institutions closely reflects the European Parliament's development into an important interlocutor in the EU's budgetary and legislative procedures. In the 1950s and 1960, when the Council enjoyed exclusive decision-making power, there was little demand for mechanisms of interaction with the Parliament. It was only in the first half of the 1970s, when the Parliament was granted important powers in the adoption of the EC budget, that the Council was confronted with a representation dilemma: "The Council consists of a representative from each Member State. Each has equal and distinct status. --- Who, then, should represent the Council before the Parliament?"<sup>32</sup> The member governments chose to appoint the Presidency as their intermediary in the budget negotiations. These arrangements were further developed in 1982, when a specific procedure for budget negotiations between the presidents of the Council, the Parliament, and the Commission was introduced.

A second phase began with the conferral of new legislative powers on the Parliament through the SEA in 1986. The treaty granted the Parliament the authority to make legislation it disliked difficult for the Council to adopt, and thereby forced the Council to engage in legislative

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<sup>32</sup> Westlake 1999, 332.

bargaining. EU governments appointed the Presidency as their representative in these inter-institutional negotiations. The 1991 Maastricht Treaty and the 1997 Amsterdam Treaty further strengthened the legislative powers of the Parliament by introducing and extending the so-called co-decision procedure, which grants equal decision power to the Council and the Parliament. Formally, legislative disagreements are settled in the so-called conciliation committee, where the Presidency leads the Council delegation. In practice, however, mutually acceptable texts tend to be chiseled out in informal, bilateral negotiations between the representatives of the Council and the Parliament.

### *The Influence of EU Presidencies*

In order to assess the influence of Presidencies in EU negotiations, I have conducted a set of six case studies, selected on the basis of three criteria. First, I have systematically selected cases where the Presidency government holds preferences at one end of the spectrum, which makes it relatively easier to empirically trace and demonstrate influence over distributional outcomes, compared to cases where Presidencies hold central preferences. Second, I have chosen cases to ensure variation in formal institutional rules, identified as a central intervening variable in the theory of formal leadership. Third, I have selected cases to ensure variation across Presidency governments in structural power capabilities, and across dossiers in political salience.

The case studies provide comprehensive empirical evidence in favor of the Presidency office as a platform for political influence in EU bargaining. While performing functions that enhance the efficiency of EU negotiations, Presidency governments simultaneously exploit the chairmanship for national political purposes, wielding its privileged power resources for private gain. Making effective use of their asymmetrical control over information and procedure, the Danish, Finnish, French, German, and Swedish Presidencies in the late 1990s and early 2000s succeeded in shifting outcomes in their own favor in the areas of enlargement, institutional

reform, environmental policy, budgetary policy, and foreign policy. At the same time, these case studies point to the conditionality of Presidency influence. Agenda-setting rules shaped the extent to which Presidencies could independently launch new policy initiatives, or had to rely on close cooperation with the Commission. Decision rules affected the capacity of Presidencies to shape distributional outcomes by limiting or expanding the zone of agreement. Taken together, the six cases grant support to the proposition that rotation as a design principle produces a system of diffuse reciprocity, where member states take turns in providing the services and enjoying the benefits of the chairmanship.

**Agenda management.** The structuring of the agenda permits Presidency governments to assign priority to competing political concerns. The cases selected from the Finnish and German Presidencies in 1999 demonstrate that Presidencies' influence over the agenda both takes the shape of traditional agenda setting and includes forms of non-decision-making.<sup>33</sup> Presidencies engage in agenda setting when they raise the awareness of neglected problems and devise new policy initiatives. They call attention to prioritized concerns by including them in the official Presidency program and scheduling informal meetings devoted to these themes. They place new issues on the formal agenda either directly, where the member states share the power of initiative, or indirectly, where the Commission holds this right and can be convinced to present Presidency initiatives as its own. But, in addition, Presidencies engage in non-decision-making when they exploit the exclusive control over the agenda to downplay or even exclude controversial issues. They assign limited negotiation time to lowly prioritized issues, refuse to pick up nationally sensitive dossiers during their period at the helm, or block progress on unwelcome proposals through deliberately unviable "compromise" suggestions.

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<sup>33</sup> For full details, see Tallberg 2006, ch. 4.

The Finnish campaign to establish a Northern Dimension in the EU's foreign policy shows how access to the power resources of the chairmanship may be used to launch new policy initiatives. The aim of the Finnish campaign was to produce a coherent EU foreign policy toward Russia and the Baltic Sea region, matching the EU's policy for the Mediterranean region. The initiative constituted Finland's first attempt to shape the orientation of EU foreign policy after joining the organization in 1995. Finland launched the campaign for the Northern Dimension in 1997, with the intention of consolidating and institutionalizing this policy initiative during the Presidency in 1999. Once in control of the chairmanship, the Finnish government made extensive use of the procedural instruments at its disposal. The initiative was anchored in the Presidency program and placed on the agenda of formal and informal meetings, seminars, and conferences with EU and external partners. Finland courted the Commission to secure the supranational executive's support in the implementation of the initiative, and arranged a ministerial conference specifically devoted to the Northern Dimension. Finally, and most importantly, it engineered support for a European Council decision on a policy action plan. The Finnish campaign was central to the institutionalization of the Northern Dimension as a component of EU foreign and security policy, even if the requirement of unanimous approval forced the Finnish government to dilute the contents of the initiative.

The German government's removal of a nationally sensitive directive on car recycling from the Council's agenda illustrates the Presidency's ability to engage in non-decision-making. The proposed directive would have obliged manufacturers to recycle 80-85 percent of scrap vehicles, at great cost for Europe's car producers. The German auto industry would have been hardest hit, and successfully lobbied the German government to backtrack on a previous commitment to a draft agreement tabled by the preceding Austrian Presidency. At its first meeting in charge of the Environmental Council, the German Presidency exploited the prerogatives of the chair by unilaterally deciding to drop the issue from the agenda and force a postponement of the decision,

to the great dismay of other governments. During the spring of 1999, Germany used the time it had gained to lobby the United Kingdom and Spain, in order to build a blocking minority in the Council. The two governments eventually yielded, following diplomatic pressure and side-payments. At the final meeting of the Environmental Council, the German Presidency could conclude that the proposed directive no longer enjoyed the support required for adoption. The directive was eventually adopted more than a year later, on terms more favorable to German interests, following a compromise in the Council and negotiations with the Parliament.

**Brokerage.** The engineering of intergovernmental bargains permits EU Presidencies to select among multiple equilibria and steer negotiations toward outcomes they privately prefer. The cases drawn from the German and French Presidencies in 1999 and 2000 demonstrate how institutional practices specifically developed to aid the Presidency in its function as broker are used for both collective and private gain.<sup>34</sup> Presidencies exploit the privileged information about state preferences obtained through bilateral confessionals and *tours des capitales* to extract concessions from the parties. They use the brokerage mandate to devise single negotiating texts that keep desired components on the table and sensitive options away from it. They speed up negotiations and improve the chances of agreement on nationally prioritized issues through decisions on the frequency and format of bargaining sessions. By consequence, it is rare for the Council to arrive at decisions that go against the explicit desires of the Presidency.

The German Presidency faced the challenge of concluding the negotiations on the Agenda 2000 reform package, targeting the EU's agricultural policy, regional policy, and long-term budget for 2000-2006. The reform proposals were highly contentious and Germany itself held extreme preferences on several dossiers. Making full use of its brokerage resources, the German Presidency succeeded in forging a package agreement that was acceptable to all parties and

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<sup>34</sup> For full details, see Tallberg 2006, ch. 5.

safeguarded central German interests. To create favorable conditions for a deal, the Presidency intensified the formal meeting schedule, moved the dossier to the top of meeting agendas, and called informal negotiation sessions. In order to focus and steer the negotiations, the Presidency adopted a specific brokerage formula – the negotiating box – that effectively constituted a single negotiating text. Issues of contention were unlocked through a combination of bilateral confessionals that unveiled the parties' bottom lines, and follow-up papers that outlined new compromise alternatives. The final deal corresponded closely to the German positions on agricultural reform, reflected the German demands for budget discipline over the next financial period, and balanced competing demands on regional spending. By contrast, Germany only partially reached the goal of reducing its net contribution to the EU budget, which is best explained by the veto power conferred on the existing net beneficiaries by the requirement of unanimity.

The French Presidency was scheduled to conclude the intergovernmental conference (IGC) convened in 2000 for purposes of revising the EU treaties. The IGC addressed controversial institutional issues, and it was no secret that France strongly preferred certain outcomes over others. To facilitate an agreement by December 2000, France intensified the meeting schedule, moved the IGC to the top of Council agendas, and sequenced the negotiations so as to achieve agreement on the easier issues first and save the thorny matters to the European Council summit in Nice. Confessionals and *tours des capitales* served to elicit privileged information about national resistance points, which subsequently was used to draft revised versions of the Presidency's single negotiating text. On the eve of the Nice summit, the Presidency invented and distributed institutional side-payments. Throughout the negotiations, the French government scrupulously exploited the chairmanship to favor national objectives. Proposals framed as compromises from the chair often constituted national position papers. The prerogative to sum up negotiation sessions was frequently used to promote results desired by the Presidency. The open

use of the office's resources to this end resulted in much negative publicity. Yet, if we assess the substantive outcome of the negotiations, France was remarkably successful in protecting its vital interests. The French government achieved a reduction in the future number of Commissioners, obtained a rebalancing of voting weight in favor of large states, secured formal French vote parity with Germany, prevented majority voting in nationally sensitive areas, and facilitated deeper cooperation for groups of member states. The requirement of unanimity favored the parties wishing the least change to existing rules on the issues with status-quo alternatives, notably, the extension of majority voting. This worked to the advantage of the Presidency on some dossiers (e.g., trade policy and immigration policy, blocked by France), but reduced its capacity to steer the negotiations toward its most preferred outcome on others (e.g., taxation and social policy, blocked by the UK).

**Representation.** The function as representative in internal and external bargaining grants Presidencies the opportunity to influence the agreements that EU governments negotiate with third parties. The Swedish and Danish Presidencies in 2001 and 2002 offer cases that well illustrate how the discretion as representative simultaneously can be used to favor collective and private interests.<sup>35</sup> Privileged by informational and procedural asymmetries, and relieved of intrusive control mechanisms, Presidencies attempt to steer negotiations toward their ideal outcome. Typically, Presidency governments exploit the unique position at the interface between internal and external negotiations to play off recalcitrant parties against each other, channel preference information in strategic ways, initiate informal negotiations beyond the control of competing parties, and negotiate *fait accompli* agreements.

The Swedish Presidency represented the Council in legislative negotiations with the European Parliament over new rules on public access to EU documents. The large majority of

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<sup>35</sup> For full details, see Tallberg 2006, ch. 6.

member states wished to uphold confidentiality, whereas the Parliament advocated far-reaching transparency reforms. Sweden belonged to the minority of states with preferences close to the Parliament's perspective, because of the threat posed by restrictive EU rules to the Swedish freedom of information act. Despite this troublesome position, the Swedish Presidency managed to engineer an agreement close to its preferred outcome. Exploiting its procedural prerogatives, the Presidency initiated informal negotiations with the Parliament's representatives even before the Council had come to an internal position. The absence of a Council mandate granted the Presidency significant discretion, as did the closed format of these talks. In order to achieve a solution that met the interests of the Council minority, Sweden played off the secrecy hawks in the Council against the transparency extremists in the Parliament, emphasizing the concessions made by both camps. The deal negotiated with the Parliament met with strong objections when presented to the Council, but the Presidency managed to prevent the secrecy-oriented states from mobilizing a coherent alternative before the scheduled deadline of the negotiations. The Swedish strategy was dependent on the use of majority voting, and would not have succeeded if unanimity had been required. The new transparency rules were eventually hailed by the European media as bringing about a revolution in the access to EU documents.

The Danish Presidency functioned as the EU's representative in the accession negotiations with ten candidate countries from mainly Central and Eastern Europe. For economic and political reasons, a broad and swift enlargement of the EU had been Denmark's top priority in the EU ever since the fall of the Berlin wall in 1989. The EU's Mediterranean members, poised to lose from the scheduled redirection of funds toward Central and Eastern Europe, were more skeptical. The Presidency period presented Denmark with an opportunity to solve the outstanding, highly problematic, dossiers, thus bringing the negotiations to a conclusion at the Copenhagen summit of the European Council. Once in office, the Danish government used the procedural powers of the Presidency to put other urgent concerns on the backburner and focus the EU's negotiation

resources on the enlargement dossier. For instance, Denmark reserved the summits of the European Council for enlargement negotiations, and transformed Council meetings into negotiation sessions with the candidate countries. The Presidency engaged in informal, bilateral consultations with both member states and candidate countries, in order to gain the information necessary to construct an acceptable package agreement. The access to both arenas was utilized to play off the most recalcitrant parties against each other. At the Copenhagen summit, the Danish Presidency exploited its discretion by offering concessions that had not been condoned by the Council, but which the Presidency correctly judged would be reluctantly accepted, when presented as a *fait accompli*. The conclusion of the negotiations during Danish chairmanship paved the way for a broad enlargement of the EU in May 2004.

### **Formal Leadership in Security, Trade, and Environmental Negotiations**

In the previous section, I demonstrated that negotiations in the EU lend extensive support to the theory of formal leadership. Yet the exclusive EU focus raises questions about the explanatory reach of the theory. Is the phenomenon of negotiation chairs that wield power and influence outcomes isolated to the EU, or is it a general feature in international cooperation? In this section, I place the European experience in a comparative perspective and consider secondary evidence from three institutional contexts: the CSCE/OSCE, the GATT/WTO, and UN environmental conferences. These cases are drawn from a broader inventory of chairmanship arrangements in international cooperation, summarized in Table 1. Each of the selected negotiation contexts conforms to one of the alternative ways of organizing the chairmanship – rotation between states, appointment of supranational official, and election of state representative. This allows us to test the hypothesis that institutional design shapes the discretion

and influence of negotiation chairs. More specifically, we would expect rotation to fuel dynamics of diffuse reciprocity, and the other two models to involve more pronounced concerns with control and less discretion for chairmen to influence the distributional dimension of negotiated agreements.

**TABLE 1.** *Chairmanship Arrangements in International Cooperation*

<b>Organization</b>	<b>Rotation between states</b>	<b>Election of state representative</b>	<b>Appointment of supranational official</b>
<b>APEC</b>	Economic Leaders Ministerial Meetings Senior Officials (one year)		
<b>ASEAN</b>	Summit Ministerial Meetings Standing Committee (one year)		
<b>AU</b>	Assembly <sup>2</sup> Executive Council <sup>2</sup> Perm. Rep. Committee <sup>2</sup> (one year)		
<b>Council of Europe</b>	Committee of Ministers Ministers' Deputies (six months)		
<b>EFTA</b>	Council (six months)		
<b>EU</b>	European Council Council of Ministers Committees & Groups (six months)		
<b>G8</b>	Summit (one year)		
<b>IAEA</b>		General Conference <sup>2</sup> (duration of meeting) Board of Governors (one year)	
<b>IMF</b>		Board of Governors (time unspecified)	Executive Board (managing director)
<b>NATO</b>	Ministerial Meetings (one year)		North Atlantic Council Defence Planning Committee (secretary general)

<b>Nordic Council of Ministers</b>	Council of Ministers (one year)		
<b>OECD</b>		Ministerial Meetings (one year)	Council (secretary general)
<b>OSCE</b>	Ministerial Council Permanent Council (one year)		
<b>World Bank</b>		Board of Governors (time unspecified)	Board of Executive Directors (president)
<b>WTO</b>		Ministerial Conferences (duration of meeting) General Council <sup>1</sup> Committees & Bodies <sup>3</sup> (one year)	Trade Negotiations Committee (director general)
<b>UN</b>	Security Council (one month)	General Assembly <sup>1 2</sup> Main Committees <sup>3</sup> (one year)	
<b>UNEP</b>		Governing Council <sup>1 2</sup> (duration of meeting) Committee of Perm. Rep. (one-two years)	
<b>UNFCCC</b>		Conference of the Parties <sup>1 2</sup> (one year)	

<sup>1</sup> Geographical rotation of right to nominate candidate for election prescribed in treaty, rules of procedure or equivalent document.

<sup>2</sup> Geographical balance in the composition of the bureau or presidium prescribed in treaty, rules of procedure or equivalent document.

<sup>3</sup> Geographical division of chairmanships prescribed in treaty, rules of procedure or equivalent document.

The comparison reveals that the European experience is not exceptional. In all three negotiation contexts, formal leaders have been delegated central process functions and influenced negotiated outcomes. Yet the kind of powers the chairmanship has been equipped with and the form of influence formal leaders have exerted vary across the three cases. States have not adopted a standardized model for the responsibilities conferred on formal leaders in international cooperation, but tailored the office to match specific functional needs. Furthermore, the evidence confirms that alternative design principles yield variation in distributional influence. Where

states institute rotating chairmanships, they grant relatively more discretion to negotiation chairs than when they elect a chairman from one of the parties or empower a supranational official.

**The CSCE/OSCE.** The development of cooperation in the CSCE/OSCE illustrates how functional demands may shift over time, with observable consequences in the powers delegated to formal leaders. The Conference on Security and Cooperation in Europe was first convened in 1973 and functioned until 1989 as a central forum for East-West dialogue. Curiously, the formal negotiation machinery, involving daily rotation of the chairmanship, was so ineffective that the negotiations in practice took place in informal sessions chaired by the neutral and non-aligned states, enjoying both agenda-management and brokerage responsibilities.<sup>36</sup> Whereas the general conference themes were decided in pre-negotiations between the United States and the Soviet Union, the neutral countries were given the difficult task of reconciling the superpowers' competing priorities in the working programs and meeting agendas. Furthermore, the extreme level of distrust between the two camps created a strong demand for third-party brokerage, which the neutral countries provided at each of the CSCE conferences, except for of the Belgrade meeting in 1977-1978. By contrast, there was no identifiable need for representation vis-à-vis other bodies in this loosely institutionalized process of détente.

The end of the Cold War fundamentally changed the preconditions for cooperation, the ambitions of the regime, and the demand for formal leadership. The CSCE was transformed into a proper international organization, the OSCE, at the center of which the member states placed the annually rotating Chairman-in-office (CiO), "vested with overall responsibility for executive action and co-ordination of current OSCE activities."<sup>37</sup> Since its creation, the office of the CiO has been delegated increasingly extensive responsibilities of agenda management, brokerage, and

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<sup>36</sup> Sizoo and Jurrjens 1984; Neuhold 1987; Gheballi 1989; Heraclides 1993.

<sup>37</sup> OSCE 2000. See also Stefan-Bastl 2001; Bakker 2002; Gheballi 2001.

representation, in response to functional needs in the new regime: “[The powers of the chairmanship] have developed in a pragmatic and creative way in parallel to the dramatic expansion of the OSCE’s operational activities and the necessities of current action related to the Organization’s increased responsibilities.”<sup>38</sup> Brokerage remains important, but the real growth areas are agenda management and representation, where the chairmanship nowadays enjoys powers that match or even surpass those of the EU Presidency. Each incoming CiO presents a political program that assigns priority to the wealth of issues on the OSCE’s policy agenda and for which the chairmanship carries the main executive responsibility. As the member states’ internal and external representative, the CiO issues instructions to the OSCE’s missions in conflict-laden regions, engages in crisis-management diplomacy, and speaks on behalf of the organization in relation to governments and international organizations.

Existing literature testifies that the services provided by negotiation chairs in both the CSCE and the OSCE have raised the efficiency of interstate bargaining and facilitated regime cooperation. The evidence on distributional effects reveals variation over time, however, with formal leaders affecting outcomes to a far lesser extent in the CSCE than in the OSCE. The discretion of the neutral states in the CSCE was strongly limited by the diverging preferences of the two superpowers and the requirement of consensus. Furthermore, the US and the Soviet Union effectively engaged in *ex ante* control when selecting the neutral states as negotiation chairs. As opposed to members of the two competing blocs, the neutral states tended to hold preferences in the mid-range of the spectrum, and therefore had few incentives to seek outcomes that would systematically disfavor either the East or the West. The overarching interest of these states in the process of détente was to keep it alive, by producing results sufficient for the US and the Soviet Union to remain involved.

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<sup>38</sup> Gheballi 2001, 201.

In the OSCE, by contrast, independent executive powers grant the member state at the helm extensive discretion in agenda management and representation. The CiO prioritizes among competing political concerns, when selecting policy issues to include in its political program for the twelve months in office. Similarly, the CiO shapes OSCE policy in its function as representative, when issuing public statements and mission directives that do not necessarily reflect consensus among the organization's members. The rotation of governments at the helm makes this distributional influence broadly acceptable to the parties, even if Russia considers itself a victim of the attention accorded to human rights issues by consecutive Western chairmanships.

**The GATT/WTO.** In the GATT/WTO, negotiation chairs have been delegated basic agenda management tasks and extensive brokerage responsibilities, but no powers of representation, reflecting varying functional needs. The large number of parties, the high level of issue conflict, and the consensus rule generally have created a strong demand for third-party intervention. During the last four trade rounds, the parties have drawn on the brokerage services of the supranational chairman of the Trade Negotiation Committee (TNC) – the director general of the GATT/WTO Secretariat. The TNC functions as the central coordinating body of global trade rounds, and the horizontal perspective of this organ makes its chairman well placed to function as package-deal engineer. The demand for an agenda manager that can help settle conflicts over priorities has traditionally been limited by the practice of the US and the EU to engage in pre-negotiations that establish the topics of a trade round and define the mandates of negotiating groups. Yet once these issues have been settled, the participating states rely on GATT/WTO chairmen to prepare the agendas of the specialized groups and committees. The large number of competing proposals easily produces overloaded agendas, even if the parties tend to group themselves in coalitions. GATT/WTO chairmen possess certain reporting requirements within

the internal negotiation machinery, but these do not comprise an authority to represent others and negotiate on their behalf.

Accounts of trade negotiations from the Kennedy Round in the 1960s to the Doha Round in the 2000s paint a very similar picture of the influence exerted by formal leaders.<sup>39</sup> With the exception of the Tokyo Round, brokerage by the TNC chairman has been pivotal in stitching together package agreements that can secure unanimous adoption by the parties. The director general has made effective use of the privileged resources of the chairmanship, calling informal negotiation sessions in the so-called Green Room, conducting bilateral talks to unveil bottom lines, and developing single negotiating texts. The most frequently cited example is the contribution of Arthur Dunkel, who chaired the TNC during the Uruguay Round and drafted the text that eventually formed the backbone of the final act. By contrast, existing accounts do not provide any evidence of systematic influence on the distributional dimension of these trade agreements. The combination of the consensus principle and substantive preference cleavages between the two main parties has reduced the zone of agreement and the discretion of negotiation chairs. Furthermore, existing literature indicates that the TNC chairman's over-arching objective more often has concerned process – keeping the trade negotiations on track – than substance – the specific provisions in individual dossiers.

**UN environmental conferences.** Three of the most comprehensive and well-documented environmental negotiations over the last three decades are the UN sponsored conferences on the law of the sea (1973-1982), the ozone convention and protocol (1982-1987), and the climate change convention (1991-1992).<sup>40</sup> In all three cases, the conferences were led by elected

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<sup>39</sup> On the Kennedy Round, see Preeg 1970; Winham 1979. On the Tokyo Round, see Winham 1986. On the Uruguay Round, see Sjöstedt 1994; Underdal 1994; Hampson with Hart 1995, chs. 7-8. On the Doha Round, see Odell 2005.

<sup>40</sup> On the law of the sea negotiations, see Sebenius 1984; Koh and Jayakumar 1985; Antrim and Sebenius 1992; Rubin 1993. On the ozone negotiations, see Benedick 1991, chs. 6-7; Széll 1993; Hampson with Hart 1995, ch. 9;

chairmen drawn from the participating states, who typically were granted important authority in agenda management and brokerage, but not representation. The combination of broad conference mandates and equal agenda-setting rights produced overcrowded negotiation agendas, leading the parties to endow formal leaders with the power to formulate single negotiating texts. Similarly, the large number of parties, the broad spectrum of preferences, and the requirement of consensus produced a distinct demand for brokerage. By contrast, the organization of these multilateral conferences did not create a functional demand for internal or external representation.

The conferral of powers on the chairmanship was gradual, reflecting the parties' increasing awareness of the collective-action problems involved in large-scale multilateral bargaining. In the law of the sea negotiations, the participating states only delegated the power to produce a single negotiating text once it had become exceedingly clear that no meaningful negotiation activity could be conducted based on the countless competing proposals on the table. This first act of delegation was subsequently followed by the conferral of authority to conduct confidential consultations, present revised versions of the draft text, and construct a comprehensive package agreement. The climate change negotiations display a remarkably similar pattern. Following extensive initial disagreements between developed and developing countries, the parties empowered the co-chairmen of the two working groups to develop single negotiating texts. Yet progress remained slow and the participating states subsequently authorized the conference chairman to develop a full compromise text, which formed the backbone of the convention eventually adopted.

As regards the influence of formal leaders, existing accounts testify to positive effects on the efficiency of the negotiations, while offering little evidence of a systematic impact on distributional outcomes. Formal leaders created structural negotiation conditions conducive for

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Tolba 1998, ch. 5. On the climate change negotiations, see Benedick 1993; Mintzer and Leonard 1994; Hampson with Hart 1995, ch. 11.

concessions, encouraged the parties to unveil their bottom lines in confidential talks, formulated single negotiating texts, discovered issue-linkages, and engineered package agreements. The contributions of conference chairmen Tommy Koh in the law of the sea negotiations and Jean Ripert in the climate change negotiations are broadly recognized in the literature. In the ozone negotiations, agenda management and brokerage were supplied jointly by the chairmanship and the UNEP executive director Mustafa Tolba. Yet the same unfavorable conditions that created a demand for brokerage – divergent preferences and the consensus requirement – reduced the discretion of formal leaders as well. Merely identifying a zone of agreement posed a challenge, and the possibility to select one efficient outcome rather than another seldom existed. In addition, the principle of election offered an effective instrument of *ex ante* control that limited the likelihood of exploitation. Typically, the overall conference chairman was selected from a country with weak and/or central preferences in the negotiations. As Winfried Lang, who chaired the conference on the ozone protocol, testifies: “A person is unlikely to be elected to the presidency of a conference if the government he or she represents adopts partisan views not shared by the majority or certain key players.”<sup>41</sup> Moreover, the chairmanships of the subsidiary bodies were either distributed to ensure regional power balance, or divided between two co-chairs that represented alternative interest constellations. In this respect, these environmental conferences illustrate a general pattern, confirmed in Table 1: where states opt for the model of chairmen drawn from the negotiating parties, they tend to institute formal mechanisms of power division between competing geographical groupings or interest communities.

## Conclusion

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<sup>41</sup> Lang 1994, 209.

The chairmanship is a generic feature of political decision-making, whether at local, national or international level. In city councils, parliamentary committees, and multilateral institutions, chairmen facilitate and influence decision-making by managing the agenda, brokering agreement, and representing the decision body vis-à-vis external parties. In many cases, the office of the chairmanship is itself an object of contention. Political parties compete for the formal control of legislative committees, and states struggle over the right to appoint the chairmen of international conferences and organizations. Yet, so far, political scientists have been slow to ask and answer the kind of questions motivated by these observations.

My ambition in this paper has been to demonstrate that formal leadership carries implications for our understanding of international cooperation that we cannot afford to neglect. Drawing on rational choice institutionalism, I have introduced a theory that generates testable hypotheses about the delegation of process powers to the chairmanship, the power resources of formal leaders, and the influence of negotiation chairs over outcomes. Summarizing extensive evidence from negotiations in the EU, and as well as experiences from security, trade, and environmental negotiations, I have found support for an understanding of the chairmanship as a power platform in multilateral bargaining. I conclude by outlining three sets of implications.

First, my results speak to the debate in IR about leadership, efficiency, and distribution in multilateral negotiations, endorsing basic assumptions of the informal leadership perspective, but challenging its agnostic approach toward the identity of leaders or entrepreneurs. This paper grants support to the notion that bargaining impediments and transaction costs are normal and ever-present ingredients of the negotiation process, creating a demand for political leadership. It claims that we cannot understand the delegation of agenda-management, brokerage, and representation functions to chairmanship institutions, unless we recognize the collective-action problems that motivate states to empower formal leaders. Empirically, it shows how states, in the

EU and elsewhere, turn to negotiation chairs for help, when confronted with overloaded agendas, deadlocked negotiations, and an absence of institutional formulas for representation.

The fundamental difference between my argument and previous analyses of leadership is the privileging of formal, rather than informal, sources of influence. Whereas existing accounts anchor political leadership in structural power, entrepreneurial capacity or intellectual capital, this paper highlights the platform provided by the formal position of the chairmanship. Access to the chairmanship grants actors informational and procedural advantages they otherwise would not have possessed, permitting them to influence outcomes in ways they otherwise would not have done. While it may be true that many types of actors can engage in political leadership, this paper generates the expectation that negotiation chairs will feature particularly prominently in analyses of successful multilateral bargaining. Furthermore, it predicts that formal leadership will influence the distributional dimension of negotiated agreements, shifting outcomes away from the equilibria expected by traditional bargaining theory, especially where states institute and empower rotating chairmanships.

The second set of implications pertains specifically to EU politics. The paper's empirical argument about the Presidency speaks to the long-running debate in EU studies about the relative influence of supranational institutions and national governments.<sup>42</sup> Lending support to an intergovernmentalist analysis of European integration, it specifies the most central institutional mechanism through which EU governments reach efficient bargains without supranational intervention. Through the rotating Presidency, governments take turns in providing the efficiency-enhancing functions of agenda management, brokerage, and representation, leaving limited demand for supranational entrepreneurship. The historical record demonstrates that European governments have developed the Presidency in order to address collective-action problems in EU cooperation, generally at the expense of the Commission. Furthermore, analyses

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<sup>42</sup> E.g., Sandholtz and Zysman 1989; Garrett and Weingast 1993; Moravcsik 1998.

of interstate negotiations, other than the case studies summarized here, testify to pivotal contributions by Presidencies – observations that so far have not been integrated into a theoretically coherent argument about formal leadership.<sup>43</sup>

This paper also suggests that Presidencies' distributional influence generates knock-on effects for the policy mix at the European level. The rotation of the Presidency between states with different preference orderings promotes a broader combination of policy than would have been the case under alternative chairmanship models, though at the expense of continuity.<sup>44</sup> In the EU's relations to neighboring regions, for instance, Southern European Presidencies consistently promote cooperation in the Mediterranean, whereas Nordic Presidencies develop policy for the Baltic Sea region. By the same token, EU member states to varying degrees use their periods at the helm to initiate and push forward cooperation on social regulation and economic liberalization, as well as internal institutional reform and enlargement of the Union, thus furthering a parallel – if somewhat irregular – advancement of policy across several fronts.

Third and finally, this paper opens up a new agenda of research on formal leadership. Several questions amenable to empirical inquiry have been left unanswered. The variation in the design of the chairmanship across multilateral conferences and international organizations, illustrated in Table 1, is one such issue. Why do states in some cases choose rotation arrangements, while opting for supranational chairmen or elected state representatives in other cases? Another outstanding question pertains to the choice between alternative leaders in international negotiations. Why do states in many cases rely on formal leaders to provide agenda management, brokerage, and representation, while turning to individual states, coalitions of states, international secretariats, or even private individuals, in other cases?

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<sup>43</sup> See, e.g., Moravcsik 1998, ch. 6; Moravcsik and Nicolaidis 1999; Svensson 2000; Dür and Mateo 2004.

<sup>44</sup> See also Kollman 2003; Elgström 2003.

Theoretically, the rationalist argument I advance invites competing interpretations of formal leadership. Even if existing literature does not offer coherent alternative accounts, sociological institutionalism presents general theoretical claims that may be disaggregated into specified hypotheses.<sup>45</sup> Challenging rationalist arguments about institutional development, sociological institutionalists would expect emulation of legitimate organizational models to play a more central role than functional efficiency in the design of chairmanship offices, and stickiness rather than adaptation to characterize the evolution of chairmanship offices over time. Furthermore, sociological institutionalists would point to alternative power resources, such as the legitimacy of the office, the trust acquired in previous interaction, and the capacity to persuade others through the better argument. Finally, sociological institutionalists would assume informal norms of appropriate behavior – such as the expectation on “honest brokerage” – to heavily shape the exercise of formal leadership, challenging the primacy of strategic gains calculations and formal rules in rationalist analysis. Formal leadership, in conclusion, offers ample opportunities for theoretical contestation and further empirical exploration.

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<sup>45</sup> DiMaggio and Powell 1983; March and Olsen 1998; Risse 2000.

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