

Regime Effectiveness: The Next Wave of Research

by

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Abstract

Does research on regime effectiveness still merit attention? The author's response is unambiguously affirmative. By responding to three important questions, an agenda for the next wave of research is laid out. Building on the Oslo-Potsdam Solution to measuring regime effectiveness, this article addresses the following three questions. First, how can we diagnose that international agreements interact with each other and how do we separate and aggregate the effects of multiple regulatory instruments? Second, how do we measure regime effects with a time-invariant metric and within absolute rather than relative bounds? Third, as some attempts at regime initiation never materialize in terms of treaty regimes, how can we incorporate knowledge about persistent nonregimes into our larger body of research?

Acknowledgements

International regimes have dominated research of international relations for nearly two decades. Yet some scholars recently wondered whether research on regimes has finally lost its appeal. Is regime research on its way out? This author is of a different conviction. In fact, regime research is returning to the most pressing question comparatively late: Do regimes make a difference? Institutions such as the European Commission and the European Environment Agency have become more and more interested in questions of policy evaluation, and international regime research can contribute methodologically and theoretically guided solutions to public policy. Building on the Oslo-Potsdam Solution to measuring regime effectiveness, this article will address three pertinent questions.

First, how can we diagnose that international agreements interact with each other and how do we separate and aggregate the effects of multiple regulatory instruments? Second, how do we measure regime effects with a time-invariant metric and within absolute rather than relative bounds? Third, as some attempts at regime initiation never materialize in terms of treaty regimes, how can we incorporate knowledge about persistent nonregimes into our larger body of research? In order to answer these questions, I will outline the original Oslo-Potsdam solution to measuring regime effectiveness as a point of departure.

1. The Oslo-Potsdam Solution

Research in international regimes had a major influence on the study of international relations, esp. international political economy and international environmental politics. A range of articles have assessed the contribution that regime research has made to the discipline (Haggard and Simmons 1987; Efinger, Rittberger et al. 1990; Levy, Young et al. 1995; Hasenclever, Mayer et al. 1996; Hasenclever, Mayer et al. 1997; Martin and Simmons 1998; Sprinz 2003). Broadly speaking, research on international regimes has undergone three phases. In a first phase, research concentrated on the conditions which account for the emergence of international regimes. Subsequently, the rules agreed upon in such regimes have to be implemented and complied with, which accounts for the second phase of research. In the current third phase, research on international regimes returns to the most important question, namely “do regimes matter?” (Haas 1989; Sprinz and Helm 1999; Young 1999; Helm and Sprinz 2000; Miles, Underdal et al. 2002; Underdal and Young 2004). Thus, we have to respond to the challenge

to demonstrate the benign or malign effects of international regimes, in short their effectiveness.

This article focuses on the third wave of international regimes research and which future research is needed to make both a scholarly contribution as well as assisting the formulation of public policy. In a world conscientious about purpose and efficiency, international regimes may have a role to play. If they indeed bring about desirable effects, policy-makers should be enticed to invest into them, not just in terms of lip service to a better world under some sort of international auspices but as a serious investment of precious political capital. Conversely, should the opposite be the case, past efforts at regime building should be critically re-examined, reconsidered, perhaps even abandoned. In order to decide whether regimes indeed have effects and to what degree, a measurement method is needed, esp. for comparison across cases. One prominent solution to this vexing challenge is the Oslo-Potsdam solution to regime effectiveness.

In essence, the Oslo-Potsdam solution (OPS) defines a policy space for international regimes with two reference points. The policy space is essentially a unidimensional (or aggregated multidimensional) scale that is causally related to the degree of (e.g., environmental) problem-solving. The two reference points are a lower and an upper bound which define the policy space that could be covered by the international regime. Whereas the lower bound (or nonregime counterfactual NR in Figure 1) defines the performance on the policy space in the absence of a regime, the upper bound (or collective optimum CO in Figure 1) represents the policy performance of a perfect regime. The distance (CO-AP) outlines the potential for improvement by way of an ideal regime. The degree to which regime-induced policy performance improved beyond the lower bound (AP-NR) in relation to the potential for improvement (CO-NR) is a simple measure of the relative effectiveness of an international regime.

The Oslo-Potsdam Solution enjoyed a friendly scholarly debate, esp. regarding its various assumptions and methodological options (Sprinz and Helm 1999; Helm and Sprinz 2000; Young 2001; Miles, Underdal et al. 2002; Hovi, Sprinz et al. 2003; Hovi, Sprinz et al. 2003; Young 2003). What is perhaps most striking about OPS is its versatility, i.e., the extensions that can be built on its main pillar as outline above. In the following, I will suggest three such extensions and how they can be derived from the present OPS, namely, first, separating and aggregating the effect of multiple regimes; second, creating absolute reference points that also allow for comparisons over time; and third, the role of nonregimes.

Figure 1: Measuring Regime Effectiveness



$$\text{Effectiveness Score } E = \frac{AP - NR}{CO - NR}$$

$$\text{Sensitivity of Effectiveness Score } S = \frac{AP + 1 - NR}{CO - NR} - E = \frac{1}{CO - NR} = \frac{dE}{dAP}$$

Notes: NR = nonregime counterfactual
 CO = collective optimum
 AP = actual performance

Source: Helm and Sprinz (2000, 637).

2. Separating and Aggregating Regime Effects¹

It is not uncommon that more than one treaty regime governs a particular policy area. In the pursuit of regulating climate change, greenhouse gases as well as stratospheric ozone depleting substances play a combined role, although in organizational terms both regimes do not interact very intensively. Indeed, it would be helpful to quantify to which degree these regimes positively interact to ameliorate global climate change. While the incidence of regime interaction has been taken up as a research topic (Oberthür and Gehring 2001; Gehring and Oberthür 2004), we still lack a methodology to diagnose the existence, direction, and strength of the interaction. Furthermore, comparability across issue areas would be desirable. By extending the Oslo-Potsdam solution, these three goals can be simultaneously achieved.

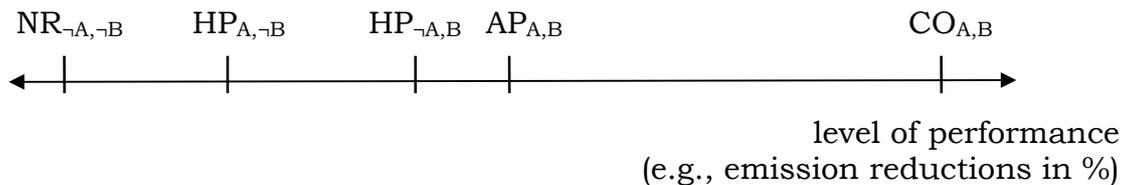
For expositional purposes, I assume that only two regimes, A and B, exist in the same regulatory domain and each regime only witnesses two

¹ A more detailed description with empirical results can be found in Sprinz et al. (2004).

states, either being present (e.g., “A”) or not present (e.g., “¬A”) during a particular period of time. The lower and upper bounds defined in the previous section now need to be refined. We will initially conceive of the revised nonregime counterfactual as the degree of instrument use in the absence of both regimes (NR_{¬A,¬B} in Figure 2) and the revised collective optimum as the maximum level of performance in the presence of both regimes (CO_{A,B} in Figure 2). As a consequence, the degree of problem-solving by way of regimes A and B can be expressed as the distance between the nonregime counterfactual in the absence of both regimes and the actual policy in the presence of both regimes, divided by the potential for regime improvement in the presence of both regimes (CO_{A,B} - NR_{¬A,¬B}) or

$$ES_{A,B} = [(AP_{A,B} - NR_{\neg A, \neg B}) / (CO_{A,B} - NR_{\neg A, \neg B})]$$

Figure 2: Measuring the Effect of Multiple Regimes



- Notes=
- NR = nonregime counterfactual (lower bound)
 - HP = hypothetical performance
 - AP = actual performance
 - CO = collective optimum (upper bound)
 - A or B = presence of regime A or B
 - ¬A or ¬B = absence of regime A or B

Source: Sprinz et al. (2004).

This solution can be generalized to larger numbers of regimes, yet for the purposes of exposition, I limit myself to two regimes within a regulatory domain. In order to derive the separate effect of each of the regimes, we have to introduce additional counterfactuals, i.e., the degree of hypothetical performance (HP in Figure 2) if one but not the other regime is present. As a consequence, the separate effectiveness scores for each of the two regimes in the absence of the other are

$$ES_{A, \neg B} = [(HP_{A, \neg B} - NR_{\neg A, \neg B}) / (CO_{A, B} - NR_{\neg A, \neg B})]$$

and

$$ES_{\neg A, B} = [(HP_{\neg A, B} - NR_{\neg A, \neg B}) / (CO_{A, B} - NR_{\neg A, \neg B})]$$

respectively.

In the absence of regime interaction, the aggregate effectiveness score for both regimes is the sum of its components ($ES_{A, \neg B} + ES_{\neg A, B}$). In case of interaction, the aggregate effectiveness score may be quite different. In order to quantify the interaction effect, we have to compute

$$IE_{A, B} = [(AP_{A, B} - HP_{A, \neg B} - HP_{\neg A, B}) / (CO_{A, B} - NR_{\neg A, \neg B})].$$

If the numerator turns out to be negative, we witness negative interaction (as displayed in Figure 2) and vice versa.

How can we empirically determine the existence, sign and strength of the interaction effect? Perhaps the most promising approach is the use of statistical methods that check for interaction effects among regimes, assuming a properly specified model of the variation in the degree of instrument use (Sprinz, Hovi et al. 2004). In particular, a model would have to specify the separate effects of each of the regimes involved as well as their interaction. Control variables would have to account for the nonregime explanatory factors of the degree of instrument use, e.g., technology, wealth, and mobility. For more case-study oriented researchers, I suggest the use of highly structured counterfactuals posed to case experts, making use of case selection techniques along the method of difference. Regardless of the approach taken, the implicit assumption of exchangeable units of observation is made, i.e., while we are interested in cases where we ideally observe none or both of the regimes in operation, we have to make inferences about the hypothetical regime performance of one regime in the absence of the other. In practice, we are thus likely to rely on case selection techniques for cross-sectional research designs or cross-sectional time-series for diachronic analyses.

What are the substantive and policy implications of knowing the degree of regime interaction as well as separate and aggregate regime effects? Knowing whether international regimes interact positively or negatively may be of particular importance in designing regimes. For the case of positive interaction, strengthening the component regimes may be called for, such as clustering regimes. The implication might be that it is desirable to design multiple regimes to make substantive headway in one

regulatory domain. Alternatively, amalgamation of various regimes into one meta-regime may be an option - as long as the stability of the positive interaction effect is maintained. Quite the opposite advice can be offered in the case of negative interaction: it may be advisable to disintegrate a meta-regime into its component parts and remove some of the negatively interacting parts (if possible), or in case of multiple independent regimes interacting negatively, it may be advisable to redirect or remove some of the least helpful regimes. In practice, this may be difficult to accomplish.

As we have seen above, regimes may interact negatively, thereby detracting from the sum of their otherwise benign separate effects. This actually sheds light on a shortcoming of the OPS which it has not yet been criticized before.² Furthermore, intertemporal comparisons call into question whether the nonregime counterfactual and collective optimum have to remain constant over long stretches of time. The absolute effectiveness approach is geared towards solving both problems simultaneously.

3. Absolute Effectiveness

In the following, we initially assume that more than one regime influences the level of performance in a specific issue area, yet without interaction between the two regimes. We furthermore assume that regime A exerts a mild positive hypothetical regime effect in the absence of B, while regime B exerts a strong negative hypothetical effect in the absence of A. Even without regime interaction, the sum of both may lead to a negative aggregate effect. This would, however, not be reconcilable with the original OPS as it assumes that single environmental regimes perform at least no worse than the nonregime counterfactual. By introducing absolute lower and upper bounds that for substantive and theoretical reasons are practically unmovable, we can continue to apply the logic of the Oslo-Potsdam solution.

Furthermore, over long stretches of time, the nonregime counterfactual as well as the collective optimum may not stay constant, e.g., because the scope for intervention by international regimes changes or rapid technological progress over several decades may move one of the counterfactuals but not the other. As a consequence, the original

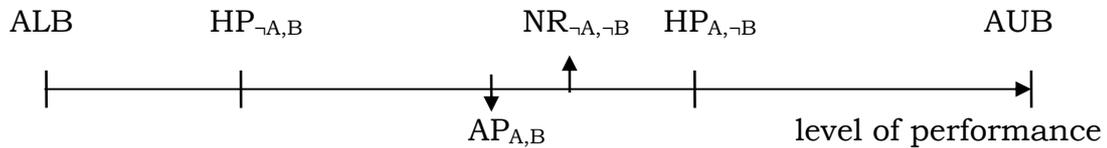
² Oran Young's observation on a 2004 ISA panel at Montreal is a noted exception. The original developers of the approach have been cognizant of the assumption from the outset (Helm and Sprinz 2000).

effectiveness scores may not be comparable across time and thereby undermine intertemporal comparability. In combination, there are grounds for relabeling the previously used upper and lower bounds as “relative.” The “absolute” lower (ALB) and “absolute” upper bounds (AUB) provide appropriate reference for any form of interaction and comparability of effectiveness scores over time.

How can we conceive of the absolute lower and upper bounds (ALW and AUB in Figure 3)? In the field of environmental protection, complete destruction of ecosystems (analogue to the worst-case result of Hardin’s (1968) “tragedy of the commons”) would constitute a plausible absolute lower bound. Conversely, in the field of international trade, using tariff rates equivalent to the prohibition of trade would serve the same purpose, whereas for violent interstate and intrastate conflict, the years of life lost due to the all-out use of the various types of weapons would constitute a reasonable absolute lower bound. Furthermore, the absolute upper bounds could constitute “perfect ecosystems” (if ecologist knew what this is), zero tariffs on trade (controlling for non-tariff barriers), and zero years of life lost due to interstate or intrastate war. Please note that the absolute lower and upper bounds are not quantities we normally observe, they are methodologically deduced – much like their relative brethren. The absolute lower bounds are often normatively detested, the upper bounds are often found normatively desirable.

The logic of computing effectiveness scores is maintained. The absolute lower (ALB in Figure 3) and absolute upper bounds (AUB) serve as unmovable reference points. Due to the present configuration of other factors, such as domestic, regional (e.g., EU) or technological policies beyond the scope of regimes A and B, we arrive at the nonregime counterfactual ($NR_{\neg A, \neg B}$ in Figure 3). Conversely, the distance ($AUB - NR_{\neg A, \neg B}$) is the potential contribution that a perfect configuration of regimes A and B plus the increments of the present to the ideal configuration of nonregime factors could accomplish. As mentioned in the introduction to this section, however, regime A has a small benign effect in the absence of B, while regime B has a strong negative effect (in the absence of regime A). As can be seen in Figure 3, the benign effects of regime A are overcompensated by regime B, thus leading to an aggregate negative effect. Such a solution does not rely on interaction being present, but simply on the separate effects of various regimes in the same policy area.

Figure 3: Absolute Effectiveness – The Basic Concept



$$\text{Nonregime Effectiveness Score } E_{\neg A, \neg B} = \frac{NR_{\neg A, \neg B} - ALB}{AUB - ALB}$$

$$\text{Regime Effectiveness Score } E_{A, B} = \frac{AP_{A, B} - NR_{\neg A, \neg B}}{AUB - ALB}$$

$$\text{Total Effectiveness Score} = E_{A, B} + E_{\neg A, \neg B} = \frac{AP_{A, B} - ALB}{AUB - ALB}$$

- Notes:
- ALB = absolute lower bound
 - AUB = absolute upper bound
 - HP = hypothetical performance
 - NR = nonregime counterfactual
 - AP = actual performance
 - A or B = presence of regime A or B
 - ¬A or ¬B = absence of regime A or B

In Figure 3, the relevant effects can be easily seen. The various hypothetical performance scores and other points of reference follow the logic outlined above. The reader will also detect that nonregime factors account for a policy performance that substantially improves upon the absolute lower bound, yet fall short of the absolute upper bound ($NR_{\neg A, \neg B}$ in Figure 3). While scope for improvement by regimes and incremental nonregime factors exists ($AUB - NR_{\neg A, \neg B}$), it is not used. In effect, as the negative effect of regime B overwhelms the positive effect of regime A, the aggregate of regimes A and B leads not only to a negative regime effective score, but the total effectiveness score (the sum of nonregime and regime effects) is lower than the nonregime effectiveness score itself. Is such a world implausible? If we stretch our imagination a bit, it may not be as unlikely as we might think. Assume that the level of performance is emission reductions of greenhouse gases. Furthermore, regime A is represented by the UN Framework Convention on Climate Change and its Kyoto Protocol, and regime B is a stylized World Trade

Organization/IMF/World Bank growth regime. While it is plausible that regime A somewhat constraints the emissions of greenhouse gases of at least some countries, a carbon-rich global growth regime may easily trounce the effects of a climate regime. A clever scientist would then hope that the interaction between the two is environmentally benign and strong thus that the separate climate regime and interaction effects combined are outpacing the separate growth regime. This may be the challenge ahead for climate policy to evolve.

This extension of the Oslo-Potsdam Solution can also deal with over time comparisons in a simple way. Assume regime A represents a particular regime over time period 1 and regime B represents the same regime over period 2. By using the same reasoning as outlined above, absolute effectiveness can cope with intertemporal assessments. The whole system can also be augmented to take account of interactions effects, yet the exposition thereof would carry us away from the purpose of this overview article.

How can we empirically determine the quantities of interest for absolute effectiveness? In effect, I have already mentioned candidates for ALB and AUB for the issue areas of trade, environment, and interstate conflict. Even if the specific values for such bounds were contested, it is comparatively easy to algebraically compute effectiveness scores for alternative choices as long as the dimension used for performance assessments is kept constant.

Finally, which are the substantive implications of using the absolute effectiveness concept? Originally, much of the international regime literature highlighted the benign effects of international regimes; subsequently, it shifted towards highlighting what international regimes trigger in terms of benign effects caused by domestic and other actors. Perhaps, this also points to a major specification problem that much of the international regime literature has not yet properly addressed, namely, first, the corroboration of substantial regime-induced domestic and other effects, and, second, the joint evaluation of the regime effects with and without interaction with other factors. To answer the first question, we would have to undertake studies which fully account for the effects caused by international regimes and their interaction with nonregime factors. Such specifications are absent from present research, perhaps because useful datasets are missing. Yet such research, most likely in the form of cross-sectional time-series designs, would, second, shed light on the relative importance of international regimes vs. other factors. If international regimes and their interaction with other explanatory factors account for relatively little improvement or

even lead to a net worsening of performance, aspirations of global regulation may be quite misleading – and vice versa! This would also herald a welcome contest of the relevance of international vs. comparative vs. domestic policy research in the domain of public policy. As a consequence, comprehensive effectiveness assessments would also serve as an appropriate field for scholars of political science, public policy, public choice, and social science methodology to collaborate in a fruitful way.

4. Nonregimes

Can a concept for regime effectiveness deal with analyzing its absence? At first, this is clearly counterintuitive, but at second thought, the absolute effectiveness concept points rather directly to this challenge.

Most research has hitherto relied on positive cases of regime creation, implementation, or regime effect. As a consequence of omitting appropriate control groups, esp. nonregimes, such research runs the obvious risk of biased inference (Cook and Campbell 1979; King, Keohane et al. 1994; Sprinz and Wolinsky-Nahmias 2004). Put most succinctly by Underdal in the context of the international regime literature.

To grasp the full impact of malignancy [an explanatory factor in the research design of Miles et al. (2002)] we would, however, have had to focus on *problems* – including those that did *not* generate institutionalized cooperation as well as those that did. Since the perspective we adopted here is shared by almost all of our colleagues, there is a real possibility that *the entire field of regime analysis is biased in favor of positive findings* (Underdal 2002, 447, emphasis in the original).

Nonregimes can be defined as
a public policy arena characterized by the absence of a formal interstate agreement for policy coordination. A ‘public policy area’ is a space for potential policy activity that is actually occupied by institutionalized policy in at least three countries” (Dimitrov, Sprinz et al. 2005).

The definition could be amended to also incorporate private nonregimes.

Nonregimes ought to be put into the larger context of combined research on nonregimes as well as successfully created regimes. The latter must

have been nonregimes in their earlier life. Thus, a trichotomy of stages of regime creation may be appropriate. At stage 1, no effort at regime creation is undertaken, but the possibility of creating one is at least voiced and substantively plausible, e.g., gains from cooperation exist. A second stage is reached once systematic efforts are undertaken to create a regime, such as sustained preparatory conferences for an intergovernmental treaty. Yet not all cases reaching stage 2 also reach stage 3, the successful conclusion of an international treaty (for details, see Dimitrov, Sprinz et al. 2005). Thus the study of nonregimes is the study why cases persist at stages 1 or 2, or revert from stage 2 to stage 1.

A few prominent cases honoring the definition above come to mind.³ First, in the field of global competition policy, there is partial and ad hoc cooperation in existence, but there have been repeated failures to develop a global regime that deals with merger and acquisitions or non-competitive practices. As the original WTO envisioned after WWII did not gain approval in the US Senate, the GATT agreement can be seen as a return from stage 2 to stage 1. More recently, the creation of a voluntary International Competition Network can be seen as attempts to make a transition from stage 2 to 3, yet the rules are not binding on members. Second, there is no international regime to protect the privacy of information, although given the amount of exchange of private information, this may be desirable. Transatlantic efforts to create a regime in the 1990s resulted in persistence at stage 2. Third, in view of substantial degradation of forests and outright deforestation, no global treaty regime on forest emerged despite repeated efforts to create such a regime since the 1990s. Thus, global forestry appears to be persistently locked into stage 2. Other cases such as the protection of coral reefs, tactical nuclear weapons, or small arms control either did not lead to sustained efforts at regime creation or are unlikely to move from stage 2 to 3. Once private regulatory nonregimes, i.e., those without formal government membership, are included, the number of nonregimes is likely to increase substantially.

Can the OPS be reconciled with research on nonregimes? To some degree, the answer is affirmative, in part, the answer is beyond the scope of this article. The affirmative part refers to the role of $NR_{-A,-B}$ in Figure 3. We know from the stages of regime model that $NR_{-A,-B}$ is equivalent to reaching either stage 1 or 2. There may be various theoretical reasons why nonregimes come about (Dimitrov 2003; Dimitrov, Sprinz et al. 2005; Dimitrov forthcoming), but the absolute effectiveness version of OPS allows us some additional conjectures. If $NR_{-A,-B}$ is not

³ See Dimitrov et al. (2005) for a more detailed treatment of cases.

substantively different from ALB, both factors other than regimes (such as technology, wealth, domestic and regional policies, etc.) as well as international regime factors hold the potential for substantive improvement. If much of this space for improvement is occupied by international regimes, then at least the preconditions for the gains from cooperation exist. If on the contrary this space for potential improvement by international regimes is rather small, there is very little hope for political actors to invest into intergovernmental policy coordination. In effect, we should expect most hopes to be invested into activities that are explicitly *not* associated with international regimes. It might then be advisable to create private international regimes or simply invest more into further optimizing nonregimes factors to enhance policy performance.

A mild caveat to this inference is the role of interaction between regime and nonregime factors. As interaction is possible only between at least two factors, it is difficult to appropriate cause to only one of them. Given the OPS algebra, it is reasonably easy to appropriate effectiveness to these factors, even if interaction is existent and of substantive magnitude. As the denominator is always the same in the intercomparison and thereby creates a comparable metric, reporting separate and interaction effects will create the message whether it is regime, nonregime, or interaction effects which account for substantial shares of policy performance.

Echoing the challenge of biased inference in the absence of nonregime cases in the study of international regimes, it is best to pool nonregime and regime cases in future analyses. This can be done in the comparative case study tradition (Dimitrov forthcoming) or by way of quantitative studies, esp. the use of hazard models which treat nonregimes as censored observations, or by way of cross-sectional time-series models (Wooldridge 2002).

5. Practical Relevance

We are witnessing a modern world where evaluation of public affairs is fashionable, but not yet necessarily rigorous. A public institution, such as the European Environment Agency (EEA) in Copenhagen, has been evaluated (by statutory obligation) on occasion of its 10th anniversary, the EEA itself has been charged to evaluate some of the EU's environmental and select cross-cutting policies. More generally, evaluations of major public policy programs are sometimes popular (yet

sometimes systematically eschewed), and institutional reorganizations are a fact of life. Whoever does not fare well in evaluations faces difficult questions and sometimes difficult choices. Therefore, it is important for evaluation research to be transparent, not arbitrary, and comparable. The OPS solution inherently satisfies all these criteria while allowing for a multitude of methodological options (Hovi, Sprinz et al. 2003). This does not preclude other and better generic evaluation techniques to emerge.

Why not make evaluation universal? While normative considerations such as the right to life, personal security, and some forms of equity are undisputable, major aspects of social life seem to eschew evaluation of their effectiveness. Why are many governments allowed to run public, mandatory pension systems that are often incompatible with accounting requirements in the private sector? Why are future generations nearly universally and systematically burdened with obligations whose merit is not necessarily evident in a few decades time? Does the considerable investment in the international space station, an international regime with some gaps in implementation, respond to more than academic curiosity? If we wish to answer such questions, evaluation instruments must produce comparable scores across issue areas, allow for over time comparisons, have fixed reference points, and also respond to the “incidence” of non-cases that we otherwise would not expect to happen. Besides scoring the relative success of policies, it is important to focus on the explanatory factors accounting for differences in policy effectiveness.

What would serve the public well? A comparable, macro-level evaluation of all *major* policy issues, national, regional, and global would be an excellent opportunity to take stock, reassess, the opportunities and then ask the (s)electorate to prioritize future efforts. Research on regime effectiveness, conceived as broadly and as generic as outlined in this article, can make a valuable contribution to the revitalization of our political systems, improve their legitimacy, increase efficiency, and to effectively dispense public policies in the very long run.

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