International norm setting is an interesting phenomenon for various reasons. First of all, governments and other actors may reach an agreement about common standards or norms that are different from and bolder than the standards or norms of their national political systems and societies. Second, governments may implement such bold international norms into domestic rules and practices, notwithstanding the fact that the costs of such implementation can be high. This workshop addresses the second aspect. It aims at explaining national compliance with international norms (‘why do social actors comply?’) from a comparative perspective (an analysis of ‘different mechanisms’). Two trends in political science and international relations theory seem relevant for the context of the implementation question. The first is the obliteration of the realist-inspired domestic-international distinction. The second is the recent use of the notion of governance, which suggests a certain international coherence. This paper will first discuss these two trends, it will then deal with the engaged actors and arenas in a political process model, which will be interpreted in a non-realist fashion, and finally, it will discuss some mechanisms that contribute to implementation.

The domestic-international distinction and the notion of governance

Two international relations approaches help explain the notion of international norm setting followed by domestic effects as opposed to the distinction between domestic and foreign politics common in realist thinking. These are the transnational and multilevel approaches. The launch of a transnational paradigm in the 1970s revealed effects of transnational relations on interstate politics like attitude change, international pluralism, increases in constraints of states through dependence and interdependence, and increases in the ability of certain governments to influence others. Another effect was the emergence of transnational organisations as (quasi-) autonomous actors ‘with private foreign policies that may deliberately oppose or impinge on state policies’ (Nye and Keohane 1971, 337). A relevant shift of this new paradigm was its recognition of a multiple agenda with socio-economic issues as important as national security issues: ‘low’ politics alongside ‘high’ politics. Except for its wider eye for issues on the international agenda the shift reopened a political economy perspective, which means that political decision making has to reckon with economic constraints or incentives and vice versa that private economic decision-making (e.g. by transnational firms) has to take account of political contexts. Nation-states and economic markets had been linked again. The ‘mixed-actor’ view of world politics, however, as a result of realist attacks continued to neglect domestic politics and remained mainly state-oriented. It was argued that the impact of non-state actors on world politics should not be exaggerated since nation-states retain a (near) monopoly on the use of coercive force and retain an enormous capacity to shape global and state welfare. The nation-state ‘still molds the activities of nonstate actors more than its behavior is molded by them’ (Kegley Jr. and Wittkopf 1995, 196).

In the 1990s the multilevel approach re-established the link between domestic and international politics. Putnam suggested seeing international relations as an interplay between domestic and international positions (Putnam 1988). In the debate with neorealism neoliberal institutionalists concluded that politics within countries could no longer be understood without comprehending the nature and changes of the linkages between national economies and the world economy (Keohane and Milner 1996). In an effort to integrate international and domestic bargaining theories Evans considers nation-states and private transnational actors as ‘uneasy allies’, because their preferred strategies for organising transnationally economic activities are often in competition. Focused on international market positions he sees three categories of private actors: ‘established participants in transnational alliances, “wannabes” who are potential players in international markets but lack an established position, and domestic actors who lack the capacity to exploit international market opportunities’ (Evans, Jacobson et al. 1993, 420). Risse-Kappen argues that domestic structures of the state as well as international institutions mediate the policy influence of transnational actors (Risse-Kappen 1995). With regard to the partly supranational European Union he refers to a ‘multilevel structure of governance where private, governmental, transnational and supranational actors deal with each other in highly complex networks of varying density’ (Risse-Kappen 1996, 62). In order to understand what is going on between governments in the EU and between governments and the societies they represent Moravcsik requires a more precise specification of domestic societal interests in particular interest-areas and the ways in which those interests constrain or empower
governments. ‘Domestically, governments participating in international negotiations are both empowered and constrained by important societal groups, which calculate their interests in terms of the expected gains and losses from specific policies’. This may mean that powerful groups ‘disadvantaged by co-operation will seek to obstruct government policy, even where such policies generate net gains for society as a whole’ (Moravcsik 1993, 487). What should be noted here, apart from differences of opinion between the authors, is another attempt to obliterate the domestic-international distinction. Domestic power relations are of importance to intergovernmental relations.

The globalisation debate clarified the other side of this coin by what I call the ‘external pressure – internal change’ thesis. This thesis says that national policy adaptations have to be made following from international incentives, such as economic globalisation or the conclusion of free trade agreements, and that these international incentives will be mediated by domestic institutions. As a result of both domestic and external pressures governments seem to be in a position in which they have to deal with two fronts: the domestic and the international one. Halliday noted that the state acts in two dimensions – the domestic and the international – and regarded the international dimension as important for all actors within a national society. Not only will those in state power (governments) recruit sections of domestic society for international activities or deploy international resources to contain domestic threats, those opposed to state power (society, e.g. social or ethnic groups) also seek international contacts in order to strengthen their position in domestic conflicts. In spite of differences in the abilities of both sides to mobilise resources Halliday underlines the internationalisation of domestic conflicts: ‘governments, social groups and ethnic groups try to enhance their position, vis-à-vis their own states, by obtaining international backing such as economic or military aid; and external actors seek to advance themselves against competitor states by establishing direct relations with elements within the latter’s societies’ (Halliday 1989, 49-51). Rosenau speaks about the domestic-foreign frontier as ‘a widening field of action, as the space in which domestic and foreign issues converge, intermesh, or otherwise become indistinguishable within a seamless web’. The international system is ‘less commanding, but is still powerful. States are changing, but they are not disappearing. State sovereignty has been eroded, but is still vigorously asserted. Governments are weaker, but they can still throw their weight around. At certain times publics are more demanding, but at other times they are more pliable. Borders still keep out intruders, but they are also more porous’ (Rosenau 1997, 4-5). Figure 1 presents this two-front position of governments.

Figure 1: The two-fronts position of a government between domestic and external pressures

domestic politics $\rightarrow$ government $\leftarrow$ external pressures

Intergovernmental cooperation (international institutions and regimes) being part of the external pressures (other pressures being aggression, crime, migration, financial crises and the like) complicates this scheme. In general the existence of international institutions has been explained in a functionalist way, i.e. in terms of the ends they help to achieve. International public unions and their uniform international regulations helped to secure a mutuality of advantages for the citizens of the member states (Reinsch 1911, 130-1). International regimes and the organisations that operate them facilitate ‘mutually beneficial agreements among states principally by reducing uncertainty, which they do by providing information to participants, stabilizing mutual expectations through the development of common standards, and monitoring compliance with international agreements’ (Keohane and Murphy 1992, 881-2). If we want to avoid a too narrowly realist position, which is what the pluralist and multilevel approaches suggest, we should consider that not only governments (states) are using international institutions and regimes to achieve their purposes but also private or non-governmental actors, such as corporations, transnational and international advocacy groups and professional organisations. Besides, given the degree of institutionalisation, we should also reckon with the possibility of some autonomy of international institutions in the sense that international policies cannot be explained as a compromise between the most important member states (Reinalda and Verbeek 1998, 3).

It is my impression that nowadays the general notion of governance has been used to refer to the interdependent functioning of this complex of governments and non-state actors at the domestic and intergovernmental levels. For obvious reasons this notion cannot be world (or regional) government as proposed by federalists and has become global (or regional) governance. As an overall term governance refers to collective problem solving in a continuously changing public realm, stressing processes and institutional procedures and practices. Given the degree of economic internationalisation and interdependence between nation-states governance, as an overarching national capacity to manage political, economic and social affairs, cannot be regarded as a closed system like the state in functional theories. The term governance has been introduced in the discipline of international relations without much debate or proper definition. No one has protested against its wooliness (cf. (Strange 1983) on regimes). Being there, global or regional governance seems to suggest certain coherence in national and international, state and non-state efforts to manage political, economic and social
affairs, in particular through the web of international organisations and regimes. It includes the elements of horizontal coordination and steering, as well as learning and correction rather than the authority or hierarchy connotations of world government. The term ‘world polity’ has a similar, maybe even stronger suggestion (cf. Ruggie 1998). The real, or maybe just supposed, effectiveness of governance justifies an analysis of the implementation procedures and mechanisms and their repercussions for various actors.

Against this background of theoretical trends the following section will discuss the interplay between domestic and international politics with special attention to the implementation aspect.

**National implementation of international decisions**

According to the two-front model, governments in an interdependent world are forced to make compromises at two levels. One is that of the nation-state or rather the national political system, with its own ways of decision making including the influence of privately political, economic and social forces. In the interplay between national and international decision making under conditions of interdependence the national compromises can be seen as ‘inputs’ for the second level, that of intergovernmental arrangements (institutions, conferences, groups of institutions, including the various ways of private actors’ influence). Debates at this level lead to other, possibly different compromises for the same issue. The international compromises (taking the form of agreements, conventions, resolutions, recommendations and the like) are in their turn ‘inputs’ for national political systems with the intention that nation-states ratifying these international agreements should adapt their national laws and their practices to the international norms and standards contained in these agreements (Reinalda 1997, 199-201). Given the workshop’s focus on implementation, the participation side of this interplay, referring to processes such as agenda setting, influence and decision making will not be discussed here. One remark, however, has to be made: one should resist realist temptation. Let me illustrate this point by referring to Cox and Jacobson’s seminal and inspiring discussion of decision making in the black boxes of international institutions. They discerned participant and representative subsystems (respectively the various actors participating in the whole process of agenda setting, influence and decision making, and the nation-states). In their interpretation of the results, however, they returned to the realist premise about international institutions as convenient tools for major powers. They introduced the notion of salience and interpreted the work of institutions, dominated by participant subsystems, as having little salience for the major states (Cox and Jacobson 1973, 426-8). Unlike Cox and Jacobson, who excluded transnational actors from explicit consideration because they wanted to express the environment of international institutions ‘as simply and clearly as possible’ (Cox and Jacobson 1973, 27), I want to argue that domestic actors should be included and that the results of participant subsystems may have more immediate consequences than realists presuppose.

One aspect of implementation has to do with the previously mentioned fact that international institutions monitor compliance with conventions reached under their auspices. This responsibility is shared with national governments and with particular domestic constituencies within different member states. The strongest sanction that most international institutions have in case a member state violates an international convention is ‘the ability of the professional staff (rarely) or the membership as a whole (typically) to call upon some or all members to retaliate’. Retaliation will be stronger if international institutions provide resources or services that are very important for the member state. The lack of enforcement power here dealt with means that, for the most part, international institutions only serve an intermediary or intervening role in the coercive shaping of international politics and world society, according to Keohane and Murphy. ‘If anything, the few constraints they place on state members serve to preserve the power of those who are already powerful’ (Keohane and Murphy 1992, 883-4). I suppose that our workshop will deal with the question of whether this still realist vision of a lack of enforcement power is correct.

Murphy provides some counter indications himself in his book about global governance since 1850. While Cox and Jacobson stress control by the major states, Murphy takes into account the institutions’ functions for all states. He emphasises that experiments in increasing their capacities encouraged ‘contradictory trends’ in the relative autonomy of international institutions. While some of their activities almost became tools of their most powerful members, other activities became ‘very independent of all their members’ (Murphy 1994, 220). Unlike Jacobson, who stresses the institutions’ limited resources, Murphy considers the large funds administered by international development agencies a basic difference between the modern UN system and its predecessors (Jacobson 1979, 85; Murphy 1994, 218). A few UN organisations have significant powers to reward, ‘and therefore to sanction’, and ‘its offers can wield their powers with a bit less attention to the immediate demands of members’. The capacities to lend funds to member states and the reliance on private organisations to carry out much of their work have changed the way in which international institutions ‘typically supported the domestic and international allies of members’ (Murphy 1994, 218-19). Murphy disagrees with the realist notion of tight constraints placed on the agencies by their member states. This is ‘more true in theory than it was in fact’, for instance at the end of the last century. Here he agrees with the functionalist idea that the limits governments place on international institutions can actually contribute to their effectiveness. Because governments are not apt to see ‘limited organizations as potential rivals’, they will give international organisations ‘the autonomy they
need to do their jobs’. With the exception of the ineffectual Court of Arbitration, none of the public international unions had a general mandate and ‘almost all acted with a great deal of autonomy, even though the constitution of the agencies make some look much more autonomous than others’ (Murphy 1994, 107). Data collected by Murphy (see Figure 2) show that in 1914 53 percent of the decisions in international institutions were taken by a simple majority rule and 13 percent even took place without official oversight from the member states. Only one third of the decisions were by weighted voting (18 %) or unit veto (16 %). Member governments rarely appointed permanent representatives. Most of the time they appointed officials ‘somewhat detached from the machinations of the powers themselves’. Regarding implementation this is understandable because the organisations provided a service to domestic or foreign allies of its member states (9 %) and allowed members to ‘perceive common interests’ (71 %) – in Keohane’s terms: intergovernmental cooperation reduced the information and transaction costs. By harmonising national laws and economic practices international institutions ‘let governments see their collective interest in regulation’ and indirectly they strengthened the state. The international body thus became a ‘new site for what formerly had been a purely domestic conflict over regulation of the economy’, and the change in forum influenced the resolution of the conflict (Murphy 1994, 107-9). Similar data collected for 1970 confirm the relative autonomy and show a 13 percent decrease in ‘unit veto’ (which rejects the realist assumption) and a 13 percent rise in ‘imposed sanctions’ (which favours the functional presumption) (Murphy 1994, 219). In 1914 81 percent of influencing member states was reached on a voluntary base and 19 percent by monitored compliance. In 1970 70 percent was reached on a voluntary basis, 17 percent by monitored compliance and 13 percent by imposed sanctions. In general, this is a decrease in voluntary action (from 81 to 70 %) and an increase in coercion (from 19 to 30 %). Although various interpretations of these results are possible, to me it seems crucial that international institutions have a range of means to influence member states, including sanctions.

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Based on (Murphy 1994, 219 Figure 3).

Murphy’s approach is not the only attempt to avoid the realist trap. Jacobson and Brown Weiss, trying to explain the compliance with international environmental accords, refer to relationships that involve international and domestic processes. Using suggestions by game theory and public goods theory, they formulated hypotheses which help to explain implementation and compliance (while implementation refers to measures that states take to make international agreements effective in national law, the stronger notion of compliance refers to whether countries in fact adhere to the provisions of the agreement and to the implementing measures they have instituted). They argue for instance that the probability of implementation and compliance by any individual signatory will be the greater, the greater the number of countries that have ratified an agreement and the greater the extent of their implementation and compliance. The thought behind this is that states have an interest in creating and maintaining a relatively stable and predictable international environment. ‘The more stable and predictable an environment, the higher the costs of disrupting it and, thus, the greater the probability of implementation and compliance.’ With respect to information, they argue that implementation and compliance will be the more likely, the greater the flow of scientific and technical information about targeted activities in a form that is understood by governments and public pressure groups. With respect to domestic politics they present two hypotheses. ‘Because repeated encounters and associations with counterparts as well as concern for reputations have a powerful impact on behavior, the more involved a country’s domestic officials and bureaucracies are in the preparation, implementation, and oversight of an accord, the greater the probability of implementation and compliance.’ Since epistemic communities are deeply committed to the goals of particular accords because of their knowledge and professional interests, they expect a greater probability of implementation and compliance, ‘the greater the size, strength, and activism of epistemic communities’ (Jacobson and Brown Weiss 1997, 315-16).
Another attempt to understand implementation is based on the managerial school of thought, which observes high levels of compliance with international agreements, even though strong enforcement provisions are rarely included or used. Dealing with the question of why states act through formal international institutions, Abbott and Snidal refer to the managerial school’s conclusion that international relations theory has focused too heavily on coercive enforcement. In this view, non-compliance typically results not from deliberate cheating, as is supposed by realists, but from ‘ambiguity in agreements, insufficient state capacity, or changing international and domestic circumstances’. International institutions may provide help in all these cases. ‘Ambiguity can be resolved through dispute resolution and other third-party procedures, including fact finding, good offices, interpretation of international agreements, and mediation. State incapacity is addressed directly by financial and technical assistance. Emerging compliance problems due to changing circumstances can be managed by IO political and judicial organs with authority to interpret and adapt agreements and elaborate norms.’ (Abbott and Snidal 1998, 26). When enforcement is needed, international institutions are able to facilitate decentralised action and to increase the prospect of continued interaction. They also have some direct avenues of enforcement, such as national reporting and the issuance of findings by the institution itself, the withholding of IO benefits, and their role as managers of enforcement, ‘authorizing and giving meaning to retaliation, thus ensuring that enforcement activities are not excessively disruptive to the larger international community’ (Abbott and Snidal 1998, 27).

We now have some clues to present an alternative to realist reasoning and its supposed lack of enforcement power. Nation-states have an interest in a predictable environment, which makes it more difficult to disrupt or cheat (Jacobson and Brown Weiss). Besides, it is not really a matter of cheating. There are other deficiencies, which can be repaired by international institutions. This support makes compliance a voluntary process, rather than one based on direct enforcement (Abbott and Snidal; Murphy). However, if necessary, international institutions do have some enforcement capacities of their own (Murphy; Abbott and Snidal), which will be the more effective, the more domestic actors (governments, advocacy or pressure groups, institutions) are aware of and engaged in the problems and solutions being discussed (Jacobson and Brown Weiss). In this alternative reasoning, there are various actors and arenas to be taken into account. With respect to actors we deal with governments in the national realm and the same governments in one or more international realms, private forces in their national, transnational and international capacities, and international institutions as international actors and as intervening actors in national political actors or in other international arrangements. Arenas are governmental, but also private, intergovernmental and inter-intergovernmental.

Implementation mechanisms and forces

This section will discuss four international implementation mechanisms as parts of the international policy process based on the idea of international norm setting: monitoring, public pressure, legal action and technical assistance, and two supplementary forces: the market and the so-called pincer-movement.

Since implementation and compliance of international policies do matter in an interdependent world, ways to monitor and control the implementation process are important. They all start from openness and candour, which require that information must be made available and exchanged internationally. Generally speaking, specific procedures to know what is going on are agreed upon and expressed in the international agreements and programmes themselves. In principle these agreements will present procedures and timetables to monitor the process, and if necessary, to adjust it. This may take the form of regular reports (every one or two years) and particular evaluation activities. The intention of monitoring is to see whether the implementation works, and if not, to either indicate those who do not comply (who will be embarrassed to be named as such by the others and suffer a loss of reputation and credibility) or to discuss the specific problems with the intention of a further implementation by additional means or decisions. Older international treaties are not very explicit in this respect, because of the traditional claim that external forces were not to interfere in internal affairs. But a comparison of older and newer UN treaties reveals that in later treaties, more detailed articles on monitoring are to be found than in older ones, and that monitoring as such has become much more accepted. These new articles often give precise prescriptions, for instance on topical quantitative data to be collected and presented regularly. These prescriptions also try to facilitate international comparison and if necessary adjustment of information. The amounts of information gathered through these procedures can be problematic, if the capacity of an international body to analyse all this information within the prescribed time-path is insufficient. In many situations there is data available, which for this simple reason cannot be analysed. But here again creative solutions may be worked out, by selecting issues or defining simpler time-paths. Sometimes even special committees are created to monitor and discuss the results of international policies and to present regular concluding reports to the international institution. If necessary the institution sometimes can send a fact-finding mission. The report of such a mission might lead to renewed action ‘against’ a non-complying member state. However, experience in the field of labour and human rights has revealed that such missions are more successful if executed in the form of a ‘constructive dialogue’ aimed at solving the specific problems of that member state.
**Public pressure** is a second implementation mechanism. Information gathered and presented by governments in monitoring procedures presents a special problem due to governments’ natural tendency to declare that a policy is in progress and that national situations have improved. A structural way for correcting this one-sidedness can be found in the tripartite International Labour Organisation. The fact that ILO reports are based on visions by governments, trade unions and employers means that the three kinds of reports may correct each other, as they in a general way do. However, there is no guarantee, since the actors may agree to have the same opinion, the non-governmental partners may not be free to express their opinion or they may not use the opportunities they have. Presentation of counter-information from outside is another solution. Private actors expecting that intergovernmental institutions will accept the results of their critical work use this method. This so-called Amnesty International model is based on authoritative counter-information on national situations presented to national authorities, intergovernmental institutions and public opinion. Hence, collecting counter-information is one step, making it play a role within the intergovernmental procedures a second.

**International legal action** is a third implementation mechanism. When intergovernmental policies are not met and further pressures prove to be inadequate, international legal action may be helpful given the fact that in most cases such provisions do exist. The European Commission, for instance, can appeal to the European Court when implementation by member states is problematic. This procedure can be started with information collected by the Commission itself, or because an individual has complained about national measures failing to apply the principles laid down in EU directives. The interesting thing about this procedure is that member states, even if they do take their time to correct, accept the European Court’s decisions. Although not supranational in character as in the case of EU directives, there are two more opportunities for individuals to complain about non-compliance with international conventions. These are the 1966 UN covenant on civil and political rights and the 1950 Council of Europe convention for the protection of human rights and fundamental freedoms. In both cases there is a fair chance that international decisions affect national situations in many countries. The dark side of international legal action is that its procedures are lengthy and rather inaccessible. Private organisations, however, can play a supportive role by directing the necessary information through the legal procedures of intergovernmental institutions.

**Technical assistance** is a fourth implementation mechanism. This may be given in the form of experts in certain fields or necessary equipment that is missing in member states who are supposed to fulfil certain functions. In this way, international institutions help to strengthen the nation-state and to adapt to changes in its international environment.

All four mechanisms, playing roles in the entire process of implementation and evaluation, may have repercussions for the international institution such as a change in the institution’s provisions (refining or changing procedures) or in an adaptation of the policies being implemented (new decisions). Implementation of similar policies by various international institutions may intertwine at national level. In this respect of repercussions, one should note that international institutions have proved to be dynamic institutions, ‘evolving to meet changing needs and circumstances and, as time goes by, becoming further and further removed from its treaty base’. Instead of restricting themselves to the narrow wordings of the original constitutional provisions, they have taken the liberty to find out which powers relating to the purposes and functions specified in the constitution can be implied and, hence, to expand its activities (Bowett 1982, 338).

A description of such functioning mechanisms, however, does not yet explain why they work. Two additional forces can be mentioned. These are the world market and the pincer movement. The world market as a force contributing to implementation can be found at the Organisation for Economic Cooperation and Development (OECD), in which developed industrial states coordinate their policies among each other and vis-à-vis the Third and Second Worlds, notwithstanding the fact that they continue to compete each other. The OECD can be regarded as an enormous international statistical bureau, regularly collecting data on every member state, and even non-member states. The results have been published in, among others, the **Economic Surveys**. There are special ways to collect such crucial data, such as the confrontation technique in which an OECD panel discusses the results of national policies with national officials against the background of OECD and other international criteria, and to see that data on various countries can be compared (by the help of scientists). Essential in the OECD mechanism is that all data have been published and are open to every one. Suppose that data on a specific issue all point in the same direction. In that case there is no reason for international policy making. If, however, data are pointing in various directions, there might be a reason to discuss what should be done. If that is decided the process begins with scientific meetings in which national experts reach certain conclusions. If the OECD decides that indeed a common policy is necessary, a ministerial meeting might discuss the issue and eventually formulate a policy with one or more international norms (for instance in the form of a declaration or recommendation). Being a truly intergovernmental institution no member state can be bound against his will. However, if a state does not follow the norms, yet the others do, its free will might bring this state in a disadvantageous position compared to the others. This can be illustrated by an example. If the OECD decides to lower social security costs a member state can continue to have a better and more expensive social security system (the Netherlands is a good example), this state is free to continue its former social security level but he
also knows, just like the other states, that he will lose competition on the world market. Hence, it may be expected that international norms will be implemented. The International Monetary Fund, which has a monitoring role in the context of G7 decisions, has a similar mechanism to find out to what extent member states are implementing such macro-economic international decisions. The IMF, however, did not perform this function in public but secretly. It is only recently that the national ‘conclusions’ have been published and are available on the Internet. It is expected that the effect of such public conclusions will be greater, if they are no longer confidential and as such will play a role in national considerations with respect to international competition.

The second force contributing to implementation is the previously mentioned pincer movement. In our investigation of autonomous policy making by international institutions Verbeek and I concluded that international institutions have various tools of influence at their disposal: first, the use of technical knowledge and judicial language in order to define issues and alternative solutions; second, the building of coalitions with domestic and transnational actors. For three institutions – the Council of Europe with its human rights regime, the ILO with its labour code and the EU practice in case of equal treatment of women and men – the crux of their effectiveness seemed to be a pincer movement due to a combination of both supranational and parallel subnational pressures on national governments (Reinalda and Verbeek 1998, 6). In our book Helfer and Slaughter used the assumption that individuals and interest groups will either invoke the rulings of an international tribunal as support for a position they independently espouse or will simply hold their governments to account for failure to comply with supranational law. They made similar arguments about the role of private parties in pressurising government institutions to comply with the rulings of a supranational tribunal. With respect to the Council of Europe they concluded that the existence in states (subject to the jurisdiction of a supranational tribunal) of domestic government institutions committed to the rule of law, responsive to the claims of individual citizens, and able to formulate and pursue their interests independently from other government institutions is a strongly favourable precondition for effective supranational adjudication. It might even be a necessary, although not sufficient condition for maximally effective supranational adjudication. ‘This precondition is inherent in our definition of effective supranational adjudication as the ability of a supranational tribunal to compel compliance with its judgements by convincing domestic government institutions, either directly or through pressure from private parties, to use their power on the tribunal’s behalf. A supranational tribunal can invoke the power of law and the interests of ordinary citizens, but these appeals will be far less persuasive if they do not resonate with domestic political values.’ (Helfer and Slaughter 1998, 155-6) For the judges of both the Council of Europe’s human rights court and the EU Court of Justice it can be shown that they have invested in the promotion of making national values resonate with international values. Hence, the mentioned pincer movement can be seen as having contributed to the effectiveness of implementation and compliance.

By applying theories of bureaucracy and organisational growth Haas once explained how an international institution might acquire independence from its environment. One of the elements relevant for understanding the pincer movement was the permission of some autonomy to subunits in order to develop certain values such as the articulation of principles and procedures to be used in the interplay between the organisation and the participating states or other international institutions (Haas 1968, 100-1). The monitoring procedure for ILO conventions resulted from such an endogenous dynamic. It followed a 1925 decision to create a standing committee to consider the many annual reports on ratified conventions that member states were obliged to submit. Since the committee found itself unable to cope with the volume of material a Committee of Experts began to function in 1927. This committee had a strict mandate: comparing texts of national legislation and ratified conventions. It had no power to evaluate performance or interpret conventions. However, it ‘soon enlarged its cocoon’ with the constant support of the workers. In 1929 it demanded the power to raise questions regarding the ratified conventions’ effectiveness of application. This was consented to as long as no actual investigations were undertaken. Soon after, however, the experts’ demands that states be asked to make observations on difficulties encountered in applying conventions, and that voluntary associations be invited to add their observations to the official reports were admitted. It was also agreed that governments are invited to appear before the Committee to explain special difficulties. Other demands were refused, such as a blacklist for persistent violators, the explanation of non-compliance by non-ratifying states or colonial powers, and the creation of specialised bodies. In its reports the Committee was not allowed to use the word ‘criticism’. It was changed to ‘observation’. Nevertheless, it slowly stripped itself of its original, purely consultative capacity and took the form of a semi-autonomous organ with its own authority (Reinalda 1998, 49-52). During the 1950s the experts’ monitoring procedure was enhanced in the sense of increased obligations of member states and more sources of information for the experts. Haas showed that the evolution of this supervisory machinery profited from the ongoing trade unions’ support while governments presented no common front. In this case it could be concluded that if an organisation creates implementation procedures, to be developed and executed by an independent subunit of experts, that takes a quasi-judicial stance, uses subnational sources of information and support, and presents its conclusion in a judicial language, member states that have agreed to the establishment


of such a subunit may accept stronger implementation procedures, even if they hold objections or if the new procedures involve more obligations for themselves (Reinalda 1998, 60). This organisational development is presented here, because it demonstrates that such subunit autonomy can be a way to penetrate national domains indirectly with the effective pincer movement of both supranational and parallel subnational pressures on governments as a result.

Conclusion
It was my intention to discuss the compliance issue in the context of the domestic-international distinction, avoiding a too narrowly realist interpretation. The first conclusion can be that international institutions have various serious implementation mechanisms (monitoring, public pressure, legal action and technical assistance) and use them to provide themselves with a more or less predictable environment. These mechanisms are interrelated and may support each other in the sense that one may compensate for the weaknesses of other mechanisms. The second conclusion can be that two additional forces enhance implementation and compliance. One originates from the institution’s environment (the world market), the other from within an institution (subunit autonomy). Compliance works best if an international institution puts pressure on governments through its pincer movement of both supranational and parallel subnational pressures, which means that governments are in a two-front position of domestic and external pressures (see Figure 1). This can be regarded as a firm obliteration of the domestic-international distinction, including the roles for non-state actors such as private organisations and international institutions. With respect to governance the conclusion is less clear, although it can be argued that certain coherence in national and international, state and non-state management exists through a web of international institutions and their subtle ways to penetrate national domains indirectly. Certainly not being global or regional government it remains unclear what it actually is. Maybe that is the reason why the notion of governance is used.

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