

Inside the Blue Box

Explaining Industry Influence in the International Maritime Organization

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**INSIDE THE BLUE BOX: EXPLAINING INDUSTRY INFLUENCE
IN THE INTERNATIONAL MARITIME ORGANIZATION**

PhD Series 01-2020

Christian Hendriksen

INSIDE THE BLUE BOX

**EXPLAINING INDUSTRY INFLUENCE IN THE
INTERNATIONAL MARITIME ORGANIZATION**

Doctoral School of Organisation and Management Studies

PhD Series 01.2020

CBS  **COPENHAGEN BUSINESS SCHOOL**
HANDELSHØJSKOLEN

Inside the Blue Box

Explaining industry influence in the International Maritime Organization

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Doctoral School of Organisation and Management Studies

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Til Knud

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English Summary

This dissertation explains how industry actors influence environmental maritime regulation in the International Maritime Organization (IMO). The reason for this topic and focus is the significant implications for the role of private actors in global regulatory affairs, coupled with the relative lack of explanations concerning how industry actors actually change political outcomes when they participate as political discussants. In the IMO, industry actors have extensive access to policy development, which makes it a relevant case to understand in more detail.

The theoretical basis of the dissertation is rooted in organizational institutionalism, but the foundation for the issue and its relevance is drawn from International Political Economy (IPE) literature. One novelty of the use of organizational institutionalism is the perspective it offers in terms of understanding the way IMO deliberations play out. Core concepts are institutionalized norms, values, and taken-for-granted beliefs, which together serves as the base for explaining the power of industry actors in the IMO and the way these actors exercise influence.

Methodologically, the dissertation approached this issue through direct participation in IMO sessions and the use of interviews with IMO delegates from 2016 through 2018, which includes almost 300 hours of observation and more than 60.000 words of field notes. The material was analysed qualitatively by using process-tracing, which allowed the inference of the most plausible explanation of how industry influence works.

The findings of the dissertation shows that industry actors gain influence by deploying technical arguments to influence substance or appeals to consistency to influence format of the regulation. State delegates and other industry delegates consider the use of technical arguments to be legitimate, because IMO delegates fundamentally view the IMO process as one of solving technical problems and making global standards rather than a political process. Industry achieves influence when state delegates believe the reasoning and substance of the technical arguments makes sense, as long as state delegates believe the issue under discussion is not too political to allow industry influence. This results in a constant balance, where state delegates weigh the political contention against the potential contribution of industry actors in a given discussion.

One important implication of this is the role of ‘invisible rules’, or institutionalized norms and beliefs, in the structuring of industry influence. Industry power is both constrained and enabled by beliefs and norms that IMO delegates’ largely take for granted, rather than formal rules or procedures that protect the IMO from capture by private interests.

This dissertation and its findings add to the theoretical understanding of industry power in global governance and international regulation by showing how industry influence pans out in a specific case, and expanding the theoretical repertoire for how researchers can approach such challenges. It also adds to the discussion about the appropriate role of firms and business interests in political life, and shows that there are nuances in the way industry power can be controlled and misused in an intergovernmental organization.

Dansk Resumé

Denne afhandling forklarer, hvordan industriaktører påvirker maritim miljøregulering i den Internationale Søfartsorganisation (IMO). Årsagen til dette emne og fokus er relevansen for de private aktørers rolle i global regulering, kombineret med den relative mangel på forklaringer af, hvordan industriaktører faktisk ændrer politiske resultater, når de deltager som politiske aktører. I IMO har industriaktører omfattende adgang til politikudvikling, hvilket gør det til en relevant case at forstå mere detaljeret.

Det teoretiske grundlag for afhandlingen er forankret i organisatorisk institutionalisme, men fundamentet for emnet og dets relevans er hentet fra International Political Economy (IPE) litteratur. En teoretisk relevans ved brugen af organisatorisk institutionalisme er det perspektiv, det giver med hensyn til at forstå, hvordan IMO-overvejelser spiller ud. Kernekoncepter er institutionaliserede normer, værdier og taget-for-givet overbevisninger, der tilsammen tjener som basis for at forklare industriaktørernes magt i IMO og den måde, disse aktører udøver indflydelse på.

Metodologisk tilgik afhandlingen dette emne gennem direkte deltagelse i IMO-sessioner og brugen af interviews med IMO-delegerede fra 2016 til 2018, som omfatter næsten 300 timers observation og mere end 60.000 ord i feltnoter. Materialet blev analyseret kvalitativt ved hjælp af process-tracing, hvilket gjorde det muligt at udvikle den bedst underbyggede forklaring af, hvordan industriens indflydelse fungerer.

Resultaterne af afhandlingen viser, at industriens aktører får indflydelse ved at anvende tekniske argumenter for at påvirke substans, eller appellerer til konsistens for at påvirke reguleringsformatet. Statsdelegerede og andre erhvervsdelegerede betragter brugen af tekniske argumenter som legitim, fordi IMO-delegerede grundlæggende betragter IMO-processen som en løsning på tekniske problemer og fastlæggelse af globale standarder nærmere end en politisk proces. Industrien opnår indflydelse, når statsdelegerede mener, at begrundelsen og indholdet af de tekniske argumenter giver mening, så længe statsdelegerede er af den opfattelse, at spørgsmålet ikke er for politisk til at give industrien mulighed for indflydelse. Dette resulterer i en konstant balance, hvor statsdelegerede vejer graden af politisk kontrovers mod det potentielle bidrag af industrielle aktører i en given diskussion.

En vigtig implikation heraf er rollen 'usynlige regler' eller institutionelle normer og overbevisninger spiller i strukturen af indflydelse i industrien. Industriens magt er både begrænset og tilladt af overbevisninger og normer, som IMO-delegerede stort set tager for givet, snarere end formelle regler eller procedurer, der beskytter IMO mod at blive underlagt private interesser.

Denne afhandling og dens konklusioner tilføjer til den teoretiske forståelse af industriens magt i global og international regulering ved at vise, hvordan industriens indflydelse fungerer i et specifikt tilfælde, samt udvide det teoretiske repertoire for, hvordan forskere kan tilnærme sig sådanne udfordringer. Det tilføjer også til diskussionen om den rolle virksomheder og forretningsinteresser kan spille i det politiske liv og viser, at der er nuancer i den måde, industrimagten kan kontrolleres og misbruges i en mellemstatslig organisation.

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List of abbreviations, acronyms, and expressions

Ballast water: Water taken on board a vessel to stabilize when the vessel is lightly loaded

Black Carbon: Soot particles emitted in Arctic regions

Bulk carrier: Vessel that transports large amounts of a single product, such as iron ore or grain

BWM: Ballast Water Management, a requirement to plan ballast water control to avoid transport of species. **BWMC** refers to the BWM Convention, which stipulates requirements.

De sotto: Speech made in private – in the context of the IMO, off-microphone during deliberations

DWT: Deadweight tonnage, a measure of the capacity of a vessel

EEDI: Energy Efficiency Design Index, regulation mandating new ships are more efficient

GHG: Greenhouse gases

Gross tonnage: A measure of the total weight of the vessel ex load

IACS: The International Association of Classification Societies. Has IMO consultative status.

ICS: International Chamber of Shipping, the largest shipowners' industry association by tonnage, covering all segments of the industry. Has IMO consultative status.

IGO: Intergovernmental Organization

IMarEST: A professional organization of marine and nautical engineers. Has IMO consultative status.

IMO: The International Maritime Organization

In camera: Meetings held in private, without access for the public nor press representatives

INTERCARGO: Industry association for independent bulk carrier owners. Has IMO consultative status.

INTERTANKO: Industry association for independent tanker owners. Has IMO consultative status.

IO: International Organization

MEPC: The Marine Environment Protection committee of the IMO

NGO: Non-governmental organization

NOx: Covering term for different types of nitrogen oxides which are damaging to human health

PM: Particulate matter, commonly referred to as soot. Dangerous to human health

PPR: Pollution Prevention and Response, a sub-committee of MEPC

SOx: Covering term for different types of sulphur oxides which are damaging to human health

UNFCCC: United Nations Framework Convention for Climate Change

WSC: World Shipping Council, the industry association for liner shipping (i.e. mainly container ships)

1. Introduction and overview: Inside the Blue Box

Imagine, for a moment, a large international negotiation that is taking place in an intergovernmental organization. Everyone there is wearing formal attire, greeting other delegates from around the world with smiles, handshakes, and hugs. In addition to state delegates, there are industry representatives there as well, indistinguishable from state delegates except from their nametags. The agenda is filled with issues that have far-ranging implications for both the economy and the environment. When the session begins, industry representatives take their seats on the rows just behind the states. Industry delegates then participate in the negotiations alongside state delegates by making submissions and proposals, and during working group sessions, everything happens behind closed doors where press cannot enter. An ideal recipe for special-interest regulation favouring organized business actors. Yet here lies a surprise: Despite this arrangement, industry actors do not exert near-unlimited influence on the negotiations. Perhaps even more surprising, the presence of formal rules or constraints is not what limits industry influence; rather, it is the unwritten, invisible rules and expectations of the participating delegates that structures the extent of possible industry influence. The unpacking of this apparent surprise is what this dissertation is about.

1.1. Research Question

The research question for the dissertation is as follows:

How do firms and industry associations influence the drafting of environmental regulation in the International Maritime Organization?

In 2016, the International Maritime Organization (IMO) agreed on a new set of rules for sulphur emissions from ships in international waters applicable from January 2020. This binding regulation was the result of a process in the IMO that included states, industry representatives and NGOs, and where much of the process took place deep inside working groups outside the view of the public. However, this was just one of many instances of IMO environmental regulation drafted deep within the working rooms of the organization with a heavy presence of industry representatives. This has increasingly led to worries about the extent and nature of industry influence on environmental regulation. Do firms control everything that happens in IMO? Are states powerless in the face of such a large industrial presence? Above all, *how* do firms exercise influence within the IMO? This dissertation tackles exactly these questions by opening up the black box – or, more appropriately, the Blue Box - of the IMO.

Although the IMO is just one among many international organizations, the case represents a core problem across disciplinary research: How can we explain the interactions between state and firm representatives that take place inside these political structures? Most research on this has shed light on this by using proxies outside the interaction itself, or by understanding the general patterns of influence across regimes and issues. Some have sought to reconstruct processes decision-making based on secondary sources. The

originality of this dissertation, however, is the use of empirical observations carried out inside the IMO over the course of almost two years. This proximity allows for a different kind of explanation of firm influence given the empirical closeness to the moments of influence, and in particular allows for a more refined explanation of the way firm influence works at the micro level.

In accordance with the focus of the research question, I delimitate this dissertation to focus only on the influence that takes place ‘inside’ the IMO; that is, influence by private actors – business associations and individual firms - on the IMO drafting process itself. This excludes influence exercised by the industry actors indirectly, such as firms lobbying states (or the EU) to change their policy position outside the context of IMO. This relatively narrow scope is interesting because of the strong presence of industry actors during IMO proceedings while recognizing the dynamics of industry influence *outside* the IMO. To narrow the focus of this dissertation, I include several sub-questions to complement the main research question:

- *What activities do industry actors carry out to influence draft IMO regulation?*
- *How do industry actors legitimize their role as political actors in the IMO?*
- *What contextual elements are important for explaining industry influence in the IMO?*
- *What are the theoretical implications for the study of global corporate power?*
- *What are the implications for the role of private actors in the provision of public goods in global governance?*

I answer each sub-question as part of the larger theorization of the way industry influences the environmental regulation of the IMO as the answers are woven into the overall explanation of how this influence works. With the questions in place, I now turn to an overview of the theoretical basis of the dissertation.

1.2. Theoretical puzzle and positioning

The theoretical impetus for studying this phenomenon is rooted in theories of International Political Economy (IPE) that theorize the global power of corporate actors across issue domains and institutional settings (e.g. Fuchs, 2007; Mattli & Woods, 2009a; Mikler, 2018; Wilks, 2013). Within IPE, the dominant theoretical approach to explaining the political power of multi-national corporations (MNCs) has been chiefly concerned with the power structures at the global level that could explain the trends of the expanding power of private actors in recent decades. Inspired by modern classics on the nature of power as a concept, this line of literature has developed a strong and extensive research tradition rooted in Lukes’ (2005) three-dimensional perspective of power. However, this dominant approach to corporate power and influence allows for extensions of the existing theoretical perspective to business-state interactions, as well as challenges to the underlying core theoretical assumptions.

In this dissertation, I contribute along both of these two lines of logic. First, the dissertation extends our understanding of the dynamics of industry influence in international regulation by showing the dynamics

of corporate power as it occurs in the IMO at the micro level. As it is conventionally difficult for researchers to gain access to concrete deliberations taking place *in camera*, my empirical access is valuable as it allows me to show and explain corporate influence at this scale. In other words, whereas most scholars theorize corporate power at the *macro* level – i.e. at larger scales and across cases – I theorize corporate power at the *micro* level – i.e. at smaller scales and in just one case. By doing so, I can explain in more detail how influence occurs and how corporate influence is achieved inside a specific intergovernmental organization (IGO) and thereby extending the theoretical understanding of global corporate power.

Second, I also problematize, challenge, and complement core theoretical assumptions in the mainstream literature. This approach to developing research questions has been advanced as a more useful way of theorizing (Alvesson & Sandberg, 2011, pp. 32–33; Davis, 1971; Weick, 1989, 1995b). Extant approaches to corporate power has implicitly assumed the self-interested nature of both states and firms as being rooted in the material interests of the actors themselves, or as Mikler notes, “It is as if [global corporations] are a residual category of political actor with assumed rather than studied motivations” (2018, p. 4). I agree with Mikler. In this dissertation, I work on the presumption that actors’ interests is a matter of empirical examination. Instead of assuming that actors’ interests only follow from their material interests, I will let the case study show how actors make sense of their own interests during the deliberations inside the IMO.

The question how industry influence works at the micro level coupled with the challenge of standard theoretical assumptions constitute the research puzzle of the project – a puzzle which emerged as I went deeper into the case and the empirical material. In order to make sense of this puzzle, I choose to adopt the theoretical perspective of organizational institutionalism commonly used in organization studies (Scott, 2014). This theoretical perspective is useful for examining social dynamics at the micro level since its conceptual apparatus explicitly theorizes dynamics at such a scale, but perhaps more importantly, organizational institutionalism treats the interests and interactions of actors as arising from institutions rather than an *a priori* presumption. This difference in theoretical vantage point coupled with the difference in scale of inquiry is, as the analysis will show, a fruitful base for explaining industry influence in the IMO and expanding the theoretical understanding of corporate power.

1.3. Methodological approach to examining industry influence in the IMO

Given the research question, puzzle, and theoretical perspective, the question remains how to disentangle analytically the complexity of industry influence in the IMO. In line with scholars of political science and IPE who are critical of conventional methodological approaches to causal relationships or modes of explanation (Culpepper, 2015; Dür, 2008; Michalowitz, 2007; Mikler, 2018; Wendt, 1998; Young, 2012), I want to explain in causal terms how industry influences the drafting of regulation in the IMO. The reason for the focus on making a causal explanation is twofold. First, my empirical access to the IMO deliberations allows for theorizing of these causal relationships at the level of the deliberations. This is a valuable

contribution because causal explanations of firm-state interactions *in camera* are relatively rare, in part because researchers often do not have access to these deliberations (Dimitrov, 2015, p. 98). Theorizing causality based on the kind of empirical material I use is interesting because of the rarity of this access.

Second, there is a lacuna in terms of theorizing the causal relationships between corporate power and the effectuation of corporate power. This challenge has been noted within IPE (Culpepper, 2015, p. 394; Fuchs, 2007, p. 57; Mikler, 2018, pp. 46–48), in European political science (Bouwen, 2002a; Dür, 2008; Michalowitz, 2007), and to some extent in management research (Hadani, Bonardi, & Dahan, 2017, p. 346). I seek to take up this challenge in order to theorize the causal structure that leads to industry influence on the environmental regulatory standards made in the IMO. In the words of DiMaggio and Powell (1983, p. 157), I intend to provide empirical flesh to the causal relationships that are implied but not explicitly theorized in extant research in order to show how the existing theoretical concepts relate to each other causally when looking inside the black box – or, rather, the Blue Box – of the IMO.

The way I methodologically approach this explanation is by conducting a causal case study research design (Beach & Pedersen, 2016a) using process-tracing as the analytical strategy (Beach & Pedersen, 2019). Process-tracing is a research methodology which traces case-specific causal mechanisms using within-case evidence to infer the most plausible causal explanation(s) (Beach & Pedersen, 2019, p. 1). A useful way of understanding process-tracing is to think of it like the analytical method of Sherlock Holmes (Beach & Pedersen, 2019, pp. 289–293). If a metaphorical ‘crime’ has been committed (in this dissertation: influence occurred), the detective works through the empirical material that is available based on their working hypotheses and hunches. As the analysis moves forward, the detective adjust their idea about the most plausible explanation to reflect the empirical analysis. This is a very useful analogy for the methodological approach of process-tracing. In this sense, the dissertation is also a response to authors who call for more process-tracing of corporate political influence exactly because it allows for systematic case-specific causal explanations, which are the type of explanations that are less prominent in existing theorization of corporate political influence (Culpepper, 2015; Dür, 2008; Young, 2012, 2014).

In a sense, this dissertation can be viewed as the justification for one single claim. That claim is the theorized model of industry influence that I unfold in the analysis, while the rest of the dissertation – including case context, theory, methodology, and the analysis itself – is the support for why I believe the claim is justified. Importantly, the way I arrived at this theorized model was due to a non-linear research process, whereby I moved across different theoretical explanations and perspectives as the research progressed, similarly to Sherlock Holmes moving between types of hypotheses when solving a crime. This process is what led me to the theorized model that I present in this dissertation, and for this reason, I will spend some effort explaining this research process because it was so instrumental to my work. Although non-linear research processes are common in qualitative research, I took strong inspiration from abductive

reasoning (Reichert, 2004; Timmermans & Tavory, 2012; Weick, 1989) and process-tracing in my approach to the research. Although the discussion about the abductive research process and reasoning may seem arcane or pointless, these discussions serve as important support for my theorized model.

This choice of approach to the study of corporate political influence – in particular the ambition to make a case-specific causal claim using organizational institutionalism - surely will seem uneasy to some readers. Each choice warrants a substantial justification and a positioning vis-à-vis mainstream approaches to theorizing global corporate political influence and power. I devote full chapters to these considerations, along with the case context, the actual process-tracing analysis, and a discussion on the implications of the research.

1.4. Structure of dissertation

The first thing I elaborate is the case context for this study. Many of the examples and references I necessarily make throughout the theoretical and methodological chapters requires some familiarity with the case itself, but perhaps more fundamentally, the way the IMO works and the reasons behind the political struggles of the shipping industry is a fundamental part of the justification of the theoretical and methodological choices. For this reason, I choose to present the case up front rather than after the methodology section. I also include a chapter on the material interests of the shipping industry to show the material interests that are at stake – at least in theory – because it is an important piece of background information when interpreting the interactions in the IMO itself.

Following the case description, I turn to the theoretical choice and positioning. The purpose of the theory chapter is to explain and justify the choice of organizational institutionalism, show how it relates to other lines of theorizing, and show how I understand the conceptual framework of organizational institutionalism. Positioning the theoretical perspective requires some elaboration of the extant theorizing on corporate political influence, so for this reason, I include a review of the relevant literature across theoretical domains as part of this chapter.

With the theoretical framework in place, I turn to the methodological considerations. This is a lengthy chapter that captures the philosophical basis of the study, the analytical method of process-tracing as used in this project, and the practical analytical process and standard methodological considerations relating to reflexivity, research design, and coding. It is necessary that a significant portion of the methodology chapter engage with the philosophical underpinnings of the study since it is integral not only to process-tracing, but also to the theoretical implications of the dissertation. The use and deployment of the theoretical framework is also discussed in this chapter since the ‘use’ of theory in process-tracing is different from other approaches to theoretical frameworks.

At this point, the core theoretical and methodological choices are explained and justified, and I then turn to the first part of the analysis. The bulk of the analysis is comprised by the process-tracing. It is structured in chapters according to the theorized causal mechanism including the theorized cause and outcome. Rather than dividing the analysis in terms of sub-cases or concepts, I find it more intuitive to present the justification for the theorized mechanism in sequence along with the theorization itself. Chapter 6 through 10 each deals with a part of the theorized mechanism, and reading from one end to the other is a movement through the theorized relationship.

As an addendum to the analysis proper, I include a within-case contrasting subcase, which shows how the absence of contextually important elements results in a completely different set of dynamics within the IMO. The subcase in question is the IMO deliberation on the initial greenhouse gas (GHG) strategy agreed in April 2018, and it serves as support for the analysis as the important contextual elements that enables corporate influence in ‘normal’ IMO deliberations were not present in the case of GHG, and this absence changed the dynamics of corporate influence substantially.

Moving from analysis to discussion, I broaden out the implications of the study in the discussion chapter. Here, I expand what the important theoretical and practical implications are, and how the theorization of corporate political influence is both a product of and relevant to different theoretical traditions and disciplines. I also reflect on my own role as participating observer in the IMO and the methodological implications, and critiques my own work from both a within-paradigm and outside-paradigm perspective.

2. Overview of the Case and its Context: The IMO

2.1. Reader's Guide

The purpose of this chapter is to provide an overview of the IMO, its history, and its context. I choose to position the case description before the theoretical chapter because the theoretical considerations are understood more easily when the case description has been unfolded. The main point of this chapter is that the global shipping industry and the historical development of shipping regulation informs why the IMO is a central regulatory organization in the 21st century. I also explain in details the mandate and functioning of the organization, including how delegates work, and I provide an overview of the most important environmental issues discussed during the time of this study (2016 – 2019). Immediately following this chapter, I delve further into the structure of the industry itself.

2.2. Why is the IMO relevant? A brief history of the environmental regulation of international shipping

The focus of this dissertation is the influence of corporate actors inside the IMO, but the IMO does not work in a vacuum. There is a long history of regulation ranging back decades that has resulted in the current system of international shipping regulation anchored in the IMO, alongside the emergence of an industry divided in terms of its own economic interests. Debates over environmental regulation of shipping has taken place in the shadow of important discussions about global regulation, most recently exemplified by the discussion of GHG emissions from international shipping. Although it is not my ambition to provide a full-fledged analysis of the macro-level elements structuring the global regulation of shipping, it is important to set the scene and understand why the IMO and the way the organization works is of core importance when explaining how industry actors gain influence. Where did the impetus for environmental regulation come from? Why is the IMO located at the centre of the global regulatory framework of shipping? What are the different industry and state interests in the context of environmental regulation? I will discuss these macro-level structural questions in order to set the premise for understanding the IMO at the micro-level.

In 1948, an interstate conference in Geneva adopted the establishment of the IMO as part of the UN family of institutions, and after entry into force in 1958, the IMO (until 1982 called the Inter-Governmental Maritime Consultative Organization, *IMCO*) met for the first time the following year. The formal mandate of the organization related principally to maintaining standards for safety and prevention of pollution anchored in existing treaties in addition to setting standards for the industry in general. The first task of the organization was a revision of the 'Safety Of Life At Sea' (SOLAS) convention, which had been adopted in 1914 as a direct response to the sinking of the *Titanic* and revised in 1929 and 1948. SOLAS is still the governing treaty stipulating safety requirements for vessels at sea in international waters, and the IMO

revised it in 1960 and 1974, but at every session of the Marine Safety Committee (MSC) in the IMO, there are continuously developed adjustments to annexes.

In addition to revising SOLAS and redefining the technical standards used in the shipping industry – for instance load line calculations or tonnage measurement definitions – the organization began drafting a new treaty governing pollution from shipping. Before the IMO could agree on a treaty, the tanker *Torrey Canyon*, which was registered in Liberia and operated by British Petroleum, sank off the coast of Cornwall, England on 18 March 1967. This disaster led to a spill of 120.000 tons of crude oil covering 700 km² and led to extensive environmental damage off not only the coast of Britain, but also France and Spain. It was, at the time, the world's largest oil spill and remains the worst in U.K. history as of 2019. The public outcry, very clear visual nature of the disaster, and the ineffectiveness of the attempts to mitigate the spill spurred the IMO to consider this in their development of the new treaty. In 1973, the IMO adopted the International Convention for the Prevention of Pollution from Ships (abbreviated MARPOL). A set of serious tanker accidents in the 1970s spurred a development of the MARPOL Protocol of 1978 even before MARPOL itself had entered into force, and the two instruments were combined into MARPOL 73/78. This combined instrument entered into force in October 1983 following the ratification by the required number of states.

In 1989, the *Exxon Valdez* ran aground off the coast of Alaska in the Prince William Sound and spilled 37.000 tons of crude oil. The *Valdez* did not sink, but the damage to the hull of the ship meant that some of the oil bays leaked out into the ocean and eventually resulted in moderate or heavy oil pollution along 320 kilometres of coast. This event led to a legal response in the form of national U.S. regulation adopted in 1990, which, among other things, required the gradual phase-in of double hulls on tankers in U.S. waters. Shortly afterwards, the IMO followed suit and developed requirements for tankers in international waters. This amendment to MARPOL Annex I governing oil spill prevention was agreed in 1992 and made it mandatory for tankers of over 5.000 dwt to be fitted with double hulls. This new regulation applied to all newbuild ships ordered on or after 6 July 1993. After the *Erika* disaster of 1999, the IMO revised the timetable for phasing out of single hulled tankers to force remaining tankers without double hulls out of service.

In the 1980s and 1990s, air pollution rose as a new issue of regulation. Problems with acid rain as a consequence of sulphur oxides¹ (SO_x) emitted into the atmosphere and the adverse health effects of nitrous oxides (NO_x) and particulate matter (pm) led the IMO to develop a new Annex of MARPOL only dealing with air pollution. This Annex (number VI), adopted in September 1997, limited the allowed proportion of sulphur in fuel oil and took effect in May 2005. Immediately following its entry into force, the IMO Marine Environment Protection Committee (MEPC) agreed in at its 53rd session in June 2005 to revise

¹ Principally Sulfur Dioxide (SO₂) and Sulfur Trioxide (SO₃)

Annex VI substantially with the aim to strengthen regulation, and in 2008, the MEPC accepted a revised Annex VI, which entered into force in 2010. This happened in parallel with increased focus on the effect of air pollution on human health and the environment, with some estimates suggesting that 60.000 preventable deaths worldwide could be attributed to air pollution from ships (Corbett et al., 2007; Vidal, 2008).

Another major issue concerning invasive species from ballast water arose in the 1990s. It became an increasing problem that vessel transport of water in ballast tanks between ecosystems brought aquatic flora and fauna into new ecosystems where they disrupted the local ecosystem balance. The MEPC established a working group that provided the groundwork for a treaty on the issue (i.e. not an annex to MARPOL), and the Ballast Water Management Convention (BWMC) was adopted by an IMO-initiated conference in 2004. The BWMC entered into force in September 2017 after being ratified by the required number of states, and was amended in April 2018 by the MEPC which made some non-mandatory elements mandatory as part of the BWMC.

This brief overview of the historical context of the IMO and international environmental regulation of shipping shows the importance of global awareness of environmental issues when it comes to setting the agenda for new issues in the IMO. For oil spill prevention, historical developments in design, construction, and management requirements are linked to specific spills, with the *Torrey Canyon* and *Exxon Valdez* as critical junctures. The issue salience of such public disasters and the impact and frequency of oil spill disasters led to wide support for effective international regulation. Air pollution and ballast water regulation were linked to less dramatic events than oil spills, but the tangible effects of invasive aquatic species across the globe or the acid rain in Scandinavia were initially important factors in making the IMO take up these matters. From the 2000s and onward, scientific contributions of the externality effects of pollution formed the basis for the push for tighter regulation of less visible but important environmental issues.

The pressure for this agenda-setting did not originate from within the IMO but came from public discourse and political pressure on states, and most of environmental regulation of shipping has been disaster driven in this way (Linné & Svensson, 2016, p. 80). Governments responded to the pressure by directing their representatives in the IMO to develop new standards, and the IMO responded by developing substantive policy targets as well as technical guidelines to define the regulatory requirements as precisely as possible. The historical norm of the organization has been to seek to develop technically precise standards and requirements according to agendas set by the governments represented in the IMO, but where the substantial formulation of the requirements have taken place inside the IMO, specifically the MEPC committee and the PPR sub-committee. In other words, even if regulation has been driven as a reaction to visible disasters or the mounting public pressure on the industry as articulated by member states'

governments, the IMO itself has translated the public pressure into specific goal formulations and regulatory requirements.

This is evident today where both larger and smaller issues appear on the IMO agenda because a broader, public pressure has arisen or because developments in other international organizations spur the IMO to take up the issue. In the late 2010s, problems with paraffin washing up on coasts in the EU and public spotlight on marine plastic litter resulted in member states putting this on the agenda, which resulted in the development of an action plan for reduction of marine pollution from shipping and a ban of paraffin. The present discussion of GHG in the IMO is a direct consequence of the Paris Agreement in 2015, because the agreement specifically relegated the responsibility of reducing GHG emissions from international shipping and aviation to the IMO and the International Civil Aviation Organization (ICAO), respectively. When these issues originate outside the IMO and they are of public importance, state delegations often bring delegates who are new to the IMO and do not understand beforehand how the organization works. This was the case with marine plastic litter, but by far the most extreme instance of the was the discussion on the IMO GHG strategy which was finalized in April 2018.

It is important to understand this context because the IMO does not operate in a vacuum. Environmental NGOs raising awareness of issues and changes to global discourse on the value of environmental protection matters for agenda setting and issue salience. Competing regulatory regimes like the EU and the United Nations Framework Convention on Climate Change (UNFCCC) pressure the IMO as alternative legitimate regulatory forums. The differential distributive effects on the industry actors (which I discuss later in this dissertation) creates conflicting demands from industry associations and national states reliant on shipping industries. IMO delegates have to consider all this whenever they meet in the IMO headquarters on Albert Embankment in London. The global shift towards addressing environmental concerns both in breadth (issues covered) and depth (strength of regulation) has been important in the shipping industry as well, and the broadening agenda of the IMO reflects this shift. However, since the IMO still translates the pressure by governments, NGOs, the public, and industry actors into substantive regulation, the agenda-setting context of the IMO is only the beginning of the mystery of how the organization works.

2.3. The race to the regulatory middle and the authority of treaties in the shipping industry

2.3.1. The international treaty system in shipping

Historical accounts of the regulation of shipping industry alludes to the binding effect of treaties after they enter into force, which is interesting since the legal status of international treaties is a subject of strong scholarly debate (Koskenniemi, 2011; Reus-Smit, 2009). In the shipping industry, treaties developed by the IMO under the legal regime of the UN Convention on the Law of the Sea (UNCLOS) effectively constitutes international regulation as soon as they take effect because of the unique nature of shipping as

an activity and the ‘flag system’. Since the inception of the IMO, the tension between states’ ability to offer lower levels of regulation and the possibility of market exclusion has been a core dynamic of shipping regulation. This has resulted in what Elizabeth DeSombre termed a “race to the middle” (2006, pp. 11–15), whereby a set of medium-strength rules apply to the entire industry, but also continuously change as the industry and flag registries develop.

The legal foundation of international shipping is rooted in UNCLOS. This treaty stipulates the principles of international jurisdiction in the context of shipping and defines the roles and responsibilities of states (Linné & Svensson, 2016, p. 85), which itself is based on historical agreements ranging back to the 17th century. The current version of UNCLOS was agreed on the UNCLOS III Conference in the 1982 and took effect in 1994. UNCLOS remains authoritative international law and is covered by the Vienna Convention on the Law of Treaties, which means that UNCLOS provisions are legally binding to states that are party to the convention. If there is a dispute between two parties, UNCLOS stipulates that this dispute should be presented to the International Tribunal for the Law of the Sea (ITLS), which is an independent dispute settlement body. Since the inception of ITLS in the 90s, the Tribunal has heard 24 cases, predominantly relating to unjustified detention of vessels. The core of this formal institutional system is that both substantive regulation in the form of IMO-developed treaties and the more general provisions of UNCLOS are binding agreements between states. Industry actors (or non-state actors in general) are not parties to these agreements and are principally treated as being ‘part’ of their state in question.

2.3.2.State jurisdiction in shipping

UNCLOS defines the territorial jurisdiction of states, but the definition of territorial boundaries was one of the more contentious elements of UNCLOS 1982 (art. 5 – 7). There are four principal zones of control relating to the rights of the state depending on the type of allowed activities (under UNCLOS) and the distance to the state’s coast. Every zone is related to the so-called baseline which is defined as either the low-water line of a coast, or – if the state has a highly indented coast like Norway or Chile – a straight line drawn along the general direction of the coast. The internal waters of a state is then the landward side of the baseline, which is particularly relevant for when using straight baselines, but internal waters also cover river mouths, bays, and water areas between close islands. Before UNCLOS determined these definitions, the common basis of defining the internal waters was three nautical miles from the nearest coast as this was the effective range of cannons in the 17th century.

Beyond the internal waters and the baseline lies the territorial waters proper, which is a 12 nm belt extending from the baseline and outwards. This area is jurisdictionally considered to be under the sovereignty of the state in question, and every national rule applies in principle here as well. Some states maintain that their territorial waters extend further, most famously shown in the hostilities between Libya and the U.S. in the 1980s when the U.S. violated Libya’s claim for the entire Gulf of Sidra as territorial

waters. Libya's claim would effectively have created a 230 nm territorial water claim. Beyond the territorial waters, there is a 12 nm zone called the contiguous zone where the state has limited rights to exercise power, for instance to prevent immigration, threats, or customs violation. Outside this zone is the exclusive economic zone (EEZ) where the state has exclusive economic rights out to 200 nm from the baseline, which includes the sole rights to resource extraction and prevention of pollution of said resources. For this reason, the definition of the baseline is extremely important for the establishment of the EEZ, but it has little effect on the national sovereignty over merchant vessels that pass through the territorial waters.

UNCLOS defines three capacities of states in terms of rights, responsibilities, and obligations. A flag state is a state that has allowed a given vessel to fly its flag. Every vessel must fly a national flag, and the vessel legally adopts the nationality of that state and must conform to the national legislation of that state. In the context of international regulation, the flag state is also the state which has jurisdiction over vessels on the high seas and which is responsible for enforcing regulation on nationally flagged vessels. Vessels are free to flag in a given country as long as there is a "genuine link" between the state and the ship (United Nations, 1982, para. 91), but in practice this "genuine link" is interpreted very broadly (Linné & Svensson, 2016, p. 86). The implication of this system is that vessels owned and operated from one state can legally operate under the laws of another country and are easily able to switch flags between jurisdictions. In the maritime industry, this dynamic is known as the 'footloose' nature of international shipping.

The other two capacities of states are as port- or coastal states. Coastal states are states with coastal zones where vessels enter, and port states are home states of ports where ships voluntarily enter. When a vessel berthing at a port voluntarily enters, it is subject to the legal jurisdiction of the port state (United Nations, 1982, para. 218). While the same is true for vessels that sail into territorial waters, they have the right to do so unimpeded as long as they do not voluntarily call at a port or sail into internal waters² (United Nations, 1982, paras. 17–19). This makes enforcement much more difficult because the coastal state can only arrest a given vessel if there is clear grounds for non-compliance. This difference means that a tanker sailing from St. Petersburg to Murmansk is allowed free passage through the territorial waters of either Sweden or Denmark on its way out of the Baltic Sea, while a tanker making a stop in Gothenburg on the way automatically accepts the jurisdiction of Sweden and the possibility of extensive port state control. Port state control is the primary way port states enforce national rules for vessels willingly entering ports or port waters.

² There are exceptions for this, for instance when the internal waters is a function of the archipelagic structure of the land (such as the Philippines) where vessels have the same rights of passage as elsewhere.

2.3.3. The race to the middle and market exclusivity

Although the port state control was an effective tool on paper, the ‘flagging out’ in the 1950s, 60s, and 70s of vessels to new registries with lower labour, safety, and environmental standards compared to European states meant that enforcement was weak. This happened because the existing regime only allowed ports to notify the flag state of non-compliance, which – combined with the lack of information sharing or coordination between different states’ ports – meant that it was impossible to enforce international standards on vessels that were flagged out. As a response to the problem of the lack of labour regulation, eight European states agreed in 1978 on a “memorandum of understanding” (MOU) whereby they would share information and more effectively enforce IMO-based regulation (DeSombre, 2006, p. 91). However, before the agreement took full effect, the *Amoco Cadiz* – owned and operated by Americans and registered in Liberia – sank off the coast of Brittany, France and released 220.000 tons of light crude oil into the ocean making it the largest oil spill from a vessel to date. The disastrous effects and the associated public outcry spurred European states to include environmental regulation into its MOU and rallied support from six additional European port states to form the Paris MOU in 1982.

This new coordination scheme between European ports allowed ports to coordinate inspection, blacklisting of vessels, and general transfer of information from one inspection site to another, which meant that vessels caught non-complying in one port potentially could be barred from entering any port in Europe. The enforcement scheme did not develop new rules, but simply enforced international regulation anchored in the IMO. Given the importance of the European market, any vessel barred from entering European ports would lose value as an asset, pressuring shipowners who would lose out if they were denied European access. Since the MOU could identify specific firms or entire flag states as especially problematic it created a strong incentive for flag states with lenient enforcement or lack of rules – ‘flags of convenience’ – to follow and enforce international regulation in the face of European exclusion. The historical evidence suggests that the establishment of the Paris MOU and the subsequent worldwide proliferation of regional MOUs and the similar enforcement regime of the U.S. coincided with a global increase in standards of flag states as they conformed to international regulation (DeSombre, 2006, p. 129).

With the threat of market exclusion (Vogel, 1995, pp. 259–260) and the catching-up of low-standard registries, the regulation developed by the IMO became effectively globally applicable. The different MOUs made sure that berthing vessels complied with IMO regulation, and flag states accepted the primacy of IMO regulation. Shipowners also recognized the value of having a global set of rules instead of regionally fragmented rulesets since this would make vessel design and operational characteristics vastly simpler, which was part of the rationale of establishing the IMO in the first place. DeSombre notes that it was Liberian shipowners who persuaded the Liberian registry to adopt international standards in order to protect the possibility of flagging out for tax reasons without being barred from access to Western markets (DeSombre, 2006, p. 226). However, the threat of market exclusion did not imply a ‘race to the top’ of

environmental regulation even if some have argued this has happened with maritime safety regulation (Barrows, 2009) because the regulatory standard was to be set by the IMO and not defined by the European states. More than anything, this race to the middle moved the question of international regulation into the IMO as the dominant institutional setting for developing international environmental regulation.

Both Desombre (2006, p. 227) and Braithwaite and Drahos (2000b, p. 431) regard the harmonization of international standards and the anchoring of regulatory development in international organizations³ as a success since every actor has an incentive to maintain a regulatory regime with consistent application of rules, access to all markets, and centralized rule-making located in the IMO. States concerned with environmental protection coordinate enforcement efforts via the MOUs and can ratchet-up regulation via the IMO, while low-quality flag states want to ensure their competitiveness as tax havens by conforming to internationally agreed-upon environmental standards. Industry organizations are interested in making sure their members have access to all markets so they push for general compliance of flags, while environmental NGOs have a centralized forum – the IMO – where they can advocate for new issues or stronger environmental regulation. The result is a convergence of interests that elevates the importance of the IMO and its decisions to *de facto* international legally binding globally applicable regulation. This is part of the structural explanation for why the inner workings of the IMO and its committees are relevant for understanding international regulation of shipping.

2.4.The IMO: Structure, members, and working arrangements

As the broad context of international shipping regulation changed, so did the IMO. Since the 50s, the IMO has been through several restructuring periods, which included changes to its mandate, name, scope, procedure, and accepted participating delegations. For the rest of this section, I will elaborate on the arrangements of the IMO as they were at the time of this study (2016 – 2019) although the history of the IMO is worthy of monograph-length discussion as well (Gold, 1981; Svensson, 2014).

2.4.1.Structure of the IMO

The IMO is designed as a specialized regulatory agency under the UN umbrella formally mandated with developing standards for international shipping in the form of legally binding treaties and voluntary guidelines. It is structured as a hierarchy with the Assembly as the highest authority. The Assembly meets on a semi-annual basis and is tasked with approving changes to the IMO and setting high-level agendas for the work of the organization. The Council is a smaller group of states elected at each assembly and acts as the executive organ of the whole organization. It can initiate work concerning the organization itself, but all major decisions are subject to approval by the Assembly. While the Council is a very important

³ Besides the IMO, the ILO plays an important role in setting labor standards for international shipping. For environmental regulation, the IMO is the only important IO (Braithwaite & Drahos, 2000c; Zacher & Sutton, 1996).

body in terms of the development of the IMO itself and is criticized for its lack of representativeness (Linné & Svensson, 2016, p. 103), it does not as a rule oversee and evaluate the output of the five specialized committees.

Of the five committees, the one responsible for environmental regulation is the Marine Environment Protection Committee (MEPC) as well as the sub-committee on Pollution Prevention and Response (PPR). The MEPC develops and revises both mandatory and non-mandatory regulation in the form of treaties and their amendments (legally binding) and guidelines, non-binding standards and manuals (non-binding), collectively referred to as the instruments of the IMO. Changes are, in principle, based on formal request by one or more states, and MEPC develops its own work programme in line with the overall action plan of the IMO. An important point here is that the Council has to endorse commencement of work on a new convention (Linné & Svensson, 2016, p. 114), but revision of existing instruments does not require council approval neither for the work item itself nor the actual output. This means that amendments to MARPOL and any of its annexes agreed upon by the MEPC take legal effect 16 months after the end of the MEPC meeting without the need for any other body of the IMO to approve of the output. For both air pollution and ballast water, this is the primary way the MEPC has changed regulation since the entry into force of MARPOL Annex VI in 2005 and the BWMC in 2017.

The IMO secretariat is a support organ within the organization that does not initiate regulation or drafting but in principle only helps the organization operate smoothly. The Secretariat employs around 300 technical and administrative staff members, and they handle the day-to-day administration, the preparation of sessions, and write up agreements in the correct format. At every plenary or working group meeting, there are at least two secretariat members present, and they control the overhead projector (where draft changes are shown in real time) as well handling the catalogue of existing relevant IMO output. They also coordinate with Chairs of both MEPC, PPR, and their various working groups when the Chairs prepare for discussion or collate agreed changes into a readable format. However, while the secretariat is indispensable as a support function, it is not allowed to do anything beyond facilitating the work of the organization.

A single delegate who must be a state representative chairs every session. The MEPC and PPR Chairs are formally elected by the MEPC and PPR plenaries, respectively, while working group Chairs are appointed by the Chair in consultation with the secretariat subject to tacit approval by the plenary. Working group Chairs are usually senior delegates with many years of IMO experience, and who have participated in discussion on that subject area for many years. For example, both the PPR and MEPC Chairs on the respective working groups on air pollution were present at the 1997 conference where MARPOL Annex VI was formally adopted. Chairs are not allowed to vote, but besides the formal powers of preparing the agenda, opening and closing the sessions, and making sure that the formal rules of procedure are held in

abeyance, the rules of procedures regarding the conduct of the Chairs are open for interpretation⁴. The specificity of the rules relate in particular to the process of how voting is carried out, but the formal rules are silent on the way a Chair summarizes a discussion or adjudicates the time spent on specific input during a discussion. As a result, the function of the Chair is bound by informal rather than formal rules. In the analysis of this dissertation, I show how these wide prerogatives of the Chair is an important element in explaining how the IMO works and how industry achieves influence.

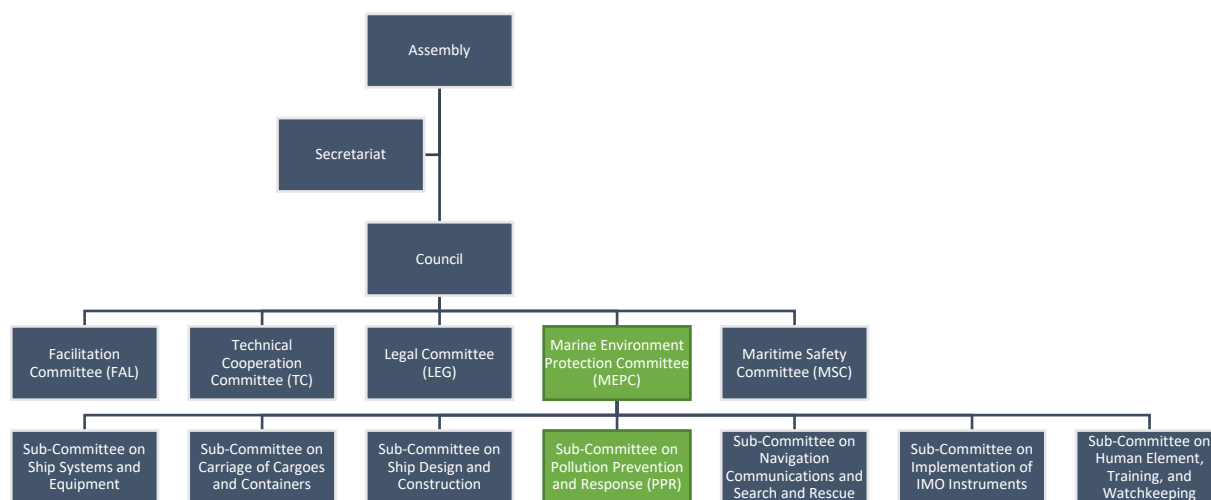


Figure 1: Organogram of IMO committee structure. Each sub-committee refers, in principle, to all committees. For MEPC, PPR is the only practically relevant sub-committee.

2.4.2. Members and access

The members of the IMO are principally delegates from member states, which is what makes the IMO an IGO. In addition to member state representatives, two other types of actors are allowed to participate in the work of the organization: Observers from other intergovernmental bodies, and observers that are representatives of consultative non-governmental organizations. This latter category is primarily comprised by representatives from international industry associations, which constitute the vast majority of the approximately 80 non-state actors who have consultative status in the IMO (Linné & Svensson, 2016, p. 109). Although it is in principle only member states that are able to make decisions in the IMO, consultative organizations are allowed to participate in discussions the same way state delegations do. This includes speaking- and submission rights, participation in plenary and working group discussions, contributions to intersessional work, and everything else which does not concern governing the IMO itself

⁴ The relevant formal documents are the Rules of Procedure of the Marine Environment Protection Committee, rules 34 - 46

– although, as I show later in this dissertation, industry associations actually, in a sense, do help govern the IMO. More on that later.

In addition to the formal consultative status granted to industry associations, state delegations are free to invite any observer or advisers along as members of that delegation at the sole discretion of the state in question. There is also no limit on the size of delegations, although the physical size of the plenary means that secondary delegates and advisers move into adjacent rooms or the observation area and rotate in as their areas of expertise come on the agenda. The result is that some delegations allow individual firms' employees and national industry associations to participate as advisers or observers of the national delegations. To illustrate the disparity in how national delegations handle this, consider the Brazilian, Danish, and the Panamanian delegations at MEPC 72. Brazil had 22 delegates in total with seven industry representatives (from the firms PETROBRAS and Vale S.A.), Denmark had 24 delegates in total with 13 industry representatives (MAN Energy, Mærsk (including their global Head of Sustainability and their global Regulatory Affairs director), Danish Shipping, and a few independent consultants), while Panama had six delegates with zero industry representatives⁵.

2.4.3. Working arrangements and formal procedure

All regular sessions of all IMO bodies take place at the IMO headquarters at Albert Embankment in London. The headquarter has a large plenary hall and a dozen smaller working group rooms, of which Room 9 is the largest and the one used for the most well-attended working groups. Sessions of the MEPC and PPR take place during normal working weeks starting on Monday morning and ending by Friday afternoon, and MEPC meets once or twice a year (alternating) while PPR meets once a year in either February or January. MEPC and PPR then have to deliberate on every approved agenda point for just one or two weeks every year, and although a lot of work takes place between sessions the work schedule of both MEPC and PPR are overloaded with items (Linné & Svensson, 2016, p. 114). Since the adoption of the BWMC, the MEPC has not initiated new conventions but has developed new regulation by amending existing treaties – principally MARPOL Annex VI. In the period of this project (2016 – 2019), the MEPC has only developed policy in this way, with the exception of the April 2018 agreement on reduction of greenhouse gas emissions, as I explain in a later chapter. Consequently, I focus on the process of amending existing treaties and developing non-treaty instruments in my overview of the MEPC process.

The general working process is as follows: One or more states propose to the MEPC that there is a justifiable need to consider revising an existing amendment, and submits relevant information to the MEPC as support for the proposal. The MEPC then deliberates in plenary whether the proposed agenda point

⁵ The participation lists of MEPC and PPR are publicly available at the IMO document website (docs.imo.org), and the information about MEPC 72 participants can be found in MEPC 72/INF.1. I cover IMO document nomenclature in the methodology chapter.

should be included in the work program of the committee for the next year. This deliberation⁶ can be extensive if the proposal itself is to assess whether there is grounds for regulation at all. An example of this is the issue of black carbon, where several MEPC and PPR sessions had an extensive discussion revolving around whether it was necessary at all to tighten regulation. The MEPC can also build automatic reviews into regulation, which happened with the extensive strengthening of sulphur emissions from ships. Here, the MEPC stipulated in 2008 that the committee in 2016 would review the fuel situation and determine whether to implement stronger global sulphur emission regulation in 2020 or postpone them until 2025.

If the MEPC agrees that there is a need to amend a treaty or develop a non-treaty instrument (such as a guideline), the committee determines the scope of this potential change. In IMO nomenclature, this is a new output, with the output being defined in the work program of the MEPC. The scope of this output can be very broad. For instance, on MEPC 71 it was agreed to include a new output on the work agenda for 2018 – 2019 on Black Carbon which would include a discussion about what the scope of this work should be, what types of measures should be developed, and whether or not the regulation would be mandatory or recommendatory⁷. The MEPC also defines a time schedule for the finalization of the output, as well as whether the MEPC, PPR, or both adopt the issue on the agenda.

The inclusion of the item on the work agenda includes an invitation to interested parties (i.e. member states, observing international organizations, and non-state actors with observer status in the IMO) to submit information and proposals for the next MEPC or PPR session where the issue is on the agenda. These submissions form an important part of the process of the IMO, and constitutes the primary way delegations communicate proposals and relevant information to the MEPC and the PPR. I discuss the types of submissions in more detail in the methodology chapter, but for explaining the process of the MEPC, it is only necessary to understand that plenary and/or working groups of both the MEPC and PPR in principle consider all submitted documents.

Development of submissions – either in their own right or as responses to other submissions – is one of the main activities of MEPC delegates outside sessions. Parties must send documents to the IMO secretariat months before the session in question, who then circulates them online via the IMO document website. Submissions are then collated according to the issue they concern, so for any given issue in both the MEPC and the PPR the secretariat and the Chair has a well-structured list of the various submissions and their proposals, if any. Submissions are not the only way proposals are put forward in the IMO. In any discussion, verbal proposals that arise from the deliberation itself are also entirely valid even if the party

⁶ I use the term 'deliberation' here to simply refer to the work being done. Neither deliberation nor negotiation are theoretically neutral concepts, but as the analysis will show, the word deliberation fits better than negotiation.

⁷ MEPC 71/17, paras. 4.13.1 – 4.13.3

in question did not submit a formal proposal via a written submission. This effectively means that there is no way of knowing simply from document research what proposals that actually were on the table in a given plenary or working group discussion as any participant in the deliberations could have proposed changes which are not documented in written submissions.

In both MEPC and PPR, the plenary has authority over working groups just as MEPC has authority over PPR. Given the agenda, which is set a year in advance by a previous MEPC session, the Chair and secretariat determines which working groups that should be established in a given session. Since many delegations are unable to participate in more than a few working groups at a time because of lack of available delegates, there is a limit to three working groups per session, which necessitates prioritization when the Chair and secretariat propose which working groups to establish. For agenda points where a working group is established, the plenary has a cursory discussion about the terms of reference for the group (prepared beforehand by the secretariat based on the mandate for the discussion given from previous MEPC or PPR sessions) as well as the submissions forwarded from the plenary to the working group. If applicable, the plenary also instructs the working group which document they should take as base of discussion, and for this type of agenda points, it is common that submissions contain textual drafts that are meant to serve as potential base text. The plenary then asks the working group to leave, and invites any interested delegates – but not press representatives – to join the working group in one of the group rooms.

If the plenary is the formal ‘face’ of the MEPC or PPR, the working groups are the muscles doing much of the work underneath. Working groups have independent sessions in parallel with the plenary on specific agenda items with a well-defined mandate (the terms of reference per plenary instruction), and working groups have to present their work to plenary no later than Friday. If a group is released on Monday or Tuesday, it has until Wednesday evening to conduct substantive work, because the report of the working group has to be discussed by the working group itself on Thursday morning and needs time for translation before Friday. Every IMO body reports to their parent body via formal reports that recounts the outcome of the work and potentially a brief summary of the points of discussion. This formal requirement restricts the time of the working group to a few days at best.

While the formal working procedure of the committee and the sub-committee are straightforward, it is much more difficult to account for the way either plenary or working groups of either MEPC or PPR actually agrees on something. For non-participants of IMO sessions, the final reports of the sessions are the best indicator of how agreement was reached, but the paucity of information about the actual discussion contained in these reports obscures how the discussion actually flowed. For example, Svensson, in his impressive study of why IMO chose a regional approach to SO_x regulation in 2008, notes that some of the most crucial decisions of the working groups are invisible (Svensson, 2011, p. 73). The report from MEPC 57 that Svensson refers to is particularly suggestive of the importance of what goes on in the working

group. Bryan Wood-Thomas, who was then Chair of the working group, is quoted in the official MEPC 57 report for “... *[Stressing] that the working group had reached unanimous agreement on a text free of any square brackets. He said that he would normally refrain from suggesting what significance actions by the Committee might imply. He believed, however, that it would be unfair if he failed to note the importance of the result.*” (MEPC 57/21, para. 4.57). While the gravity of the decision seems clear, the formal documents from MEPC 57 are silent on what actually happened at the working group.

In the formal IMO documents outlining the rules of procedure for the various bodies, there are virtually no guidelines for how discussions are conducted or how conclusions are reached. The formal rules provide extensive guidance on how to handle voting procedures, but the vast majority of decisions made by MEPC or PPR are by consensus rather than vote, with the last vote recorded in July 2011 when mandatory energy efficiency design requirements (EEDI) were first established. Instead, the normal procedure of agreement in any of the bodies is consensus. Consensus is not mentioned at all in the MEPC rules of procedure, nor is there any explanation how the Chair should structure the discussion to achieve such consensus. There is precedence in the way UNCLOS was established in terms of how consensus is understood (Linné & Svensson, 2016, p. 112), but since the formal IMO rules of procedure do not mention the word it is up for interpretation what it means. The crux of this is that without direct access or testimonies from working group participants it is impossible to explain the mode of decision-making taking place there.

The role of the Chair in both plenary and working groups is critically important here. The rules allow the Chair to determine who has speaking rights and in general ensure that rules are observed, with the only decision-making power formally established by the rules being “... *[the Chair shall] announce decisions resulting from the voting.*” (Rules of procedure, para. 35). There is no mention of the extent of the Chairs’ formal ability to summarize discussions or determine consensus despite the extremely important function of the Chair in the proceedings of both plenary and working groups.

Once the working group finalizes their work and presents their report to the plenary, the plenary then almost always adopt the conclusions of the working group without significant discussion (with the 2011 voting incident being an instance of this being challenged by a formal call for vote by Saudi Arabia). If the output is not final but rather intermediate basis for further deliberation at a future session, the Chair accepts the conclusions on behalf of the plenary and forwards the results to the next applicable session. Two different lines of events takes place depending on the type of output if the output is final: If the output is not a new instrument or a change to a new instrument, for instance a recommendatory guidance document, the MEPC simply adopts. If the output is an amendment to an instrument or a proposal for an entirely new instrument, it requires the adoption of a formal MEPC resolution, which often is drafted by the working group as well. If plenary agrees on the output of the working group, the formal adoption cannot take place until the next MEPC session. For example, MEPC 72 in April, 2018 agreed on an amendment to MARPOL

Annex VI concerning a ban on carriage of non-compliant fuel oil, but it was not until MEPC 73 in October, 2018 that it could be formally adopted by resolution MEPC.305(73) with the entry into force 16 months from MEPC 73.

The IMO does not have a mandate to enforce the regulation it stipulates. With the flag system and the treaties, states are left with the responsibility to enforce IMO regulation, and the role of the IMO in this context is simply to provide the necessary clarification or guidelines. Given this guidance, states or classification societies can monitor compliance, shipowners can plan and implement compliance as easily as possible, and shipyards, equipment designers, and manufacturers can design vessels and engines that are in compliance. During the discussions in MEPC 73 on the upcoming reduction of sulphur emissions by 1/1 2020, the question of how enforcement should be ensured was so important that even the secretary general said that the IMO secretariat would think much more about how port state control could be rendered even more effective. Overall, however, the IMO discussions do include deliberation on how enforcement can be improved, but not how the IMO can mandate enforcement by states.

This overview of the formal IMO structure and decision-making is necessary to understand before going deeper into the ways MEPC and PPR actually deliberate and achieve consensus. The overview also provides meat to the apparent puzzle I showed in the very first paragraph of the dissertation. In the following section, I provide an overview of the most important topics discussed in MEPC and PPR during the fieldwork period (2017 – 2018).

2.5.Issue overview of MEPC and PPR

The main issues discussed in either MEPC, PPR, or both relate to both air- and water-based pollution. During the fieldwork period, the issues spanned various stages of development ranging from early agenda-development through substantive policy development to discussions about implementation, and they varied in terms of salience, the number of actors interested in the issue, and the degree of technical detail under discussion.

2.5.1.Sulphur and particle pollution

The IMO regulation on reduction of sulphur and particulate matter emissions from international shipping has been an important issue since the 90s when the IMO adopted MARPOL Annex VI. As noted earlier, it has transitioned from an issue of acid rain to an issue of human health as environmental NGOs, independent researchers, and government agencies have published reports of the detrimental health effects of sulphur- and particle-based pollution from international shipping. Recently, scholars across social sciences have examined the issue various disciplinary angles, such as from an economic perspective (Jiang, Kronbak, & Christensen, 2014), a political science perspective (Lister, Poulsen, & Ponte, 2015; Svensson, 2011, 2014), and an environmental science perspective (Corbett et al., 2007). The issue has received

attention beyond media specialized in shipping due to its implications for human health, but industry-specific media has followed this issue extensively because of the significant cost implications for shipowners, equipment manufacturers, and fuel producers.

In order to reduce emission of sulphur and particulate matter, three principal options are possible. First, vessels can use fuel with a lower content of sulphur, as the amount of sulphur emitted is directly proportional to the sulphur content of the fuel. This involves a more complicated refining process for the bunker fuel, resulting in increased fuel costs for the shipowner or –operator. Second, the vessel can install exhaust gas cleaning systems, commonly referred to as ‘scrubbers’. Land-based plants use scrubbers extensively to clean the exhaust gas, but vessel instalment is more difficult and costlier because of space and weight limitations. Scrubbers differ in terms of whether they emit the solidified exhaust into the sea, save it for disposal at port, or a hybrid of both. The instalment of a scrubber is a significant initial expense, with the cost of fitting scrubbers on large newbuild vessels between \$2,5 and \$3 million USD, while a retrofit amounts to up to \$4,5 million USD (Drewry, 2018). Third, vessels can change their type of propulsion from combustion to non-combustion or a combustion design using liquid natural gas (LNG) instead of bunker fuel, which decreases pollution significantly. However, LNG-powered ships are more complicated to build and requires networks of LNG refuelling stations, while other non-propulsion systems are still limited to smaller vessels or is only very early in the development phase.

The discussion on sulphur in the IMO has been one of the most important ones because of the scope of the regulation and the costs of compliance. MEPC agreed in 2016 that from 1/1 2020, a cap on the amount of sulphur emitted (calculated relative to the equivalent fuel content of bunker oil) would take global effect. The estimated global cost of compliance in fuel alone has been estimated to be an additional \$60 billion USD per year (Hellenic Shipping News Worldwide, 2019), and the different business models and differential technological capacity of firms means that there are clear industrial winners and losers. Discussions in the IMO during the fieldwork period has revolved around auxiliary issues that could either result in a postponement, a gradual phased-in enforcement, or new mandatory guidelines to ensure compliance and correct enforcement. As of mid-2019, the industry considers the sulphur issue – often simply referred to as “IMO 2020” – to be the most extensive and disruptive regulatory requirement the IMO has ever developed.

2.5.2. Nitrogen oxide pollution

Emission of nitrogen oxides (NO_x) into the atmosphere is another important issue that IMO has regulated and considered in recent decades. Like sulphur, NO_x pollution is detrimental to human health (Kampa & Castanas, 2008) and shipping has historically been an important source of NO_x emissions (Vidal, 2009), in particular in Europe where NO_x emissions from land vehicles has been heavily regulated for many years. Unlike sulphur, however, NO_x exhaust pollution is not dependent on fuel content as NO_x is a product of

the combustion process itself. NO_x emissions from combustion engines depends on the combustion characteristics of the engine at a given load, and regulation of NO_x emissions thus requires regulation of engine design and -operation. It is possible to install abatement equipment such as catalysts or recirculation systems similar to those used on land vehicles, but even with such abatement technologies installed, NO_x emissions may change depending on the load factor of the engine. This makes NO_x a relatively complicated issue to regulate compared with sulphur.

During the fieldwork period, NO_x emissions were already regulated via special zones in North America and the Baltic and North Sea, with stronger requirements gradually taking effect for vessels sailing within those areas. The IMO discussions on NO_x has focused on the engine design requirements and the mandatory guidelines for abatement technology. This has been less relevant for shipowners (who will simply install an engine in a newbuild ship at roughly the same price) but very important for equipment- and engine manufacturers as well as shipyards as they are the ones who must design compliant engines and vessels. Because of this technical regulation, the NO_x discussion has been less politically contested compared to other discussions.

2.5.3. Ballast water

Ballast water is a source of invasive species proliferation when ships fill their ballast tanks in one area and unloads them in another. Kelp, crabs, bacteria, and jellyfish are all examples of invasive species that have been transported via vessel ballast tanks, potentially destabilizing local ecosystems. In 2017, the IMO-developed Ballast Water Management Convention (BWMC) entered into force with requirements for vessels to have management plans and ballast handling systems to prevent spread of invasive species.

Ballast water has historically been a contested issue, but during the fieldwork period, the IMO was working on amending the convention and specifying approval procedures for ballast management systems and plans. This has made the issue important for equipment manufacturers (who produce ballast treatment systems) and shipowners who have to shoulder any compliance costs. Discussions during the fieldwork period has been more technical in nature as the general direction of the regulation was settled and new regulation served to specify guidelines or change requirements in line with the overall policy goal. However, one major event occurred at MEPC 71 where the plenary agreed to postpone the date of required certification to 2024 for some ships. The event is important because it effectively postponed otherwise agreed IMO regulation and thereby cast into doubt the credibility of the organization, as Japan publicly stated after MEPC 71 (Adamopoulos, 2017).

2.5.4. Black Carbon

Unlike the other issues, 'black carbon' is an issue where the policy direction is under discussion and in its initial phases. Black carbon refers to the soot particles emitted from exhaust gas that accelerate climate change and may deposit on ice to reduce its albedo value, which warms the ice faster when exposed to

sunlight. Shipping does contribute to this type of pollution, but the exact extent of the shipping industry's contribution is unclear, and whether it is even worth the time compared to other issues has been questioned (Eason, 2015). Throughout the fieldwork period, MEPC and PPR has done extensive work on the issue in order to assess its extent in anticipation of possible regulation.

MEPC 74 decided in 2019, after the fieldwork had ended, to reject extensive measures to curb the use of heavy fuel oil in Arctic waters, preferring instead to continue work on the issue before deciding on a political direction. Most of the work of PPR and MEPC in 2017 and 2018 on black carbon involved discussions on the nature of the issue with the expected outcome that IMO would decide if and when to regulate the matter. Because the potential for far-ranging compliance costs for shipowners and the potential measurement and abatement equipment that would need to be developed, both shipowners and equipment manufacturers have had strong interest in the issue throughout the process. However, even if the issue is closely linked to the far more politically sensitive discussion of greenhouse gases, black carbon as an issue has not subject to the same intense political contestation between states as the climate discussion.

2.5.5.Greenhouse gas emissions and EEDI

Greenhouse gas (GHG) emissions from vessels is by far the most contentious and politically contested issue discussed in IMO, and I have devoted a chapter later in this dissertation solely for GHG because of its analytical value. Throughout the fieldwork period, the IMO has discussed GHG in two separate agenda points. One agenda point is the overall GHG strategy discussion that involves the reduction target for shipping in 2030 and 2050. This agenda point appeared on the MEPC agenda after the Paris Agreement in 2015, since the Paris Agreement did not include international transportation in the agreement text. It was then left to the IMO to set reduction targets for the shipping industry. The other agenda point has been on the IMO agenda for more than a decade, and it involves existing measures to increase the energy efficiency of vessels. This includes the mandatory requirement for new ships to be designed to be more efficient and all ships to have an energy management plan. While those two agenda points relate to the same political goal – i.e. the reduction of GHG from ships – they differ in their scope, legal status, and types of outcome. The energy efficiency (EEDI from here, as this is the most important element) agenda point is a discussion on a set of instruments aimed at ensuring an increase in the design and operational efficiency of vessels over time. EEDI as an issue is separate from GHG because it was begun in the mid-2000s, and was developed independently of the temperature targets of the UNFCCC. Unlike the EEDI discussion, the GHG agenda point is a high-level discussion on the general GHG reduction targets for the industry, and is effectively a precursor for substantive policy instruments.

GHG and EEDI each has its own agenda track, its own working group allocated and even different sets of delegates involved. This has created some interesting situations where the two groups were working in parallel on principally the same issue in two different rooms at the same time. Both agenda points are

extremely important for virtually the entire industry. Besides ship design requirements (which is important for shipyards, shipowners, and engine manufacturers) EEDI covers operational measures (EEOI, SEEMP), which are very relevant for shipowners and –operators who have to comply operationally with the requirements. The more general GHG discussion has the potential to change the regulation of international shipping drastically, so every part of the industry has a strong interest in the outcome of this agenda point. Decarbonization of international shipping may involve non-combustion propulsion, completely different vessel design requirements, operational requirements, as well as data reporting requirements, all of which are important for either shipowners, ship-operators, engine or equipment manufacturers, shipyards, and bunker services and refineries. During the fieldwork period, the IMO agreed in the GHG track on a strategy for addressing GHG emissions from shipping. This agreement was reached on April 13, 2018, and while the full agreement does not have treaty status, it constitutes the goal for the work of the organization moving forward. Crucially, the agreement included a provision that by 2050, the total GHG emissions from international shipping should be reduced by 50 % relative to 2008⁸, notwithstanding an increase in the number of vessels.

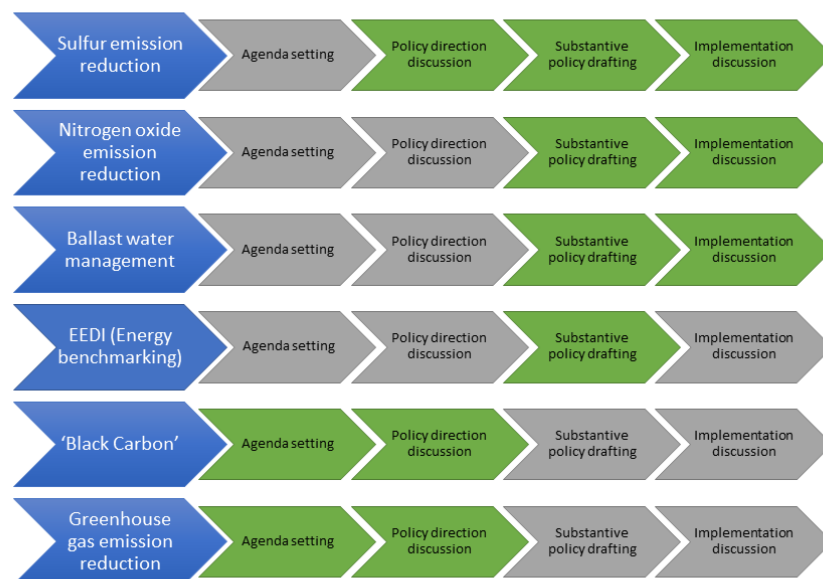


Figure 2: Overview of phases of discussion for relevant issues. Phases marked in green are those that took place during the fieldwork period

⁸ The text of the agreement was submitted by the IMO to the UNFCCC as part of the Talanoa Dialogue and can be accessed [here](#). Analog reference is inserted in reference list (International Maritime Organization, 2018)

The contentiousness of the GHG discussion and its analytical value in the context of the case study itself warrants its own chapter. Throughout the dissertation, I do not include empirical material from the GHG issue in the process-tracing analysis as a whole chapter is devoted to the GHG itself. The reason for this is that the GHG issue constitutes a within-case contrast where the ‘normal’ institutional norms and beliefs (the necessary context) were absent and industry influence fell apart. I explain this later in the analysis.

MEPC and PPR discussed other issues than these, but those issues were either related to the issues above, minor in scope, or routine formalities. One issue worth mentioning is the marine plastic litter issue, which was brought up in 2018 after heightened publicity and a call for international action. Despite the high publicity of the issue in Western media, IMO delegates saw it as a non-issue for shipping as the MARPOL Annex V already prohibits ships from dumping waste into the ocean. Despite the significant public attention to the issue outside the IMO, it was a minor issue during the discussions and the resulting action plan did not include an extension of mandatory regulatory provisions.

In all of the issues, it is evident that there are interests at stake. States with different policy objectives – for example, industrial versus marine protection – and industry segments with differing interests give rise to the political contestation that is common to environmental protection. In the following chapter, I delve into the details of the industry actors and how their interests are structured, in order to provide a comprehensive overview of the relevant material interests.

3. Actors and Economic Interests of Maritime Regulation

3.1. Reader's Guide

In this chapter, the main point is that there are different material incentives among firms depending on their business model and their position in the industrial system. The chapter also explains how the structure of the industry and the globalized, 'footloose' nature of shipping gives rise to competitive dynamics between types of firms. Specifically, I suggest that parts of the industry have a competitive interest in stronger environmental regulation while the opposite is true for other parts of the industry. This chapter is important because it shows that there are clear material interests arising, at least in theory, from the competitive position of different groups of firms, and that this division is a source of contestation in regulatory work. This chapter concludes the overview of the case and the shipping industry.

3.2. Purpose and Overview of Chapter

Environmental regulation is an important source of distributional effects for both states and firms. While the imposition of regulation either aims to protect human health or the biosphere in general, specific provisions usually have a differential effect on firms. This difference stems from differences in firms' capabilities to react, their differences in business models⁹, market attention, or placement in the global supply chain (Falkner, 2008; Oliver & Holzinger, 2008), while the effect on states is related to the relative costs and benefits for national industries, local biosphere, and human health. These material interests – for firms the profitability of their business model and for states the pursuit of national political goals – is an important source of conflict in the context of international environmental regulation. This political conflict over the distribution of values is what gives rise to contention in the IMO.

This chapter focuses on the characteristics of the global shipping industry. The plenitude of different industry actors who have a stake in the outcomes of IMO discussions – of which many are represented directly or indirectly in the meetings – and the differences in business models, market type, and cost structure shows the significant interests that are vested in the environmental regulatory decisions of the IMO. It is important to underline that the material interests of the different types of firms are theoretical rather than definitive, as any economic analysis of interests relies implicitly on economic theory and assumptions. The point of this chapter is not to suggest that the various actors act strictly in accordance to calculated interests, but rather to show why different parts of the industry would have different economic interests in regulatory outcomes. Whether or not these material interests actually structure IMO deliberations is another question.

⁹ I use the term 'business model' in line with Zott, Amit, and Massa (2011, p. 1024), and define it as "a system of interdependent activities that transcends the focal firm and spans its boundaries" designed to create value.

I structure this chapter as an introduction to the shipping industry in general. First, I provide an overview of the general characteristics of the international shipping industry and the important elements of competition, ownership, control, and size. Second, I provide a detailed overview of the different industry segments and their material interests. Third, I highlight some key elements of differentiation that give rise to some of the differential effects of regulation (Falkner, 2008).

3.3. The structure of the industry

In this project, I refer to the industry in a broad sense. This means that I include both firms offering shipping services, firms leasing out assets to other service providers, firms that crew and operate vessels, firms that offer ship construction and equipment services or products, firms that offer fuel and refining products and services, and firms that offer financing and insurance of vessels. An important part of the maritime ecosystem is the so-called classification societies, which are private actors as well, but who have quasi-public responsibilities. In MEPC and PPR sessions, the most important groups of firms are ship owners (who bear the investment costs of compliance), ship equipment providers (who have to design new equipment in accordance with regulation), and the bunker fuel providers (which includes both bunkering firms and refineries). Classification societies are also important, but in the IMO, they occupy a role that is distinct from the rest of the private actors. I will explain this later.

Why is it necessary with a thorough overview of the material interests of the industry? One simple point is that if politics is the authoritative distribution of value in a society¹⁰ and this project is about how industry interests influence this value allocation in a specific political forum, then it is necessary to construct a theoretical expectation of the material interests that underlies the firms' perceived interests that forms the basis of political participation. Another point is that shipping as a case offers a possibility of providing some empirical substantiation to Falkner's (2008) theory of the differential effect of environmental regulation on business actors. Although the theoretical point of departure for the process-tracing analysis is not based on an objectivist understanding of firm interests, an overview of the economic interests of the industry may potentially be valuable for further studies in the objectivist IPE tradition. Previous studies have already provided some considerations on industry interests (DeSombre, 2006; Poulsen, Ponte, & Lister, 2016; Zacher & Sutton, 1996), but these analyses have not delved into the details of differential effects of regulation at the level of industry segments or individual firms.

At the most fundamental level, the international shipping industry is built around the service provision of moving goods between countries across water. This implies a detachment from a particular geographic area as the productive element in this arrangement – the vessel and its crew – by its very nature physically moves between different geographical locations. Given the nature of international shipping, the vessels

¹⁰ The definition offered by David Easton (1953)

also physically move between polities, and the resources needed to maintain a profitable fleet are similarly exceedingly mobile. The ease with which ships can choose their flag country sets the shipping industry apart from other industries such as air transport. The parallel with air transport is relevant, and a closer look reveals that shipping is very distinct compared to international air transportation. Re-flagging ships is much easier than reflagging aircrafts, partly because the practicalities involved are cheaper and simpler, partly because aircrafts are less mobile assets as they are built and operated for very specific types of routes, and partly because shipping has a much weaker link between the physical location of the operational activity and the economic coordination.

3.4. Trade as driver

Without trade relations between states, the demand for seaborne transport would be drastically lower than it is today. UNCTAD (2017, p. 6) estimates that in 2016, more than 10 billion tonnes of cargo was transported by international shipping compared to 6 billion in 2000 and 4 billion in 1990. The liberalization and expansion of global trade throughout the 20th century had an enormous impact on the demand structure for shipping services. As old and emerging economies expanded their production and opened their borders to trade, shippers (also called cargo owners, i.e. those firms who are in demand of transportation services) needed the services of shipping firms to transport goods to distant markets. The old U.S.-Europe trade lanes was supplanted by trans-pacific trade between China, Japan, the South-East Asian countries and the U.S., or between China and the European markets. The need for raw materials for production created the need for large-scale transport of iron ore and oil between continents, and firms expanded their arbitrage of production cost between distant countries, which increased the demand for transport of finished and semi-finished products. All of this has been aided with a general lowering of tariffs with the GATT, which has made it even more profitable for shippers to move goods across borders and, by extension, further expanded the need for shipping services.

Regardless of the particularities of the firm in question, any firm that benefits directly or indirectly from the demand for shipping services has a fundamental interest in further expansion and liberalization of the international trade regime. Less barriers to trade means more demand for shipping services, which in the short run generates more profit for the shipowner. Development of large swathes of formerly impoverished population, such as the rising middle-classes of China and India, creates a huge demand not only for consumer goods but also for construction materials and steel, all of which implies a growing demand for shipping services. Industries that support the expansion of the shipping industry have similar material interests. Shipyards, equipment manufacturers and engine designers have a strong interest in the expansion and turnover rate of the fleet as that is their primary source of revenue, while fuel suppliers and other service firms have an interest in high shipping activity because this increases the derived demand for

support services and fuel. All of these related activities are dependent on the expansion of international trade, as that is the core driver of international shipping.

3.5.Ownership and Control

In shipping, the capabilities needed to run a profitable fleet are physically separate from the vessels themselves, because the administration of a fleet operation does not take place from the vessels themselves. Consequently, there is a very strong detachment between the administrative headquarter of the operation and the locations where vessels travel. In principle, any person with an office, an internet connection, and the phone number of a broker can run a shipping business even without owning any ships. Mærsk line operates the world's largest container shipping operation from Copenhagen with a physical presence only in select ports, while their ships routinely connect six different continents. It is common to see, for instance, ships that are owned by a Greek shipowner but chartered to a Bulgarian firm for a specific period, manned by nationals from the Philippines transporting goods between Brazil and China flying the Liberian flag.

The implication is that ownership per country is relatively independent of whether or not the country in question is a large partner to trade. The five largest ship-owning nations collectively control almost half the world tonnage. Four out of these five, with Singapore as the exception, has a majority of tonnage registered in foreign flags. In fact, among the top 20 largest ship-owning countries only four (Italy, India, Hong Kong, and Singapore) has less than half of their fleet registered in foreign flags (UNCTAD, 2017, p. 28). Here, the implication is that the identity and make-up of different fleets (by ownership) is a source of difference of material interests between countries and their respective firms and shipowners' associations, and also that flag registration and ownership are separate material structures.

Table 1: Ownership of Vessels. Own calculations based on UNCTAD 2017.

Country	DWT	% of world
Greece	308.836.933	16,72
Japan	223.855.788	12,12
China	165.429.859	8,95
Germany	112.028.306	6,06
Singapore	104.414.424	5,65
Total	914.565.310	49,50
World Total	1.847.630.894	

One thing to note is that the embeddedness of a particular shipping firm in the country where it is registered (that is the firm, not the vessel) varies in strength. While no systematic data exist concerning the size of on-shore operations of firms for each major ship-owning country, firms vary in their attachment to the country where they happen to be registered. Independent tanker or bulk vessel owners who do not operate their own vessels do not necessarily play an important role in the local country economy, while large owner-operators like the large liner firms or supporting industries like shipyards and equipment manufacturers have a much larger presence in the economy of the country where they are registered. The important point is that there is no given link between the amount of tonnage owned by a given country and the importance of the shipping industry – instead, it depends on the type of firms and their supporting industries.

3.6. Structure of competition

Shipping firms generally compete on price rather than product or quality (Poulsen et al., 2016; Stopford, 2009). Accordingly, competition of shipping services demands ever-higher levels of operational efficiency, and shipping firms face relatively strong demands for efficiency at every level for two principal reasons. First, the market for shipping services is dominated by competition on price rather than quality or any type of differentiation. Most shippers are uninterested in anything but procuring the cheapest transport (that is

timely) of their goods from A to B, which means that any vessel that offers its services is competing with all other vessels to offer the cheapest price for any particular voyage. The same is true for shipowners that charter their vessels to other firms, as they want to run the most efficient administration (or operation, if they retain operational control) in order to out-compete alternative shipowners. This latter point is particularly true if there is over-capacity on the market and there are more shipowners willing to charter out their vessels than there is demand for the use of that tonnage.

Second, a loss in overall efficiency of the industry translates into a transfer of transport from sea to land or air for the same reason. This potential modal shift from shipping to either road or rail transport is particularly present in European short sea shipping where land-based infrastructure can compete with shipping in some sectors, which means that firms operating in markets where road or rail is a viable substitute effectively compete as an industry with land-based modes of transportation. Here, the shipping industry has a collective interest in maintaining the competitiveness of shipping as a financially feasible mode of transportation.

A key point here is that uniformity of regulation affecting vessel design or operations across markets is an essential component in maintaining the relative efficiency of shipping. This allows shipowners to order vessels that are legally cleared to navigate any territorial water instead of having to partition their fleet according to regional requirements, or optimize their operations according to a single set of requirements instead of managing several different operational profiles depending on the market. Shipowners and ship-operators may even be more concerned with differences in regulatory requirements than the requirements themselves because evenly distributed costs of compliance can be passed to customers without changing the competitive situation within the industry. As we shall see, this particular common interest of the industry is important.

3.6.1. The freight markets

The freight markets are the different markets for seaborne transport. Because of the differences in the nature of the cargo transported, it is conventional to separate the markets according to the cargo type. Since most vessels are built specifically for a certain type of cargo, a given market has a group of associated vessels that can only trade in that market. Thus, discussions about types of markets are intrinsically linked to the associated types of vessels. The major markets are:

- **Container shipping:** *Transport of containerized cargo along lanes according to a fixed schedule. This predictability gives rise to the industry name for container shipping: liner shipping.*
- **Dry bulk shipping:** *Transport of non-packaged goods in 'bulk', i.e. in large quantities.*
- **Tanker shipping:** *Transport of crude oil and refined oil products in large quantities.*

In addition to these, there are specialized markets that are very small compared to the three large types. In the market for general cargo, there is trade with products that are not bulk nor liquid but do not fit in containers, such as vehicles or machinery. This market is much smaller than the market for containerized goods. In the market for gas, specialized carriers transport liquefied natural gas (LNG). Offshore support is an important but niche market in areas with oilrigs and offshore wind farms, and does involve both transport of goods, construction of offshore facilities, and safety & maintenance service provision. Finally, there is a diverse market for human transport in the form of ferries, roll-on roll-off (known as ro-ro vessels designed to carry cars and trucks) and cruise ships. While most laypeople know about cruise ships or have been on a transport ferry, the passenger segment of the shipping industry encompassed only about 5,9 million tons of DWT globally in 2017, compared to a combined DWT of bulk carriers, container ships, and tankers amounting to roughly 1530 million DWT (UNCTAD, 2018), or 0,4 % of total world merchant tonnage.

A common example of the importance of global shipping is the illustration of the container ship transporting sneakers from one end of the world to the other. This type of shipping is actually more precisely called *liner shipping* because the distinguishing feature of this market segment is the regularity of transport routes compared to tanker or bulk shipping. Because of this regularity of services, shippers know well in advance that it is possible to transport a given amount of containerizable cargo from A to B at specific timeslots, which is extremely important for securing a stable supply in high-volume markets or maintaining Just-In-Time procurement operations. The regularity of operations necessitates a different type of management in liner shipowners than other shipowners. Unlike *Arendal* (an example used later in this chapter), which is a bulk vessel, a container vessel like *Emma Mærsk* is both owned and operated by Mærsk Line, who also covers all cost items. When shipowners have this dual responsibility, they refer to themselves as owner-operators, and it is relatively common in liner shipping that firms are owner-operators rather than contracting the operation of their vessels out to other operators.

Contrary to liner shipping, dry bulk and tanker shipping is not structured in terms of liner services but rather is referred to as “tramp” shipping. This is because dry bulk and the tanker markets respond to market supply and demand that is much less regular than the demand for containerized transport. For example, transport of bulk products such as iron ore or grain are irregular and between different endpoints while the tanker market depends heavily on the price development of crude oil and petroleum-based products. Shipowners operating in these kinds of markets are less likely to be owner-operators, but instead often own the asset and either crew and operate it themselves or charter it out to another firm if it is more profitable for a given period. However, just like liner ship owners, the bulk- and tanker-owners all have to shoulder investment costs if they want to become shipowners, and this includes investments to comply with new environmental regulation.

The other markets largely fall under the same logic of either liner- or tramp-shipping. Passenger and Ro-Ro (i.e. automobile and truck transport) are often similar to liner shipping, while LNG or specialized heavy-duty transports operate as tramp shipping. Cruise lines are slightly different since they only transport leisure passengers on a return trip, but just as all other shipowners, they usually carry the costs of investments and are also owner-operators.

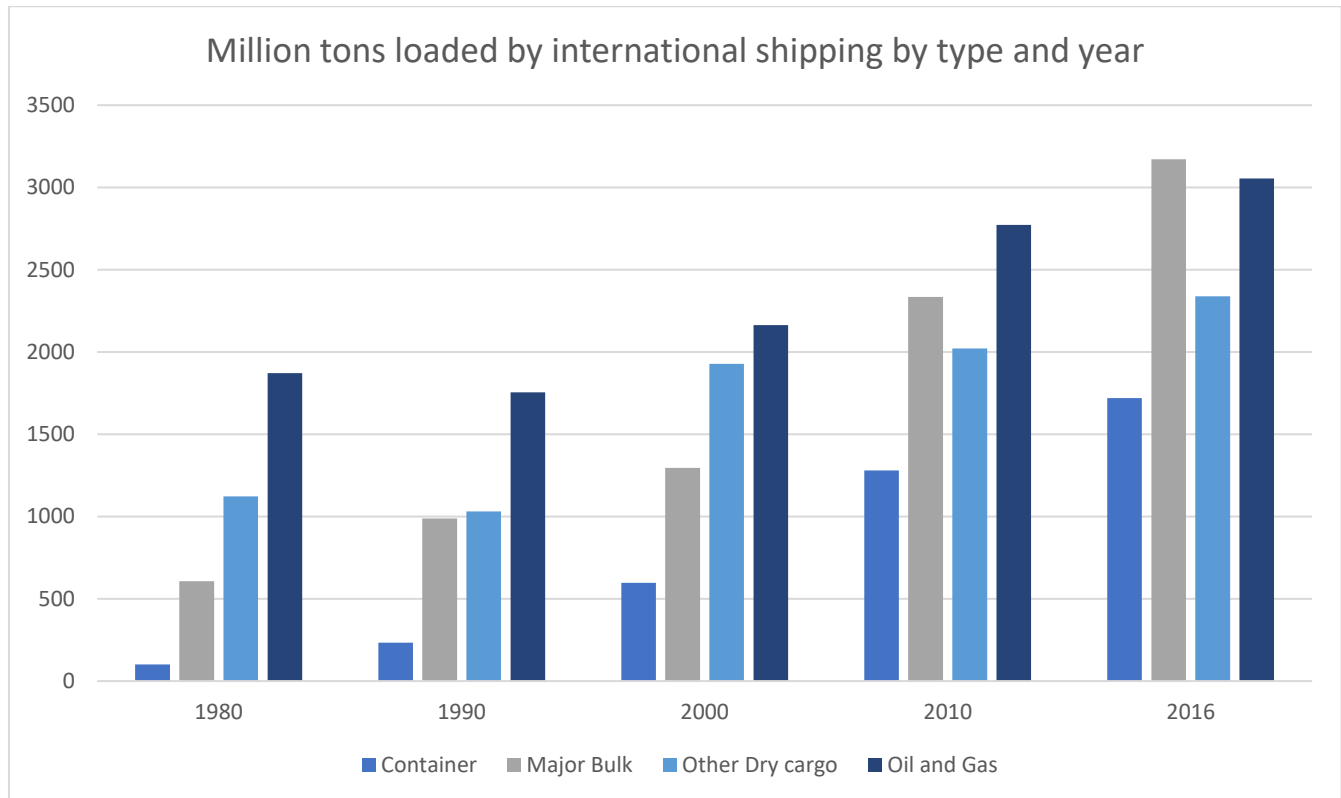


Figure 3: Growth in amount of trade across types of shipping

3.7.Sizing up international shipping

With this basic overview of the industry characteristics – i.e. the demand for transport of goods in the most efficient way possible by shippers and the supply of this service by shipping firms – we can explore how large this industry actually is. Traditionally, this is measured in the volume of goods transported by sea, the value of goods transported by sea, and the total tonnage of vessels registered. It is not feasible to estimate the total value, revenue, or profits of the industry because the various ownership structures and differences in national requirements for financial reporting masks many financial indicators of the industry. To provide an example the second-largest liner shipping company in the world, Mediterranean Shipping Company, is privately controlled by a single family and do not list their financial results for the entire operation in international financial databases nor make it available anywhere. Of course, publicly listed firms make their financial information available in accordance with the national rules, but it is impossible to report any fine-grained data on the financial size of the industry.

The amount of global trade which is transported via international shipping is estimated to be between 80 % (UNCTAD, 2017) and 90 % (International Chamber of Shipping, 2019) of total world trade by volume, corresponding to 10,3 billion tons of goods in 2017 (UNCTAD, 2017, p. 2). Measured in value, this corresponds to about 70 %, which reflects the fact that shipping disproportionally transports lower-value goods like bulk raw materials and liquid products. Between 1974 and 2014, the trade volume transported by sea increased at a compound yearly rate of 3 % which coincides with a similar expansion of international trade in the same period (UNCTAD, 2017, pp. 2–3).

Measurement of the world fleet is done by dead-weight tonnage (DWT) which approximates the cargo capacity of a given ship regardless of cargo type. The largest tankers in the world are the TI Supertankers with a DWT of approx. 441.585, whereas the largest container vessel currently in operation as of early 2019 (CSCL Globe, China Shipping Container Lines) ‘only’ boasts 184.605 DWT, which corresponds to approximately 19.100 standard container units. The physical dimensions of these vessels are typically measured in hundreds of meters of length and dozens of meters in beam, with CSCL Globe spanning exactly 400 meters in length and 59 meters in beam. To match these dimensions, engine manufacturers have designed power plants that fit these scales; a Wärtsilä engine with a peak effect of more than 80 MW powers Emma Mærsk (a 2006 Mærsk design of 156.907 DWT). This is enough energy to power on average 40.000 homes in the U.S (U.S. Energy Information Administration, 2017).

In 2017, the total cargo capacity of the world merchant fleet consisted of 1,861 billion DWT, with 534 million in oil tankers, 797 million in bulk carriers, 246 million in container ships, and the remaining being general cargo ships, specialized carriers, offshore supply vessels, passenger ships and ferries, and non-categorized. While there is no total overview of the gross revenue- or cost streams for a given type of firm, it is possible to see how large these markets are and show some indicative numbers of the kind of money involved. According to World Shipping Council, the liner shipping industry transported 130 million containers, with the majority being 40-foot containers (World Shipping Council, 2017). The average price of a transcontinental shipment of one 40-foot container is approximately \$2.000¹¹, which means that the combined revenue of international liner shipping is around \$260 billion USD. For comparison, Mærsk alone reported a revenue of \$39 billion USD in 2018¹². For dry bulk, it is less feasible to calculate this because of the difference in price depending on type of good and the high variance of prices over time. Instead, the daily charter value of a ship type – i.e. what it costs to ‘lease’ that ship per day to transport cargo – is instead used as an indicator. The largest bulk carriers (so-called Capesize vessels) cost between \$10.000 and \$15.000 per day in 2017 (UNCTAD, 2018, pp. 51–52), with similar or slightly lower numbers

¹¹High price of 2500 USD from Europe to China, and 1500 USD from China to the U.S.. However, freight rates are very unstable from year to year (UNCTAD, 2018, p. 46)

¹² Official Mærsk financial statement for 2018 found at <https://investor.maersk.com/financial-highlights>

for smaller ship types, with the smallest bulk carriers costing \$7600 per day. For tankers, a one year time charter for a medium sized tanker in 2017 was between \$12.500 and \$14.500 per day, and on the spot market – i.e. day-to-day market – the average price for a tanker was \$11.700 per day (UNCTAD, 2018, pp. 51–53).

The cost of acquiring a vessel is also a significantly capital intensive investment. The price of a newbuild container vessel with a capacity of 12.000 standard containers in 2010 was \$105 million, a large bulk carrier cost \$57 million and a large tanker cost \$99 million, while the smallest dry bulk carriers and oil tankers cost around \$25 million and \$34 million, respectively. Even buying a second-hand ship is a significant capital investment, with a second-hand VLCC-tanker (the largest size of tankers of more than 300.000 dwt) carrying a price tag of \$80 million, and a second-hand small dry bulk carrier would cost \$20 million (UNCTAD, 2010, pp. 56–57)¹³.

3.8.Types of commercial actors

Before going deeper into the specifics of the industry, it is worthwhile to clarify the term ‘business model’ as it is sometimes used differently across disciplines. In this chapter, business model is understood to be the company’s plan for being profitable by providing offering a value proposition to a set of customers, and includes the revenue streams, the cost structure, the type of valuable activities, and the relationship with customers (Osterwalder & Pigneur, 2010). The different business models of the industry represents the different ways companies make a profit by selling products or services to different sets of customers, pursuant to Zott *et al.*’s (2011) more general definition.

The maritime industry is composed of different markets where each market is a marketplace for a particular type of service or product relating in some way to the transport of goods across sea. Stopford (2009, p. 175) organizes shipping in four markets (not to be confused with the three types of shipping):

- ***The newbuilding market*** where shipowners order new ships
- ***The freight market*** where shipowners sell their services or charter their ships
- ***The sale and purchase market*** where second-hand ships are traded
- ***The demolition market*** where vessels are sold to be scrapped

Of these four markets, the main revenue for the shipowner is the freight market. The freight market is where the shipowner sells the operation of his assets (the vessels) to shippers who are in the market for transport services. Shipowners may trade in the second-hand market or scrap market, but they are not earning revenue on the operation of assets – rather, they recuperate some of the original investments at the end of the economic lifetime of their vessels.

¹³ UNCTAD has no newer figures on shipbuilding prices or second-hand prices, and since the price of vessels varies strongly from year to year these figures are only representative of the magnitude of investments.

In each market, there are firms that provide products or services that are in demand by other actors and necessitated by the needs of their respective operations and business models. Following Stopford and UNCTAD's typology, I will structure the different firms in the following categories for analytical clarity:

- *Shipowners*
- *Ship-builders*
- *Equipment manufacturers*
- *Ship operators*
- *Classification societies*
- *Shippers*
- *Financial service firms*

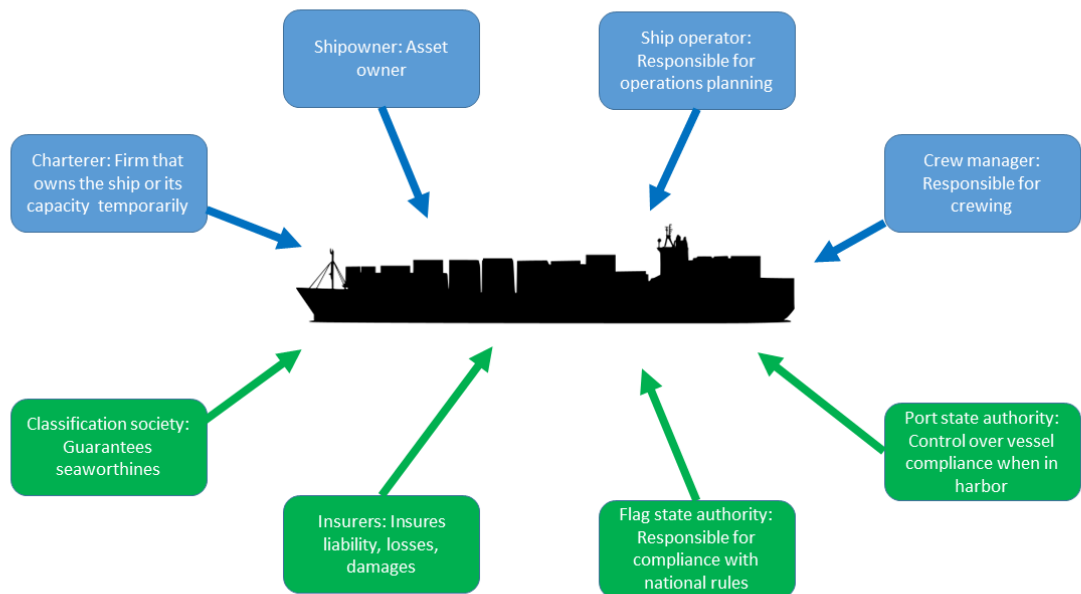


Figure 4: Simple overview of relevant actors in the regulation of a given vessel. Blue boxes indicate corporate actors who benefit financially from vessel operation, while green boxes indicate actors who impose requirements on the vessel

While the first three categories should be self-explanatory as headlines, the last three requires some qualification. *Ship operators* refers to firms that are in the business of operating vessels and managing crew. Depending on their specialization, ship operators may or may not be in the market for commercial operation (i.e. choice of routes and cargo) or operations management (i.e. crew, maintenance, certification renewal, dry-docking). This type of firms exist because not all shipowners want to be responsible for the day-to-day management of vessels, and operators' source of income are thus shipowners who are balancing income from shippers with capital expenses they cover themselves and operational expenses paid to the ship operator.

Classification societies (referred to colloquially as *classes* or *the class*) are hybrid organizations that are privately owned and controlled but serve as quasi-public entities in assistance of national maritime authorities. Their business models involves sales of services to states and firms or directly acting as expert representatives on behalf of other entities, and states often grant them formal responsibilities on behalf of national authorities. At the same time, they sell consultancy services to both public entities and private firms and classify vessels for insurance purposes. I will explore their nature and origins later in this chapter.

Shippers refer to the customers who are in the market for transport of their goods. This includes any entity that procure the service of the shipowner or charters a ship for transporting their own goods. For example, Walmart is a major shipper and customer of Mærsk because they are in demand of transport of their merchandise goods from major production areas to major sales areas. Large oil companies are also in need of transport of hydrocarbon products, but they often have a choice between chartering other shipowners' ships and operate the vessels themselves, or procuring a transport of oil and allowing the shipowner to continue operating them. Shippers are not part of the maritime industry *per se*, but since their demand is the whole reason maritime trade exists in the first place, the structure of their preferences and interests are important. Similarly, as the earlier examples allude to, shipper and shipowner can agree upon the contractual relationship concerning the transport of goods in different ways, and this depends on the business model of the shipowner in question. I will not discuss shippers as a category because of the endless diversity, but in specific instances where it is relevant I will bring them into the analysis further in this monograph. For now, I turn to the finer details of the firms in each of the other four categories.

Financial service firms constitute an important and invisible part of the industrial infrastructure. This includes specialized private financial institutions that underwrite financing of vessel purchase and insurance firms. Neither type of firms are present in the IMO, but they constitute a less visible source of pressure on the industry as the risk associated with the financing and insurance of vessels that are costly to adapt to new regulation can be substantial with banks like ING preparing environmental requirements for shipping as part of their own business model development. Similarly, insurance firms have noted the lack of preparedness in the industry with respect to climate change and other global challenges. These firms are not present in the IMO, but they constitute an important part of the mounting pressure on the industry to tackle environmental issues.

I have excluded shipbrokers as a category since they do not play a significant role in the IMO, nor are subject to strong economic interests in the context of maritime environmental regulation. The role of shipbrokers is to match shipowners with charterers or shippers (i.e. the customers who are searching for transport of goods). While the shipbrokers serve an important function in the industrial ecosystem, they are not an important part of industry when it comes to environmental regulation as they essentially match supply and demand. Below, I explore some of the most important types of firm in further detail.

Table 2 Overview of types of charter agreement and cost structure for owner and charterer

Charter type	Voyage charter ¹⁴ Shipowner retains complete control of operations and vessel management	Time charter Charterer has operational control, shipowner retains management of vessel	Bare boat charter Charterer has operational control and appoints master of vessel
Revenue type for the shipowner	Quantity of cargo times rate per unit of cargo	Hire rate ¹⁵ times duration, minus off-hire time	Hire rate times duration
Capital costs paid by	Shipowner	Shipowner	Shipowner
Operating costs paid by	Shipowner	Shipowner	Charterer
Port costs paid by	Shipowner	Charterer	Charterer
Bunker and canal transit paid by	Shipowner	Charterer	Charterer

3.8.1. Shipowners

Shipowners are firms or individuals who own at least one merchant vessel with the aim of exploiting the vessel for economic gains. While there is no technical difference between a shipowner and a firm operating in any other industry, several European languages distinguish linguistically between the two because of the historical professional identity of seafaring merchants - among others: “reder” in Danish, “armador” in Spanish and Portuguese, “armateur” in French. This is not only an amusing fact; the language used is part of the identity complex of the maritime industry, which, as we shall see later, is a crucial element for explaining firm influence in IMO. I use the English term *shipowner* here to denote any entity who incurs economic profit from owning vessels, which also includes individuals, investment funds, and firms in unrelated industries owning vessels.

Shipowners usually own vessels that are specialized in transporting a particular type of goods, which translates into a segmentation into specific markets. Large firms may diversify in several types of vessels,

¹⁴ A fourth type of charter, the contract of affreightment, is operationally different but has the same cost structure as the voyage charter

¹⁵ “Hire rate” refers to the price paid by the charterer to the shipowner per day the vessel is chartered for

while smaller shipowners often seek to concentrate their capabilities on a particular type of trade. This implies that it is not easy to categorize shipowners because they may be active in several markets at the same time. Instead, I will explain the common characteristics of shipowners that indicate their interests as a group and vis-à-vis each other and save the explanation of the different markets for a section further below.

Table 3: Cost structure for operation of 10-year-old capesize bulk carrier. Source: Stopford, 2009

Type of cost	Share of total costs	Main items
Operating costs	14 %	Crew (42 %)
Periodic maintenance	4 %	
Voyage costs	40 %	Fuel oil (66 %), port costs (24 %)
Cargo-handling costs	Small	
Capital costs	42 %	Interest and debt repayment

At the most basic level, shipowners make their assets productive essentially by selling the vessels' time, called *chartering*. The way shipowners carry this out determines the cost structure on part of the shipowner and, conversely, on part of the shipper or potential third party vessel operator. There are three different charter types, which each entails different cost and revenue streams for each involved actor: The voyage charter, the time charter, and the bare boat charter.

Table 4: Cost structure in thousand USD for a capesize bulk carrier at different age levels. Source: Stopford 2009, pp. 227

Age of ship	5 years	10 years	20 years
Crew cost	743	871	956
Stores & Consumables	277	292	348
Maintenance & repairs	164	338	393
Insurance	196	243	423
General Costs	330	298	330
Total per annum	1710	2041	2450

The first thing to note is that the shipowner is always responsible for the capital costs of the ship. This includes the price of the cost of the vessel in the first place as a newbuild or from the second-hand vessel market and the associated costs of capital raised (i.e. financing costs). More importantly, this cost item includes capital investments in compliance equipment that shipowners incur because of new regulation. In a perfect market, shipowners would transfer the burden of increased capital costs to charterers/shippers

and would theoretically be indifferent whether new regulation stipulates increased capital costs. However, the market is not perfect, shipowners differ in their capability to install new compliance options efficiently, and price rigidity in the different markets may make it impossible in the short run to shift costs to customers. The key point here is that shipowners differ relative to each other in their willingness to embrace new regulation that implies new capital investments.

The second important thing is that the charterer rather than the shipowner may cover the various operational costs. One of the biggest expenses of a vessel operation is the bunker fuel used, which is a direct function of the speed and distance sailed. If a shipowner charters out a vessel on either time- or bare boat charter, it is the charterer (or the operator designated by the charterer) who incurs the bunker costs. This means that different shipowners face different cost implications of regulation depending on the types of charter they employ across their fleet, and since each shipowner often has vessels under each type of charter at the same time, this complicates the calculation of the shipowner significantly.

***ARENDAL* – An illustration of the corporate actors involved in vessel management**

Arendal is a medium-sized oil tanker built in 2010 and serves as a good example of the different private entities that play a role in the commercial operation of ships. This snapshot of *Arendal* was gathered in September, 2018, based on official data from D/S Norden's website.

Arendal is owned by Arendal Shipholding based in Liberia. Arendal Shipholding is a subsidiary of World Tankers Management, which is located in Singapore. World Tankers Management are also responsible for the ship's crew, but *Arendal* itself is chartered out to A/S Norden on a long time charter. Norden is a Danish shipowner who directs the commercial operations of the vessel and is responsible for route and cargo planning, and who – for the duration of the time charter – is considered 'disponent owner'. Norden has 'pooled' commercial control over the vessel to their associated firm Norient (also based in Denmark) in order to benefit from economies of scale by cooperating with a specialized ship operator called Interorient Shipmanagement (based in Cyprus). Arendal Shipholding earns the time hire that Norden pays, while Norden earns revenue from cargo transport.

Arendal is registered in Panama, and the associated classification society that has approved *Arendal* as seaworthy is the American Bureau of Shipping. At the time of writing, the last class inspection took place in Greece in early 2018. The vessel as a whole is insured by U.K. P&I Club based in London. U.K. P&I Club also insures a pollution liability coverage of 1 billion USD, while BMS Harris and Dixon Marine (London) covers hull and machine liabilities.

The crew on board the ship are employed by World Tankers Crewing (India), a subsidiary of World Tankers Management, and consists of Indian, Bangladeshi, and Myanmar nationals. The picture below is Nord Imagination, a similar vessel owned by D/S Norden.



3.8.2.Shipyards

These firms are in the market for construction of ships, as well as providing service maintenance and retrofit infrastructure when new shipowners decide to install new equipment on existing vessels. 90 % of all newbuilds in 2016 were constructed in either China, Republic of Korea, or Japan (UNCTAD, 2018, p. 37). Yards in Korea and Japan are often parts of larger conglomerates such as Mitsubishi Heavy Industries (Japan) or Hyundai Heavy Industries (Korea), while the Chinese yards are part of the two state-owned companies CSIC and CSSC.

While there are no official assessments of the relative technological sophistication and capabilities of yards in these three countries, some shipowners are of the belief that Japanese yards represent the highest level of technological sophistication while Chinese yards are inferior to both Korean and Japanese yards in this regard. Korean and Japanese yards also have capacity for building larger vessels, and the associated capital investments required for the yards to build vessels that are compliant to new regulation are similarly higher for these yards (Vogdrup-Schmidt, 2018).

In the IMO, some of the European yards have organized in CESA (Community of European Shipyards' Associations), while the Active Shipbuilding Experts' Federation (ASEF) primarily represent Asian shipyards. Both organizations have consultative status in the IMO.

3.8.3.Equipment Manufacturers

This group of firms are producers of equipment and engines. Roughly speaking, this group can be subdivided into engine designers and everyone else. While the broader category of equipment includes everything from lifeboats to specialized navigation software, the relevant part of the equipment industry in this dissertation is the segment related to environmental compliance equipment and engines themselves. The relevant firms in the first group includes predominantly North European manufacturers such as ABB, Alfa Laval, Wärtsilä, and a number of smaller firms, while the main engine designers are MAN Energy (Denmark, owned by German conglomerate) and Wärtsilä (Finland), with MAN considered market leader.

While most equipment manufacturers design and produce their products, engine manufacturers design their engines and then license the construction to the yards that are responsible for building the ship. This means a firm like MAN – the largest engine designer in the world – lacks a production facility at all. Their design unit in Copenhagen employ hundreds of engineers, but all production of engines is carried out at or close to the yards so that engines can be built directly into vessels. It is not technically possible to retrofit an entire engine.

In the IMO, the engine designers are organized in EUROMOT and the Director of Regulations of MAN Energy Solutions heads their delegation.

3.8.4. Classification Societies

Classification Societies (simply referred to as ‘the class’ in the industry) constitutes a group of independent private organizations which serve three main purposes: First, they certify vessels in accordance with each class’ own compliance requirements on issues like structural strength, power generation, and other structural-mechanical problems. Second, they assist national administrations and the IMO in drafting new regulation and interpreting the regulation for use by crew and inspectors. Third, the classes employ technical specialists that are experts in the different elements of vessel design and operation and serve in their capacity of quasi-regulators as so-called “recognized organizations” (RO for short) on behalf of national administrations who lack the necessary technical expertise to oversee vessels. Because the industry considers the classes to be the undisputed technical experts, national administrations buy their services to check compliance and certificates of vessels on the jurisdiction of the state in question. The historical purpose (which still is valid today) was to have an independent technical body certify a ship so

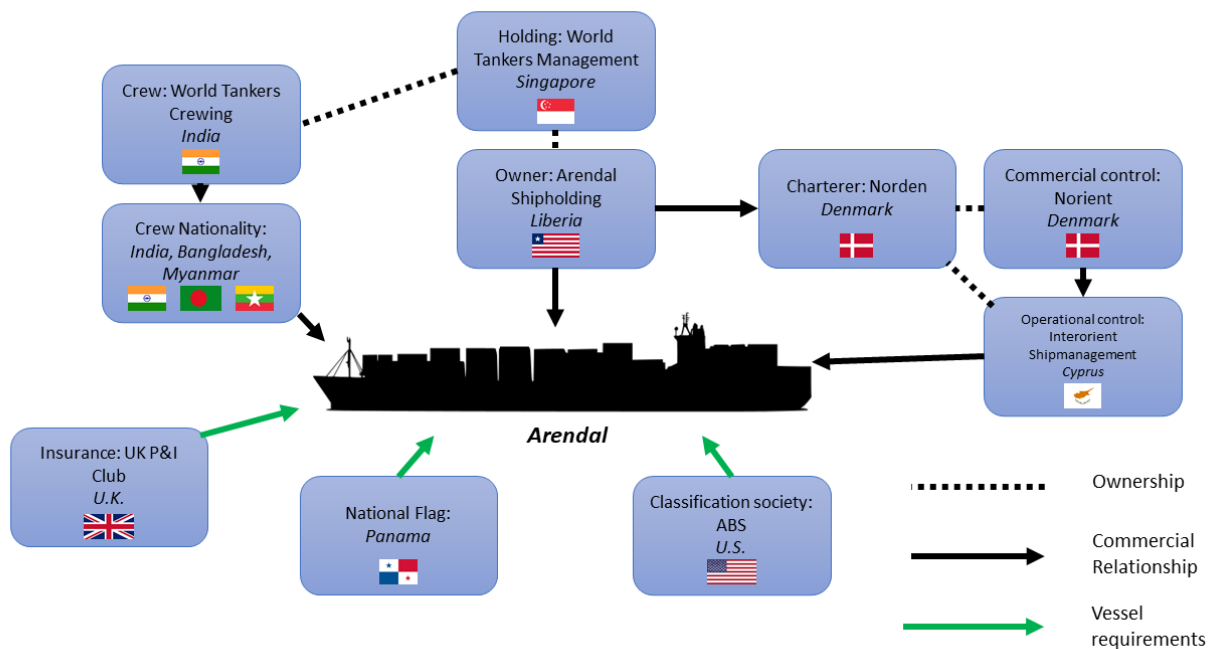


Figure 5: Simplified overview of Arendal's ownership (as of 2018). Not pictured are financial institutions, port/coastal states, and links between owner/operator and states

that insurers knew the vessel was seaworthy.

The four major classes are DNV GL (Norway and Germany), ClassNK (Japan), ABS (U.S.) and Lloyd’s Register (U.K.), but their national affiliation is only in principle as their operations and services span most maritime states in the world. In the IMO, the major classes have organized in International Association of Classification Societies (IACS) who attend every IMO committee and sub-committee meeting with a host of technical experts. In addition, some states choose to include class employees in their national delegations

as technical experts, which means that class societies both speak with their own voice and speak as part of national delegations.

Earlier studies have noted both the importance and uniqueness of a set of private actors taking up a role like the classification societies (Braithwaite & Drahos, 2000c; Gold, 1981). In this dissertation, I do not include classification societies under the auspices of ‘industry actors’ for several reasons. First, their nature as quasi-regulatory entities who act on behalf of states sets them apart in kind from the rest of the industry (shipowners, yards, equipment providers, bunker providers, and refineries), since classification societies’ commercial interests rely on state consultancy. Second, IACS’ role in the IMO is closer to the role of the secretariat than the role of industry associations, as IACS are explicit about their role as independent experts similarly to scientific community representations like the IMarEST, which is an organization of marine engineers working in universities. Collapsing IACS and the ‘regular’ industry associations into one category would obscure the findings as the dynamics of influence for the two kinds of entities fundamentally represents two different categories of phenomena. Third, because of the ethical limitations and protection of anonymity of organizations, I would not be able to distinguish between IACS and other industry associations without revealing which observations related to IACS. Revealing speakers’ organizational or national affiliation would be a breach of the ethical limitations of this dissertation, and I return to the question of ethics in the methodology chapter.

Omitting classification societies from the scope of the analysis does not preclude a discussion of their role later in the dissertation. The general acceptance among states and firms of the widespread role of classification societies as independent experts and ROs on behalf of states is theoretically interesting in itself, and this acceptance relates back to the dynamics of interaction within the IMO. For the sake of clarity, references to ‘industry’, ‘firms’, or ‘business associations’ for the rest of the dissertation does not include classification societies as I will distinguish them as separate.

Table 5: Relative sizes of the four major classification societies. Source: Lloyd’s List, 2017

Classification Society	Gross tonnage covered, 2017	Share of all tonnage
DNV GL (Norway/Germany)	286.982.722	21,8 %
ClassNK (Japan)	254.753.463	19,4 %
ABS (U.S.)	225.027.282	17,1 %
Lloyd’s Register (U.K.)	219.608.470	16,7 %

With this overview of the industry, its characteristics, main actors, and types of markets, I now end the chapter with an overview of the main elements of contention based on the different interests of the industry.

3.9. Industry differences in interests and differential effects of regulation

Within the maritime industry, the primary differential effects relate to different firms' capabilities (Barney, 1991; Oliver & Holzinger, 2008; Teece, Pisano, & Shuen, 1997) to change service or product characteristics, or operational practice in adaptation to new regulation (Falkner, 2008, pp. 34–35). Additionally, there are differential interests related to firms' position in the maritime supply chain, because supporting industries and shipowners have opposite interests. In line with contemporary approaches to business model structure (Osterwalder & Pigneur, 2010; Zott et al., 2011), I divide these effects into those that affect revenue structures (including competitive situation, customer-firm relations, pricing and market development, or other related elements) and cost structures (compliance expenses, cost of changing capabilities, operational changes, etc.) This is a similar distinction to the one deployed by Falkner (2008, p. 34; see also Porter & Linde, 1995).

A core element of the differential revenue effects is the difference between firms in the same segment to differentiate their product and escape the “commodity trap” of pure price competition. When a firm escapes the commodity trap, customers regard one firm's service or product as different in kind from other firms' products and are thus willing to pay a premium for it (Hirschey, Bentzen, & Scheibye, 2019, p. 492). Shipping services in the market for freight are regarded as commodities where individual service offerings are non-differentiated, succinctly captured in UNCTAD's common price indicators for each type of freight, although liner shipping firms in some cases have managed to differentiate themselves from their competitors on the basis of their quality of service (Stopford, 2009, p. 520). In the context of environmental protection, Poulsen and colleagues (2016) showed that there is no indication cargo owners value sustainable or ‘green’ shipping higher than standard shipping. This implies that there is no distinct market for above-compliance shipping services in the absence of regulation. However, regulatory changes may induce competitive effects in the market.

When regulation is amended or expanded, it might change the ability of some firms to carve out a market niche that allows them to escape commoditization and reach a situation of monopolistic competition – i.e. when each firm's service is differentiated from its competitors (Hirschey et al., 2019, pp. 489–495). This ability is contingent on the firms' capabilities to do so (Oliver & Holzinger, 2008), which creates a differentiated interest between firms that are capable of using new environmental regulation to develop a differentiated service and firms that are not. One potential example of this is the differentiation between Mærsk Line and its competitors in the liner industry, where Mærsk aggressively communicates their sustainability plans and cooperates with non-shipping partners to develop new technologies. Competitors in the liner industry, like MSC, COSCO, or CMA-CGM, do not communicate their sustainability activities or engage in similar capacity building, with some even openly criticizing Mærsk's ambitions (Pico, 2019; Raun & Kristiansen, 2018).

Another example of a revenue-related competitive change is equipment manufacturers who can utilize new compliance requirements to build a market based on the provision of compliance equipment. Firms that are relatively more capable of developing appropriate compliance solutions in response to new environmental regulation can out-compete the rival firms by virtue of the capability to respond to new requirements (Oliver & Holzinger, 2008, pp. 508–510). For example, scrubber providers were competing on their ability to supply shipowners with sulphur scrubber systems ahead of the 2020 sulphur rule change. A firm capable of developing the necessary capabilities and win the necessary market share could potentially force less adaptable competitors out of the market. Of course, this would create a difference in interest between firms who have the necessary dynamic capabilities (Teece et al., 1997) and those who lack them, with the latter group having an interest in no change of regulation.

The other type of differential effects relate to changes in the cost structure of competing firms induced by regulatory change. This includes not only differential cost of compliance (Falkner, 2008, pp. 34–35) but also firms' ability to reorient their organizational capabilities to maintain efficiency (Oliver & Holzinger, 2008, pp. 506–509) and differential effects stemming from variance in firms' asset characteristics (Hansen, Grønsedt, Hendriksen, & Graversen, 2016). A differential cost of compliance between firms, if substantial, can lead to a situation where the relatively efficient firms can price solutions competitively, thereby capturing the market. In a market situation like shipping with a commoditized service and very limited possibility of differentiation, the individual firm's cost structure is one of the primary competitive parameters (Porter, 1980). If new environmental regulation regularly is introduced in the market, it poses a dilemma for shipping firms. On one hand, firms that anticipate regulation and develop appropriate organizational capabilities can lower their cost of compliance. On the other hand, it is possible that these organizational capabilities are unnecessarily costly when no new regulation takes effect. A concrete example of this is the deployment of in-house professional lobbyists who follow EU- and IMO-based regulatory development. Even if the lobbyists do not influence regulation directly, they are able to report to top management when new regulation is on the agenda and which shape it likely will take. However, retaining the lobbyists and their expertise is costly, and if there is no new substantial regulation for years, the cost item is significant for the individual firm. This can create a "self-fulfilling prophecy"-situation where firms have an interest in new regulation simply because they have invested in the appropriate organizational capabilities.

A related differentiation is the relative ability of firms to re-align their internal capabilities to comply with new regulation (Oliver & Holzinger, 2008, pp. 507–508). When new environmental regulation necessitates changes to internal capabilities (such as new organizational roles and tasks or changes to operational routines) there are winners and losers within a given segment because of firms' differences in their ability to change their internal organization. This difference becomes particularly important when the IMO deliberates time to entry into effect for amendments of regulation. Firms who are less capable of adjusting

their organization will be interested in having much longer lead time until regulation takes effect, while the opposite is true for firms capable of adjusting quickly. This means that the lead-time before regulation takes effect inevitably favours one or the other side, as a longer lead-time is in the interest of less-capable firms, while a shorter lead-time benefits more-capable firms. This is true even when cost of compliance is negligible, because a lack of adaptation potentially can result in a complete inability to comply at all.

The characteristics of firms' assets may also result in differences of interest when firms' cost- or revenue structures or ability to change internal capabilities is dependent on asset characteristics. In the shipping industry, one potentially important asset factor is the age of the fleet. As noted earlier in this chapter, younger vessels are generally cheaper to operate (Stopford, 2009, p. 227) and their payback times differ substantially. This means that the optimal compliance strategy for a given shipowner in part depends on the age of their fleet (Hansen et al., 2016, pp. 47–52), which implies that shipowners have conflicting interests depending on their average fleet age. For instance, Hansen and colleagues show that the dominant compliance strategy for shipowners in regional sulphur control areas differs between scrubbers and low-sulphur fuel oil as a function of vessel age (2016, pp. 48–49) because of the large initial investment and long payback time of scrubbers as opposed to the higher variable cost of cleaner fuel. This dynamic is relevant in all instances where compliance strategies involve trade-offs between high initial investments and higher operational costs. In these instances, it is beneficial to shipowners with older fleets to delay entry into effect to facilitate asset turnover, and in general make investment-based compliance strategies more costly. Conversely, shipowners with younger fleets have an interest in enacting regulation sooner and making investment-based compliance options as cheap as possible.

These dynamics are present in each of the different parts of the maritime industry. For example, equipment manufacturers – who often are active in other, non-maritime markets – have to make significant changes to their internal capabilities to be able to develop and deliver equipment to shipowners. Firms that are more specialized in a particular market may win out against larger competitors if the more specialized firms can adapt to new regulation and make the necessary changes to their products or services. Similarly, shipyards may differ in their technological capabilities, and if new environmental standards make the construction of vessels more complex (or if the shipowners' demands become more sophisticated as a derived effect) then shipyards will differ in their interest as well. For every part of the industry, the differential effect stems from regulatory impact on revenue and market creation, cost structure, and firms' capabilities.

This concludes the overview of the case and its context, as well as the material interests that underlie the politics of the shipping industry. In the following chapter, I develop the theoretical position of the dissertation.

4. Theoretical Perspectives and Concepts

4.1. Reader's Guide

This chapter constitutes the main theoretical considerations of this dissertation. The core point of the chapter is to explain how I understand and use organizational institutionalism, substantiate the reasons for why I have chosen it, and explain how I differ from existing approaches in IPE. I have chosen to subsume the literature review under this heading because the literature review serves as an integral part of explaining why I arrived at using organizational institutionalism as my theoretical perspective. In the latter part of the chapter, I detail how I deploy the main concepts of the dissertation: institutions, power, and influence. Throughout the project, I moved from a standard IPE position in terms of theory towards using organizational institutionalism more explicitly, and I encourage the reader to join me on this journey through this chapter, rather than view the theoretical considerations as static.

In the first few paragraphs in the following section, I briefly lay out my position of organizational institutionalism. I then move towards an explanation of how this perspective relates to other theoretical approaches, before delving into the literature review. The rest of the chapter is then a movement from conventional approaches towards organizational institutionalism, which mirrors my own movement through the research process between perspectives. If the presentation and choice of organizational institutionalism may seem sudden, rest assured that the rest of the chapter serves as an explanation of this choice.

4.2. Theoretical Framework: Overview

The purpose of this chapter is to explain the theoretical perspective used in this dissertation and show how it links to the existing scholarly debate, while simultaneously justifying the theoretical choice. As noted earlier, I take departure in the theoretical tradition of organizational institutionalism in my efforts to explain industry influence in the IMO. I provide a brief overview and then move towards a review of the literature and a deeper explanation of the theory itself.

In organizational institutionalism, the main idea is that human groups, organizations, and societies create and maintain institutions that shape and structure agency. Fundamentally, these institutions are human made and essentially mental constructs, as no rule, norm, value, or cognitive belief exists independently of human thought. These institutions are specific to different social systems but may also overlap as humans internalize different institutions. An IMO delegate may simultaneously hold normative beliefs about what it means to be a 'good bureaucrat', what the appropriate way of greeting other people is, and whether it is permissible to skip the line for coffee, with each institutionalized norm possibly originating from a different social context. When groups share strong norms and beliefs, it gives rise to the lay observation that groups, organizations and countries have different cultures. In other words, the theoretical idea in this dissertation

is to explain industry influence by reference to the institutionalized norms, values, and beliefs held by delegates in the IMO.

By explaining industry influence with these context-specific institutions, the type of argument developed in this dissertation is that the characteristics of the institutions that are specific to the case serves as a good explanans of the phenomenon of industry influence. Here Craig Parsons's (2007) typology of explanations is a useful tool for positioning this explanation relative to existing or future contributions. Parsons suggests that explanations in political science are either structural, institutional, ideational, or psychological depending on which factor that does the "causal work" (2007, p. 12). Structural explanations cast phenomena as results of general and exogenous structures that constrain actors in their positions, with Marxist approaches to IR and IPE as a notable example. Institutional explanations explain human choices in terms of actors' positions in formal institutional structures and organizations, with historical institutionalism as a good example of this type of explanation. Ideational claims explain how cognitive, normative, or affective ideas particular to a certain social group shape agency, with discursive institutionalism as a recent example of this. Finally, psychological explanations take departure in the idea that all humans have 'hard-wired' ways of processing information and that this can explain human activities, with behavioural economics and behavioural insights as an example of this (Parsons, 2007, pp. 12–14). This typology provides a useful language for positioning the contribution of this dissertation in the broader research on the political influence and power of firms.

Parsons notes that most claims fall between these ideal types, but the labels serve as building blocks for understanding the underlying causal ideas that direct the type of claims. By taking departure in organizational institutionalism, I situate this explanation primarily in the realm of what Parsons terms an "ideational" explanation. However, as the formal institutional structure of the IMO also plays a role in the explanation, there are elements of an "institutional" explanation (in Parsons's words) as well¹⁶. This kind of claim is different from Parsons's "structuralist" explanations where much of the research in IPE on industry power belongs. I will discuss this in the present chapter and return to it in the discussion later in the dissertation, as it has important implications for how this study – and other studies on industry influence – challenges to mainstream scholarship.

This positioning relative to other explanations and the overall choice to work with organizational institutionalism has important implications for the understanding and deployment of the concepts *power* and *influence*. Power as a concept is contested in both organizational institutionalism (Hardy & Clegg, 1996) and political science and IPE (Carstensen & Schmidt, 2016; Falkner, 2008; Mikler, Elbra, &

¹⁶ The nomenclature may cause problems, as "institutions" has a different meaning in IPE, IR, political science, and organizational institutionalism, respectively, and "ideas" and "ideational" similarly means different things to different research traditions. Because of this, I limit the references to Parsons's labels in the rest of the dissertation.

Murphy-Gregory, 2019; Neumann & Sending, 2006). In this dissertation, I return to the theoretical roots of several disciplines, namely Steven Lukes's book "*Power: A Radical View*" (PRV), first published in 1974 with the second edition released in 2005. PRV is a foundational classic in the power literature (Haugaard, 1997, pp. 7–9) and has served as part of the impetus for early organizational institutionalism (DiMaggio & Powell, 1983, p. 157) as well as theories of corporate power in IPE (Fuchs, 2007, pp. 60–61; Mikler, 2018, p. 45). The basic idea of PRV is that power is the capacity of an actor to affect other actors against their interests, including changing these actors' interests or advancing other actors' goals (Lukes, 2005, p. 12). This separates power and influence as power is the *potential* and influence is the *actualization* (Arts & Verschuren, 1999, p. 413). I elaborate this later in this chapter.

I have organized the rest of this chapter as a journey from existing approaches to global corporate power and influence and studies of the maritime industry (the literature review) to my choice of organizational institutionalism and my deployment of concepts in the analysis. The purpose of the literature review is partly to show the state of the art of existing approaches to global corporate power, and partly to highlight how my approach differs from and adds to extant scholarship. This difference is important, because part of the relevance of this study is its challenge to theoretical assumptions (Alvesson & Sandberg, 2011), which I return to in the discussion later in the monograph. For now, I turn to reviewing the extant literature.

4.3.Literature review: Existing approaches to theorizing corporate political influence

Since the middle of the 20th century, researchers have sought to explain the political role of private actors and the potentially privileged position of business in political systems (Lindblom, 1977; Schattschneider, 1960). As IPE rose as a discipline, new scholars highlighted the role of business in global governance while conventional political science developed theories of industry influence in national or European politics. Researchers in the management studies discipline also examined the issue of the political role of business interests, albeit from the point of view of the firms themselves. Since the late 1990s or early 2000s, each of these streams of research has produced a wealth of theories of the political power of private interests from different perspectives.

Although the focus of this dissertation is the influence of industry actors on international regulation, I choose also to include theories of the political role of firms that explain dynamics taking place at the regional or national level. This is because the formal institutionalization of the work of the IMO is similar to the formal institutionalization seen in national contexts, where binding public policy is developed according to predictable, formalized procedures. The IMO is not a national parliament, but insights derived from studies of national or regional political systems potentially allows for productive interpretations of dynamics within the IMO. If the process-tracing is conducted in line with Beach & Pedersen's ideas (2019), the analysis of this dissertation should also contribute to a theoretical discussion of how the contextual

factors of one or the other setting enables or hinders industry influence. Because of this, I also include references and overviews of political science theories beyond just IPE.

In the following sections, I sketch the main ideas across the three streams of literature. I also include a section on research specifically focusing on international maritime regulation. At the end, I show the commonalities and differences and explain how they relate to my own theoretical position.

4.3.1.IPE approaches

In contemporary IPE, the dominant theoretical perspective is the ‘three faces of power’-theory of global corporate power largely associated with the work of Doris Fuchs and her 2007 book, “Business Power in Global Governance”. This perspective was developed with inspiration from Barnett & Duvall (2005) and later developed by John Mikler in his 2018 book, “The Political Power of Global Corporations”. Much of the literature in IPE that deals with the political role of industry or multi-national corporations (MNCs) take departure in the idea of the three faces of power in their analyses. The three faces-framework has thus spurred a rich literature covering topics ranging from the taxation of Australian mining companies (Mikler et al., 2019) through financial regulation (Culpepper & Reinke, 2014; Woll, 2016) to international environmental regulation (Falkner, 2008). Given the dominance of this theoretical perspective, it is worthwhile to cover it in more detail.

In the three-faces literature, global corporate power is conceptualized as having three elements of power that each support each other, but also contain an implicit hierarchy. The first face is called instrumental power, derived from the classic works of Robert Dahl (1957), where power is conceptualized as the ability of one actor A to force another actor B to do something B would not otherwise have done (Fuchs, 2007, p. 56). This face of power relates princely to direct influence via conventional lobbying, whereby the intentional and directed efforts of corporate entities changes the outcome of public policy because of their lobbying efforts, whether these efforts relate to information provision, campaign financing, or other forms of instrumental resource leveraging. The second face of power, called structural power, is based on Bachrach and Baratz’ criticism of Dahl (1962). Here, the idea is that agenda control results in indirect control over policy output, as some potential policy issues or –solutions are not possible to discuss in the first place. Private actors exercise this power when their implicit threats of impact on society means that policymakers never consider policies that would result in adverse reactions, even if industry actors themselves never actually deploy resources to influence regulation directly. The third face of power is known as discursive power based on the ideas of Steven Lukes in *PRV*. Firms have discursive power when actors’ ideas and institutionalized interests is in line with the interests of the firms themselves, and firms are seen as legitimate political actors in their own right (Fuchs, 2007, p. 61). Discursive power then relates simultaneously to the legitimacy of firms’ political activities and the role of ideas that structure the interests

of actors in the political system. As discursive power underpins the other forms of power, it is seen as enhancing instrumental and structural power when discursive power is present (Mikler, 2018, p. 45).

The three faces-literature stands in contrast to other streams of IPE that focus on states versus markets rather than the activities of specific firms or industry associations (Mikler, 2018, p. 1). In this older tradition that can be traced back to Charles Lindblom (1977), the issue of business influence of politics is cast as a tension between the imperative of state control or market control (Schwartz, 2015). This perspective theorized markets as a higher-level abstraction which included private interests, and rather than theorize the activities of private actors themselves this literature developed a significant theoretical vocabulary concerning the shift of power from states to markets, thereby effectively granting agency to market structures themselves (Strange, 1988, 1996). While more recent work in IPE has moved away from focusing on markets versus states and instead take as point of departure that firms are the operative agents rather than markets themselves, theorizing has still considered firms or MNCs to wield general characteristics that provide the basis of their global corporate power.

As theorizing developed, the rule of industry actors as a category was included in theorization across IPE. An important landmark in this development was the contribution by Braithwaite and Drahos (2000b) who took departure in their impressively detailed empirical study of almost two-dozen topics of international regulation. They produced a theoretical interpretation of the totality of the system with 44 individual conclusions and a resulting overall sequence of events of regulatory changes (Braithwaite & Drahos, 2000a, p. 33). Notably relevant for this dissertation, they found that realist theories of international relations (IR) could not satisfactorily explain their data as non-state actors (such as firms and industry associations) were embedded in networks of influence that gave rise to regulatory changes regardless of the narrowly defined interests of powerful states (Braithwaite & Drahos, 2000a, p. 31). Other scholars engaged the question of the political role of the firm from different angles, with core contributions by David Baron (1995), who focused on the environment on the firm and what it meant for political engagement, and by Stephen Wilks (2013) who showed the general tendency of the increasing power of multinational firms.

In a similar vein, Walter Mattli and Ngaire Woods (2009b) edited a volume where they theorized a model of global regulation based on breadth of demand and level of institutional supply (Mattli & Woods, 2009a, p. 16). Although Mattli and Woods acknowledged the presence of both industry associations and individual firms, their overarching theory collated business interests into simple dimensions, and they theorized that narrow public demand for regulation coupled with closed and exclusive policymaking institutions always would lead to pure regulatory capture – i.e., complete control by private interests over policymaking even if this were not apparent. Mattli and Woods's theory is an example of a more general and abstract theory where explanation is enshrined in just two factors. In a related vein, Mark Zacher and Brent Sutton (1996) provided a theory of the global governance of international transport and communications industries based

on regime theory (Krasner, 1983), with one of the industries being international shipping. Their core argument was that the configuration of each regime could be arranged according to a set of norms, and the specifics of each regime's normative system could be attributed to the mutual interests of states. This explanation implies that states are the only relevant actors and that the interests of states is the primary reason for why the pollution prevention norm in the shipping regime exists. Industry interests appear, but are subsumed under states' interests (Zacher & Sutton, 1996, pp. 58–61), and their contribution does not develop more specific arguments about the interactions between delegates in the IMO. Zacher and Sutton's book is an example of a type of claim where general structures (states' mutual interests) explain specific phenomena, whereas Mattli and Woods's contribution is an example of a claim where specific formal institutional elements explain the degree of regulatory capture.

In parallel with theoretical developments that took business interests to be uniform, other IPE scholars theorized the nuances of firms as a multitude of actors with their own interests that were sometimes at odds. Robert Falkner (2008) made an important contribution by showing that business interests in environmental regulation was diverse depending on their national or international orientation, their location in the supply chain, or the firms' technological capacity (2008, pp. 33–34). Falkner argued, among other things, that there was variation in terms of firms' material interests depending on these factors, and linked this idea to the three-faces framework to show that different groups of firms would struggle with each other rather than always acting in uniformity vis-à-vis states. At the same time, other scholars were highlighting similar dynamics across different international issues, for instance in international trade regulation (Sell & Prakash, 2004) or telecommunication services and aviation regulation (Woll, 2007, 2008), and both Falkner and Karsten Ronit had highlighted the dynamics of contestation between industry actors and civil society NGOs (Ronit, 2006). The core idea in this stream of research is that industry has differentiated interests, and these interests are not only rooted in the business models and characteristics of the different firms, but also in the ideational context as it shapes interests similarly to the characterization of discursive power in the three-faces literature.

Whereas these theories focused on the influence of business actors on public regulation, a large group of scholars focused on theorizing industry self-regulation. Given the limits of state sovereignty and the advent of globalization, international business actors could create their own sets of rules across borders and self-regulate. The sheer magnitude of studies dealing with business self-regulation, corporate social responsibility (CSR), voluntary codes, and private authority is interesting in itself even if it is different from theorizing business influence on global public regulation. Core contributors in this vein are, among others, David Vogel (1995, 1997, 2010), Benjamin Cashore and colleagues (Bernstein & Cashore, 2007; Cashore, 2002; Cashore, Auld, & Newsom, 2004), Cutler, Haufler, and Porter (1999), and Hall and Biersteker (Hagmann & Biersteker, 2014; R. B. Hall & Biersteker, 2009). Common to these contributions is the focus on the authority of private actors to set their own rules or standards legitimately and the

willingness (or pressure) on states to accept this kind of regulation (see also Ougaard & Leander, 2010 for an edited volume on this issue). Abbott and Snidal (2008) showed that the forms of hybrid regulation between state and non-state actors was more complex than either state-led or business-driven with variation in actor competences depending on the policy development stage. This line of scholarship fit easily with the focus on business actors as a diverse set of entities, with Falkner specifically relating his argument to Vogel's idea that firms may have an interest in driving up regulation (Falkner, 2008, p. 33). The main import of the literature on private regulation is the question of the legitimacy of private actors in their capacity to (co-) create rules for international conduct on their own behalf.

Recent IPE scholarship has delved into the specifics of how industry actors influence specific issues of global public regulation. Kevin Young and colleagues (Pagliari & Young, 2014; Young, 2012, 2014) have shown the specifics of the political activities of the finance industry, with Young's process-tracing study from 2012 of industry influence on the Basel II Capital Accord as an important contribution in this vein. Notably, Young justifies his research design and focus by reference to the mainstream IPE theories that theorize at a general level, and argues that his findings are contradictory to Mattli and Woods' theory since Young does not find capture in the Basel II process (Young, 2012, pp. 664–666). Other recent empirically driven advances include Currant and Eckhardt's study of international tobacco plain-packaging regulation (2017), while other scholars have examined the role and access of non-state actors in international treaty conferences (e.g. Nasiritousi & Linnér, 2016; Rietig, 2016). Other examples include Kristen Hopewell's study of the WTO based on her own participant observation (2016) or Cornelia Woll's study of the dynamics of business lobbying and state responsiveness in international agreements (Woll, 2007). What is common to these recent contributions is the focus on developing theories that are more micro-level oriented compared to conventional IPE approaches. New empirical studies have taken departure in the general ideas of macro-level theories while explaining the dynamics of interactions at the micro-level, sometimes – as in the case of Young – explicitly suggesting that the general theories are lacking in terms of explanatory power. I will return to this tension later.

In one stream of IPE research, focus shifted to the role of norms or belief systems propagated by groups or individuals rather than organizations or groups of organizations. In the 1990s, Martha Finnemore and Kathryn Sikkink combined ideas from constructivist IR, organizational institutionalism and IPE to highlight the dynamics of norm diffusion (Finnemore, 1996; Finnemore & Sikkink, 1998, 2001; Keck & Sikkink, 1999). This research tradition brought the role of institutionalized norms to the forefront of explaining policy dynamics in global governance, and it related either indirectly to firms as epistemic communities spread ideas conducive to corporate interests (Djelic & Quack, 2010; Seabrooke, 2014) or by virtue of corporate entities being norm entrepreneurs themselves (Flohr, 2014; Flohr, Rieth, Schwindenhammer, & Wolf, 2010). A core contribution of this line of research has been the idea that individuals embedded in networks across organizations explain the dynamics of global governance as

opposed to a theoretical or conceptual focus purely on either organizations or the state/market dichotomy (Henriksen & Ponte, 2017; Tsingou, 2015).

The totality of the IPE literature on the political role of business actors in global governance is, of course, bigger than this. I have highlighted some of the contributions in the literature that I find are useful reference points when examining industry influence on international regulation. As the next section shows, there is some overlap between the theoretical perspectives of IPE and more ‘conventional’ political science approaches to lobbying and corporate power.

4.3.2. Political science approaches

IPE literature on the political role of business actors has focused on the broad strokes of global governance and the systems giving rise to the global authority of firms as standard-setters or participants in international political processes. Political science, on the other hand, has developed theories explaining lobbying dynamics in national or regional (i.e. EU) contexts. Although this difference in focus makes for a potentially incongruent link between theories aimed at explaining business influence on national or EU politics and theorizing industry influence in the context of international regulation, the insights between these two have already cross-fertilized as many of the challenges are similar. For example, Woll’s study of bailouts of banks in different national contexts makes use of both theoretical arguments from IPE as well as domestic lobbying studies (2016, p. 379), and Young references EU-studies on interest group research in his justification for his research design examining the Basel Committee (2012, p. 671). However, regardless of these interactions, I find it justifiable to grasp the core ideas of national- or EU-level theories of lobbying because the access of industry actors in the IMO is formally institutionalized (see also Ougaard, 2002). Lobbying studies could potentially aid in the theorizing of a mechanism explaining the achievement of business influence.

An important stream of thought can be traced back to scholars of European interest groups in the early 2000s. Pieter Bouwen (2002a, 2002b, 2004) suggested that since it was impossible to ascertain influence directly - partly because of the vague conceptual nature of influence and partly because of the lack of empirical access and substantiation - it was instead more productive to theorize the access of private interests to policymakers. He based his contributions on social exchange theory (Levine & White, 1961) and resource dependency theory (Salancik & Pfeffer, 1978), because the theoretical assumption was that regulators needed certain resources and lobbyists wanted access, in turn resulting in an exchange of resources. Bouwen’s idea became influential in later studies of interest groups and directed the focus of lobbying studies to find out how and why interest groups gained access to policymakers without theorizing what happened in the interactions themselves. Instead, researchers focused on the general factors of the EU system that could explain success or failure of business actors in their attempts to influence politics. Substantial work has been devoted to these factors (Chalmers, 2013a, 2013b; Coen, 2007; Pedersen,

Binderkrantz, & Christiansen, 2014), as well as the lobbying strategies deployed (Dür & Mateo, 2013; Eising et al., 2017), or even using large-scale automated text analysis to show propensity of lobbying success (Klüver, 2011; Klüver, Braun, & Beyers, 2015; Klüver & Mahoney, 2015). These developments have taken place in parallel with research on lobbying in the U.S. context (Baumgartner, Berry, Hojnacki, Kimball, & Leech, 2009; Hojnacki et al., 2015), and has produced comparisons of the lobbying dynamics of these systems (Mahoney, 2007; Woll, 2006). Research on lobbying has thus taken significant strides in identifying the structural dynamics of business influence.

However, the focus on strategies, access, or factors that statistically could explain the success or failure of lobbying did not help explain the dynamics of the interactions themselves. Some authors started questioning the basic conceptual elements of access, power, and influence (Binderkrantz & Pedersen, 2016; Dür, 2008; Michalowitz, 2007), with Andreas Dür noting that the core challenge of lobbying research was the difficulty of establishing “a causal relation between the preferences of an actor regarding an outcome and the outcome itself” (2008, p. 561). Part of the solution to this was the use of process-tracing as a methodology (Rasmussen, 2015; Voltolini, 2017) because the method could establish causality on a case-by-case basis and substantiate the dynamics of influence in the instances where it happens, rather than theorize more general factors or relationships based on probabilistic relationships. The more general theories of factors explaining firm influence have thus been limited in their ability to explain micro-level or case-specific dynamics of influence.

4.3.3. Management scholarship approaches

Whereas political science and IPE research has focused on the structure of business power or the factors determining lobbying success, management scholars have explored the link between firms’ strategic orientation, the possibilities for firms in creating political partnerships, and the differences in political strategies across jurisdictions. This line of research has used the term corporate political activity (CPA), which is virtually the same as lobbying, and one strain has focused on firms’ capabilities and resources (Bonardi, Holburn, & Vanden Bergh, 2006; Oliver & Holzinger, 2008). Oliver and Holzinger’s contribution is important here, as they show that the general political strategy of a given firm can be linked to the strategic orientation and value proposition (or business model) of the firm, essentially making the same point as Falkner (2008) but from the other side of the fence. Another line of research has examined the differences in CPA across institutional or domestic settings (Hillman & Hitt, 1999; Khanna, Palepu, & Sinha, 2005; Shaffer, Sanchez, & Rosenberg, 2006), contributing to managers’ understanding of the (formal) institutional context and the applicable types of strategies that fit with a given context. The extent of the literature has been limited compared to studies in the realm of political science and IPE, but contrary to the other disciplines, management scholars have shown much more clearly how the specific corporate strategies translate into political activities.

Interestingly, management scholars are aware of the potential link to other disciplines. In a 2015 edited volume, Steven McGuire argued that business scholarship on non-market strategy research should interact more with international relations (McGuire, 2015). McGuire suggested that integration of IR (and IPE) with management scholarship would alleviate some of the problems either discipline face when it comes to theorizing the role of business in global governance (2015, p. 94). In the context of the broader debate on the role of business in global governance he references IPE scholars such as Susan Strange, John Ravenhill, and Cornelia Woll, and relates the general ideas of the political role of business to the theoretical perspectives developed within management studies. McGuire's contribution is one of the few explicit attempts to link management studies with political science or IPE even if the two literatures essentially treat the same topic using two different vocabularies (Lawton, McGuire, & Rajwani, 2013; see also McGuire, 2012). The important theoretical implication derived from that literature is that firms' approaches to political activities differ depending on their (perceived) strategic value orientation and their available resources or capabilities.

4.3.4. Maritime studies

While there has been no academic work on the influence of private actors on the regulation drafted inside IMO, different groups of scholars have tackled related aspects of global environmental shipping regulation. An important contribution here is the work by Erik Svensson (2011, 2014) who explained why the IMO decided to regulate sulphur emissions from ships. Svensson combed through IMO submission documents and session reports from the 1980s through 2008 to explain in impressive detail how the IMO ended up with a regional approach to sulphur regulation, and he cautioned that the economic interests of actors (particularly industry actors) dictated the approach to science in the development of the regulation (Svensson, 2014, p. i). Other scholars have focused on the role of IMO as a regulatory orchestrator without a specific focus on the role of industry actors (Lister et al., 2015) or the effect of voluntary greening schemes in the industry (Poulsen, Hermann, & Smink, 2018; Poulsen et al., 2016). There has not been research conducted on the political role of firms in the IMO specifically, as the rise of voluntary standards in the industry has moved focus away from the IMO. Although earlier works in IPE has provided overviews of maritime regulation (Barrows, 2009; Braithwaite & Drahos, 2000c; Strange, 1976), IPE has not focused on the IMO and the role of firms specifically.

Other specialized maritime scholars have made substantial work on the dynamics of the industry, ranging from the more general characterizations of the industry and its regulatory environment to the specifics of how regulation is handled aboard vessels. Elizabeth DeSombre (2006) provided a commanding overview of the dynamics of international shipping regulation, explaining how the dynamics of flag state responsibilities and international relations resulted in the 'race to the middle' covered earlier. Some scholars have provided thorough book-length overviews of international environmental maritime regulation (Andersson, Brynolf, Lindgren, & Wilewska-Bien, 2016; Karim, 2015; Svensson & Andersson,

2011), showing that it is important to understand the characteristics of the different issues in order to understand how environmental regulation is structured. Although these books do contain considerations on the role of private actors (e.g. Karim, 2015, pp. 20–21; Linné & Svensson, 2016, pp. 108–110), they do not analyse the dynamics of influence in detail nor theorize the role of business actors explicitly. On the other end of the scale, Helen Sampson and colleagues has done research using ethnography in maritime studies or showing the problems of compliance, although without focusing on the IMO itself (Bloor, Sampson, Baker, & Dahlgren, 2013; Sampson, 2004; Sampson, Walters, James, & Wadsworth, 2014; Thomas, Sampson, & Zhao, 2003). The core contributions of this literature has been to show the dynamics at both the micro- and macro-level of the shipping industry but without focusing specifically on the dynamics within the IMO as an object of interest (with Svensson as an exception).

4.3.5. Combination of insights across the different literatures

This overview of the existing literature shows the differences in approaches to the topic different streams of literature has taken. Across disciplines, most of the theorizing has been done in general terms at the macro level, as shown in the adherence to the three faces-framework or lobbying studies' focus on general factors resulting in lobbying success. These overarching theories have often been coupled with a critical perspective on the role of firms in global governance (Fuchs, 2007, pp. 2–4; Mattli & Woods, 2009a) and have been useful in highlighting the problematic aspects of industry power. However, it is also evident that there is a theoretical disconnect between theorizing macro-level power structures and theorizing micro-level, with Young's study of the Basel Committee being one of the most explicit examples of this (Young, 2012, pp. 664–666). Similar considerations can be found in Woll's discussion on the constitution of firm interests (2008, pp. 24–25) as she suggests macro-oriented materialist IPE perspectives on industry influence results in materialistic determinism and *ex ante* presumptions about industry interest, clashing with case-studies of specific instances of preference formation. Perhaps the biggest shortcoming across the literature is a clear theorizing of the dynamics of influence that happens when business and regulators meet. Political science went around this by focusing on access or general statistically significant explanatory factors, and management studies focused instead on the antecedents of nonmarket strategies rather than the effect of firms' political engagement. Most theories of corporate power presumes the dynamics of any specific interaction between regulator and industry representative based on the general theoretical expectation.

An important divider in the literature is between authors who push for more understanding of the causal mechanisms of influence and those who favour structural or constitutive explanations. Some scholars (Culpepper, 2015, p. 394; Dür, 2008; Young, 2012, p. 671) argue that it is useful to theorize causal links that explain instances of influence, while others (Falkner, 2008, pp. 18, 31; Fuchs, 2007, p. 57) suggest that structural or discursive explanations are better theoretical foci than more instrumental approaches that focus on causal explanations. Whether or not the explanation of the cause of influence is the focus of the

different research streams, the literature has not produced theories of why influence occurs in specific, micro-level settings such as the IMO where industry actors co-draft legally binding regulation inside international organizations. As such, the different approaches to causal structures and structural causes are helpful as end points on the debate about the dynamics of industry influence but has not resulted in a theoretical approach that is operative at the micro level.

In the following sections, I include references to the literature covered above and include other relevant works that do not explicitly deal with global corporate power or lobbying but are productive nevertheless.

4.3.6.Distinguishing explanations of corporate power: Level of scale and importance of structures

The dominant theoretical accounts of global corporate power in the IPE literature is concerned with phenomena and mechanisms that are operative at the macro level. For instance, Fuchs (2007) and Mikler (2018) both elaborate on the general power dynamics of multinational corporations as it is expressed in general terms across specific cases. Similarly, other important contributions discuss corporate political influence or capture in terms of dynamics that operate in the global sphere (e.g. Mattli & Woods, 2009a). However, some scholars have chosen to explain specific and micro-level instances of corporate influence that takes place in an international context, such as the work by Culpepper (2011) or Young (2012). These authors take departure in more general theories of corporate power but examine how it is expressed in specific cases or organizations and does not neatly fall into the simple dichotomy of micro- or macro theorizing.

My theoretical perspective has a similar point of departure. On one hand, the level of analysis is the specific deliberations in the IMO and thus theorizing happens at the micro level, since it is individuals and their interaction that is of interest. At the same time, the rules that the IMO discuss are international rules “above” the individual nation states, which implies that these are macro-level dynamics. The implication here is that it is a less than straightforward question whether this is macro-, meso-, or micro-level research. For sake of clarity, I cast this research as micro-level research because the interesting dynamics are micro-level dynamics – i.e. they take place at the small scale between individuals rather than at the large scale between states.

The consequence of this choice is that this research project is a contribution to the discussion on global corporate influence by virtue of explaining the micro-level dynamics that result in specific instances of industry influence on international regulation in a specific case. It is worth noting that this is very similar to how Young (2012) contributed to the discussion on global regulatory capture by examining a specific instance and how industry activities did not result in the manifestation of identifiable influence. Organizational institutionalism is then helpful because it allows for theorizing at a micro level, whereas other extant theories are operative at the macro level.

More fundamentally, the relevance of micro-level research is rooted in the ability of the case study to challenge theoretical assumptions (Alvesson & Sandberg, 2011; Flyvbjerg, 2006). Recall Parsons's (2007) typology, where ideational explanations are rooted in particular systems of interpretation, whereas structural explanations are based on general structures that dictated actors' positions. The extant scholarship on the issue seems to explain industry power predominantly in terms of the generalized material and ideational structure that determine the agency of actors, while the organizational institutionalist theoretical lens explains in terms of particular systems of institutionalized norms and beliefs. Following Alvesson and Sandberg's argument (2011, pp. 256–260), the relevance of choosing such a different type of claim allows challenging dominant theoretical assumptions in the field. If the general-structural focus is an inherent theoretical assumption in much of IPE (Woll, 2008, p. 32), then it is theoretically relevant if this study shows that industry influence on international regulation in a single case can be explained by particular, case-specific institutionalized norms and beliefs rather than general structures. I return to this in the discussion chapter later in this dissertation.

In this figure, I have summarized some of the main elements of difference between this dissertation and the three faces literature captured by Fuchs’s and Mikler’s contributions. In the next section, I develop the institutionalist position further.

Table 6: Simplified overview of main theoretical differences between this dissertation and the three faces-perspective of corporate power in IPE

Elements of difference	This dissertation	Fuchs 2007, Mikler 2018
Scale	Micro-level, case-specific (idiographic) theorizing	Macro-level, general theorizing
Core assumption about power	Power as result of institutionalization	Power as result of material resources, institutions, and discursive elements
Type of claim	Particular institutionalized norms and beliefs explain industry influence	General structures of discourse and material interests across cases explain industry influence

4.4. The institutionalist perspective

From an organizational institutionalist perspective (or simply institutionalism) all individuals holds beliefs about the world which structure their ideas about the world, that which is worth attaining, and the kinds of activities which are appropriate in a given situation (Scott, 2014, pp. 56–57). Different social systems develop different institutionalized beliefs, and institutionalized beliefs diffuse between different organizations (Strang & Meyer, 1993). Not only do these institutions shape the type of legitimate actors and activities in a given social system, it also shapes the structure of interests and the perception of the world itself as individuals see it. In other words, institutionalized beliefs structure the very definitions and categories of reality as a person internally constructs the world around them (D’Andrade, 1984, p. 88).

Institutions are created and maintained by humans themselves, as they are social conventions that are self-enforcing (Jepperson, 1991; Phillips, Lawrence, & Hardy, 2004). Some institutions are readily codified (e.g. laws, rules of procedure), some institutions constitute conscious beliefs about appropriate conduct (e.g. norms of nuclear non-use (Tannenwald, 1999)), and some institutions constitute the categories or ground assumptions that direct human activities (e.g. the belief that marriage is a particular form of necessary ceremony). Common to all types of institutions is their institutionalization by specific groups of people or organizations, which makes the effect of institutions particular rather than general. A given organization has its own myths and rituals (Meyer & Rowan, 1977), but the same individuals can also have group-specific institutionalized norms and beliefs or simultaneously be part of a societal belief systems.

Institutionalization occurs when among individuals there is a “reciprocal typification of habitualized actions by types of actors” (Berger & Luckmann, 1967, p. 54; Powell & DiMaggio, 1991, p. 21), which means that actors habitually expect each other to conform and reciprocate specific types of actions given each actor’s type. In other words, institutionalization only occurs when individuals expect each other to conform to said institutions.

Organizational institutionalism has become one of the mainstream approaches to organizational analysis and has different branches of thought and research traditions. In this dissertation, I take departure in the core idea as explained before that institutions structure actors’ conduct, and individuals’ interests, perception of rationality, worldview, and internal schemata are products of institutionalization (D’Andrade, 1984; DiMaggio & Powell, 1983; Tolbert & Zucker, 1983). In order to analytically structure my analytical usage of the concept of institutions, I adopt Scott’s (2014) division which categorizes types of institutions. In Scott’s terminology, institutions fall under three ‘pillars’ that are conceptually different and which are related to different theoretical strands within institutionalism. These pillars constitute the regulatory (or formal), normative, and cultural-cognitive elements of institutions, respectively. In the following sections, I explain in more detail what each pillar covers.

4.4.1. The regulatory pillar

This type of institution is constituted by formal rules that specify obligations by actors, are precise in terms of required conduct, and which determine explicitly how rules are applied and disputes are resolved (Abbott, Keohane, Moravcsik, Slaughter, & Snidal, 2007; Scott, 2014, p. 60). In international relations theory, this is synonymous with ‘formal institutions’ (Campbell, 2004; North, 1990) but it refers not only to the formalized international institutions (e.g. the IMO, the IMF, etc.) but also to the explicit rules which are set up within organizations in order to regulate conduct. In this project, a clear example of a regulatory institution would be the IMO rules for procedural conduct that specify the rules of procedure for the MEPC and PPR.

Regulatory institutions regulate conduct because actors fear the formal sanctions that are imposed on actors if they do not comply. In the context of the IMO, this form of sanction is embodied in the threat of expulsion from the proceedings in case delegates break the formal rules. In more than one instance, the Chairs of MEPC or PPR has warned delegates that sharing live updates on social media would result in a ban from the proceedings, which is an invocation of the regulatory institutions of the IMO. This type of sanction also implies that the rules specify roles to individuals, with the formal role of Chair in the previous example as a formally institutionalized role embodying certain institutionalized powers. In economics and classic political science, formal institutions have played an important role in the development of theoretical explanations and normative ideas about political interactions (North, 1990; Ostrom, 2015; Peltzman, 1975; Stigler, 1971).

4.4.2. The normative pillar

Unlike regulatory institutions, normative institutions are the non-codified values and norms of a social system. *Values* define that which is preferable or attainable while *norms* define the appropriate ways to pursue these values (Scott, 2014, p. 64). The value-norm link is important in the context of political contest, because the very purposes of engaging in political interaction may be highly institutionalized. Institutions may structure both the interests of the political actors (Elbra, 2014) and the legitimate way that these interests are sought within a given political system (Risse & Kleine, 2010, pp. 710–711). In general, institutionalized values and norms rely on social obligations where people expect each other to act in a certain way and in accordance with a set of implicit, informal rules of conduct. Unlike regulatory institutions, normative institutions are based on moral sanctions. If an individual acts contrary to a normative institution, the individual is not punished along formal rules, but rather morally judged by other individuals that are part of the same social group.

The most well-known normative perspective on institutions is March and Olsen's perspective on organizational rules and roles (1989). However, in the context of the IMO, normative institutions structure delegates' reciprocal expectations to each other about appropriate ways to engage in politics. For an individual subject to normative institutions, Scott (2014, p. 65) poses the question, "Given this situation, and my role within it, what is the appropriate behaviour for me to carry out?" and an IMO delegate would act according to the same logic. The 'appropriate behaviour' would then be the legitimate kind of political interaction reciprocally expected by other delegates. Normative institutions can also constitute appropriate values that are worth attaining. This is particularly relevant in a political setting, as politics is characterized exactly by the authoritative distribution of value (Easton, 1965). This implies that what 'value' is in a political deliberation potentially is subject to institutionalization.

4.4.3. The cultural-cognitive pillar

The cultural-cognitive set of institutions (hereafter 'cognitive institutions' for brevity) are the conceptions of reality that shape the frames of meaning for individuals. The idea is that any individual interprets the world around them with a given set of frames that shape the categories, definitions, and identities of other actors and objects. The internal representation of the surrounding world then constitutes the basis upon which individuals act (D'Andrade, 1984, p. 88; Scott, 2014, p. 67). As Scott's hyphenated identifier suggests, the institutionalization of this cognition is closely related to the culture of a given social system that defines the shared cognitive understanding of a given group. The types of legitimate activities that individuals can pursue are then structured by orthodoxy rather than appropriateness as other types of actions are simply "inconceivable" (Scott, 2014, p. 68). These deeply held beliefs and assumptions about the world are referred to as "taken-for-granted" beliefs (Deephouse, Bundy, Tost, & Suchman, 2017, p. 13).

Cognitive institutions has been the subject of anthropology and anthropological sociology (Berger & Luckmann, 1967; Geertz, 1973; Goffman, 1956; Meyer & Rowan, 1977; Scott, 2014) but the link between this institutional element and political science broadly understood is less explored (but see Cashore et al., 2004; Goetze & Rittberger, 2010; Mikler, 2018, p. 46). At the micro-level political dynamics of the IMO, the intersubjective cognitive beliefs, assumptions, taken-for-granted beliefs, implicit categories, and internal representations of the world shape the range of possible actions and, perhaps more importantly (Suchman, 1995, p. 583), the kinds of actions which are “literally unthinkable” (Zucker, 1983, p. 25). If certain types of actions or ways of thinking are unthinkable, then challenges to how things are done becomes impossible. Unlike explicit normative reciprocal expectations, cognitive institutions are usually hard for individuals to verbalize because they are so fundamental to the understanding of the world that they become invisible to individuals themselves (Scott, 2014, p. 69). This also implies that the enforcement of cognitive institutions does not happen by virtue of outside pressure, either in the form of formal sanctions nor moral judgments by peers. Instead, it is the literal impossibility of an alternative that makes an individual conform to cognitive institutions.

4.4.4. Relationship between pillars

While Scott’s analytical distinctions (which each follow its own research tradition) makes conceptual sense, the practical complexity of institutionalization means that there are large overlaps and interactions between the different kinds of institutional elements.

The regulatory institutions (i.e. formal rules) relate to informal normative aspects. A formal regulatory institution may over time shape the normative institutions of people engaged with the formal institutional setup so that the prescribed obligations and rights enshrined in the formal rules become informally adopted on a normative basis. In the IMO, this is an important dynamic because this relates the historical formal mandate of the IMO and the formalized structure and rules of procedure to the present-day reciprocal expectations by IMO delegates. Since the IMO in the 1950s was established as a technical agency designed to set standards that would facilitate seaborne trade, the formal rules governing the IMO reflected this intention. As delegates in the IMO engaged with each other under this formal mandate, an organizational understanding about expected appropriate behaviour to achieve acceptable ends (for instance technical standards) could potentially emerge.

Conversely, the inscription of rules in formal terms also reflects the delegates’ norms about appropriate conduct or the attainable values. Updates or changes to the existing formal rule structure of IMO procedure and structure may reflect changes in the beliefs among delegates, for instance enshrined by the contemporary discussion about whether the IMO rules of secrecy are appropriate given the current ideas

about accountability¹⁷. The creation of rules also by definition reproduces taken-for-granted understandings about categories and definitions, such as the differences in obligations between state and non-state actors (which can be a cognitive institution). However, given the entrenchment of formalized rules, a gap may grow between delegates' normative and cognitive institutions and the formal institutions that are inherited from the past.

The core tension between the normative and the cognitive institutions is the difficulty of separating them conceptually and analytically. At the conceptual level, it is difficult to distinguish implicit institutionalized ideas about appropriate values and ways of attaining those (means to ends) from the taken-for-granted ideas about the constitution of social reality. A given individual may have ideas about appropriateness that are rooted in internalized understandings, which simultaneously limit that which is literally unthinkable. Scott (2014, p. 77) cites Schneider (1976, pp. 202–203) by relating norms to “pattern for action” while culture and cognition constitutes the context for that action: “Where norms tell the actor how to play the scene, culture tells the actor how the scene is set and what it all means.” In this dissertation, I understand ‘norms’ to refer to institutionalized ideas about appropriate conduct in pursuit of some valued ends, while ‘values’ refer to the things that are worth attaining.

Analytically separating normative and cognitive institutions is significantly harder. Because of the ethnomethodological origin of this institutional perspective, most analytical forays of cognitive institutions come from anthropologists' thick descriptions (Geertz, 1973) of cultural systems where they infer underlying beliefs and assumptions (Scott, 2014, p. 69). Extant research besides anthropology does not offer concise analytical guidelines, which means that justifying the analytical separation or identification of taken-for-granted understandings and beliefs in a given case depends on the context and the ability of the research design to make it a plausible explanation. Since informal institutions – like norms – can only be observed indirectly and determined by indirect inference (Jackson, 2016, pp. 93–104), I relegate the analytical discussion to the methodology section since it relates strongly to the analytical logic of process-tracing.

4.4.5. Legitimacy

Until now, I have used the word ‘legitimacy’ in undefined terms, but as the concept of legitimacy is essential in institutional theory, it requires some clarification and definition. Most definitions take departure in Suchman's (1995, p. 574) work, which in term summarized existing ideas about the concept. Suchman defined legitimacy as actions that are “desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions.” In other words, the institutions of the given

¹⁷ Following a report by the NGO InfluenceMap (2017), the IMO embarked on a discussion about whether to reform the level of transparency of the organization. Australia proposed a reform of the IMO rules of procedure, but the proposal fell in 2018. However, as of late 2019, the discussion was continued by a larger set of countries.

social context defines what is ‘legitimate’, with activities that break these institutions being ‘illegitimate’. However, as noted by later scholars (including Suchman himself), the core of legitimacy was its appropriateness rather than desirability or properness (Deephouse et al., 2017; Tost, 2011). In this dissertation, I use the concept of legitimacy to refer to whether or not an activity or entity is appropriate to a particular social context and the associated rules, values, norms, or cognitive beliefs. This conceptual definition is a combination of the definitions developed in institutional theory (Deephouse et al., 2017, p. 7; Suchman, 1995, p. 574; Tost, 2011, pp. 688–689). I include both “entity” and “activity” because it covers both actors’ constitutive nature and actions, and I include cognitive beliefs rather than the word ‘definitions’ to cover more broadly the range of taken-for-granted assumptions that individuals might have about the world.

Who makes legitimacy judgments? Like Tost (2011), my point of departure is that those who make judgments are individuals who are part of a given social system. In this dissertation, individual delegates makes legitimacy judgments, and it is an analytical question whether they do so uniformly. Whenever I use the word legitimacy in the rest of this dissertation, I do so by reference to the institutions of the IMO delegates and their judgment whether a given activity or entity is legitimate.

4.4.6. Relationship between institutions and interests

A key theoretical tension exists between conventional IPE approaches to corporate power and the institutionalist approach to interests. One of the early contributions to institutionalism was the insight that institutionalized beliefs could structure an organization’s understanding of ‘rational behaviour’ (DiMaggio & Powell, 1983). In IPE, the idea that interests are constructed is not a new idea (Elbra, 2014; Fuchs, 2007, p. 61; Woll, 2008, pp. 7–11) but the dominant view is that political actors – in particular industry and state delegates in IGOs – are self-interested based on their objective material circumstances.

From the perspective in organizational institutionalism, interests are understood to be intersubjectively constructed due to the institutionalized ideas of a given organization or group. Woll (2008, p. 10) highlights that “[c]onceptualizing the content of rational behaviour as socially constructed [...] suggests that the ways in which actors make sense of their self-interest result from interactions with their social surroundings”. Institutionalization of a particular idea structuring how the actors construct their own interests is then the basis for the interests that the actors pursue politically. On the surface, this does not change much from the conventional IPE perspective that material interests are the most important – after all, it is a core institutionalized taken-for-granted belief in the Western world that large firms are interested in survival and profits, and if industry representatives believe this themselves they act with this interest in mind. However, when examining the interactions at the micro-level in the meeting halls of the IMO the interests that the industry representatives act upon may be different from what is assumed *ex ante*. This is especially important if it is suspected that there are strong institutionalized ideas present in the IMO.

By taking the institutionalist perspective, I interpret the role of material interests in light of IMO institutions without having an a priori idea about the role of material interests for a given actor (Lukes, 2005, pp. 37–38). It is then a matter of empirical examination how rationality and material interest is understood by delegates to infer how that structures rationality and rational behaviour (DiMaggio & Powell, 1983; Mikler, 2018, p. 4; Scott, 2014, pp. 80–82). This is not to say that material interests play no role. Indeed, it may very well be that the institutionalized ideas about self-interest does make actors follow their material interests as understood by the actors themselves. In studies of bargaining in other IOs or in the UNFCCC, collective ideas about what rationality is and how it is expressed – for instance by understanding zero-sum bargaining as protection of material interests – is fundamental to the operation of these political interactions (Dimitrov, 2010, 2015, 2016; Jepsen, 2013; Rietig, 2016; Risse & Kleine, 2010). However, even when political interaction takes the form of negotiational bargaining, the definition of actors' interests is based on institutionalized values or beliefs. In other words, I flip the burden of proof so that the empirics imply how actors understand their own interests rather than presume it beforehand.

4.4.7. Institutionalization of political interaction

Additionally, the literature on transnational norms in IPE has developed a strong track record for explaining the dynamics of policy idea diffusion and ideational power dynamics (Béland, Carstensen, & Seabrooke, 2016), while there has been less attention to the norms structuring the process of political decision-making itself (but see Schmidt, 2013). However, recent advances in IR has resulted in a strand of research focusing on *deliberation* in international relations and global governance. This strand of research is based on Jürgen Habermas's (1984) theory of communicative action, with Thomas Risse (2000) arguing that the Habermasian concept of 'deliberation' could apply to intergovernmental relations. Deliberation would occur when participants in a discussion used reasoning to arrive at reasoned consensus in order to solve collective action problems (Risse, 2000, p. 2). Risse and colleagues' claim was that deliberation both was a useful explanatory tool, as well as a normative goal for how to structure global governance, and a set of both conceptual and empirical contributions emerged as a result of this research focus (Müller, 2004; Risse & Kleine, 2010; Steffek, 2018; Ulbert & Risse, 2005). Risse explicitly takes departure in organizational institutionalism in developing his argument, and suggests that deliberation involves actors' adjudication of which norm is appropriate (2000, pp. 6–7).

However, I understand deliberation to be a product of institutionalized norms in the first place. It may be that individuals engage in deliberation to reach reasoned consensus and adjudicate between different norms or values (for instance, whether to protect the environment or industry interests), but as deliberation is a form of interaction in itself, it can be institutionalized as a legitimate practice. In other words, institutionalization of deliberative norms involves habitual reciprocal expectation by participants, so that they all are expect each other to be willing to provide reasons, listen genuinely to arguments, and try to find reasoned consensus. Contemporary deliberative theory in IR has not emphasized its roots in

institutionalism, but in this dissertation, I subsume deliberative theory under the institutionalist umbrella. Deliberative norms stand in contrast to ‘bargaining’ norms (Risse & Kleine, 2010), where actors instead find it appropriate to approach the political interaction as a bargaining situation where interests are fixed, outcomes are based on actors’ private utility functions, and ‘trades’ of positions rather than argument determines the process (*ibid.*, p. 711). This all fall under the normative pillar of institutions in Scott’s terminology, as each mode of political interaction can be legitimate or illegitimate depending on the social context. Deliberative theory and the focus on norms of political interaction is then just a part of the larger institutionalist theoretical paradigm.

4.4.8. Justification and limitations of the institutionalist perspective

The ground assumptions of organizational institutionalism means that there are elements that are beyond the theoretical limits of this dissertation. As noted in the literature review, IPE has developed strong theories of global governance and global corporate power by taking departure in actors’ objective material interests. There is no doubt that these theories have advanced the scholarly understanding of phenomena such as international lobbying, corporate political legitimacy, and global business regulation. Choosing institutionalism as a theoretical lens precludes the possibility of adding to the theoretical repertoire in an additive manner, because assuming objective material interests regardless of institutionalized values and beliefs would be incongruent with the theoretical basis of institutionalism itself. It is not within the theoretical ambition of this dissertation to develop a theory of industry influence based on objective, material interests.

Similarly, it is outside the theoretical domain of the dissertation to theorize an explanation at a higher level than the case itself. Some of the core studies of business in global governance within IPE have taken departure in case studies of whole issues, sectors, or industries (Braithwaite & Drahos, 2000b; Fuchs, 2007; Woll, 2008; Zacher & Sutton, 1996), in some instances theorizing a general pattern of industry power based on these cases. As I discuss later in this dissertation, the ‘case’ in this dissertation is not an industry nor an issue, but rather a specific set of interactions between delegates inside the IMO. Although the context of the case involves the general structure and (perceived) material interests of actors and the general relationship between states in the form of formal treaty agreements, the distinct focus of the dissertation is the interactions within the deliberations in the IMO. Just as this is empirically interesting because of the novelty of the access, it is theoretically limiting, as the eventual theorizing also is limited to the case itself (Beach, 2017; Stake, 2005). The outcome of the dissertation is not to produce neither a grand theory nor a fully-fledged middle-range theory (Ougaard, 2013, pp. 240–241).

Why, then, choose organizational institutionalism as the theoretical lens? The short answer is that extant understandings of corporate power and influence were less productive when applied to the micro-level context I was observing in the IMO. The ‘thickness’ (Geertz, 1973) of the social system and how it related

to the way political conduct was organized related more to how organizational institutionalists viewed the puzzle than how macro-level IPE scholarship approached it. Fundamentally, using organizational institutionalism to examine a case of industry power on a micro-level scale allows for different kinds of insights since it involves different theoretical-ontological assumptions (Alvesson & Sandberg, 2011, p. 247; Davis, 1971; Weick, 1989). By challenging, changing, and refining the theoretical assumptions, the use of another theoretical lens can be useful to advance the understanding of the phenomenon of firms' political power.

The relevance of bringing in different theoretical lenses is that it allows for a reflection of the assumptions that guide theoretical development. When these assumptions become obvious facts, as when economists consider it obvious that humans act according to internal utility functions, researchers risk reproducing core theoretical ideas and assumptions despite a potential world of empirical studies that suggest these assumptions may not always be true. There might be necessary conditions underlying these assumptions, or the relevant mechanisms that are taken for granted do not always play out as researchers would think. Without studies challenging these theoretical 'ground truths', the advance of theorization may miss productive lines of inquiry if these lines of inquiry do not conform to established theoretical ideas (Alvesson & Sandberg, 2011; Alvesson & Sköldberg, 2018; Davis, 1971; Flyvbjerg, 2006; Weick, 1989). I return to this question later in the dissertation when discussing the theoretical implications of the case study.

With this, I turn to further consideration on the nature and definition of *power* and *influence*.

4.5. Power and influence

Although power is a core concept in political science and IPE, it remains a problematic concept because of its conceptual complexity (Falkner, 2008, pp. 18–21; Haugaard, 1997; Lukes, 2005, pp. 123–124). However, at the root of the discussion about the concept of power in political science and IPE, organizational institutionalism has grappled with virtually the same questions but in the context of organizations instead of politics. DiMaggio and Powell even note in their seminal 1983 contribution that their analysis of isomorphism provides “empirical flesh” to Lukes’s work on power (DiMaggio & Powell, 1983, p. 157), just as Mikler (2018, p. 45) relates discursive power to Suchman’s (1995, p. 574) work that is core to organizational institutionalism. Important contributions in IPE even refer directly to scholars in organizational institutionalism as theoretical sources of theorizing in IPE (e.g. Finnemore, 1996, p. 334; Finnemore & Sikkink, 1998, p. 897; Woll, 2008). By bringing the institutional basis of power back and to the forefront, I move the explanatory basis and understanding of power to the institutions of groups and organizations.

What is power exactly? Standard approaches across IPE and institutionalism either refer to direct or instrumental power (Dahl, 1957), indirect, structural, or agenda-setting power (Bachrach & Baratz, 1962;

Schattschneider, 1960), discursive power (Fuchs, 2007, p. 58) or relational power (Foucault, 1977; Lawrence & Buchanan, 2017). Instead of casting power in relational terms (Hardy & Clegg, 1996) I understand any type of power to be an effect of institutions, because institutions structure both interests, legitimate types of material resources, forms of relationships, and role of authorities however understood. I follow Lukes's updated definition of power as the capacity of A to affect B in a manner contrary to B's interests, including defining B's interests or advancing other actors' interests (Lukes, 2005, pp. 12–13).

In the context of industry power, this multidimensional approach to power looks at different ways industry actors has capacity to affect public regulators, which is how macro-level theorizing has approached the issue (Fuchs, 2007; Mikler, 2018). On the micro scale, the capacity to affect regulation is then rooted in the institutions held by people that are part of the regulatory process, and these institutions then underpin the capacity of industry representatives to affect both regulators and regulation. For example, if there is a dominant institutionalized belief among delegates that regulation should be driven by evidence, then this provides the basis for industry actors to affect regulation given their being privy to material resources in the form of relevant technical information. The capacity of material resources to be useful in the context of affecting regulation is then contingent on the institutions of the deliberative assembly in question. In this way, the capacity of industry actors everywhere in the IMO process is dependent on the institutions that they are subjected to, and the institutionalization of particular norms, values, or cognitive beliefs is a potential source of power.

Where power is the capacity that does not need to be exercised to exist (Lukes, 2005, p. 12), influence is the realization of the capacity in a given instance (Arts & Verschuren, 1999, p. 413; Cox & Jacobson, 1973, p. 3). Actualization of influence then always relies on some power structure that underpins a given instance of influence, because the power structure is the precondition for the possibility of influence in the first place and because the institutions structure the interests of the actors involved. This is why I link institutions to power to influence. The institutions of a social system provides the structure of power, which provides the 'frame' for actualization of influence, including the perceived interests themselves.

The actualization of influence is methodologically easier to identify (Dür, 2008) but is not conceptually equal to theorizing the institutions and the power structure which defines the space for exertion of influence. In particular, if institutions define or structure the interests of actors then the very aim of participating in the political interactions is defined by the institutionalized power structure. Legitimate ends and legitimate means can be institutionalized so that it is illegitimate for actors to make certain policy proposals, not because an implicit threat by firms, but because breaking a norm would imply negative judgment by other actors in the same social context. However, if institutionalized norms and beliefs structure power, how can the actualization of influence then be separate from this power structure if the institutions permeate all interaction? This problem is similar to a discussion of structural power in IPE

(Culpepper, 2015). My choice, inspired by Dür (2008), is to find evidence of instances of influence and infer the power structures that enable them. If institutionalized power structures begin to emerge, it allows for theorizing beyond the readily observable instances of influence, similar to how structural or discursive power is theorized in IPE.

In political science, the causal mechanics of influence is not well understood (Dür, 2008, pp. 562–565), and this lacuna forms part of the reason behind my theoretical and methodological choices. I will deal with the nature of causality in the chapter on methodology, but theoretically, I take departure in Alexander Wendt's (1998, p. 107) idea that ideational elements can have causal effects (see also Joseph & Wight, 2010; Parsons, 2007, pp. 9–12). From this perspective, institutionalized norms, values, and beliefs can *cause* influence to occur if these elements structure political interaction in such a way that an actor actually advances their own interests because of the particular institutions.

With this overview of how power and influence is conceptualized in this dissertation, I now turn to explaining how these concepts are deployed in the analysis.

4.6. Conceptual use and deployment

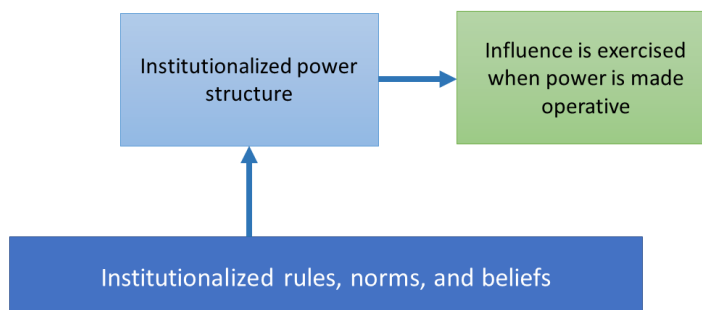


Figure 6: Conceptual relationship between institutions, power, and influence inspired by Lukes (2005) and Arts & Verschuren (1999)

Although the bulk of the methodological logic underpinning the use of theory is discussed in the chapter on methodology, it is important to clarify how I deploy the concepts analytically given the less than perfect conceptual separation of types of institutions and power versus influence, respectively. This does not amount to formal operationalization (e.g. Goertz, 2005) as this would conflict with process-tracing, but rather shows how my conceptual understanding of institutions, power, and influence structures how I approach the case itself. The actual analytical use of the concepts is explained in the section on process-tracing since it relates more closely to the logic of process-tracing itself.

Given the focus of the dissertation and the research question, it follows that *influence* is the theoretical element I am interested in explaining since it is the observable manifestation of industry actors affecting the regulatory process and outcome. However, this does not preclude theorizing the underlying institutional power structure nor the causal explanation of influence as based in these structures. I follow Wendt (1998, p. 107) and Beach & Pedersen (2019, pp. 30–35) by examining the causal relationship between explanatory elements and the outcome of interest (which is actualized influence) as it explains the systematic expression of the particular phenomenon. This is consistent with Wendt in the sense that a constitutive theorizing of the institutions and the relationship with the power structure is ‘baked into’ the causal explanation in the form of contextual elements that are case-specific. The contextual elements are explained further in the methodology chapter.

The scope of this dissertation warrants a discussion on the limits of the concepts. The dissertation focuses on the interactions between states and firms within the IMO. Many interactions outside the IMO affect political actors’ stances in the IMO. These include the potential pre-eminence of the shipping industry in some countries or the close social ties between national administrations and the shipping sector. In this dissertation, I choose to focus on the power as it is constructed and manifest inside the IMO. Any influence of firms outside the IMO is then an influence on the states’ positions prior to IMO deliberations. For instance, the relationship between the Danish shipping industry and the Danish Maritime Authority is not within the scope of this dissertation if the instances of influence affect the general Danish general position on environmental issues. It only becomes theoretically interesting when the Danish industry specifically influences IMO regulation *via* the Danish state *in the IMO*. I will discuss this in the section on case and methodology as well, but in the context of theory, this is a central limitation to the scope of the project.

Why not skip influence and examine power structures instead? There are two main reasons for this: First, explaining the nature of the power structure in the IMO does not allow us to explain influence in specific instances for the same reason that explaining the power of firms from the three faces-perspective does not automatically explain any specific instance where firms exert influence. One is the potential, theoretical capacity to influence, and the other is the actualization of this potential as manifest in a specific instance (Arts & Verschuren, 1999). Since the point of departure of this dissertation is explaining the pattern of actualized instances of influence in the IMO at the level of specific deliberations and textual changes in regulation, influence must necessarily be the relevant phenomenon to be explained by reference to institutions and power structures.

Second, by explaining the instances of influence as a relationship between institutionalized power structures and influence this dissertation adds to a theoretical void as discussed in the literature review and introduction. Explaining the power structure in a case does add to our understanding of global corporate power, but if empirics allow for it, it is interesting to explore the potential causal relationship between

power and influence at the level of specific deliberations (Dür, 2008; Young, 2012). With this, I hasten to add that I concur with Fuchs' warning against assigning simplified or overly mechanistic causal explanations to influence and power (2007, p. 57). In a sense, the impetus for this project is that existing causal accounts of the power-influence relationship is based on exceedingly simplified assumptions and mechanisms, which an in-depth case study using process-tracing can alleviate.

With this, let me summarize and review definitions and conceptual relationships:

- **Institutions:** *“Institutions comprise regulative, normative, and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life”* (Scott, 2014, p. 56), and in this dissertation, institutions provide the social structure of power.
- **Power:** *The capacity of one actor to affect another contrary to the other actor's interests* (Lukes, 2005, p. 12). *This capacity enables and structures agents' political conduct. When used (directly or indirectly) in specific instances, it is influence.*
- **Influence:** *“The achievement of (a part of) an actor's goal in political decision-making”* (Arts & Verschuren, 1999, p. 413). *Influence is the actualization of power.*

Since *influence* is the outcome I seek to explain, it is worthwhile to consider how it is analytically identified. In this dissertation, I identify firm influence as instances where regulatory text in IMO is changed substantively because of firm (or industry association) activities whether directly or indirectly. Examples of this includes firm interventions with text proposal(s) that is accepted by the group in question, submissions by firms that provides the basis for a text that is subsequently agreed upon, or verbal or written arguments made by firms which persuade IMO state delegates to change the outcome of a discussion.

I consider power to be an inferred construct per the definition above (Jackson, 2016, pp. 86–93). I examine the available empirical material looking for traces of institutions in any of the three forms, following Scott's terminology. However, my expectation is not that the explanatory power in this case is derived from the formal regulatory institutions. The IMO considered only as a formal institution is perhaps the ideal place for wholesale regulatory capture to occur. The extensive access of private actors, the lack of transparency, and the clear economic trade-off between industrial and environmental concerns is a theoretical hotbed for complete industrial capture of IMO regulation (Mattli & Woods, 2009a, p. 16; Young, 2012, p. 664). Nevertheless, the industry has not completely captured the IMO, and the most plausible explanation based on this theoretical oddity is that something else than the formal institutions explain the phenomenon of industry influence. Consequently, I focus on the normative and cognitive aspects of institutions while keeping in mind that the formal institutions may play an explanatory role.

With regard to norms (understood as appropriate conduct in pursuit of desired values), I identify institutionalized norms as IMO delegates' expression of approval or disapproval with a certain type of conduct or set of “ends” or values, as well as patterns of conduct common to IMO delegates. This requires some qualification. Is not enough to observe an individual's normative beliefs since institutionalized norms

are only institutionalized when a group of people shares them. This necessitated an inference of norms from the totality of the empirical material taken together, in particular when there was a confluence of the observed behaviour during the fieldwork and the normative expressions about appropriate or inappropriate conduct expressed in interviews. Essentially, I was looking for common denominators among the delegates in terms of appropriateness. While norms are appropriate types of conduct, values are appropriate valued ends. The search for values follows the same pattern as norms, but instead of assessing the appropriate forms of conduct, I identify values based on IMO delegates' expressions of what is worth working towards, or expressed principles of preference for policy options. The form of interaction can be a value in itself as well, which means that I am attentive to evidence that suggests delegates hold particular forms of organization to be inherently valuable, for example if evidence-based decision making seems to be a valued end rather than simply a working norm.

Cognitive institutions is an entirely different beast. As Scott notes (2014, pp. 69–70) the main analytical approaches to identifying and uncovering cultural-cognitive institutions are either found in ethnomethodology and social anthropology or in recent quantitative textual analysis aided by modern computer processing power. While there is strong potential for a quantitative link between cognitive institutions and policy influence (e.g. Klüver & Mahoney, 2015), quantitative approaches to cognitive institutions are unfeasible in this project due to the nature of the empirical material – in particular the fieldnotes which cannot be used for quantitative text analysis. On the other hand, neither ethnomethodology nor anthropology provide a strong conceptual basis for how to uncover cognitive institutions because the *Verstehen* – Weber's idea of understanding a social context rather than just explaining it - that a researcher can attain of a particular culture or social system ideally comes from being part of it for a prolonged period. In other words, there is little support in extant institutional methodology for explaining how cognitive institutions can be uncovered in interviews and participant observation. The detailed analytical explanation of the process of inferring the existence of cognitive institutions is discussed in the section on methodology exactly because it is so conceptually difficult to pinpoint how a researcher can search or typify cognitive institutions. I contend that the best answer to the challenge of how we 'look for taken-for-granted beliefs' lies in the careful explanation of the analytical process of inference, which is exactly what process-tracing as a methodological approach excels at.

Any further elaboration of how I analytically inferred the presence of institutions and institutionalized power belongs in the methodology chapter. While the conceptual elements are deceptively clear, the inference necessary to justify their existence is much more complicated. With this, I now turn to explaining the methodology.

5. Methodology

5.1. Reader's Guide

At its core, this chapter is the explanation of how I arrived at the theorized mechanism captured in the analysis. Because of the nature of process-tracing, this requires a relatively lengthy and inclusive discussion since analysis in process-tracing entails a set of assumptions, logics, and inferential techniques that must be understood before conducting (or evaluating) the analysis proper. Put concisely, the methodology chapter serves two purposes. First, it supports the overall claim of the dissertation by explaining how I carried out the research and came to my conclusions. Second, the chapter shows the non-linear research process that I went through in order to arrive at the theorized model. My claim of the dissertation is a product of this abductive research process, and this chapter shows the methodological considerations I went through during the research process.

The first part of this chapter is dedicated to foundational assumptions about the nature of causality and how causal relationships can be understood at the ontological level, which informs a closely related discussion about how researchers epistemologically approach the question of theorizing causal relationships. I also present the research design and research process at a high level of abstraction, including the positioning of the case in the context of other similar cases.

The second part is dedicated to the analytical process of process-tracing at a lower level of abstraction. In that part, I explain the necessary logical assumptions of process-tracing going from the more abstract to the more concrete. The latter part of that section is devoted to explaining the inferential logic I used to evaluate evidence in the project. The chapter concludes with an overview of the empirical material and how it was gathered.

Because of the level of abstraction of these concepts and the difficulty of clearly explaining ideas and relationships between such abstractions, I use a metaphor originally presented by Sagan (1996) and revisited by Jackson (2016) which has proven helpful for me when explaining the logic that binds philosophy to research practice. This metaphor takes the form of an *invisible dragon in the garage*, and the core of the metaphor is the question whether or not there is an invisible dragon living in the reader's proverbial garage. I take this metaphor and expand it further to show how epistemological considerations inform process-tracing. The dragon, in Jackson's expansion, is a metaphor for entities that are *in principle unobservable* but are understood to have a real effect on the world. In reality, most of social and natural science is probably devoted to a search for such entities. This search for invisible dragons, and the logic behind the search, is what ties together such different things as the search for Dark Matter in the Universe, the effect of evolution on living beings, and the theorization of norms operative in everyday life.

The reader will note that I discuss the non-linearity of my research process in different places and by using different words. I already discussed in the preceding chapter how my understanding of theory was a result of this non-linear process, and in this chapter, the non-linearity plays a role in different ways. First, the research process served as a way for me to develop the eventual argument as I moved between theoretical positions and working hypotheses about industry influence in the IMO. I discuss this in the section on the research design in order to be transparent about my research design and process considerations. Second, the non-linearity was an important part of the analysis – referred to as abductive reasoning. This relates to the back-and-forth analysis where I used existing empirical material and empirical analyses to search for more data and better explanations, which is a core component of process-tracing. Although this may seem like a repetition, I decided to discuss these processes in different places as they relate to different parts of the research process and procedure. In other words, I do not treat non-linearity in process as being equivalent to non-linearity in analytical procedure. These distinctions and their conceptual clarity are subject to methodological controversy (Blaikie, 2011a, 2011b; Chiasson, 2001; Dubois & Gadde, 2002; Reichertz, 2004; Timmermans & Tavory, 2012), and it is thus important that I make my position clear before delving into the methodology proper.

5.2. Definitions

Before I engage with the substance of the argument, it is worthwhile to lay out some definitions. As Jackson (2016, pp. 30–31) notes, the operative definitions of core philosophical concepts may be a product of particular philosophical positions themselves.

Methodology: “... refers to a wide array of choices regarding how to technically conduct research and its process, as well as the philosophical and other assumptions on which it is based” (Lukka & Vinnari, 2014, p. 1312). In this dissertation, I use the broad understanding of *methodology*, which also includes the link between the philosophical assumptions and the logic guiding inferences and theorizing.

Philosophical ontology: “[...] an inquiry into which is logically prior to the development of any scientific or social ontology” (Patomäki & Wight, 2000, p. 215), the “conceptual and philosophical basis on which claims about the world are formulated in the first place” (Jackson, 2016, p. 30). Logically precedes specifications of scientific ontology.

Scientific ontology: The catalogue of objects under study and what exists, the “bestiary” of social science (Jackson, 2016, p. 30; Patomäki & Wight, 2000). Comes logically before epistemology from a critical realist/scientific realist perspective.

Epistemology: How observers formulate and evaluate statements about the world; that which is concerned with *knowing*. Derived from Joseph and Wight (2010, pp. 13–14) and Jackson (2016, p. 30).

Mechanism: “A mechanism for a phenomenon consists of entities and activities organized in such a way that they are responsible for the phenomenon” (Illari & Williamson, 2013, p. 69). Note that this is a slightly different conceptualization of a *mechanism* than critical realists seems to use. Neither Sayer (2000) nor Patomäki and Wight (2000), for instance, define what a mechanism is apart from its effect – that is, bringing about a phenomenon which can be observed.

While more concepts emerge in this chapter, these concepts are contentious in the context of causal claims. I bring these definitions to the foreground because of the difficulty of the endeavour in the section below, namely: The uneasy marriage between the scientific realist position on ontology/epistemology and process-tracing as a pragmatic methodological choice.

5.3.Philosophical Considerations: Invisible Dragons in the Garage

Any academic reader opening the introduction of this dissertation will probably notice the core philosophical tension that immediately becomes apparent. On one hand, the point of departure for investigating the causality of firm influence in IMO rests on a solidly realist scientific ontology as the causality under investigation is presumed to be mind-independent. On the other hand, the socialized worldview, internalized norms, and taken-for-granted nature of beliefs held by IMO delegates constitute the very core of the causal mechanism, which blurs the distinction between mind and reality – both for the researcher and the IMO delegates. As noted conceptually in the preceding chapter, institutionalism at its core rests on a constructivist basis (Berger & Luckmann, 1967) which fits uneasily with scientific realism. How can this tension be resolved?

I have structured this chapter roughly according to the scientific realist “hierarchy”, with ontological considerations coming logically before epistemology, and methodology following epistemology (Joseph & Wight, 2010). However, this is more for practical purposes than as a statement about the inherent logic of this choice. While my point of departure is the scientific realist approach to the production of knowledge, I take issue with specific leaps of logic (e.g. on the determinism of causal mechanisms, as in Wight, 2004, p. 291) and the commonplace separation of *explanation* and *understanding* (Jackson, 2016, pp. 31–33; Sayer, 2000).

5.3.1.Ontological realism and causal mechanisms

My ontological stance in this dissertation is consistent with ontological realism (Joseph & Wight, 2010). The basic idea is that there are real objects and structures “out there” which can be studied by researchers. As Jackson (2016, pp. 30–31) notes, this is a stance in terms of scientific ontology. My philosophical ontology that provides the foundation for this is *mind-world dualism*. This position implies that there is a separation between our experience of the world and the world as it *really* is.

I also extend the realist position to include the stance that causal mechanisms exist in the sense that they are real, mind-independent, and have an effect on the world. Things are presumed to not happen randomly, but by the very nature of scientific inquiry, we must build theories about things that are in principle unobservable – a challenge social science shares with every branch of natural science. Causal mechanisms are in principle unobservable. Regardless of how we structure our research conduct, we cannot directly see or measure causality – we can only observe its (presumed) effects, like Newton theorizing the nature of gravity after observing an instance of its effect. At the core of this dissertation, my ambition is to theorize a causal system inferred to exist but which in principle cannot be observed.

Here, I borrow a metaphor originally deployed by Sagan (1996) and discussed by Jackson (2016, pp. 87–93). Suppose that someone tells you there is an invisible dragon in the garage. Additionally, it is not only invisible but also incorporeal in that it does not interact with the world at all. It is a matter of course to dismiss the claim since there is no possible way to detect the dragon and assess its nature. However, suppose that the garage door breaks open at night, nearby sheep disappear without a trace, and burnt patches of land begin appearing near the garage. How sure would we be that the dragon still does not exist and is not incorporeal? It is still exceedingly implausible that there really *is* an invisible dragon and that it somehow is the cause of the observed effects. Nevertheless, *if* the dragon is real and it has effects on the observable world, it is possible to theorize its existence and nature.

I understand causal mechanisms to be invisible dragons in their own right. Even if causal mechanisms by their very nature are impossible to observe and detect, their effect can be very observable (Jackson, 2016, pp. 90–93). Positing that it is possible to theorize causal structures that are *in principle unobservable* then constitutes a transfactualist philosophical-ontological realist position (ibid. p. 96), with the very aim of this dissertation being the theorization of an invisible dragon, so to speak. I start with the ontological belief that the patches of burnt land and missing sheep are events caused by some things or a conflation of things. *Someone* or *something* made those sheep disappear, and there is *some reason why* the garage door was broken down from the inside.

At this stage, I echo Kurki (2008, pp. 10–11) by bringing the discussion about causality into the realm of ontology rather than only epistemology (similarly to the ideas of Bhaskar, 1975, 1979). The existence of invisible dragons are not contingent on a set of constant conjunctures or observed regularities because they exist even if we do not look. Causation is then decidedly a question of philosophical ontology in addition to epistemology. As Kurki notes, an ontologically grounded conceptualization of cause “*allows us to recognize the reality and causal nature of such aspects of social life as rules, norms, ideas, reasons, discourses, as well as, importantly, of ‘structures of social relations’*” (2008, p. 11). I strongly agree with Kurki on the causal nature of social elements, but I also am convinced by Derek Beach (2016) and Illari

and Williamson (2012) that the existence of ontologically ‘real’ structures necessitates a ‘real’ interaction between things that are ‘real’.

This leads to the question of the structure of causality itself and the notion of the causal mechanism. Ontologically, I agree with the strands of philosophy that highlight the complexity of causes and effects (Elster, 1998; with different perspectives in this vein offered by Hedstrom & Swedberg, 1998; Machamer, Darden, & Craver, 2000; Wight, 2004). Every event or instance of a phenomenon in social science is a result of an infinite number of cause-effect relationships that together give rise to the phenomenon or event we end up observing, and the causal mechanisms can be operative at both micro, meso, and macro levels (Gross, 2018).

Where I differ from the works cited above is my position on the determinism of causal mechanisms. While I recognize every phenomenon is a result of an infinitely complex set of causes, I also understand each specific causal “chain” or structure to be deterministic at its core (Beach, 2016; Illari & Williamson, 2012, 2013). That is what is meant by the term “causal mechanism”; it is a vehicle for bringing about a phenomenon as a determined effect of a chain of causally interlinked steps, and it rests on the simple presumption that the disappearing sheep in the dragon metaphor are non-random events. If randomness were involved, causal chains could not cause a phenomenon because there would be an element of randomness that itself would cause the event. It follows that the foundation of this perspective assumes that true randomness does not exist in reality even if we epistemologically will never be able to make deterministic descriptions of reality (Hoefer, 2016).

In addition to the philosophical underpinnings of this, Phyllis & Williamson’s (2012) conceptualization of the causal mechanism as a set of linked steps involving entities and activities is helpful in this regard. Their formal definition is:

“A mechanism for a phenomenon consists of entities and activities organized in such a way that they are responsible for the phenomenon.” (Illari & Williamson, 2012, p. 120)

They then suggest that all “mechanistic¹⁸ explanations” involves the identification of the phenomenon to be explained, decomposition into entities and activities, and theorizing the organization of these entities and activities so that they give rise to the phenomenon of interest (ibid. p. 123). In this dissertation, the phenomenon of interest is the exercise of influence by private actors, and it is explained by the theorized causal mechanism that gives rise to the phenomenon.

¹⁸ The term “mechanistic” is not used to imply that the broader relationship between social phenomena and their causes operate mechanistically. I use it similarly to Illari and Williamson as it makes analytical sense to understand causality as a sequence akin to a mechanism in that it has distinct interlocking steps that can be theorized.

This leaves the question of the role of ideas in causal explanations, which is both a question of philosophical ontology and scientific ontology. It is philosophical in the sense that it concerns the in-principle status of social constructs in causal mechanisms, and scientific ontological because it requires an explanation of how to study social constructs as empirical entities. Philosophically, I follow Joseph and Wight: "... the interaction of agents and structures and material and ideational forces is an important question to be settled empirically and not by theoretical fiat." (Joseph & Wight, 2010, p. 3). I understand causal mechanisms in the realm of social interactions by necessity to relate to structures that are socially constructed but nevertheless have causal effects (Gross, 2018). Consider for instance the modern nation state - an entirely socially constructed entity (Anderson, 2006), which nevertheless carries causal power in the sense that modern states are relevant entities in a vast set of theorized causal mechanisms. States are real, and their agency is real, but they are still socially constructed entities.

If we recall the entity/activity conceptualization of causal mechanisms and its application in social science, socially constructed (non-human) entities are usually not actors¹⁹ - the principal entities of interest are configurations of humans (individuals, groups, organizations, states). Socially constructed entities serve either as the reason for why an entity is causally operative in the first place (e.g. the nation state) or as a contextual element that underpins a certain entity/activity relationship (e.g. when norms shape a course of action). Embracing social constructs as causally operative is not problematic in this sense, but requires accepting that they are invisible dragons by their own right.

Just as the causal mechanism is an invisible dragon that cannot in principle be observed, so too are social constructions and processes like norms and taken-for-granted understandings. As Joseph and Wight noted above, it becomes an empirical question what the whole explanation is and how social constructions play a causal role, if at all. This moves further consideration out of the realm of ontological ideas and into the realm of epistemology.

5.3.2. Epistemological relativism

When the status of philosophical-ontological reality is taken to be non-random and causal in nature, the associated epistemological question is how we produce knowledge – if at all – about this reality. Following Beach and Pedersen (2019), I adopt an epistemological relativist position. This entails it is possible to produce knowledge claims about the ‘real’ world but not possible to assert any final truth because there is no way of knowing and proving that a given claim is entirely representative of the ‘real’ reality. Like the rest of the scientific disciplines, our theorizing of *non-observable* forces, relationships and entities - whether quarks or norms – is contingent on methodological systems of logic that make us able to make

¹⁹ In different ontological streams of thought, non-human actors are given a much more prominent role (Latour, 2005). The entity/activity approach is also drawn from medicine and biology (Machamer et al., 2000), with social science replacing cells or molecules with humans.

descriptions and explanations based on *observable* phenomena with a certain amount of plausibility, but never absolute certainty. While this epistemological position is commonly implied in most scholarly work, it is important to bring to the forefront when theorizing causal mechanisms both as a justification of the methodological approach, and as an *a priori* response to the empiricist (and analyticist) criticism.

The position also entails acknowledgement of the fact that all scientific knowledge is socially produced and thus fallible (Patomäki & Wight, 2000, p. 224). In recent years, the social element of the production of scientific knowledge has been acknowledged in core methods textbooks (Alvesson & Sköldberg, 2018; Bryman, 2016, p. 388) and it is particularly important to consider in the context of qualitative research because of the openly interpretative nature of qualitative methods. I deploy two broad strategies to alleviate concerns about subjectivity; first, I reflexively attend to my relationship with the empirical objects and my observations of my own process where appropriate in this dissertation. Second, I present the analysis in a way that makes both the empirical process and the analysis as transparent as reasonably possible throughout the analytical chapters. These considerations are important in the context of the philosophical position of epistemological relativism, but I will return to each consideration later in this dissertation.

By adopting an epistemological relativist position, I accept that an in-depth causal case study is limited in the sense that it only seeks to elucidate some (or one) causal mechanism(s) and not provide a final truth-claim about a given causal relationship. The advantage is that the delimitation and depth of the study allows for a causal claim where the plausibility of the theorized mechanism can be justified by reference to the granularity of evidence. In other words, we can never *know* the causal relationships, but we can structure our scholarly conduct to make an explanation plausible. In the introduction to the dissertation, I likened the research process with Sherlock Holmes. An analogy here would be Sherlock Holmes examining the claim about the invisible dragon. In order to provide an explanation, Holmes would go through the available evidence and systematically infer the most plausible explanation based on the evidence. He would eventually present his findings – the most plausible explanation of what happened – to the Scotland Yard, and provide evidence for his reasoning. Of course, Holmes knows that he cannot prove his explanation. However, he can substantiate his conclusions about what plausibly happened with empirical evidence. This analogy aptly captures the epistemological relativist position when making causal claims.

The empiricist critic will interject that the departure from the Humean epistemological understanding of causality as patterns of regularity that can be observed is problematic because explanations that are not grounded in observable regularities are dependent on interpretation rather than facts (King, Keohane, & Verba, 1994). Apart from the ontological tension inherent in this debate (Jackson, 2016; Kurki, 2008, p. 10) the response to empiricism is that every theorized causal relationship is contingent on interpretation in any case. When we find that regional peace correlates with prevalence of democracy, the practical question of *why* requires interpretation of available facts to suggest plausible causal pathways. Following a similar

logic, relativist claims about real causal mechanisms are always the most plausible explanations of the operation of the theorized mechanism itself given the available relevant empirical material.

Recall the metaphor with the invisible dragon in the garage. Sherlock Holmes' friend has told him there is an invisible dragon in the garage, but has shown no evidence to support it. One morning, the garage violently burns down. In the smoking rubble, Sherlock Holmes finds the remains of exploded gas canisters that adequately explains the sudden explosive fire, which makes him quite certain that an angry dragon did not cause the garage to burn down. However, there is no logical way for the epistemological relativist to make a final claim about this causal relationship. There are only differing degrees of plausibility which allows us to be more or less certain about a claim about a real phenomenon. Before delving further into the relationship between empirical evidence and theorizing, it is necessary to mark a third element of my philosophical position: judgmental rationalism.

5.3.3. Judgmental rationalism

Taking a judgmental rationalist stance entails believing that even with epistemological relativism it is – in principle – possible to provide justification for preferring one theoretical explanation to another (Joseph & Wight, 2010; Patomäki & Wight, 2000, p. 224). This is opposite to the position that epistemological relativism prevents us from making judgments in favour of one theoretical explanation or the other. While judgmental rationalism is one of the main tenets of critical realism, it is also a necessary stance for scholars making causal claims, because the absence of this belief would make it logically impossible to justify a particular theorized mechanism over any other.

If we go back to the burned-down garage, an epistemological relativist being judgmental rationalist would say that it is overwhelmingly more likely that an unknown malfunction on the gas canisters caused the fire rather than an invisible dragon, thus preferring one theoretical explanation to another. However, the person would also be careful not to attach absolute certainty to that assertion because of the impossibility of proving a certain truth-statement, and new empirical material might shake the conclusion in the future.

The judgmental rationalist position becomes particularly operative as the logical basis on which the most plausible causal mechanism is inferred from the available empirical material. Given all the empirical evidence and the theoretical interpretation of the empirical totality, I claim there is a mechanism that explains the phenomenon, and that it is more plausible than alternative mechanisms or representations of the phenomenon at hand. Essentially, the judgmental rationalist element lies in the link between available empirical evidence and a claim that is both fallible and plausibly justified.

While this chapter has provided the philosophical overview that underpins the approach of this dissertation, many of the implications of the philosophical stance are unfolded in more specific sections. The choice to conduct a causal case study in light of my philosophical and scientific-ontological stance is discussed in

the research design section. The process of theorizing a causal mechanism following epistemological relativism is extensively treated in the section on process-tracing proper. The reasoning and justification that underlies the position that a particular inferable causal mechanism explains the phenomena at hand better than other theories or possible claims is covered in the section on process-tracing as well as the analysis and discussion proper.

5.4. Research Design

This project takes the form of an in-depth qualitative causal case study, but this requires some definitions and explaining for two primary reasons. First, different methodological streams understand the nature and value of case study research in starkly different ways (compare, for example Flyvbjerg, 2006; George & Bennett, 2005; Ridder, 2017; Welch, Piekkari, Plakoyiannaki, & Paavilainen-Mäntymäki, 2011) and any reporting of case study research in social science should clarify how a case study is understood to avoid confusion. Second, *causal* case study research is distinct from non-causal case study research (Beach & Pedersen, 2016a, p. 3) and must be explained accordingly. The following section explains how the case study research design is understood in this project.

5.4.1. Causal Case Study Research Design

When defining what a case study is, I take departure in the standard explanation provided by Bryman (2016, p. 60 who refers to Stake, 1995) that case study research examines the complexity and particular nature of a given case. Since I reject empiricism and falsificationism epistemologically, it also follows that I do not take departure in neither Yin (2013) nor Eisenhardt (1989) in my methodological approach to designing a case study (Welch et al., 2011, p. 745). Yin and Eisenhardt are the conventional starting points in most non-constructionist social science disciplines when designing a case study. The core references to understand case study research design are then interpretive/constructivist case study scholars like Stake (1995, 2005) and critical realist case study scholars²⁰ like Ragin (Ragin & Becker, 1992).

Conventionally, interpretivist and critical realist case study researchers do not easily agree on the design of case study research. The reason for leaning on both streams of thought links back to the discussion on the relationship between socially constructed meaning and causal mechanisms. In the case of firm influence in the IMO, I realized that it is crucial to understand IMO delegates' intersubjective experiences to explain why firms are influential. In other words, the intersubjective meaning socially constituted through the shared ideas and beliefs of IMO delegates is a case-specific contextual element that plays an important causal role. This means that it is insufficient simply to rely on non-interpretivist conceptualizations of case study research as that would miss an essential part of the causal explanation. The process that went into

²⁰ This characterization of Charles Ragin's work is drawn from Welch et al. (2011).

this realization is discussed later in this chapter, but the marriage of interpretivist and realist case study research presents a few challenges that must be addressed.

First, the *purpose* of the case study must be settled. While constructivist scholarship aims to provide and produce understanding of actors' subjective experiences or the meaning that is (inter)subjectively constituted by the humans of a given case, critical realist case study research aims to provide explanations in the form of causal mechanisms of a particular phenomenon. In my research, the case study accomplishes both. The outcome of the case study is a causal mechanism that plausibly explains the phenomenon as the socially constituted meaning-systems contribute to the causal mechanism. These constructed elements act as contextual and case-specific elements that inform the causal explanation.

Second, the *quality criteria* for case study research must be settled. Whereas constructivism has taken a strong stance against classical positivist/empiricist validity and reliability-based concerns (Bryman, 2016, pp. 383–386; Flyvbjerg, 2006; Guba, Guba, & Lincoln, 1994), critical realist causal case study research has not been too concerned with positioning itself vis-à-vis these quality criteria. However, in the context of conducting a causal case study it is necessary to explain how the quality of the study should be assessed. Immediately, it is evident that a contextualized explanation of a mechanism in a specific case does not travel to other cases. That means it makes sense to modify the criteria of external validity²¹. Instead of assessing to what extent it is possible to extrapolate either to theory (analytic generalization, explained by Yin, 2013) or to the population of cases (Eisenhardt, 1989), I discuss how well the causal steps themselves travel to other cases where we would expect similar causal mechanism to operate (given contextual conditions). I attend to what this means for the case study research design in the following sections, and return to the question of how this works analytically in the section on process tracing.

The other big classic criteria is reliability, covering both internal reliability and external reliability. Internal reliability is conventionally an important consideration when more than one researcher carries out the analytical work, but even with only one analyst, it is important to show that there is consistency in the way interpretation is carried out. This concern is addressed in the section on process-tracing because the process of process-tracing itself involves similar considerations. Regarding external reliability, most non-empiricist qualitative scholars acknowledge that it is impossible to replicate research and thus a futile to benchmark qualitative case studies on this. A more productive quality criterion is whether other researchers agree on the final interpretation of the available empirical material, because this is the direct warrant underpinning the plausibility of the theorized mechanism.

²¹ For the remainder of the dissertation, I will refrain from referring to external validity because of its connotation to positivist epistemology.

Recasting reliability in this way implies that a major quality assessment of the study is whether any scholarly reader accept the analytical interpretation that links evidence with explanation. To address this, the case study should be as transparent as possible, not only in terms of explaining and justifying the choices made throughout the process but also in terms how analytical links between evidence and explanation are inferred in practice. Ensuring transparency is a standard concern for all qualitative researchers (Bryman, 2016, pp. 399–400), but for process-tracing perhaps even more so given the scarcity of methodological writing and established benchmark procedures. In a later section in this chapter, I provide an overview of the research process beyond the formal design of the case study.

Before that, however, it is necessary to address the justification of the choice of case in the context of the potential population of cases and what the case of firm influence in IMO is a ‘case of’. In standard nomenclature, cases are designated according to Yin’s (2013) typification or whether it is a most-likely or least-like case (Gerring, 2004, 2006). Neither of these ways of typifying cases works with causal case study research designs, and that requires some explanation. Both ways of designating and justifying a case builds on an implicit correlational (Humean) assumption about causal relationships based on *likelihood* which does not fit the ontological determinism that underpins causal case study research (Beach & Pedersen, 2016a, pp. 45–50). Suggesting that the IMO is a most-likely case of firm influence on international regulation implies that I believe the relationship between cause and outcome to be correlational and not deterministic, but since the case study aims to provide a claim about a deterministic relationship it does not help much in terms of justifying the choice of case.

Yin’s typification (critical, extreme/unique, representative/typical, revelatory, and longitudinal cases) assumes that the case is a simple case of a larger population with similar characteristics, but this fits uneasily with case study research that embraces contextual elements of cases (as discussed by Welch et al., 2011). It would not be helpful to suggest that the case of IMO is, for instance, ‘typical’ of IGOs because we do not know beforehand what the particular causal mechanism looks like and how it interacts with the context of the particular case. This point ties back to the discussion on external validity – it is not possible nor desirable for a causal case study researcher to expand the causal claim to a wider population.

Justifying choice of case study

So how do we choose and justify case selection in causal case study research? Instead of relying on correlation-based conceptualizations of the relationship between case and population, Beach & Pedersen (2019, Chapter 4) suggest that we justify case selection based on the prior knowledge about absence or presence of both cause, outcome, and (known) causally relevant contextual conditions.

Table 7: Types of cases in process-tracing. Adopted from Beach & Pedersen 2019

Status	Outcome present	Outcome not present
Cause(s) and/or contextual conditions present	“Typical” case	“Deviant” case
Cause(s) and/or contextual conditions not present	“Deviant” case	Irrelevant case

The table above is adopted from Beach & Pedersen (2019) and it shows the characterization of different cases depending on the known status of causes, effects, and contextual conditions. According to this logic, the choice of case in this project should be motivated by the theoretical expectation about the causes and outcomes of the phenomenon in question. However, this poses a new set of questions. First, as the literature review suggests, there is a surprising scarcity of theorized causal mechanisms linking a particular cause with firm influence as an outcome both in traditional lobbying research and in IPE or IR. This makes it difficult to relate to an extant theoretical expectation. Second, the very specific contextual conditions that were believed to exist before the research was started already drastically limited the universe of cases where it was even possible for cause, outcome, and context to be present. In fact, the only contextually similar case is the International Civil Aviation Organization (ICAO), which is the sister-agency to IMO and which regulates the global airline industry.

Both the first and second challenge can be alleviated by recasting the case and drawing on theoretical insights from elsewhere. Instead of defining the case as a case of firm influence on UN IGOs who produce treaty law for a specific transport industry, we can understand the case of IMO as a case of *business influence on the drafting of legally binding international regulation*. This would mean that the reference population of cases also includes non-UN IGOs, non-IGO institutions that agree on international treaty law. The reason is that the causal mechanisms linking firm activities with business influence are scarcely explored in either set of cases (Dür, 2008). When we have provided an explanation of the causal mechanism(s) that are operative in the case of IMO, the natural follow-up would be to explore how well this causal explanation and its contextual necessities ‘travel’ to other cases.

This consideration goes to the heart of the usefulness of in-depth case study research. The value of the causal explanation provided in this dissertation is not that it is possible to extrapolate or infer to the broader population of cases, but instead that the details of the mechanism serves as a point of departure for research in other cases. For instance, if it were evident in the case of IMO that organizational culture plays an important contextual causally operative role, we would immediately question whether this dynamic takes place in other cases as well. This logic would lend itself well to qualitative comparative analysis (QCA)(Beach & Rohlfing, 2018; C. Q. Schneider & Rohlfing, 2013). In sum, the relevance of this case

study is drawn from the explanation of the causal mechanism and how the details and contextual dependency of the mechanism relate to other cases, besides providing an idiographic explanation of the case itself.

With the logic behind the choice of research design, I now turn to an explanation of the research process before explaining the analytical method (process-tracing) more in depth.

5.4.2. Abduction and research process

Recall the invisible dragon in the hypothetical garage. Its puzzling nature and questionable existence has led us to conduct a full-fledged case study to seek an explanation of the various events (burned garage, disappearing sheep) and settle the details of the case. However, the challenge is how to design the conduct of the research to account for new findings, revised working hypotheses, ‘hunches’, and conceptual leaps (Klag & Langley, 2013). Instead of adopting a linear research process, which is the common practice in nomothetic hypothetico-deductive research designs, I adopted a non-linear research process where I constantly shifted back and forth between data collection, analysis, and theorizing.

When it comes to the research process, the draconic metaphor is exceedingly close to the actual research process of the study. Theorizing a causal mechanism (or generally conducting idiographic research in case studies) requires going back and forth between the gathering of empirical evidence, analysing said empirical material in light of different theoretical repertoires, and theorizing or hypothesizing relationships between entities that subsequently inform more data gathering or analysis (Alvesson & Sköldbberg, 2018; Beach & Pedersen, 2019; Klag & Langley, 2013; Timmermans & Tavory, 2012). The advantage of such a non-linear research process is that the researcher can re-theorize the explanation as more evidence is gathered combined with the ability to shift attention to new types of empirical material if ongoing theorizing indicates it is relevant. In this dissertation, I refer to this as *procedural abductivity*²².

The non-linearity of the process means that I changed considerations on the various elements of the dissertation as I delved deeper into the case and its empirics. This movement is important to understand before the details of the analytical method and the analysis itself is unfolded. Below, I will explain the non-linear process linearly to show the development of the research over the course of the process.

²² Abduction as a concept is drawn from the work of Charles Sanders Peirce as interpreted by various authors referenced in the text. Conventionally, abduction refers to both the back-and-forth research process (exemplified by Sherlock Holmes) and the logical operation of inferring to the best explanation given available evidence (see Timmermans & Tavory as referenced). I separate the two in order to reflexively discuss the procedural aspects here and the logical aspects later.

Research design

I approached the question of how to design the research with an understanding that it would be a case study-based design. From the onset, the puzzling element in the case was the relationship between the presence of business interests in the IMO and the way the firms influenced regulation. Initially, I considered a format where each specific policy discussion constituted its own embedded case. In the spring of 2017, I decided to consider IMO as a single case without embedded elements after the first round of observational data was gathered. First, empirical evidence indicated that the causal mechanism was common across policy discussions (with the notable exception of climate policy, which will be discussed later). If this were true, it would be more productive to see the case as one whole instance of a phenomenon. Second, it was empirically impractical to follow different policy discussions since they physically took place in different IMO committee rooms simultaneously. The implication of this choice is that I have to justify empirically that the causal mechanism works across policy issues even if I theorize at the level of the entire case. This concern is addressed throughout the analysis.

Changes in theoretical repertoire

The point of theoretical departure was IPE theories dealing with the relationship between business interests and political influence, including general theories about business power in global governance (Abbott & Snidal, 2009; Barnett & Finnemore, 2004; Falkner, 2008; Fuchs, 2007; Mattli & Woods, 2009b; Ougaard, 2010). However, my first encounter with IMO in early 2017 made me rethink this since the standard IPE and IR theories did not help interpret the interactions between delegates that I was observing. Similarly, the general predictions made by theory did not fit with my observations – most notably, business interests did not seem to have captured IMO policymaking despite their structural importance and participation in low-salience, non-transparent institutional arrangements. In order to capture the dynamics of the IMO as I observed it, I turned to organizational institutionalism and coupled that with the array of IPE/IR theories to interpret what was going on. This marriage of theoretical perspectives is developed in the chapter on concepts.

Development in empirical repertoire

It was not initially a possibility to go to IMO sessions in London and observe neither plenary nor working group sessions, and I had originally planned to conduct interviews and document analysis to explain firm influence in IMO. However, in December, 2016 a possibility arose and it became possible for me to participate in both MEPC and PPR sessions in London. This shifted my empirical basis from interviews and documents to participant observation, interviews, and documents. Instead of inferring interactions in the IMO based on second-hand information, the observations allowed me to directly observe and experience interactions taking place during IMO sessions. The details of this data collection are later in this chapter.

Considerations on changes of analytical method

In the initial period of the project, the analytical strategy was kept relatively loose in the expectation that more empirical material would shift the analytical method in any case. In early 2017, it became clear that process-tracing in its modern incarnation would serve as a very strong analytical backpack for the analysis. Parallel with the development of process-tracing as the methodological foundation of the analysis, I moved further away from standard qualitative analytical practices, like traditional content analysis, and instead saw the repertoire of analytical strategies as possible avenues of attack within the process-tracing methodology. This relationship – with process-tracing being the overarching analytical strategy and more conventional analytical tools as subservient elements – is elaborated in the next section.

This concludes the design-related overview of the study. In sum, this case study is theoretically interesting because it is possible to relate the way the causal mechanism works to other cases that are dissimilar in certain aspects, and the theorized causal mechanism is interesting beyond the case exactly for this reason. Additionally, the procedural abductivity of the research process is an essential ingredient in the movement between empirics, analysis, and theorizing. With this in place, I now turn to the full discussion of process-tracing as an analytical method.

5.5. Analytical Method: Process-tracing

The philosophical basis of this study is a causal case study rooted in critical realism. This implies a *realist* ontology and a *relativist* epistemology, as well as *judgmental rationalism* (Joseph & Wight, 2010; Sayer, 2000). The realist ontology means that it is assumed that there is a real world ‘out there’, which can be theorized, while the relativist epistemology concedes that we can never be certain about our theories about this ‘real’ world. Judgmental rationalism is the insistence that given empirical evidence, some theories explain a phenomenon better than others even if the knowledge claim is imperfect. The philosophical choices themselves by themselves do not provide the logic or methodology by which researchers make claims. This is where process-tracing enters the picture, which I adopt as the methodological basis of the dissertation as a whole. Process-tracing as explained below will structure the way I conduct and present my analysis and justifies the claim of the dissertation.

One authoritative definition of process-tracing is as follows: “Process tracing is a research method for tracing causal mechanisms using detailed, within-case empirical analysis of how a causal process plays out in an actual case.” (Beach, 2017, p. 2). My choice to go with the Beach’s version of process tracing hinges on the analytical repertoire that it offers in terms of justifying inferences in a single case study. While previous case study scholars have provided well-known guidelines for the conduct of qualitative case study research using process tracing (A. Bennett & Checkel, 2014; George & Bennett, 2005; Gerring, 2006), the most recent instructive book on the matter (Beach & Pedersen, 2019) has a more useful analytical system when put to practice. In particular, Beach and Pedersen’s clear departure from the empiricist understanding

of causality (conventionally associated with King et al., 1994), strong link with recent philosophical developments (Illari & Williamson, 2013), and extensive use of informal Bayesian inferential logic (Sober, 2009) makes this version of process-tracing more useful as research method in this study compared to earlier conceptualizations. For the rest of this dissertation, my references to process-tracing will be specifically to Beach and Pedersen's version of process-tracing. Core parts of this chapter is drawn from their work in recent years (Beach, 2016, 2017; Beach & Pedersen, 2016a, 2019, 2016b; Beach & Rohlfing, 2018).

In the rest of this chapter, the remaining building blocks of process-tracing are explained with the aim to provide the reader with a relatively detailed overview of how process-tracing was analytically deployed in this research project. The first step on this path is the unpacking on what we actually trace when doing process-tracing.

5.5.1. Tracing causal mechanisms

In this section, I will go into depth about the way process-tracing conceptualizes the nature of causal mechanisms. This is necessary as a building block for explaining the logic of process tracing, in particular the way process-tracing links evidence with theoretical inferences.

I draw from Illari and Williamson (2012, 2013) the idea that mechanisms are a set of entities engaged in activities which produce the phenomenon in question. It is a fundamental ontological stance that we cannot limit a phenomenon to a single causal mechanism. At the same time, phenomena are not believed to be produced by randomness. To make this perspective on causality useful, I adopt what Beach and Pedersen (2019, pp. 37–41) calls the *systems perspective* of mechanisms.

The systems perspective of mechanisms (from here the systems perspective) is the understanding that causal mechanisms can be unpacked into more granular elements based on the available empirical evidence. Mechanisms are not one-liner stories, intervening variables, or simple sequences of events, but a coherent, causal explanation that links sets of entities/activities together in a chain to explain the outcome of interest. The phenomenon of interest is conceptualized as an outcome (commonly denoted O), and the initial cause (denoted C) is considered as the starting point of the causal mechanism. The steps in between those consist of entities engaged in activities, which leads to the outcome of interest. Graphically, it can be illustrated in the following way:

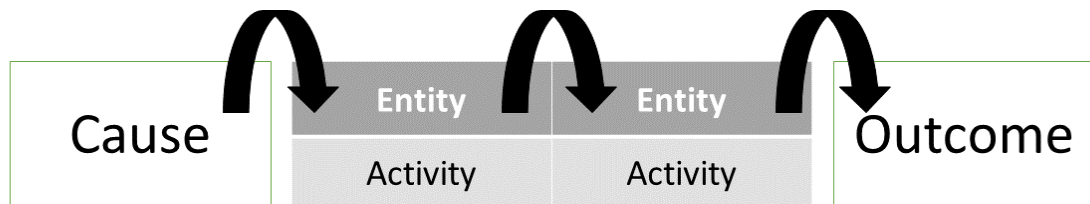


Figure 7: Schematized overview of a causal mechanism, whereby entities engage in activities (given an initial cause) in order to produce the outcome of interest

A metaphorical analogy may serve as a clearer depiction here. The systems understanding can be thought of as a rocket launch where a satellite is placed in orbit. In a strict sense, the steps and stages of the rocket launch is the reason for why the satellite ends up being placed in a stable orbit, and each stage of the rocket must work in a very specific way at a very specific point in time under normal conditions for the launch to be successful. However, the causal system may just as easily be understood as the vast organizing that goes into planning, designing, constructing, and directing the launch, or the political process that leads to funding and pressure for expedience. Even if the causal system that results in a real and tangible outcome is complex, it is possible to theorize it and explain the logical sequence of steps that forms the basis of parts of the causal structure. Similarly, if Sherlock Holmes was theorizing the gas canisters in the garage, it is not enough to simply state that the reason for the explosion was the presence of unstable gas canisters. Good process-tracing would include a detailed explanation of what the sequence of causal steps look like in order to produce the burnt-down garage. What fault did the canisters have? How did their positioning relate to the subsequent fire? Why were they there in the first place? And so forth. The total explanation, whether inferring causal systems of rocket launches or invisible dragons, always involves as much detail about the causal steps as the empirics allow.

The ambition, then, of the systems perspective is to understand causal mechanisms at a relatively low level of abstraction. From a systems perspective, it would be insufficient to explain the launch of the satellite simply by reference to the rocket or the political pressure, because such a simple explanation does not unravel the details that form the link between different sets of entities and activities. By making a more abstract explanation we black-box parts of the causal mechanism, which is not what process-tracing attempts to do. The whole point of process-tracing based on the systems perspective is to explain the details of the causal mechanism in question as much as the empirical material allows.

This sets process-tracing apart from the empiricist-inspired variable-based view of mechanisms and the minimalist understanding of mechanisms. In variance-based research designs, causal inferences are drawn based on counterfactual reasoning across cases and not from the examination of the causal mechanism of a given case. For instance, standard positivist approaches to case studies and comparison (see Welch et al.,

2011 for an overview of different approaches) make inferences based on whether or not the variables of interest show a pattern across cases, captured by Mill's methods of comparison (Moses & Knutsen, 2012, pp. 99–105). From that perspective, causal relationships are not systems but *intervening* or *mediating variables* that can be isolated systematically, with the ambition to create certainty about the causes of a particular phenomenon at a very high level of abstraction.

The problem with variance-based designs is that they do not allow for empirical unpacking of the mechanism that supposedly links the cause with the outcome. When variance-based scholars interpret variance measures causally, they create causal pathways based on extant theories but not from the data itself, because the data does not lend itself to theorizing about causal *mechanisms* – at best, it allows us to isolate causes themselves. When comparing process-tracing to variance-based research designs, the trade-off is that process-tracing produces strong theoretical claims about the case (i.e. idiographic research) at the expense of linking potential causes and outcomes across a population (i.e. nomothetic research). In this project, I find this trade-off acceptable not only because the case of the IMO is interesting in itself, but also because the ambition of the study is to provide a detailed causal explanation of firm influence at a lower level of abstraction.

The systems perspective also breaks with minimalist understandings of causal mechanisms. The minimalist perspective consists of explaining the causal mechanism of a particular case at a level of abstraction that does not develop the specific entity/activity steps that comprise the mechanism. As Beach and Pedersen discuss (Beach & Pedersen, 2019, pp. 65–68, 35–39), the minimalist understanding of causal mechanisms is useful as a first step when the causal mechanism is poorly understood, since a less extensive study despite its relative superficiality is able to produce inferences about the general picture of a causal mechanism.

Why not choose a minimalist approach in the case of IMO since there is so little prior knowledge about the mechanism? There are two justifications to this concern. First, the minimalist approach did actually play a role in the research process in the initial stages of theorization. At the onset of the study, the empirical evidence I uncovered showed it was productive to think of the relationship in minimalist terms. However, as the project progressed and my theoretical repertoire became larger, this initial minimalist understanding served as the basis for a more detailed explanation at an even lower level of abstraction. Second, the empirical material that I was able to access made it possible to hypothesize the causal mechanism in more detail. The parts of the influence process which are conventionally regarded as very difficult for researchers to observe due to lack of empirical access (Dimitrov, 2015; Dür, 2008; Michalowitz, 2007) were open for me in the case of IMO. Specifically, I had access to *in camera* working group discussions and informal interactions taking place physically in the IMO. This meant that the available empirical material constituted a much more appropriate empirical basis for micro-level theorizations than other types of evidence further removed from the process, such as interviews, documents, or official testimonial statements.

In sum, process-tracing is used in this dissertation to theorize a causal mechanism at a lower level of abstraction and where the different steps of the mechanism can be inferred. As I alluded to earlier, I will now turn to the question of how it can be justified that all instances of firm influence in IMO follow the same causal pattern.

One mechanism or many mechanisms

At this point, it is worthwhile to recall the outcome of interest in this dissertation. As noted earlier, the phenomenon of interest in this dissertation is the influence of firm actors on the drafting of IMO regulation, and the outcome to be explained is *instances where regulatory text in IMO is changed substantively because of firm (or industry association) activities either directly or indirectly*. Given that I approach IMO as one single case, this requires some justification since IMO deals with different policy issues in different constellations.

My overall argument is that the strong homogeneity of patterns of influence across policy issues supports the idea that firm influence in the IMO in any policy domain²³ can be explained by *one* causal mechanism. First, it is worth noting that all environmental issues are dealt with in the same committee structure (MEPC and PPR, see chapter 2) and that it is largely the same individuals who participate in different discussions. In other words, there is no internal structural difference between the policy issues under investigation, and as the empirical analysis will show, IMO delegates even point out themselves that the Maritime Safety Committee works differently from MEPC but that each committee overall has its own standard *modus operandi*, formally as well as informally.

Second, the interpretation of the available evidence suggests that it is more productive to explain differences in outcome by reference to the structure of contextual elements (see below) pertaining to the issue under the discussion rather than theorizing a new causal mechanism for each individual policy process. While this is discussed in the analytical part of the dissertation, it is possible at a more abstract level to say that the empirical analysis makes this overall a more plausible story, not only based on the testimonies by IMO delegates themselves but also when viewed as an empirical whole. It is more plausible that the same delegations who participate at the same sessions work according to the same logic and practices from issue to issue rather than fundamentally changing the way they approach the nature of IMO work. I will unfold this consideration further in the analysis. The implication of this is that even if the outcome is stated in plural (*instances* of firm influence), each instance of firm influence is understood as one manifestation of an outcome that can be explained by the same mechanism.

²³ With the notable exception of climate policy, as I have mentioned before – see chapter 11

Additionally, the standard interjection here is that the complexity of social reality makes it impossible to reduce a causal relationship to a single mechanism. This is a fair concern, and as Beach and Pedersen point out the epistemological relativism of process-tracing necessitates that we cannot say that any process-tracing analysis has uncovered *the* mechanism responsible for a given phenomenon. Indeed, there are examples of scholars who have used process-tracing to uncover causal mechanisms that in parallel or sequence give rise to a given phenomenon (eg. Jepsen, 2013). The core justification for my claim that we can understand firm influence in IMO according a single causal mechanism hinges on the interpretation of the available empirical material. If the empirical material had looked differently, it might be more plausible to theorize two or more causal mechanisms which either gave rise to different types of similar outcomes (such as firm influence on mandatory vs non-mandatory instruments) and which worked in different types of situations. However, my argument is that the analysis shown later in the dissertation makes it clear that the former perspective – that is, a single, identifiable causal mechanism – is a more plausible answer.

Contextual elements and their relationship with the causal mechanism

As noted earlier, the contextualized perspective on case study research implies that any case-specific causal mechanism is interacting with the contextual elements of the case in question. If I drop a bowling ball on my foot, the outcome (a broken toe) can be explained by a causal mechanism that is contingent on certain contextual factors. If I dropped the ball at the International Space Station, the mechanism would not work because of the absence of a strong gravitational pull. A central part of process-tracing is to identify the case-specific contextual factors that either *enable* or *inhibit* the causal mechanism. Beyond the relevance for the causal mechanism itself, the identification of plausible contextual factors is also a core ingredient in establishing the relationship between the case in question and other cases.

At the abstract level, contextual elements are elements of any kind which plays a role in the mechanism but which does *not trigger* the next step of the causal mechanism. The term *trigger* indicates a relationship between entities where the activity of an entity spurs the next entity/activity to take place (and the question of how to assess this is treated in detail below). Instead, a contextual element is that which necessarily must be present for the causal mechanism to operate at all and which does not place a sequential causal role.

Consider a very simple example that highlights this. Suppose that two people engage in a political discussion and have to agree upon a political decision. Person A puts forward a proposal for compromise, and person B responds with a modified proposal. They then engage in a negotiation to find an acceptable compromise. If a researcher was to explain the cause of the outcome from systems perspective, the researcher could then explain the set of interactions as the mechanism initiated by a cause such as the initial proposal. This interaction relies on the contextual factors that both participants in the exchange must have an idea about their interests and that they both understand what negotiation entails. If this is not the case,

the interaction seems impossible, but this does not mean that actors' ideas about interests or beliefs about negotiational conduct *cause* a given outcome; rather, contextual factors enable the interaction to take place but does not by itself trigger it.

In the realm of social science, Beach and Pedersen suggest we can consider analytical, temporal, spatial, or institutional aspects of a setting when theorizing contextual mechanisms (Beach & Pedersen, 2019, p. 78; citing Falleti & Lynch, 2009, p. 1152). An immediate question that Beach and Pedersen do not specifically address is how to identify the most relevant contextual factors. In principle, it is possible to disaggregate the contextual elements into infinitely many elements that may or may not interact in the enabling or inhibiting relative to the mechanism proper. Should we mention the existence of air as prerequisite for living beings?

My answer to this is twofold. First, all contextual elements that could just as plausibly have enabled virtually every other mechanism is ruled out since it gives no analytical value in understanding the mechanism at hand. This means that the existence of air is irrelevant because it is a prerequisite in so many other mechanisms, but the layout of the garage room is important if it mattered for the gas canister explosion and subsequent fire. Second, the most important contextual factors are inferred based on the empirical material. This is parallel to the 'infinite causalities'-argument. The answer is that the epistemological position of process-tracing allows for inference of the most important contextual factors while recognizing that there might be more, or that the relationship between them is more complicated than the evidence might suggest.

Incidentally, this general relationship between the context of a case and the explanation of the causality of the case itself is a unifying element across contextualized business studies, critical realist research, and process-tracing scholarship (Welch et al., 2011). As the analysis will show, the context of the case is an essential element in the causal explanation that is eventually theorized. With this, I now turn to the causal mechanism proper and the notion of *productive continuity*.

Productive continuity and the logical link between causal steps

The notion of productive continuity (Beach & Pedersen, 2019, p. 70; Machamer et al., 2000, p. 3) refers to the idea that a causal (mechanistic) explanation should have a logic that ties each step to the next with no large logical holes in the explanation. This is a key criterion for the construction of a plausible causal mechanism, because the absence of productive continuity between every step calls into question whether the theorized causal mechanism has a causal element or whether it is simply a sequence of events.

Consider, for instance, the mainstream theoretical explanations of lobbying. In Bouwen's (2002a) formulation of this perspective, he suggests we can explain firm influence on EU decision making by firm access since access almost always is a prerequisite for influence anyways. Schematized from a systems

perspective, the cause of firm influence would be activities, which in turn leads to access and then resulting in influence. However, as Bouwen rightly notes, access does not equate influence (2002a, p. 366), because the causal jump from access to decision making authorities does not logically lead to influence on a given matter. This jump from access to influence without empirical support would constitute a logical hole in such a causal explanation, which shows that productive continuity at its core is a matter of justifying that a causal relationship plausibly exists between two theorized causal steps.

While the referenced works (Beach & Pedersen, 2019; Machamer et al., 2000) use the term “logic”²⁴ without explicit definition, it is worthwhile to expand what ‘logical’ means in the context of assessing these relationships. I understand logic to be arguments or abstractions concerning the constitution of or relationships between entities, which are plausible within a given theoretical frame or lens. This means that any assertion about a logical relationship must be understood in the context of the theoretical lens that informs it. In this dissertation, this highlights an aspect of theory as interpretation. Since I approach the case from an institutional point of view, I must explicitly take departure in institutional theory when interpreting logical relationships. For instance, a reader taking a rational choice-lens would likely find it to be an illogical claim that norms and taken-for-granted beliefs provide useful explanations of social dynamics in politics. Similarly, if a researcher does not subscribe to exchange-based modes of sociological explanation, that researcher would probably find Bouwen’s theory un-compelling because it relies so heavily on theories of social exchange.

Boundaries of the causal mechanism

In a related vein, the question arises how it is possible to identify the boundaries of the theorized mechanism. As Gross (2018) touches upon, it is possible to theorize causal mechanisms which have different reaches across time and types of actors. Gross uses Binder and Wood (2013) as an example of a theorized causal mechanism that operates across many different ontological entities where different types of mechanisms and actors taken together form a complex causal chain (Gross, 2018, pp. 357–358). The methodological question for process-tracing is how to theorize the boundaries of such complex mechanisms. In principle, any contextual factor and the cause(s) involved could be further theorized to arise from other causal mechanisms, thus extending the theorized mechanism ad infinitum.

I address this problem by pragmatically positioning the claim based on the empirical material and thereby letting the evidential material constitute its own pragmatic boundary. This means that the theorized cause is the cause that can be plausibly inferred based on the empirical evidence while acknowledging (given epistemological relativism) that this is not a complete causal claim about reality. For example, going back to the example with the dragon, there are real causes explaining why it was trapped in the hypothetical

²⁴ In this dissertation not to be confused with institutional logics (Thornton, Ocasio, & Lounsbury, 2012)

garage in the first place. However, if there is no empirical evidence that supports theorizing about what happened before, or there are no elements of the causal chain that causally relates back to activity/entity sets operative prior to the imprisonment, then those prior causal elements are not theorized. In this dissertation, the theorized cause which leads to firm influence is, of course, contingent on many other things in the first place, but these elements are either captured as contextual elements or not relevant for the explanation in the first place.

With this, the most important structures of causal explanations in process tracing are in place, namely: The ontological status of causality, the way causal mechanisms are understood, the interaction between contextual elements and the causal mechanism, and the theorization of the boundary of the causal mechanism. The next few sections deal with the specific reasoning of analysis and the interpretation of evidence, but this requires some explanation of the informal Bayesian logic, which underpins process-tracing.

5.5.2. Informal Bayesian inference

At its core, Bayesian logic suggests that the confidence in a given claim is a function of the prior belief in the claim and new evidence relating to the claim *given* our confidence in the evidence (Beach & Pedersen, 2019, pp. 172–186; Howson, 2006; Howson & Urbach, 1991; Sober, 2009). Re-evaluating a given claim based on new evidence is known as *updating* the belief given the new evidence. The most well-known application of this logic is in Bayesian statistics (Stern, 2015) which quantifies these measures according to Bayes' formula. In process-tracing, the non-quantifiable *informal* variant of this logic of inference is used to update claims based on new evidence. Some definitions are in order here:

- **Evidence:** Any data/datum, empirical material, or other relevant information that affects our confidence in a given claim. Works similarly to evidence in court trials, where relevance of evidence is assessed based on whether it changes the confidence in the question of guilt.
- **Claim:** Similar to hypothesis as presented in Bayesian logical reasoning, but since the word “hypothesis” connotes with empiricism or variance-based designs I use claims instead (see also Booth, Colomb, & Williams, 2010). It denotes any type of knowledge claim about the world.

Informal Bayesian logic operates in two ways when conducting process-tracing. First, it forms the inferential basis for interpreting concrete empirical evidence in relation to a given claim. Second, it forms the logical basis for positioning the claim produced by process-tracing in the context of claims produced by other researchers on other cases. I tend to the former first, which constitutes the core logic of empirical interpretation in this dissertation.

Informal Bayesian logic in the interpretation of evidence

When theorizing a causal mechanism, new pieces of relevant empirical evidence spurs an update of the veracity of the claim that is being made. Early in the research process where theory and other cases provide the basis for the initial theorizing a small amount of evidence swing the theorized claim of the researcher

because the initial confidence in a theoretical explanation is very weak. As more evidence is gathered, this shifts the confidence in a given claim as it is continually updated.

In this project, the prior knowledge about industry influence in IMO is derived from more general theories that explain patterns of industry power in global governance. The empirical analysis would then shift the confidence placed in the existing theoretical explanations vis-à-vis an alternative theorized explanation depending on the strength of the empirical material. However, since global corporate power theories operate at a different level of abstraction they do not constitute very strong prior beliefs, which implies that it only requires moderate evidence to suggest that the theories do not explain the phenomenon adequately in this case.

The stronger the theoretically informed expected prior explanation is, the stronger the requirements of the empirical evidence to update the most plausible explanation. Throughout this dissertation, I explicitly deploy the Devil's Advocate heuristic to show how the analysis relates to stronger theoretical presumptions for this exact reason. The justification of the updating given the empirical analysis must be done very carefully in order to be mindful of the existing theoretical explanations that the analysis might challenge.

A core element in this updating is the confidence the researcher has in the evidence itself. Broadly speaking, updating the posterior confidence in a claim is an effect of the strength *and* the confidence (or reliability) of the evidence. This is essentially a recasting of a standard question in research, namely, how reliable the sources of empirical material are for the study at hand. Evidence which strongly suggests one or the other explanation may be very unreliable. For instance, if there was reason to believe all interviewees consistently omitted important elements during interviews it would severely discount the inferential importance of the interviews as an empirical source.

In process-tracing, this pattern of updating confidence in a claim given prior confidence and confidence in new evidence is the logic underpinning inference-making and theorizing. The more detailed explanation of how I did this in practice is covered later in this chapter. Before that, however, I turn to the second operative usage of Bayesian reasoning, namely, the link between the case and other cases.

Between case and outside sources of information – both “before” and “after” the case

Informal Bayesian logic is also an important component in the way the case study is situated in the wider context of inquiry in social research. Recall that causal case study research in this tradition relates case study findings to other cases in terms of the causal mechanism being theorized and the contextual conditions that are necessary. The totality of extant research – both empirical and theoretical work – must inform the researcher “before” the case study, because the existing knowledge in Bayesian logic provides the point of departure for the initial claim or explanation of the case. Conversely, the case study itself

provides context for the interpretation of other causal mechanisms in studies conducted “after” the study at hand, according to the same logic.

In this study, the theoretical and empirical work dealing with the political power of business interests formed my initial approach and working claims from the onset of the study. As noted in the previous chapters on concepts and literature, the lack of in-depth causal case study research on international firm influence meant that a wider range of scholarly work provided the basis for early working hypotheses that guided my work. As I collected more evidence, I theorized new plausible mechanisms but the initial point of departure was the extant research related to the question of international firm influence on political processes.

The claim of this dissertation – i.e. the theorized causal mechanism – is then in itself evidence in the wider scholarly debate on mechanisms of political power of international business interests. Both the claim and the constituent components of the causal mechanism should be added as relevant evidence for the next wave of research on the issue and thus inform the confidence in an initial hypothesis or working claim alongside other extant research. Just as strength of evidence in the within-case inferential logic is contingent on the confidence or reliability of the evidence, the strength of evidence provided by this dissertation should be evaluated in light of how much confidence other researchers have in the knowledge claim itself. Although this description is akin to the standard accumulation of knowledge within a research paradigm (Kuhn, 1970), it is worthwhile to point out because the informal Bayesian logic in this case is important when situating process-tracing claims in the wider debate on a particular topic.

With this, the more abstract considerations on methodology are in place, and I will now move to a less abstract explanation of the way inferences were made in this dissertation. This means that I will include references to the actual analytical work and empirical material to explain the process of theorizing.

5.5.3. Interpreting evidence with theory

As noted earlier in the conceptual chapter, the role of theory is both to provide a lens for the entire project and to provide the interpretive repertoire when interpreting empirical evidence. In this section, I address the latter element and explain concretely how the core concepts of the dissertation (institutions, power, and influence) informed the empirical analysis.

Following the non-empiricist approach to qualitative case study research, the operationalization of the core theoretical concepts should not be understood as a translation of concepts into measurable variables, but rather as the way I analytically identify the presence of the concepts when combing through the empirical material. For instance, my operationalization of norms as the institutionalized ‘appropriate’ conduct in a given context means that I identify norms by looking for evidence suggesting IMO delegates act according

these possible norms. However, the theoretical concepts also serve as the conceptual repertoire when theorizing the causal mechanism itself.

Theorizing each part based on theory

Throughout the process, I worked ‘backwards’ in the sense that I was trying to explain an observable outcome (influence on regulation) by going through the empirical material to understand what could causally explain it. As noted earlier, this is where the concept of influence was used because I had to identify instances where firms influenced regulatory text agreed upon by either PPR or MEPC. In order to identify moments where firms exercised influence I repeatedly went through the empirical material searching changes in text spurred by some kind of action taken by business interests. Most commonly, this took the form of changes in text because of industry interventions, where the working group or plenary accepted a change in output text immediately following a firm comment. Less common were instances where changes in text were based on interventions by state delegates spurred in the first place by industry delegates’ activities besides making their own interventions. Examples of this include moments where industry delegates who were part of state delegations convinced state delegates to intervene in the discussion, or when industry delegates met with state delegates in breaks (or even in the middle of sessions).

The next analytical step was to trace the immediate reason for influence in a specific situation. This analytical process involved combing through the empirical material to infer the most plausible explanation for why influence by business interests took place (see also abduction as inference in the sections below). I provide here an example of this procedure from my data:

Influence by industry actors occurred at MEPC 71 on an element of the ballast water management (BWM) issue. One state delegate explained to me during the morning break on the last day of MEPC 71 that he had “high fived” two industry representatives in the middle of the night²⁵ because they had succeeded in changing a certain element in the agreement. According to the delegate, this had included cooperation between the industry and the state in question (a small European nation) to convince another (large European) state that their proposal made sense and that assessment of feasibility could be calculated by computational model rather than measurement²⁶.

Searching for the reason for this instance of business influence involved piecing together different empirical elements to infer why this happened. The most relevant evidence in this instance is the following:

²⁵ MEPC 71 Fieldnotes line 659 - 668

²⁶ MEPC 71 Fieldnotes line 664-665

- *The delegate himself explained that it had taken a lot of work to convince the other delegation. This took the form of cooperation between different public and private actors in producing a study on a sea area that could provide the template for a general rule. He understood the study and collaboration in general to be instrumental in the process to convince the other delegation, and the state delegate had even flown in a consultant expert for MEPC 71 specifically²⁷.*
- *Earlier documents submitted in 2016 by the state in question and an international industry association²⁸ provided a consultancy report and research conducted by a national technical university as the reasoning behind the proposed change. This had formed the basis of discussion on the issue throughout prior sessions.*
- *Various interviewees explained influence on regulation often hinges on scientific evidence, expert testimony, or technical information.*

Given the available empirical evidence, the most plausible explanation is that influence was achieved because the material provided persuaded the other delegation. However, the theoretical interpretation of this involves asking the question why this was possible in the first place. The way the delegates approached the discussion and talk about it show that delegates consider it appropriate to support claims with evidence. This is most evident when interviewees explain how things ‘normally’ work in IMO or when speakers in IMO would say (paraphrased) ‘this is not how we do things here’.

As the evidence was gathered, it was also possible analytically to infer the relationship between institutions and power in this brief example. When going through the empirical evidence, I was searching for the link between influence and the theoretical basis for power (institutionalized norms and beliefs), which is the point of departure for understanding the political power of firms. In the above example, several elements are at play. He is relying on the expertise of private actors, both in terms of the consultant he flew in, but also in the cooperation with the national industry who provided input not only in the submitted documents, but also in the actual IMO sessions. It is possible to link this to the institutionalized legitimacy of private consultants as legitimate political actors. At a more abstract level, the role of firms as legitimate political actors is particularly evident as the state delegation in question finds the consultants’ roles unproblematic. Analytically, I would search for field observations or interview responses where the legitimacy of firms as political actors was tacitly accepted. Cross-checking different sources of information – for instance above comment by the state delegate and the interviewees – makes it plausible to infer that the influence in this case hinged on the taken-for-granted status of firms as legitimate political actors on this policy issue.

This example shows how I went through the empirical material and inferred the link between the different theoretical elements. The process described here was the same for the whole project, across all the empirical material. In some instances, I had a wealth of material on specific instances of influences, and in other instances, I had less empirical material supporting a theorization of what was going on. This begs the

²⁷ MEPC 71 Fieldnotes line 659-664

²⁸ MEPC 70/INF.25, MEPC 69/4/11, and MEPC 69/INF.25

question how I evaluated inferences *as a whole* given the available empirical evidence. In process-tracing, this evaluation of inference is understood as the two-stage evaluation framework. This methodological framework provides the analytical and expositional structure of the analysis and is central to making causal inferences in process-tracing. I will attend in detail to this framework below.

5.5.4. Evaluating inferences base on empirical material: Two-stage evaluation framework

Following the logic of evidence interpretation and informal Bayesian logic explained above, process-tracing operates with what Beach and Pedersen (2019, p. 156) terms the two-stage evidence-evaluation framework. The evaluation framework operates first at a theoretical level (first stage) and then at an empirical level (second stage). The framework consists of four core terms that I define here and elaborate in the following section.

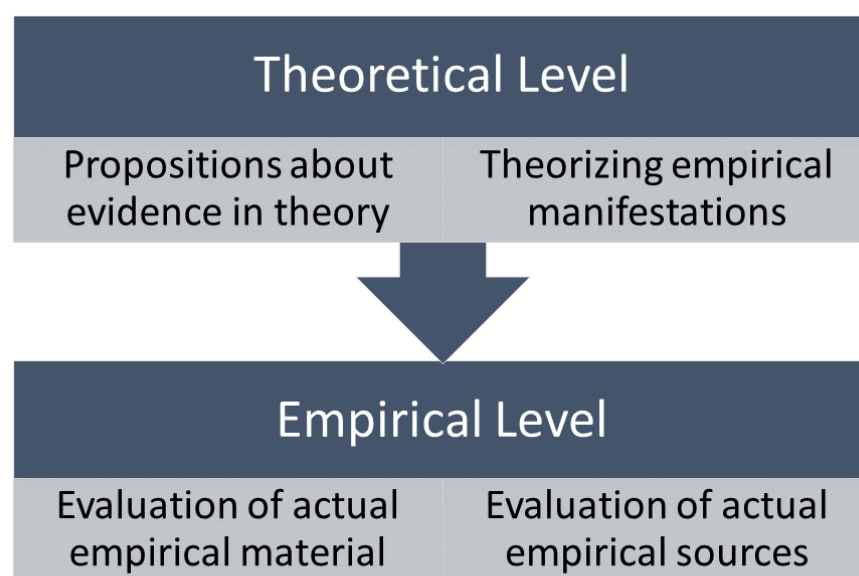
Theoretical certainty: Theoretically informed consideration on what kind of empirical evidence a certain activity would leave in theory. For instance, *if* I theorize that actors are guided in the actions by strong norms, it is possible to consider how this would manifest *in theory*.

Theoretical uniqueness: Consideration whether a certain piece of empirical evidence has alternative theoretical explanations. For instance, if I theoretically expect strong norms to manifest in terms of the approval/disapproval IMO delegates express of another actor's conduct, the same evidence could theoretically be explained with reference to rational choice instead of institutionalism.

Empirical certainty: Assessment of the degree of access the researcher has to the complete empirical record in the event the theoretically expected empirical evidence is *not* found. For instance, if I theoretically expect norms about deliberation to manifest in terms of delegates deploying reasoning as part of their argumentation in IMO *and* reasoning is not found, I would consider whether I had the necessary access to know whether I would expect to observe it or not.

Empirical uniqueness: Source-critical evaluation of the sources themselves, in particularly whether we can trust the specific sources of the empirical record. For instance, if an interviewee explains details about an IMO negotiation it is necessary to consider to what extent I have reason to trust the explanation given by that particular interviewee.

Figure 8: Overview of the two-stage evaluation framework, adapted from Beach & Pedersen 2019



Theoretical certainty and uniqueness

When a proposition about a particular relationship has been made, the first part of the two-stage framework works at the theoretical level. This involves a theoretical assessment of the empirical evidence a certain entity/activity-set would leave behind (*theoretical certainty*) and an evaluation of alternative theoretical explanations of the same evidence (*theoretical uniqueness*). In practice, this framework informed my analysis of the empirical record when constructing the theorized causal mechanism.

For each theorized element (i.e. an entity engaging in an activity given contextual elements) I evaluated the claim at the theoretical level by considering what kind of empirical traces such a theorized element would leave. Guiding me here was the considerations on the more abstract operationalization of the different concepts, but the evaluation in theory had to be more specific than that to evaluate the evidence. A good example of this is the theorized element whereby state delegates (entities) evaluated firm interventions according to internalized considerations. Of course, a process of norm-informed evaluation taking place purely inside the minds of delegates would not be readily observable. Instead, I theoretically expected that delegates would articulate in interviews or informal conversations that they were considering firm interventions along those lines. It could also manifest empirically in the reasoning delegates or the Chair would voice in the meetings themselves. As Beach and Pedersen (2019, pp. 171–175) explain, it is an open question for each part of the causal mechanism what kind of empirical material that theoretically could be used to trace it and requires justification in each instance.

The reasoning behind this is to adjust the confidence in the theorized relationship in accordance with Bayesian logic. If it was theoretically very certain a certain causal link would leave a certain trace and it is *not* found, it is strong disconfirming evidence against the theorized link. However, my point of departure was not a set hypothesis, and the theorized elements arose from the empirics rather than a set hypothesis. This means that considerations on theoretical certainty were made with reference to the theorizing I conducted as I gathered more evidence. This process is discussed later in this chapter.

When the theoretical certainty has been considered, the researcher considers theoretical uniqueness by considering at the theoretical level what alternative explanations might account for a theorized empirical trace of a causal link. In some instances, the nature of the empirical evidence makes one theoretical interpretation more plausible than another at the level of causal links (i.e. not the mechanism in its entirety). However, as is often the case in social science, different theoretical interpretations are not mutually exclusive. Beach and Pedersen cite Tannenwald (1999) as one example, where Tannenwald's constructivist explanation of why the U.S. was hesitant to use nuclear weapons does not rule out rationalist explanations of actors' utility-maximizing behaviour. In my project, this is a very important consideration because it means the researcher must justify why the evidence is understood more plausibly by theory A than theory B. Just as the standard question in case study research is *what is this case a case of?* I must ask *what is this evidence then evidence of?*

Whereas Beach and Pedersen suggest attacking your own theorizing from the position of a Devil's Advocate – and as noted I heeded this advice in this dissertation - I found that this is insufficient because the interpretation of process-tracing results hinges on the underlying theoretical-ontological assumptions of the reader. Any critical line of inquiry testing the veracity of theorizing produced by process-tracing is inherently structured by the core assumptions of that particular researcher. This means that it is important to elucidate the underlying assumptions of the theoretical perspective used in a particular process-tracing analysis in order to make it clear what the interpretative basis for analysis was. In essence, this is an extension of normal considerations about reliability in contextual case-based research in that it is an even more transparent elicitation of the research process itself. This point provides reasoning for the existence of the section on the theoretical lens in the conceptual chapter.

The theory or theoretical perspective also informs the search for relevant evidence. Since my point of departure in this study was a coupling between institutional theory and corporate power theory, these perspectives provided guidance in terms of how to search for more empirical evidence. For instance, my theory-informed 'hunch' that norms played an important role made me ask questions in interviews about whether or not specific actions were appropriate in order to see whether respondents held strong normative beliefs. However, the search for evidence also served as a potential adjustment to the theoretical perspective itself. If I had found no or very little empirical evidence supporting the idea that norms were

important, it would – according to Bayesian logic – have made me much less confident in the value of taking an institutionalist perspective.

Empirical certainty and uniqueness

The second part of the two-stage evaluation framework is the empirical-level assessment of certainty and uniqueness. When the researcher has considered the relationship between the theorized elements and evidence *in theory*, the researcher then evaluates the empirics themselves relative to the theoretical relationship between evidence and claim. At the empirical level, the researcher evaluates what the empirical material means for the confidence in the theorized claim both if the theoretically expected evidence is found (empirical uniqueness) and if it is not found (empirical certainty)(Beach & Pedersen, 2019, p. 196).

Empirical uniqueness is the question of whether the found empirical evidence makes the researcher more confident in the theorized claim given the contextual circumstances of the evidence and whether the researcher can trust the sources. If the researcher estimates that the evidence has a high degree of empirical uniqueness, it strengthens the confidence in the theorized claim. Conversely, if there are problems with the empirical uniqueness it lowers the confidence in the claim.

This is a complex task, because the evaluation of the sources and their context must be seen in relationship to the totality of the empirical record. This is because the rest of the empirical record changes the confidence we have in other sources. For example, I was initially careful to draw strong inferences from interview testimonies because the trustworthiness of the interviewees was questionable without more evidence. As I interviewed more people and observed more meetings, I found that there was a high degree of consistency between the testimonies of different interviewees, and that those testimonies corresponded to my observations in the field. This raised my confidence in the interviewees' testimonies because I had evidence that large parts of what they were saying was corroborated by other sources. This is similar to conventional triangulation, but instead of triangulating the veracity of a given claim, the researcher triangulates the confidence of a set of sources.

Every part of the empirical material that was relevant to a given claim was assessed this way, with the trustworthiness and context evaluated given the totality of the evidence. In particular, this included evaluation of observations of interventions in IMO sessions, because the specific context operative the moment the intervention took place informed how much the observation added to my claim. For instance, if other sources had indicated that a particular delegation was prone to ignore reason-giving and stick to held positions regardless of arguments in the working groups, reason-giving by that delegation should be treated with high degree of scepticism. Reason-giving in this instance could plausibly be an instrumental legitimization of a viewpoint rather than a reflection of norms of deliberation.

Empirical certainty is related to the change in confidence in the theorized claim given an *absence* of a certain type of evidence is determined by the certainty that the researcher had spatiotemporal access to where the evidence would be *if* it really were there (Sober, 2009).

For instance, in the theoretical evaluation of the role of norms about reasoning, I theoretically would expect delegates to use reasoning when making interventions. If I have full empirical access to deliberations in a given working group, I would empirically expect to see the evidence *if* the claim is true and it manifests in the form of reason-giving because. Not finding evidence in this instance means that it is very strong disconfirming evidence against the theorized claim because it could not be observed even with strong access to where it theoretically would manifest. On the other hand, if I was searching for evidence relating to a claim about the role of norms between delegations outside the meetings, I would have very weak access. This would mean that a lack of found evidence supporting the claim would be a very weak disconfirmation against it.

As the above considerations imply, these assessments are at their core judgments of plausibility by the researcher in question. Since the plausibility of the overarching claim (i.e. the theorized mechanism) relies on whether or not other researchers find these lines of reasoning convincing, I find it pertinent to be as explicit as possible in the methodology section as well as showing in the analysis how evaluation of the different empirical elements were carried out. While the general transparency-question is in line with extant scholarship on qualitative research (e.g. Jonsen, Fendt, & Point, 2017; Pratt, 2008, 2009; Silverman, 2011; Tracy, 2010) the logic of the two-stage evaluation framework adds the component of showing how theoretical and empirical uncertainty informed the analytical process for every part of the theorized mechanism. Ideally, any reader should be able to follow the logic of analysis throughout the analytical chapter according to the two-stage evaluation framework.

5.5.5. Empirical material collection

As the Bayesian logic of process-tracing suggests, the empirical material of this project consists of the diverse set of available data types that were understood to be relevant at some point during the process. As the theorization developed throughout the project, I was changing my usage of the data because I was searching for new elements in accordance with procedural abduction.

The empirical sources that provided the empirical basis for this project consists of the following:

- **Observational material** from participant observation in IMO sessions in London. The participant observation has heavy ethnomethodological elements, as explained below.
- **Interview material** from interview with 12 delegates. Additionally, six background interviews were conducted before the start of the project.

- **Documents from IMO sessions.** This includes in principle the entire IMO archive ranging back decades.

Figure 9: Excerpt from the PPR 4 participation list. All participation lists are publicly available at docs.imo.org

DENMARK
Head of Delegation
Mrs. Clea Henriksen, Special Adviser, Danish Maritime Authority
Representatives
Mr. Palle Kristensen, Chief Adviser, Danish Maritime Authority
Mr. Peter Mikael Ostfeld, Senior Adviser, Danish Maritime Authority
Mr. Peter Krog-Meyer, Senior Adviser, Danish Maritime Authority
Capt. Michael Christensen, Lecturer, Marstal School of Navigation/Danish Maritime Authority
Mrs. Dorte Kubel, Chief Adviser, M.Sc., (Chemical Engineering), Danish Environmental Protection Agency
Mrs. Ditte Kristensen, Technical Adviser, M.Sc., Danish Environmental Protection Agency
Mr. Ulrik Christiaan Berggreen, Marine Biologist, Danish Agency for Water and Nature Management
Advisers
Mr. Oluf Sigh, Managing Director, Green Instruments A/S
Mr. Per Winther Christensen, Deputy Technical Director, Danish Shipowners' Association
Mr. Rasmus Folsoe, Chief Executive Officer (CEO), Desmi Ocean Guard A/S
Mr. Søren Skive, Senior Specialist, Lloyd's Register
Mr. Anders Ivarsson, Associate Professor, Technical University of Denmark
Mrs. Hanne Hastrup Poulsen, Department Manager, MAN Diesel & Turbo se (Copenhagen)
Mr. Jakob Lynge, Marine Superintendent - Marine Standards, DFDS A/S
Mr. Jens Gørtz, Marine Engineer M.Sc., MAN Diesel & Turbo se (Copenhagen)
Mr. Karsten Fuglsang, R&D Co-ordinator, FORCE Technology
Mrs. Kate Schroeder Jensen, Legislation and Compliance Engineer, Alfa Laval Aalborg A/S
Observers
Mr. Kaare Press-Kristensen, Senior Adviser, Danish Ecological Council
Mr. Ronni Palmqvist, Chief Technology Officer (CTO), G&O Maritime Group
Mr. Christian Hendriksen, PhD Fellow, Copenhagen Business School
Miss Dea Forchhammer, Senior Business Development Manager, A.P. Møller-Maersk A/S
Mr. Philipp Simmank, Technical Adviser (Emissions and Retrofit Certification), MAN Diesel and Turbo A/S

Below, I will discuss each source and discuss how I analytically treated it, given the two-stage evaluation framework.

Participant observation

The observational material is based on observations I conducted as part of the Danish IMO delegation from January 2017 through October 2018. This was made possible because an early contact with a public official in the Danish delegation in December 2016. At that meeting, they found my project interesting and invited me to join the delegation as an observer at the upcoming PPR 4 in late January, 2017. As the document

cutout on this page from the PPR 4 participant list shows, I was sitting in the Danish delegation as a formal observer alongside industry representatives. Unlike press or invited observers, delegate members (both representatives, advisers, and observers) have delegate access to all IMO proceedings when a meeting is in session. This meant that I could freely go between plenary discussions and working group arrangements in the entire IMO building during the weeklong sessions and sit right next to the Danish delegates. The picture on the next page (kindly taken by Pernille Sørensen from the Danish delegation during MEPC 72) shows the IMO plenary hall, with the Danish delegation sitting to the right in the foreground. Most advisers are sitting on the row behind the desk row, but occasionally advisers would move up next to the state representatives, in particular in working groups. I am sitting in front of the delegation because we ran out of seats on the back row, which was a common occurrence.

In total, I participated as part of the Danish delegation in PPR 4 and 5, MEPC 71, 72, and 73, as well as the intersessional working group on greenhouse gases which took place immediately prior to MEPC 72. All sessions took place in the IMO headquarters on Albert Embankment in London, with the sessions starting Monday morning at 9:30 AM and ending Friday afternoon. On each day, plenary sessions would last at most until 5:30 PM when translators would leave, but working groups – which were always held without translators – had no set end time. Working group Chairs would suggest the working hours of the working group, which would be longer or shorter than plenary working hours depending on the amount of work needed. The most extreme instance of this was the working group on air pollution at PPR 4, where the Chair decided to continue working until 1:30 AM Thursday morning after starting deliberations Wednesday morning at 9 AM. In most instances, the working groups would wrap up around 8 or 9 PM, corresponding to a working day of 9 to 12 hours.

Every morning, I would take the bus from Elephant & Castle where my hotel was located to Albert Embankment and enter the IMO building between 8 and 8:30 AM. This allowed me to sit in the IMO restaurant and enjoy breakfast while observing the morning interactions around me. Some mornings other delegates would join me (particularly other Danish delegates who I had gotten to know) which allowed for casual on-site natural talk and rapport building. It also allowed me to choose a seat before other advisers and observers in the Danish delegation when there were too few seats, which was important in working groups where seating space is limited.



Picture 1: Photograph of me (right side with notebook), taken at MEPC 72 plenary by Pernille Sørensen

When observing the plenary, I would sometimes sit in the observer room, which is visible in the earlier picture in the upper background. This allowed me to view the interactions of the plenary as a whole more easily than from the Danish delegation's seats at the expense of more closely following the interactions around me on the floor. Since the object of study was not the Danish delegation but rather the IMO as a whole, this was a very helpful in following the link between interactions on the floor and what was being discussed on microphone. When observing working groups, I was bound physically to sit with the Danish delegation because working group rooms were smaller and had no observation rooms since they were not open to the press. Both in plenary and in working groups, audio was transmitted through a speaker system which meant I could follow every intervention. In plenary, interventions were translated simultaneously while the working language was English in the working groups.

[Observation and use of field books and diary](#)

Although the interventions themselves happened sequentially, it was impossible to be attentive to everything. This is a common challenge for observation-based research, and it is normal during the course

of fieldwork that the researcher ‘funnels’ their attention to specific elements which are interesting (Silverman, 2011, pp. 147–148). I went into the first round of fieldwork at PPR 4 with a very open attitude in terms of what I was looking at, but with a set research problem in mind. This meant that I knew what my principal object of study was (firm influence on IMO regulation) but without limiting myself too much in terms of what I was looking *at*. My broad theoretical point of departure was the institutional literature and the corporate power literature which loosely structured my observations, but I did not have a conceptual grid which was so rigid that it prevented me from seeing interesting elements (Silverman, 2011, pp. 141–147).

It was a significant challenge during PPR 4 to make meaningful observations while simultaneously decoding the social structure and practices of such a new site. I had no prior experience participating in diplomatic work or IGO sessions, let alone IMO itself, which meant that it was positively exhausting to mentally process the host of impressions during the first round of fieldwork. My broad and open approach meant that I also had to be aware of elements that I had not anticipated as being important, and since they constituted *unknown unknowns*, I had to be as aware as possible for all 10-12 hours each day to avoid missing specific elements. Conversely, during MEPC 73 where I had spent hundreds of hours at IMO, I almost felt bored throughout the meeting because the interesting elements were unsurprising at that stage.

I kept field records in physical notebooks throughout PPR 4, MEPC 71, PPR 5, ISWG, and MEPC 72. At MEPC 73, I switched to note taking on a laptop. It had worked well taking notes in physical books even if it at times had been challenging to write as fast as interventions occurred, but for MEPC 73 I knew more precisely what I was looking for, and could allow myself to take faster notes on the computer to more fully capture specific elements during the week.

Table 8: Overview of fieldwork and fieldnotes

IMO Session	Approximate hours observed	Word count of field notes	Date
PPR 4	50	4100	January, 2017
MEPC 71	45	5500	July, 2017
PPR 5	45	10300	February, 2018
ISWG-GHG 3	50	15000	April, 2018
MEPC 72	50	10000 ²⁹	April, 2018
MEPC 73	50	17500	October, 2018

²⁹ The word counts of fieldnotes from ISWG-GHG 3 and MEPC 72 are tentative estimates

In the notebook, I would keep one page assigned to observations (which of course were informed by my theoretical position) while the opposite page was reserved for abstractions, conceptual considerations, and spontaneous conceptual leaps (Klag & Langley, 2013). Sometimes, the observations would spark a light in my mind and I would note on the conceptual page what that conceptual piece of inspiration was. For instance, I was noting down that delegation X and Y had a back-and-forth and suddenly thought that that particular interaction might be a surface representation of a particular taken-for-granted belief which the delegates were taking for granted but which *I* did not (Garfinkel, 1967; Silverman, 2011, pp. 154–155).

Throughout the hours spent in the IMO headquarters, I also had conversations with the rest of the Danish delegation and other delegates which I met through existing contacts in the Danish delegation or because I had interviewed them. While it was unfeasible to write down field notes as I was having those conversations – in particular during after-work receptions with alcoholic beverages or at restaurants off-site – I always jotted down the most important aspects of my conversations or impressions afterwards. This means that the empirical accounts in the fieldnotes of on-site unstructured interactions and conversations were noted in the fieldbooks minutes after they occurred.

Ethnography or participant observation?

As I noted earlier, my participant observation had strong ethnomethodological elements consistent with ethnography. There is some discussion within different research streams what constitutes ethnographic research and (participant) observation. I follow Silverman (2011, pp. 115–119) who quotes Brewer (2000, p. 6) in defining ethnography as:

“The study of people in naturally occurring settings or ‘fields’ by methods of data collection which capture their social meanings and ordinary activities, involving the researcher participating directly in the setting, if not also the activities, in order to collect data in a systematic manner but without meaning being imposed on them externally.”

Silverman (2011, p. 117) suggests that participant observation almost is synonymous with ethnography. This seems to be at odds with how some scholars use and deploy the idea of participant observation or ethnography (for an example from IR, see Adler-Nissen, 2014; for an alternative textbook take see Flick, 2014, pp. 312–322). However, in my view the important distinguishing element is the emphasis placed on the meaning-making of the people being observed. Initially, my approach to participant observation in the IMO was not focused on these intersubjective systems of meaning. I thought that I would observe interactions in working groups and link the interventions of firms to instances of influence along the lines of standard variance-based research designs (e.g. Yin, 2013).

This, however, turned out to be completely wrong. From the very first minutes of my participation in PPR 4, I could sense that there was much more going on than simple firm-state interactions which could be

readily observed. One telling instance is recounted in my fieldnotes where the Chair makes a joke by saying that the coffee sponsored by Brazil is much better than the usual coffee, after which the plenary erupts in laughter³⁰. This is funny because – as I later learned – everyone at IMO knows that it is the same coffee, which is just paid for by different delegations. It made me attentive to the organizational rituals and symbols that they apparently shared, embodied in the otherwise tiny detail of a joke. In my field diary (which is a separate book from my regular fieldnotes), I have written several times how I felt like I was becoming part of a culture that I did not even expect to exist in the first place.

Because of this, I started turning my attention to the institutional elements that constituted the ‘culture’ of IMO because it seemed that understanding the interactions between firms and states or interpreting the instances of influence relied on an understanding of the cultural system itself. Interventions did not happen in a normative or cognitive vacuum, so it was imperative that I tried to understand the social system itself by becoming part of it. This meant that as I progressed in the research and came closer to the cultural core of IMO, I thought of my participation in IMO sessions as both participant observation and ethnography in line with Silverman’s point noted earlier.

This posed the methodologically interesting question of going native as a researcher in IMO. ‘Going native’ refers to the researcher immersing themselves so deeply into the social context under study that they adopt the worldview of the social context in question (Flick, 2014, p. 315). It follows that for this problem to arise there must be a social context with a set of understandings that can be adopted by the researcher in the first place. It is not common for researchers to do ethnographic research in intergovernmental organizations, and of those who do it there are few who reflect on the question of what it means to ‘go native’ (see Schia, 2013 for an illuminating study). In standard organizational studies, the organizations are usually sites where interaction happens between members all the time. IGOs like IMO, on the other hand, only involves direct interaction between delegates a few times a year for a week at a time. Given this level of interaction, it is interesting that the IMO would have a culture strong enough to warrant considerations on ‘going native’.

Interviews

The participant observation provided the most important source of empirical material, but in order to make sense of my observations and have more in-depth conversations about the proceedings of IMO, I conducted interviews with IMO delegates throughout the process. These were all semi-structured interviews based on themed interview guides, and as the project developed I adjusted the interview guides as I was searching for more specific elements in the interviews.

³⁰ Based on PPR 4 fieldnotes, line 15

Interviewees were recruited initially from the Danish delegation, but in order to avoid an overweight of Danish respondents I reached out to delegates from other states or from industry associations. I had initially planned to interview representatives from large shipping firms, but after my choice to focus on influence inside IMO I realized that only very few individual firms participated in IMO sessions. Those that did were either equipment manufacturers (Wärtsilä, MAN Energy Solutions, Alfa Laval) or Northern European shipping firms, in particular Mærsk. Instead, the relevant interviewees were shipowners' associations that participated with their national delegations and other industry groups in addition to state delegates. I also approached some of the civil society NGOs who were present in IMO sessions.

Recruiting interviewees was a mixed affair. On one hand, it was surprisingly easy for them to talk very frankly about the IMO decision-making process on condition of anonymity, even when I had secured informed consent for recording the conversations. Many interviews took place over phone because of the practicalities involved, and I was astounded that IMO delegates would share such sensitive details with a researcher over the phone.

Table 9: Overview of interviewees. Their identity and specific titles are protected to preserve anonymity and to avoid possible triangulation based on interview statements.

Interviewee	Title / Affiliation	Date
R1	Industry representative	24/11 2016
R2	State delegation leader (PPR)	28/11 2016
R3	State delegate	6/2 2017
R4	State delegate/Working Group chair	30/11 2017
R5	State delegate/Sub-committee Chair	11/12 2017
R6	Industry representative	28/3 2018
R7	State delegate	13/4 2018
R8	State delegate	18/4 2018
R9	Industry representative	25/4 2018
R10	NGO representative	30/4 2018
R11	Industry representative	13/6 2018
R12	Independent expert	15/11 2018

One the other hand, many of my potential interviewees did not answer e-mail requests for interviews. This was true for both industry and state delegates. Usually, if I had met the person in question during IMO

meetings, it was much easier to arrange for an interview, but I found it difficult to introduce myself during IMO meetings due to the hectic nature of the sessions.

It proved invaluable during the interviews that I had spent time observing the IMO from within. I could refer to situations in working groups or plenary where both the interviewee and I had been present which allowed me to probe their interpretation of a specific incident. More fundamentally, however, I could also leverage my understanding of the social system of IMO because I had a better (albeit far from perfect) understanding of how IMO delegates understood themselves.

The interview guides were initially structured around questions and lines of probing centred on the types of power and instances of influence in IMO. Gradually, I shifted them to include more themes relating to normative or ideational elements and started probing for hunches I had developed following leads elsewhere, in line with the Bayesian logic and two-stage evaluation framework. As noted in the theoretical chapter, it is very difficult to operationalize taken-for-granted beliefs or norms *in particular* in interviews, so the interviews always had to be interpreted relative to other interviews and the fieldwork itself.

I always told interviewees that interviews usually lasted around 45 minutes, but in most instances, the interviewees continued to talk well into the 55th minute. One interviewee spent 18 minutes answering the last question I had (whether I had missed anything we did not discuss) because he thought there were so many elements that were relevant to my research. In general, the interviewees seemed comfortable talking at length about the IMO, *except* for one interviewee.

This interviewee was not an IMO delegate as such, but a diplomat from the UNFCCC who was flown in specifically for the greenhouse gas discussions in 2018. Unlike all the other delegates (who were “native” to IMO), he insisted that no recording and only minimal notes were taken, that the interview lasted only 20 minutes, and that it was absolutely imperative that I never disclosed in writing anything he said even if anonymized. This was an analytically interesting instance, because the interview with him contained relatively tame information compared to other interviewees who had no reservation in sharing very confidential elements. That particular interview was not necessarily relevant to the research question because of what the interviewee said, but because his reservations indicated something about the greenhouse gas discussion and the difference between IMO and the UNFCCC. I return to this later in the dissertation.

Because of the amount of data from the fieldnotes that was transcribed into digital format, I chose not to transcribe interviews, as they were not the primary source of data and because formal coding was a supporting element of process-tracing rather than the analytical method itself. Instead, I listened through interviews and made memo-note taking where there were interesting elements or when a particular question was discussed. This required some rounds of listening because the theorized explanation changed

or became clearer as the project moved along required me to listen for new elements. I then transcribed segments when they were relevant enough to be placed in the dissertation itself.

Documents

Different types of documents were used for various purposes throughout the project. The most important type of documents were official IMO documents that delegates could access at docs.imo.org. This included submissions by member states, industry, NGOs, independent experts, class societies, or the EU Commission. Submissions were an integral element of the IMO procedure, as they usually provided the basis for discussion in plenary and in working groups in the form of a proposed text, agenda-setting proposition, or amendments to existing text. Submission documents also included comments on other submissions or the so-called INF-papers, which were informational, papers that the committee or sub-committee could choose to take into account.

It was necessary for me to read and understand submission documents to grasp the issue being discussed. This was not always easy as some discussions were so technical that even delegates with engineering degrees had trouble understanding the substance. I used the documents to familiarize myself with the way submissions were used and understood by delegates, and I sought to develop the capacity to distinguish papers based on their substance.

The documents that I am showing and quoting in this dissertation are all documents that have been made public. It is standard practice that all submissions to MEPC and PPR are made publicly available some months after the actual meetings alongside the formal report. When this happens, the documents are freely available for download by anyone with an internet connection, and they can be found on the IMOdocs database docs.imo.org.

Coding

In order to systematically comb through the available empirical evidence, I coded my fieldnotes over the course of three coding rounds as I gained a better understanding of the material and my theoretical perspective (Miles & Huberman, 1994; Saldaña, 2015). I have included the three coding structures in the appendix of this dissertation, and they served primarily to look for categories that either originated from a theoretical perspective or if I had found during fieldwork that it was relevant and theoretically overlooked. Rather than allowing the coding practice to be the analysis itself, it served as a tool to conduct the abductive reasoning inherent in process-tracing. Notably, I did not code the parts of the fieldnotes relating to the GHG discussion. This was a pragmatic decision, as the extent of the fieldnotes specifically relating to GHG was staggering and the important points were evident through a simple re-reading of the fieldnotes. For all other parts of my observations, I transferred my notes into a digital format and used NVivo 12 to go through the material. Importantly, the coding process was subservient to the process-tracing methodology as a

whole, rather than being its own analytical process which otherwise is the case in most in-depth case studies.

Ethical considerations

Since the content of this dissertation touches on some very sensitive issues and procedures, I am taking extensive precautions in the way I present analytical material in this dissertation. IMO usually operates with a Chatham House-style set of ethical guidelines, but since I have access to working groups (where press are not allowed to go in the first place) I take additional steps to preserve the identities of the people involved. To do this, I operate with an extended version of Chatham House rules. In addition to anonymizing speakers, I also mask the specific issue that is being discussed in a particular situation, since some issues at various stages had very small numbers of participants. If I did not, an attentive reader could triangulate information in my dissertation and identify the individuals I have anonymized. The trade-off by doing so is that the analysis is less clear to the reader. I make up for this by referring to issue characteristics in a more abstract sense, for instance by explaining the basic structure of interests or the degree of politicization.

Additionally, by agreement with the Danish Maritime Authority and the IMO Secretariat, I cannot explicitly state that a particular interaction takes place in a working group. To make up for this, I present as much data as possible and analyse it as transparently as possible without alerting the reader explicitly that the segment is from a working group setting.

6. Analytical Section: The Causal Mechanism of Firm Influence in IMO

6.1. Reader's Guide

This chapter constitutes the beginning of the analytical part of the dissertation. In the analysis, I will present the theorized model of industry influence in the IMO, which consists of a three-step causal model with one initial “cause” and an outcome (industry influence). The analysis constitutes the evidence for the theorized model, and when the reader has finished the next four chapters, the full argument and the supporting evidence should be clear.

However, because the analysis covers four chapters, I include a brief explanation in the beginning of this chapter to explain the theorized model as a whole. This should make it clear what the model is before the analysis opens up and substantiates it in detail. I have structured the analysis stepwise along the theorized model, so that this chapter covers the overview and the theorized cause, while the following chapters cover each sequential step of the model and the associated relationships and contextual factors. The preceding chapter on methodology serves as the machinery behind the empirical substantiation that I present throughout the next four chapters.

In the remainder of the dissertation, I make heavy use of references to empirical quotes or accounts. When applicable, I have inserted a direct cross-reference link to make navigation easier, especially when I reference empirical instances recounted several chapters earlier. These references are identified by a “#” and a number, referring to the numbered empirical instance in question³¹.

6.2. Overview of the theorized mechanism

The theorized mechanism of firm influence in IMO consists of three distinct causal steps, in addition to the cause and outcome themselves. The figure below presents a simplified overview of the three steps and the entities/activities that are operative in each step.

I structure the process-tracing analysis around the three steps and the cause/outcome, where I substantiate each element with empirical material according to the logic of the two-stage evaluation framework. This implies that I pay attention to the operative contextual elements in each step and the productive continuity between steps themselves.

³¹ In the PDF version of this dissertation, these page numbers are clickable

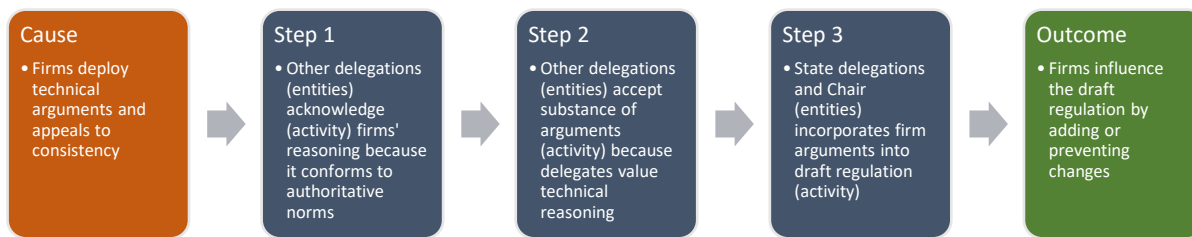


Figure 10: Simple overview of the causal mechanism

6.2.1. The theorized mechanism: A brief overview

Since each chapter deals in depth with specific part of the causal mechanism, it is worthwhile to consider an overview of the entire theorized mechanism.

The **cause** of firm influence in IMO is the deployment of technical arguments and, to some extent, appeals to consistency. This takes the form of either written submissions or oral statements in plenary or working groups. Even in more politicized discussions, industry representatives are keen to argue for their positions with reference to their technical expertise or available evidence in the form of industry reports, projects, or different forms of research. Similarly, the industry refers to IMO practice, extant text, or standard language when they make appeals to consistency. While technical reasoning allows for more influence on substance, appeals for consistency enables firms to influence the format of IMO output to ensure regularity.

In the **first causal step**, the arguments and reasoning provided by firms spurs state delegates to evaluate these interventions in terms of whether or not the type of intervention and reasoning is appropriate. State delegates first consider this appropriateness in the context of institutionalized norms before considering the veracity of the substance of the argument itself. The mechanism works as theorized when state delegates accept the industry input because the input is legitimate in the context of the strong IMO norms and taken-for-granted beliefs. By extension, it is a contextual necessity at this stage that there *are* strong institutionalized beliefs present in IMO, and there is clear evidence showing what happens when this contextual requirement is absent.

In the **second causal step**, the acceptance of the nature of the arguments spurs delegates to consider whether the substance of the reasoning makes sense. The mechanism plays out as theorized when delegates already consider the industry input to be legitimate, but must evaluate whether the substance of the industry intervention has merit. This link forms the backwards productive continuity. In instances where the

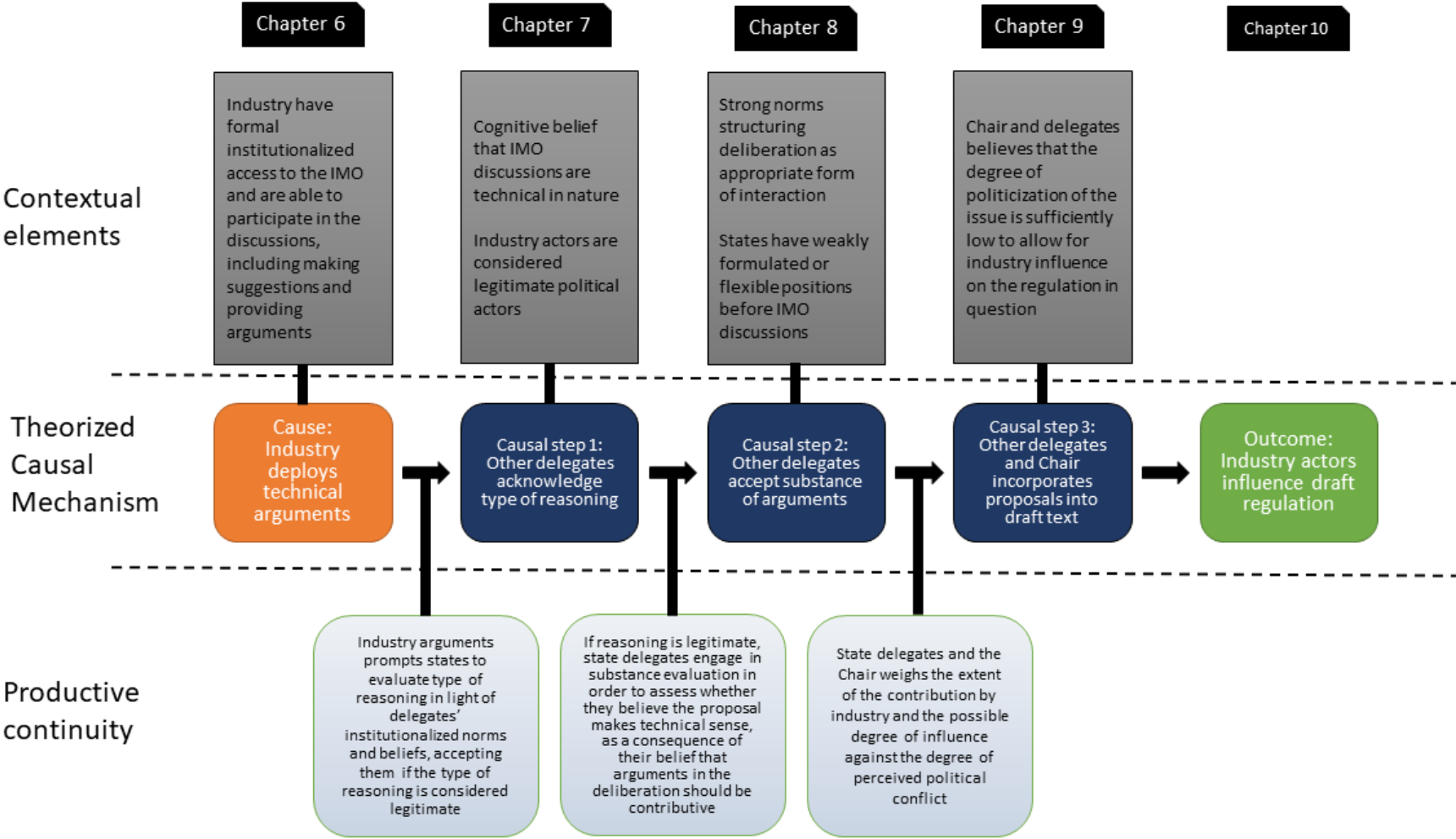
mechanism works as theorized, the delegates accept the reasoning of the industry given a set of contextual elements concerning the IMO procedural norms, the normative belief in deliberation as appropriate form of interaction, credibility of the industry actor making the arguments, and the soundness of the technical arguments as understood by the state delegates.

In the **third causal step**, the acceptance of the substance leads to incorporation of arguments into text (i.e. add or delete relevant words in the draft, or prevent other delegates' changes) if the arguments made sense in context of the procedural stage. This happens by what I term "IMO consensus", whereby the delegates in question collectively agree on the result while being heavily guided by the Chair in question. This only happens when the industry arguments are understood to be correctly situated in the procedural time and space – i.e. at the right point in time in terms of the process and in the right forum. Additionally, the delegates and Chair weigh the extent of the possible influence by the industry against the level of politicization of the issue at hand. If the Chair and delegates believe the political tensions between states to be more prominent, they are unwilling to allow for industry influence on even minor substance issues, whereas the reverse is true for relatively de-politicized or less salient issues.

When this occurs, it results in the **outcome**: Industry influence on the regulatory output of the IMO. This covers both mandatory (i.e. legally binding) and non-mandatory instruments as well as both substantive and format-related elements. Many of the contextual elements for the previous causal steps are derived from the issue under deliberation, which determines the characteristics of the discussion. This is particularly true for more politicized issues (such as GHG) where the politicization of the issue itself determines the constraints on firm influence as theorized in the contextual requirements throughout the chain.

On the following page, I have outlined the theorized relationship in its entirety. In the middle of the figure, the causal mechanism proper is displayed, with the relevant contextual elements for each step above the corresponding step and the productive continuity between steps shown below the main causal relationship. In the top of the figure, the relevant dissertation chapter shows which part of the dissertation that deals with each part. In essence, the rest of chapter 6 through 10 constitute the analytical reasoning and evidence behind this theorized relationship, while the complete picture provides an overview of every theorized element.

Figure 11: Full overview of the theorized mechanism. The mechanism is pictured in the middle, with contextual elements above. Productive continuity between steps is shown below. Chapters indicate where in the dissertation each step is discussed.



6.3.Cause: Technical arguments and calls for consistency

I theorize that the cause of the firm influence in IMO is the deployment of arguments that either are ‘technical’ in essence or constitute appeals to consistency in the work of IMO. This requires some explanation in terms of what I mean by ‘technical’ arguments, what consistency entails, and how arguments are deployed in IMO.

6.3.1. Technical arguments

In the theorized model, technical arguments are understood as arguments based on either implicit or explicit reasoning rooted in the operational or technical practice or feasibility of a given solution. Alternatively, it is based on a higher degree of precision as understood from the point of view of engineers. This can be understood as opposed to arguments that are rooted in *commercial* considerations or lines of reasoning understood as ‘political’ by the state delegates. This immediately raises the question how I, as a non-engineer, can identify and analyse arguments depending on whether they ‘technical’ or not.

Categorizing arguments as either ‘technical’ or ‘not-technical’ was a result of the IMO delegates’ own categorization as it happened during sessions. During observations, I gathered that IMO delegates themselves implicitly categorized statements along those lines (Fiol, 2002). For example, in one instance during the GHG discussions of MEPC 71, a state delegate from an important East Asian state commented in the plenary that they would prefer to have less political statements³². However, while I treat the delegates’ categorization of political and non-political as derived from the language used by delegates themselves, the technical and non-technical distinction is an abstraction I deploy to make sense of the input industry actors contribute. This is useful for understanding the way industry actors present their reasoning in IMO deliberations.

Elements of technical arguments

How do technical arguments manifest in the context of IMO deliberations? Industry actors either submit written documents for consideration by either MEPC or PPR in advance of sessions, or they make interventions during both plenary and working group arrangements where they make oral arguments. The written submissions may sometimes refer to larger information documents (so-called INF papers) where they can present relevant studies in full length. Additionally, the submissions may or may not contain specific suggestions for textual changes in regulation. The box below is an excerpt from one of INTERTANKO’s submissions for MEPC 73, and it is a typical example of the way industry actors use technical reasoning to justify their policy suggestions.

³²Based on MEPC 71 fieldnotes, line 337

4 Regulation 14.1 of MARPOL Annex VI sets out the limit of sulphur content of fuel oil used on board ships. Regulation 14.4 sets the same limit for ships operating within emission control areas. According to appendix V to MARPOL Annex VI, the sulphur content (% m/m) of fuel oil shall be tested in accordance with ISO 8754:2003. This has been placed in a footnote which is not recognized as a regulatory requirement. It is noted that ISO 8754 is applicable to fuel oils having sulphur contents in the range 0.03% (by mass) to 5.00% (by mass). Paragraph 11 of ISO 8754 states that results should be reported to the nearest 0.01% (m/m) sulphur content for values between 0.10% (m/m) and 5.00% (m/m), and to the nearest 0.001% (m/m) sulphur content for values between 0.030% (m/m) and 0.099% (m/m). It should also be noted that MEPC.1/Circ.614 (15 April 2008) interpreted regulation 14 and required the limits to be expressed with two decimal digits. The revised MARPOL Annex VI adopted in 2008 changed the figures to two decimal places. In addition, in case where the test result yields, for example, 0.10245% m/m, the digits after the two decimal placing need to be rounded. In the rounding operation, accuracy of the test results should not be compromised by truncating numbers or cutting off some decimals. According to ISO 80000-1, Quantities and units, "rounding" means replacing the magnitude of a given number by "rounded number". Here the following rules apply:

- .1 the greater in magnitude multiple is selected as the rounded number if the last digit is ≥ 5 ; and
- .2 the lower in magnitude multiple is selected as the rounded number if the last digit is < 5 .

5 It is therefore INTERTANKO's view that the test result values should have an equal number of decimal places following ISO 8754 and rounded off using the above conventional rules. The principles of two decimal placing and rounding need to be explicitly codified in either MARPOL Annex VI, appendix VI or the PSC Guidelines as appropriate.

Picture 2: Excerpt from INTERTANKO PPR 5/13/12

Technical arguments put forward in IMO by industry actors always has one or more of the following elements:

- **Reference to authoritative sources of data.** This is done either by including the data itself or simply by referring to the sources. Authoritative sources of data are databases, reports, or technical standards used by credible organizations, for instance the IMO, IACS, or ISO.
- **Reference to first-hand experience by firms and their employees.** Industry associations will refer either to the general experience of their seafarers or to specific experiences by firms for a particular problem to show some technical or operational justification.
- **Insistence on regulating based on systematic evidence.** Even if submissions or statements do not explicitly link to a certain type of data, delegates may reference an authoritative norm that regulation should be based on evidence, with 'evidence' usually referring to large datasets or official statistics.
- **Deployment of calculations, numbers, or formulas.** In some instances, calculations or formal mathematical expressions are written directly into the submissions or referenced in the verbal discussions.

Virtually all written submissions by the industry relies more or less explicitly on a line of reasoning which privileges knowledge derived from operational experience or systematic evidence, with the only exceptions being submissions that are intended to be purely editorial in nature. To illustrate this the way technical arguments were put forward, I include a section from MEPC 70/5/30 submitted by ICS for discussion relating to minimum power requirements as part of the EEDI debate.

3 However, ICS has a concern that the environmental conditions selected as being representative of adverse conditions when carrying out direct assessment appear to be set at a level (max. BF8 with 5.5m significant wave-height (Hs)) that many mariners report as being commonly encountered rather than being anything out of the ordinary. It is to be noted that ICS is not in favour of the installation of larger engines than those currently installed, or power levels in excess of the requirements of the level 1 approach that is based on the engine power statistics of the current fleet. The purpose of this submission is to facilitate confidence in the results obtained from direct assessment.

4 More specifically, whilst recognizing that the underlying values selected are in accordance with the guidance provided in the updated Interim Guidelines (MEPC.1/Circ.850/Rev.1), ICS retains concern that the setting of those values has been based on subjective assessment of generic assumptions rather than on objective data.

5 Consideration of the widely referenced IACS Recommendation 34 provides an indication based on recorded wave data that when operating, for example, in the northern Atlantic Ocean, conditions with a significant wave-height of 5.5m or more are likely to be present for approximately 18% of the time. For comparison, most safety-related provisions would typically seek to establish a probability of having a negative outcome for a single parameter of no more than 2.5%. A summary of the information provided in the IACS recommendation is provided in the annex to this document.

Picture 3: Excerpt from ICS MEPC 70/5/30

This submission exhibits some common features of technical arguments. First, ICS criticizes the benchmark environmental conditions with reference to the experience of “many mariners”, which constitutes the employees of ICS member firms. They then build on this to show that more systematic “objective data” used by IACS supports this claim, and includes as an annex to the submission a table produced by IACS comprising the distribution of sea states (i.e. wave height and wave periods). Note that ICS is careful to remind the reader that the particular IACS recommendation is “widely referenced” in order to underscore its authority. Generally, submissions by industry actors follow this typical pattern where the core claim and argument is supported with reference to external “objective” data that is referenced or directly attached.

Industry interventions during deliberations work differently compared to written submissions. Notwithstanding interventions aimed to simply presenting submitted documents, industry interventions during deliberations are very different because of the verbal nature of such interventions compared to

detailed, pre-written submissions. During discussions in plenary, industry representatives usually make shorter remarks where they summarize their position on a given issue and respond to other papers. The real difference, however, arises in working group discussions where the flow of discussion is very different to plenary.

In working group settings, plenary decides which documents and which terms of reference that should guide the working groups while leaving substantial questions to be decided by the group. This means that delegates enter in a less formal and faster paced discussion, as the points contained in the different submissions and plenary statements must be reconciled. Industry interventions here still follows the same template, but it manifests differently. Instead of pre-written statements, the industry representatives simply make references to data they have or to the norm itself. Consider this event from PPR 4.

#1. Late afternoon Wednesday in a discussion about air pollution. The different delegations are presenting their papers, which they have submitted for this particular issue, and I feel like it's a long and dry discussion on how to tackle the issue. The industry actors seem to be critical of regulating the issue. Two important industry associations suggest that we need more information, and one of them say that "... we have to do the right process or procedure" by which he means we should base decisions on data and evidence. A third industry association chimes in, and emphasizes that it is important to make "rational decisions".³³

What is going on here? The interventions by the three different industry associations indicate there is a norm shared by the state delegates in the room, which the industry associations can reference and draw on as a legitimization of their position. As opposed to the examples before, the technical element here is not whether or not it makes operational sense in practice but whether it is appropriate to regulate with a perceived lack of available evidence. This was a common way of arguing for firms wanting to halt further regulation on an issue, for instance captured here during MEPC 73.

#2. It's around 7 pm or so and the discussion on air pollution has been going on for days. We are deep in a relatively contentious discussion. A Northern European country is discussing with several industry associations, with the core of the matter being whether the data set on the screen (taken from an official IMO database) is good enough to support more ambitious regulation for specific types of vessels. One industry association representing a specific segment of shipowners have been claiming from the beginning that the dataset is too small to allow for new regulation. The representative from the European country asserts that there is data – it is just not available to the IMO. He goes on to say that "it is an advantage not to submit data if you don't want tougher requirements" accompanied by a small round of laughs from the room. The industry association responds that they are co-sponsoring another submission with that same country on mandatory reporting, but concedes that data is not available right now.³⁴

³³ Based on PPR 4 fieldnotes, line 245 - 248

³⁴ Based on MEPC 73 fieldnotes, line 618 - 625

Interestingly, the industry association in question simultaneously agree with the state delegate that there should be mandatory reporting and maintain that there is not sufficient data, even if that data ultimately should come from the very same member firms that he represents. By reasoning that the formal data available to MEPC is too scarce to warrant stronger regulation, the industry delegate legitimizes the somewhat paradoxical position by reference to the norm of technical rationality dominant in the group.

In some instances, the firms' arguments were not mobilized via interventions made by industry associations but channelled through state delegations where they were participating as observers. This was different from issue to issue and delegation to delegation as different state delegations had different practices regarding whether or not to have industry representatives be part of the state delegation. However, when it occurred it was remarkable. Consider this instance from PPR 4 in the air pollution discussion.

#3. It is early morning this Wednesday and we are well underway with today's discussions. The issue at hand is less contentious and characterized by being technically complicated, but the discussion is anything but a simple agreement as we are tasked with finishing a guidance document this week. In the middle of the discussion, a large industry association makes an intervention and says that they specifically would like the input of a particular industry segment. The Chair subsequently gives the floor to a certain state which has several representatives from a very large firm from the segment in question, and the state's delegation leader passes the microphone to a high-ranking firm representative who answers the question based on his (and his firm's) knowledge about the issue. The Chair then has a back-and-forth with the representative where the Chair asks and clarifies whether the representative wants specific changes to certain paragraphs. No one in the room seems to problematize this process in the slightest.³⁵

The discussion that took place in the instance above revolved around very detailed, technical considerations and a very low degree of purely 'political' contentiousness. In the interaction between the industry representative and the Chair, the technical expertise of the representative and his firm was important exactly because the Chair was looking for input based on this kind of expertise. This specific firm will feature quite prominently in the rest of the analysis, so for the remainder of the dissertation I refer to them as Hephaestus. The response of the Chair in this and other instances is something I will come back to in the following chapters.

Industry inconsistency in technical reasoning

This does not imply that industry delegates always agreed with each other, nor that they always made verbal interventions that followed this technical logic. As my fieldwork progressed, I started to notice that there was a slight pattern because there was inconsistency among industry associations in terms of whether or not they framed arguments as technical. Consider for instance this interaction in the PPR 5 plenary.

³⁵ Based on PPR 4 fieldnotes, line 203 - 207

- #4. *It is between 1030 and 11 in the morning on this Monday. A delegate from a large Middle-Eastern state is presenting their submission in this issue, which is slightly contentious. I don't really understand the first response to the presentation, but the three next responses by European states (later supplanted by a large North American country) indicate that they find the matter interesting but ultimately lacking data and should not be discussed further. A large African state does, however, agree with the content and proposes to send it to the group. In this discussion, two industry associations take the floor and echo the concerns of the European states, suggesting that more information is needed (but one being ambiguous about their stance on whether or not it should go to working group), while a third industry association does think it is appropriate to send it to the group because it touches on some core challenges the industry association already has highlighted. The MEPC Chair summarizes that the plenary believes more information is needed.*³⁶
- #5. *Later that day, two delegates with backgrounds in engineering (with one specializing in the issue at hand) tell me that they think the Middle-Eastern delegate who presented the paper had no idea what he was talking about. The delegate I am talking to who is specialized explains that the core problem of the submission was that it was not clear what kind of analysis they had deployed or what systems the ships being tested had used which was crucial information.*³⁷

The first industry association argue that the proposals of the Middle-Eastern state should not move further with reference to the lack of information, which is an almost identical line of reasoning as the previous example from the working group. However, the third industry association chimes in with an almost opposite statement that touts the importance of the issue for the industry as a reason for sending the proposal to the working group. What is going on here? Industry association number three crops up in a few places as an interesting element, so I will refer to it as Transpax when it is relevant to single it out. I will take a closer look at this specific industry association here.

Later that week at PPR 5, Transpax makes a similar intervention. On a much more contentious issue than the one former referenced, the Chair of PPR has divided the discussion in the plenary into two parts, with the first part focusing on the general approach to the issue and the second to a more specific, urgent matter. After the introductions of the various submissions, a few major states take the floor to make statements about which direction they prefer³⁸. Then this happens.

- #6. *It's around 10:30 am or so, and several states has spoken in favour of one or the other direction. Transpax takes the floor as the first industry association who is not presenting a paper. In their intervention, they highlight the technical, operational, and practical challenges of complying with the new regulation being imposed, but they do not provide any evidence beyond saying that their member firms are uncertain about the future. It's a fairly long intervention, about 2-3 minutes. When Transpax is done, the Chair reminds the plenary that the core issue being highlighted by Transpax should be discussed in the second part of the debate. It seems like the Chair subtly shows that Transpax somehow misunderstood the point of the discussion.*³⁹

³⁶ Based on PPR 5 fieldnotes, line 60 - 69

³⁷ Based on PPR 5 fieldnotes, line 125 - 126

³⁸ Based on PPR 5 fieldnotes, line 376 - 392

³⁹ Based on PPR 5 fieldnotes, line 393 - 396

A picture is starting to emerge whereby Transpax seems to make interventions that may pay lip service to technical or operational considerations, but where their interventions differ in nature from the standard interventions of other industry associations. Additional relevant evidence here is a testimony from an engineer working for an equipment firm who said to me during MEPC 73 that Transpax in particular had been obstructive at a recent intersessional meeting where I had been absent⁴⁰. Transpax and their divergence from the standard form of intervening used by most other industry associations is interesting in the context of the causal mechanism as a whole because of the way state delegates reacts to Transpax arguments put forward in different issue areas.

However, this characterization of Transpax shows an empirical regularity underpinning the overall argument for the characterization of the cause: I found no evidence during field observations that Transpax exercised influence on neither mandatory nor non-mandatory regulation. The common denominator for other industry associations in instances where they did not exercise influence was the lack of technical reasoning or substantiation in their interventions. In this sense, Transpax and their interventions constitute an illustration of the lack of influence associated with a lack of technical reasoning.

6.3.2. Calls for consistency

In addition to technical interventions and arguments, the industry actors make appeals to consistency when gaining influence. These types of arguments have less to do with substance and feature less prominently in written industry submissions but are relatively common in verbal discussions in both plenary and working group. Although firms only rarely explicitly state that they are appealing to consistency, there are some common patterns that shows how this manifests. Calls for consistency feature one of several elements:

- **Consistency in language.** *This covers standard phrasing in the IMO vernacular, the structure of regulation, and the use of already agreed-upon text and concepts.*
- **Consistency in process.** *Here, firms appeal to consistency in terms of a standard practice or procedure for how IMO deals with issues.*

At a first glance, arguments based on reasoning of consistency in the work of IMO may seem superficial or irrelevant in the context of substantial regulation, but calls for consistency are an important cause of firm influence because it results in changes to the final regulation. When industry actors influence the format of the output, they are maintaining a specific set of formats or norms that are operative in IMO, and this is important across different regulatory issues.

⁴⁰ Based on MEPC 73 fieldnotes, line 215-216

I found that appeals for changes in regulatory text based on consistency in the work of IMO occurred throughout all stages of the regulatory process, but were particularly present during the final stages of working group deliberations. Consider below instance from PPR 5 in a discussion about air pollution.

#7. *It is in the middle of the afternoon, and we are discussing a contentious issue. However, the current discussion is moving forward as the Chair has put forward a compromise document, and the working group is now solving how to structure the new proposed text, which will form the basis of new mandatory regulation. During the structuring, several delegations – both states and industry – take the floor to change the title and chapeau of the text. In the discussion on the chapeau, an industry association suggests to delete most of the chapeau text to make the wording fit the current agreement. The Chair changes the text on the screen but does not do what the industry delegates suggested, and as a reaction the delegate expressively rolls his eyes and audibly sighs. He then raises his card again, and points out that the change is not what he had suggested. The Chair changes the text as the delegate suggests, and thanks the industry delegate for his patience. Moments later, a delegate from a large Asian state proposes to change all of the chapeau (essentially also undoing the change brought about by the industry delegate), but the Chair politely refuses this change and the industry intervention stands. Another industry delegate quietly says to me that the specific delegate who made the change “understands the room”.*⁴¹

Although it may seem drastic to change whole sections of a regulatory text like this, the exercise at that point in time was how to fit the text with the agreement that was already established. The intervention by the industry delegate was intended to make sure the text made sense given the agreement on substance in the group, not to change the meaning of the text itself. The reasoning that was implicit in this intervention is the ‘normal’ way an IMO document should be structured according to some agreement. Another instance appears in an MEPC 73 discussion.

#8. *We are well into the afternoon on Monday. We are discussing a non-mandatory output but which seems important as an industry reference guide. There is a deep discussion going on regarding a specific paragraph, where several industry associations and states are discussing how to word the paragraph in such a way that there is no conflation of two separate measurement requirements. One industry association takes the floor and say that they “can accept the [state] proposal to end the sentence” but also see it as important not to conflate the two samples in the wording. Another industry association picks up from there and says that there are several ways in terms of language to avoid this conflation. A third industry association says that their advice to the group is to “keep a reference to [a specific standard]”.*⁴²

What the industry actors are doing here is trying to make sure that this non-mandatory regulatory output does not accidentally conflate two types of measurements, which may confuse end users. Concepts operative in other regulatory texts should be used only when they specifically refer to those, which means that ambiguity in terms of what a paragraph references is undesirable. This constitutes appeals to consistency in the usage of certain words or references even if it is implied this is the operative logic.

⁴¹ Based on PPR 5 fieldnotes, line 860 - 866

⁴² Based on MEPC 73 fieldnotes, line 165 - 170

In some instances, however, the industry would highlight purely procedural matters to influence the output. Consider this instance from MEPC 73.

#9. It's Thursday afternoon and the plenary is in full swing discussing a contentious issue relating to air pollution. A large flag state has submitted a document where they suggest that MEPC issues a formal resolution in preparation of new regulation taking effect. [...] A large shipowners' association supports the submission, arguing that it is necessary to issue a resolution because it is a requirement in a convention that the parties have agreed to.⁴³

In this instance, the industry association is reasoning based on the formal requirements of a particular convention and is supporting evidence of the existence of procedural norms that gives pre-eminence to the formal requirements of treaty and convention language. Interestingly, the industry association is referring to a particular convention, which, by its nature, is an agreement between states. This implies that the industry is invoking text from interstate agreements to direct the discussion in the plenary even if the industry has no direct formal part in such an agreement. As I will show later in the analysis, the industry often acted and was treated as if the different industry associations were member states similarly to the instance recounted above.

6.3.3. Are the arguments and the reasoning deployed contextual elements?

Following Beach & Pedersen's explanation of the nature of contextual elements in causal mechanisms, it is worth considering whether the type of argument could be context rather than cause (Beach & Pedersen, 2019, p. 78, see also the chapter on methodology for a discussion on this). The difference between a causal and a contextual element is that the causal one spurs actions or reactions from entities while the contextual enables or inhibit actions but does not spur them by itself. The evidence that I have found suggests that interventions and submissions from industry actors indeed spur actions from other delegates rather than simply enabling or inhibiting causal relationships. This causal status of the industry interventions and the arguments they make is what leads me to theorize arguments as the cause of firm influence.

Although the next chapter – by virtue of considerations on productive continuity – deals with the link between the theorized cause and the first causal step, it is worthwhile to see in the recounted instances how the interventions and the arguments made served to evoke responses rather than simply enable other causal interactions to exist. In instance #1 (p. 142), the interventions by the industry emphasizing “rational decisions” directly spurred both the Chair and some large member states to respond and refute the arguments of the industry.⁴⁴ Similarly, in instance #2 (p. 142) the different interventions made by the industry associations are woven into a discussion between them and a few specific states, where the arguments and reasoning deployed directly structures the kind of responses other delegates make. Overall,

⁴³ Based on MEPC 73 fieldnotes, line 764 - 780

⁴⁴ Based on PPR 4 fieldnotes, line 249 - 252

the arguments deployed by industry actors can be understood more productively as instigating activities rather than merely enabling the interaction itself.

6.3.4. The institutional configuration as a contextual necessity

In order for the theorized cause to manifest there is a very important set of enabling contextual factors that must be in place, namely the formal institutional structure of the IMO. As I have explained elsewhere, the formal institutional structure of the IMO enables the presence of industry representatives in plenary as well as working group arrangements both in their own right and as members as state delegations. As opposed to most other formal political structures this allows firms to present and respond to arguments during the formal policy deliberation, and this is a key contextual enabler of the theorized cause. Without the direct access to the IMO deliberations, industry actors would not be able to directly deliver arguments and provide reasoning. They could still pressure state delegates outside the IMO, but this would still prevent them from participating directly in discussions. A lack of access would not mean a lack of industry influence, but it likely would mean a change in the way industry influence came about. As a result, the institutionalized access of industry actors in the IMO is an important enabling contextual element for the theorized mechanism.

This is a formal institutionalization of the political role of firms. As I noted to myself during the events recounted in instance #3 (p. 143), it was fascinating for me to note that it seemed completely normal for the rest of the delegates that an industry representative was allowed to speak on the microphone in principle on behalf of a member state. It was a general observation that the role of firms as legitimate political entities seemed to have the status of a taken-for-granted belief among delegates, and that this was formally enshrined in the formal institutional arrangements lending them access. I will return to this aspect again as it is crucial to the explanation of the later causal steps, but the relevant thing to note here is that the formal institutional configuration of IMO completely mirrors the informal system of norms and beliefs held by delegates and is a necessary contextual condition for the theorized explanation.

7. Causal step 1: Acknowledging the nature of arguments

The theorized existence of the cause and the associated nature of the industry arguments is only causally operative because it constitutes the instigation of the larger causal mechanism. As I mentioned in the previous chapter, the deployment of arguments in one or the other form spurs other actions or reactions from other delegates, and this may or may not lead to firm influence on a specific issue. This first causal step is the next step on the path linking industry arguments to industry influence. In this chapter, I first explain and justify the entities and their activities based on the empirical record. I then explain the operative contextual elements that enable the causal process. Finally, I explain that the interpretation of the empirical evidence provides grounds for logically linking the causal step with the cause itself – i.e. productive continuity with the previous step.

7.1. Entities and activities: State delegates and evaluation of appropriateness of arguments

The operative set of entities in this step is primarily state delegates and secondarily non-state delegates. Importantly, the entities here are not the abstract construction of the ‘state’ or the ‘delegation’ but rather the group of delegates (or sometimes just the single representative) that are present during the discussion in either plenary or working group on behalf of a given delegation. This distinction is not just a matter of semantics, because the response to the industry arguments are rooted in beliefs held by people rather than by abstract constructions. In the remaining chapters on the causal mechanism I will show empirically why this is a more productive way of understanding the interaction between different delegates.

When industry actors have put forward technical arguments or appeals for consistency in one form or the other, the state delegates accept the nature of the arguments or interventions because it conforms to the strongly institutionalized norms and beliefs held by IMO delegates – in other words that the nature of the argument in question is *legitimate*. If the reasoning of the arguments do not follow these institutionalized norms and beliefs then delegates do not accept the nature of the intervention or submission and the causal mechanism breaks down. The reason why state delegates are primary and non-state delegates are secondary in this regard is that delegates are well aware that states rather than non-states are the formal decision-makers of the IMO, so influence *has* to be exercised with the states’ explicit or implicit consent. Non-state delegates’ evaluation of the legitimacy in this sense can be understood as subordinate to states’ evaluation. The common process here is the evaluation of the appropriateness of the posited arguments that takes place among delegates after an argument has been put forward.

In the theorized causal mechanism, the activity of evaluating whether a given argument is legitimate or not is a process that takes place largely implicitly within the minds of delegates. When an industry actor (or indeed any actor) puts forward an argument that contains an implicit reasoning, every delegate immediately

registers whether that kind of argument is appropriate or not based on that delegate's norms. Since there is strong evidence suggesting that many IMO delegates share these norms and beliefs, the evaluation is very similar from delegate to delegate. In instances where the evaluation is *not* similar, there is evidence that the delegate(s) in question do not share the dominant IMO norms and beliefs. At a more general level, the strong intersubjective understanding among delegates of the norms and beliefs is a key element that gives rise to the operation of the causal mechanism across different issues.

The 'activity' of accepting the legitimacy of a certain type of argument is not a readily observable empirical phenomenon but rather a true transfactual abstraction that only can be inferred indirectly (Jackson, 2016, pp. 40–41). Following the two-stage evaluation framework (Beach & Pedersen, 2019, pp. 155–156), it is important to theorize how this evaluation might manifest, what other theoretical explanations there could be for this manifestation, whether the expected empirical evidence is found, and whether the sources of this evidence can be trusted.

7.1.1. Theoretical uncertainty and uniqueness: Delegates' assessment of the legitimacy of industry arguments

As noted in other chapters, there is agreement in both IPE and sociological institutionalist literature that it is a significant empirical challenge how to assess actors' internal evaluation of something relative to a set of internalized norms, values, or beliefs (Mikler, 2018, p. 46; Scott, 2014, pp. 64–74). In this regard, it is only possible to consider in theory how this internal operation might manifest. Before turning to the actual empirical evidence, I will sketch what kind of evidential fingerprints I could expect to find in IMO.

Type A: Direct statements of appropriateness relative to a specific argument: When rejecting or appreciating a certain intervention or submission, a delegate may explicitly say that the type of reasoning deployed is appropriate in IMO, or appropriate according to an explicitly verbalized set of norms. However, I would not expect that delegates would voice deeply internalized taken-for-granted beliefs because they by definition are taken-for-granted and 'invisible' to the delegates themselves.

Type B: Explicit references to the norms coupled with patterns in acceptance/rejection: Delegates may make direct statements about the importance of specific norms in IMO in general, which can be corroborated with patterns of rejection or acceptance of specific arguments where no explicit reference to norms were made. For example, if several delegates express their appreciation for norms *in general* in IMO and delegates *specifically* reject firm interventions that appear to contradict those norms, it is in theory supporting evidence of the theorized causal step.

Type C: Expressive reactions to arguments that are not perceived to conform to norms, values, or beliefs. If other delegates make arguments that are illegitimate, delegates may react expressively or even emotionally because it clashes with their internalized ideas about how things 'ought to be'.

Type D: Lack of engagement with illegitimate interventions (the silent treatment). When actors bring non-technical or non-consistency arguments forward other delegates may respond with silence rather than refute it. The logic here is that delegates are not even willing to engage with illegitimate arguments. This is evidence in theory if there is supporting evidence that state delegates consider the relevant interventions inappropriate.

For all types of theoretical evidence, the justification for expecting this is rooted in the theoretical basis of sociological institutionalism that actors' norms guide whether or not they find a particular activity appropriate or not, while their beliefs shape how they interpret the world in the first place (D'Andrade, 1984, p. 88; Scott, 2014, p. 67). This is different from rationalist explanations that provide much less leeway for the role of norms or taken-for-granted beliefs (see Campbell, 2004 for an overview of this difference in institutionalism). However, rationalist explanations provide the basis for evaluating the theoretical uniqueness of the evidence, and I will return to this later in this section.

The justification for Type A evidence relies on the idea that statements about appropriateness or inappropriateness are manifestations of the strong norms, and the explicit linking of appropriateness to a certain intervention suggests the delegate in question links the evaluation of the argument to some kind of perceived norm for appropriate conduct (Suchman, 1995, p. 574).

Type B evidence is relevant because patterns of rejection and statements elsewhere in the empirical record about the types of appropriate interventions is evidence that the evaluation of arguments happens according to existing norms and beliefs even if they are not articulated directly. In this sense, this is akin to triangulation, but instead of using different empirical sources to find an objective truth (Silverman, 2011, p. 84) the different sources are used to interpret each other to make one or the other explanation plausible. With type B evidence, there must be a link between the expression of norms in one instance, the rejection or appreciation of an argument in another instance, and the content of the argument in question. Otherwise, there would be no logical basis for the link. Type B evidence is then corroborated patterns of expressions of norms and argumentative evaluation.

Theorizing the existence of type C is based on the idea that violation of deeply held beliefs or strong norms also instigate emotional responses (Scott, 2014, pp. 65–66). In the IMO, these emotional expressions may be relevant when individuals break social norms they subscribe to themselves, but may more often manifest when delegates react emotionally to other delegates breaking perceived social order. Although Scott only

discusses this in the context of the violation of norms, the empirical material in this project suggests that emotional reactions also may indicate a violation of taken-for-granted beliefs. The logic is that experiencing practices that are virtually unthinkable in the given social context warrants an emotional rather than a ‘calculated’⁴⁵ response from delegates who strongly hold these norms and beliefs. However, to be evidence of a rejection of the legitimacy of the nature of the argument, there must be something in the emotional response that indicates it is the type of argument and not the content. The larger implication of this is that emotional responses to industry’s non-technical, non-consistency arguments is evidence in theory in support of the theorized step.

Type D may seem contrary to type C, but follows the same logic albeit in a different way. If industry delegates present arguments that are considered illegitimate but not unthinkable as such, a lack of engagement by other delegates with the substance of the argument itself may indicate that the illegitimate nature of the arguments themselves does not warrant a response. If delegates refute the arguments, then it is evidence that they evaluate the substance and then implicitly accept the legitimacy of the type of argument, which implies that it will only be evidence in theory if delegates completely ignore the argument (unless they in other ways indicate that it breaks norms, per evidence type A). This collective ‘silent treatment’ may happen to all illegitimate types of interventions (i.e. state interventions, NGO interventions) if the theorized mechanism is accurate.

Beach and Pedersen suggests that in empirics-first process-tracing (or more generally in theory building process-tracing) it is unnecessary to evaluate the change in confidence depending on whether a theoretical trace is found or not (i.e. theoretical certainty) (2019, pp. 190–191). However, as part of the abductive process (Timmermans & Tavory, 2012) it is important to revise theorized elements based on the empirical material once a pattern starts to emerge, in particular since theoretical challenges to the explanation should be met. For that reason, it is worthwhile to consider what it means in theory whether evidence is found or not in context of meeting alternative theoretical interpretations.

As Beach & Pedersen note (2019, pp. 186–193) the process of identifying observable manifestations of theorized elements is at its core a creative exercise. As discussed in the chapter on methodology, I started with evidence before I theorized the mechanism, so the theoretical expectation of types of empirical observables is also an explanation of how the theorized mechanism can help make sense of the empirical material itself. With these theoretical considerations of empirical evidence in place, I now turn to the actual empirical record.

⁴⁵ Calculation here not meant in the sense that it is rationalist calculative behavior but rather that justification occurs without an emotional response and in accordance with the institutionalized system in question

7.1.2. Empirical material and its evaluation

Some interactions observed in IMO provide strong evidence that delegates evaluate firm interventions in light of norms. One instance from PPR 5 is recounted below.

#10. *It is around 5 pm this Monday afternoon in the plenary, and we have just opened discussion of a new submission by a North European state submitted co-sponsored with a smaller, specialized industry association. They propose a new pollution certification procedure for a certain type of equipment. The first speaker to respond is a large industry association who are presenting a submission they wrote as a response to the former submission. They explain why the original submission would mean a potential loss in environmental protection, and that it – amongst other problems - is based on “misleading assumptions” which voids the original submitters’ argument. Immediately following that, a very large Asian country takes the floor. They state that the proposed way forward by the North European country is not a rational approach, and as a result they support the industry response and reject the original proposal.*

Here, it is evident that the response submission put forward by the industry association is technical in nature as the industry association leverages its own expertise. The statement immediately following industry intervention by the large Asian state is remarkable because their response implies that they value the industry intervention over the state intervention because the industry argument is ‘rational’ as opposed to the state intervention. However, most of the time the acceptance of the type of argument was implicit rather than explicit. Consider below instance from PPR 4.

#11. *It is late afternoon, and the discussion on air pollution has been going on all day on various issues. During a more contentious discussion, two industry associations are supporting each other’s arguments as they argue a specific regulatory issue should be delayed because of technical challenges. A Northern European state takes the floor and explicitly state that they acknowledge the point of view of one of the organizations but disagree with the specific point that the introduction of similar regulation gave rise to problems.⁴⁶*

While the state delegate did not explicitly say during his intervention that the industry association’s arguments conformed to the strong technical rationality, the delegate did acknowledge the input as being a valid concern even if he disagreed with the substance of the issues. This particular interaction actually shows the two distinct causal steps (1 and 2) in once sentence, although the substance evaluation is a matter for the next chapter. What is interesting in the context of accepting the type of reasoning is the explicit acknowledgement given by the delegate to the industry arguments. A similar but opposite situation is recounted below, which happens minutes after instance #1 (p. 142) mentioned in the previous chapter.

⁴⁶ Based on PPR 4 fieldnotes, line 138 - 139

#12. *The discussion on this contentious air pollution issue continues. A large industry association representative says that they do not support moving forward, saying that regulation should be done in a “rational scientific engineering manner”. The delegate refers to a “scientific mechanical engineering fact” as further basis for his argument, and as he speaks, flags are being raised in response to this. A very large eastern European state takes the floor and agrees with this argument. Immediately after, a very large Western state takes the floor to refute the industry input. The delegate starts his reply with, “I happen to be a scientist” and then continues to argue against the industry interventions.*⁴⁷

The striking thing here is the insistence by both the industry representative (explicitly) and the second state representative (more implicitly) on the value of “science” as a basis for decision-making. While the industry delegate is very keen to defer regulation on the matter because of – in his view – the lack of evidence and “scientific mechanical engineering facts”, the refutation by the state delegate takes place within the same normative frame because he bases his arguments in ‘science’ or ‘facts’ in the same way as the industry delegate. This engagement on the basis of the same premise is evidence that the state delegate finds the type of argument appropriate even if he finds the substance lacking. This type of interaction makes it more certain that delegates’ evaluation of the appropriateness of interventions actually *is* tied to the nature of the intervention and not to the nature of the speaker. During the air pollution working group at MEPC 73, I noted in my fieldnotes that it was virtually impossible to determine whether the speaker in question was an industry or a state representative because the dynamic of the discussion was between delegates trying to make a regulatory text better rather than between states and firms as such.⁴⁸

There is even evidence that industry representatives themselves were critical of other industry representatives if they were not living up to the normative standards. Consider this quote where I asked the interviewee whether they became frustrated when other industry actors did not bring rigorous analyses to the table in IMO:

#13. *(Interviewee) “... there are some organizations who have observer status and they have one individual in the meeting who is clearly giving his own opinion. And we know this for a fact, because for example, we have people here, staff here who are members of various other organizations. And they often express surprise when they hear something being said by their institution for example, which has never been cleared with the members.”*

(Christian) “Okay.”

(Interviewee) “So that is frustrating. And it shouldn't be-- it should never be what an individual believes, it should be what that organization has developed as a view.”

(Interview with senior industry representative in IMO)

⁴⁷ Based on PPR 4 fieldnotes, line 256 - 262

⁴⁸ Based on MEPC 73 fieldnotes, line 139 - 141

The testimony above elucidates the norm explained earlier. His indication that “*it should never be what an individual believes*” echoes the comments referenced earlier by industry representatives highlighting technical rationality as a value. It could be interpreted to indicate a rationality of representation where the appropriate viewpoints would be grounded in the membership base, but elsewhere in the interview, he states:

#14. *“We would never say, “Oh well, we haven’t had time to analyse that, so we’ll just say this, and we know that people will believe us.” We would never do that, because I firmly believe that you’re only as good as the last intervention that you made, and if you make a stupid intervention, or you say something that is clearly not accurate, then you’re going to devalue your credibility and we cannot afford that.”*

(Interview, senior industry representative in IMO)

The interactions and interview quotes shown here point to a pattern where there are real and operative norms about ‘appropriate’ types of interventions in the IMO, which have to be founded on some technical logic or scientific evidence. When the industry representative highlights the link between credibility and the accuracy of their interventions, he indicates that state delegates’ evaluation of his organization and their interventions actually does hinge on the perceived veracity of the interventions themselves. This – in conjunction the other pieces of empirical material – points to a pattern where state delegates in general evaluate the appropriateness of industry interventions.

In support of this, I found empirical material that indicates the working group delegates actively appreciate relevant input that has this character. One working group Chair (who is also a state delegate) explained the following to me:

#15. *“I have a lot of respect for ship owners. They bring a lot of great experience. So let’s say [specific industry associations]; If they all wanted something but it’s something that’s not necessarily supported by any member state-- now, it depends on what their issue is. And maybe they’re not explaining it well enough. And I will ask questions and try and make sure I understand what the issue is. And I want to make sure that everyone in the room understands the issue. It’s important to me that everyone in the room understands what’s going on. And so I try and make sure that that happens. I don’t want people to be lost on what the discussion is.”*

(Interview with working group Chair)

In this quote, the working group Chair ties his respect for the ship owners to their ability to bring experience to the table. As he explains, he actively probes industry representatives to assess whether it is relevant to the discussion. His emphasis on making sure everyone in the room understands the status of the discussion is in line with the emphasis on technical rationality since a stronger technical discussion benefits from relevant input where delegates understand what is going on.

If state delegates evaluate the appropriateness of industry interventions based on those norms, this means that the legitimacy of industry representatives as political actors in their own right is tied to the relevant knowledge they bring to discussions. As the testimony above indicates, the state delegates or even the Chair may actively search for and appreciate this knowledge because they find it relevant. When asked why it was so accepted among state delegates that industry actors participated in working group discussions, one state delegate representing a country with a very large flag register told me the following in an interview:

#16. *"... At the end of the day, what's agreed to within these working groups and by the committees or the organization with these conventions are technical standards. And the technical standards need to be implemented adequately in order for them to be effective."*

(Interview with state delegate)

The quote elicits the link that is implicitly drawn by state delegates when they evaluate industry interventions. If delegates understand IMO regulation to be essentially 'technical standards', then this supports the presence of norms which dictate appropriate types of interventions because the purpose of the work of the IMO is to make better technical standards. Similarly, consistency arguments are useful because they ensure conformity across regulations and consistency in the use of concepts and nomenclature.

One clear instance of an illegitimate intervention happened at MEPC 73 where a specific industry association representing a segment of the industry put forward a submission that was critical of the effect of new (and agreed upon) regulation on that sector. Consider the following instance:

#17. *Thursday afternoon in the plenary at MEPC 73. We are discussing a less contested topic that has been on the agenda of MEPC for many years. An industry association representing a specific segment of the industry takes the floor; I have never heard about them before. They present their submission which contains a study conducted by a consultancy, and their main argument is that new regulation will have detrimental effect on their member firms and as such they should be given further time to comply. I have noted that state delegates in preparation for this submission have wondered why it is so difficult for vessels to comply with this regulation when trucks and automobiles have complied with even harsher regulation without issue. The Chair takes the floor. He says that he is not going to embark on a larger discussion of the issue, and would much rather note the information and ask states to submit documents for the next MEPC meeting if they want to change MARPOL Annex VI. A handful of states agree with the Chair, but a single state agrees with the Chair while also acknowledging the submission because it highlights relevant issues. The Chair then ends the discussion by saying he himself was part of the discussion at MEPC 66 where the relevant segment of the industry was given a five-year exemption from the general rule, so a new extension has no merit. The discussion is closed and we go to coffee break at 16:05.⁴⁹*

⁴⁹ Based on MEPC 73 fieldnotes, line 781 - 791

What is at play here is both technical and continuity issues. As I had observed, state delegates (with engineering backgrounds) were almost openly satirizing over the claim by the industry actor because a core claim in their consultancy report – the impractical size of a certain abatement technology – was absurd since the exact same abatement techniques had been implemented on all European trucks decades before. Because of this perceived absurdity of the claim, the lack of knowledge about the specific industry actor in question, and the disconnect with an earlier exemption for that same industry at MEPC 66, state delegates generally did not find this intervention appropriate. Even if flags were coming up, the Chair preempted the discussion by stating this would not be seriously treated, and the ‘silent treatment’ by most delegates was evident here as states only took the floor to echo the Chair’s concerns rather than actually engage with the substance of the proposal. This is an example of an ineffective industry intervention that very plausibly fell short because other delegates considered it inappropriate.

However, one state expressed acknowledgement for the input, which is evidence *against* the claim that state delegates evaluate interventions based on appropriateness relative to technical norms and the value of consistency. This particular state – a smaller southern European state – is interesting because it has been at odds with other EU states before. In other, more contentious discussions, this country has openly disagreed with the rest of the EU because of their more defensive stance against more stringent regulation.⁵⁰ After returning to CBS after MEPC 73, I examined the relationship between the state and the specific segment of the industry that had put forward the proposal. It turns out that there is a high concentration of firms operating in this industry physically located in the state in question. Theoretically, it is line with the structural power perspective – a state protects the interests of an industry that is economically or societally important.

Even though the state noted appreciation of the intervention in the above instance, the example serves to show the limits of structural power of the industry in IMO. As Mikler argues (2018, p. 5), even MNCs are ‘territorial’ in the sense that they are not abstract entities but corporations who have assets and headquarters that exist *somewhere*. This means structural power exercised in the context of IMO has to manifest (either implicitly or explicitly) through specific states. As the empirical evidence shows, discussions in IMO are rooted in speakers who are representing specific delegations, and not an abstract entity that follows structural impositions by a global industry. Instead, the different segments of the industry with their various specific interests and business structures have relationships with specific states rather than the IMO as an abstract construction. Structural power cannot manifest unless is manifests through specific state delegations, and as the empirical material indicates any systematic exercise of structural power has to dominate the room in contestation of the IMO norms. In general, this supports the theorized mechanism

⁵⁰ Based on MEPC 73 fieldnotes, line 546 - 548

because the causally operative element (in relation to industry influence in IMO) is the intersubjective institutionalized beliefs rather than the material-structural position of the industry in general.

7.1.3. Empirical certainty and uniqueness: Source evaluation

Following the logic of the two-stage evaluation framework, it is necessary to consider to what extent the empirical access and sources provides basis for inference. The first question is whether the empirical access was sufficiently strong given the theorized mechanism independently of the theorized empirical fingerprints. A significant consideration here is the number of interviews compared with the number of observation hours. Ideally, I would have had the resources to carry out more interviews to further substantiate the interpretation of the observational material. If I had relied only on interviews, this would signal a core flaw in the logic of inference since I then would be further removed from the empirical instances of interest. The strong access to working group arrangements is what provides a high degree of empirical certainty, as the working groups were the places where manifestations of evaluation of interventions was likely to be observable. This high degree of empirical certainty supports the inferential strength of this causal step.

However, if the observable interactions in the working group (and plenary) are simply front-stage play (in the words of Goffman, 1956) covering agreements made outside the formal constraints of the working arrangements, then that is a significant empirical weakness since that would pose a problem in terms of empirical certainty for the observational material as well. If IMO indeed works through behind-the-scenes corridor agreement making more than through meaningful discussions in the different working groups, then no observation of formal working arrangements would yield information about the ‘real’ political interactions. Nevertheless, if this was true, even to some extent, then it should also be expected that this would be reflected in empirical traces substantiating this facet.

In the empirical material that I found, there was very little indication that working groups or plenary interactions were charades or surface manifestations of hidden political interactions. Although different interviewees and field observations indicated that specific states had close relationships with industry actors because of material ties (I elaborate this later in the dissertation), there was no evidence to suggest that working group and plenary observations were front-stage plays or reflections or agreements made elsewhere. In addition, the normative evaluation of industry interventions seems to be genuine as there is no empirical evidence that suggests that the expressions of approval/disapproval or references to extant norms are surface justifications covering ulterior reasons.

7.2. Contextual elements operative in the first causal step

The contextual specificities of IMO that are necessary and operative for this causal step to work as theorized can be separated into *cognitive beliefs* about the nature and purpose of IMO work held by IMO

delegates and the *legitimacy of industry representatives as political actors in their own right* (. In a sense, both elements are sides of the same coin since there is a link between cognitive beliefs and legitimacy (Mikler, 2018, p. 43; Suchman, 1995). However, it is not enough for the theorized mechanism that industry actors are considered legitimate political entities, because it is the value of the firms' technical knowledge that structures the delegates' evaluation of industry interventions. This value is derived from the normative beliefs of delegates themselves. Similarly, delegates' deeply held cognitive beliefs about the purpose and nature of IMO regulation does not allow for the theorized causal step if industry was not considered a legitimate political actor. At this causal step, these two elements form the core contextual elements.

7.2.1. Cognitive Beliefs: The nature and purpose of IMO work

Inference of cognitive beliefs or worldview understandings held by social actors is a difficult exercise. The theorized causal mechanism and its supporting evidence suggests that delegates consider IMO work to be technical in nature, and that the purpose of IMO regulation is to have regulation which is technically precise and useful in practice. However, there are interesting nuances in the delegates' own understanding of this aspect of IMO; while there is a common core understanding of the ideal purpose of IMO regulation, it seems there was a considerable degree of difference in terms of how *political* the delegates understood IMO work to be. Consider the quote from this working group Chair:

#18. *[The shipowners] want to, well, protect their own interests. That may sound harsh, and there's nothing wrong with protecting your interest. There's nothing wrong with that, and it depends on what the interests are. And they want to be able to operate, and they want to be able to operate successfully. It depends on what's going on, but they do want to try and be-- they do want to be helpful. I'll say that. Shipowners are not bad people [laughter]. They're entities with interests and they want to operate successfully, and they have a lot of knowledge and they want to... they want to be able to contribute and make a positive difference that those things don't oppose each other.*

(Interview with working group Chair)

In this quote, the Chair explicitly acknowledges the role of material interests that industry actors have. It is important to note here that this particular individual is from a country that traditionally has had a very small merchant marine industry, so it is very unlikely that he says this to legitimize his own state's pursuit of national industrial interests. In particular, Chairs are under constant scrutiny by the rest of the delegates who evaluate the neutrality of the Chairs, including their conduct and choice of procedure for specific issues.⁵¹ He then links those interests to his understanding that the industry actors want to make a "positive difference", with the positive effect evidently being the strength and precision of the final regulation.

⁵¹ Evident in one instance based on MEPC 71 fieldnotes, line 152-153

#19. *I think overall IMO, being a technical body, of course IMO is political. We should look at IMO on the ground of fairness. It is a political body. Any technical discussions cannot be separated from political elements. That is my strong opinion. Very strong technically deep discussions in IMO. You can't deny that there are some politics there. Ship-building nations' interest, China's interest and growing emerging ship-building nations' interest, and ship-owning nations' interest, like [Southern European Country]—[That country] is very vocal at IMO in discussing and adopting new regulations, but that is to protect, and that is to represent the national interest. But even so -- I think IMO was very efficient in agreeing to some initiatives. Of course, it is far less than The European Union, but I think it's very good.*

(Interview with industry delegate)

#20. *[...] my opinion about industry participation is that they actually benefit the organization because, like I said from the beginning, the IMO is a technical organization, and so in order to have meaningful regulation, the standards that are developed need to be realistic. That kind of make sense.*

(Interview with state delegate)

The common denominator for these interviewees is that there is a division between *political* and *technical* considerations, but that the core of IMO is technical even if political elements find their way into the discussion. Most clearly, the quote in #20 (p. 160) by the state delegate elicits an almost ontological idea about the organization and its work: The IMO *is* a technical organization, and ‘meaningful regulation’ is understood on this basis. Elsewhere in the same interview, the interviewee talks about political considerations that happen before IMO sessions (i.e. when states determine their positions on a topic) but maintains that the IMO is technical despite these political concerns.

Compare this with #19 (p. 160), where an industry representative (who has also represented states during his career) in almost the same sentence both refers to IMO as a technical *and* a political body. His point is that there is a political element even in the deepest political discussions because different industries and states with those industries have interests in this regard. However, later in the same interview I asked him whether other delegates respect “calculations and tests” even if it is political, he quickly interrupted me to say that he agreed. Contrast this with #18 (p. 159), where a working group Chair shows he clearly understands the different interests of shipowners but still appreciates their input as he also discussed in an earlier quote. On one hand, the Chair recognizes that there are different interests at stake (which is what the others refer to as ‘political’) but on the other hand, he also believes their input is valuable because they contribute with relevant knowledge.

#21. *I think that there's really only two kinds of debates at the IMO, the rather technical or the political. [...] A delegation will always comprise the people who are appropriate to that meeting from a technical point of view. Because, obviously, as the debate develops particularly in a working group, then they do have to draw on their own experience. [...] But often, the debate will go beyond that. And then they draw on their own experience guided by the what members have said. So that's the technical level. On the political level, if it's a political debate, then it will either be me as the [title] or certainly one of the directors who would speak because there's a core of people here who understand the political sensitivities and will be able to negotiate their way around some political arguments. And it would be wrong just to have a junior person doing that.*

(Interview with senior industry representative)

In #21 above, a senior industry representative explicitly divides discussions in IMO into political and non-political and elaborates how that informs their considerations on how to approach the discussion. Notice in particular that he says that debates in working groups in particular touches both political and technical elements, which means that (industry) participants must understand both. This perspective is in line with the observations from working groups. When these interview statements are held against the empirical instances already covered, it appears that state delegates' evaluation of industry arguments happens in a social context where actors share the overall idea about the nature of IMO and its work even if there are differences between them. The appropriateness of the industry interventions is linked to the delegates' institutionalized belief that IMO at its core is a technical body, albeit one where politics plays a significant role.

For instance, in #11 (p. 153) where the Northern European state acknowledges the point of view but not the technical substance, the delegate says this because he believes that IMO is a place for technically precise regulation which is why he finds it appropriate that industry actors voice relevant concerns even if there are political disagreements embedded in the discussion. Similarly, in #17 (p. 156) the dismissal of the industry concern happens because delegates do not find that the type of intervention is appropriate at all since the technical (or consistency) relevance for the proceedings are non-existent. In each instance where I found industry actors' input was acknowledged, it seemed that the delegates' institutionalized beliefs structured their evaluation of industry input.

7.2.2. Legitimacy of industry actors

The second face of this coin is the legitimacy of industry actors as political entities. In the IMO, it is the legitimacy of private actors from the point of view of the state delegates that is important here, since both plenary and in particular working group arrangements in IMO are so insulated from the public view. Evidently, the empirical material overwhelmingly suggests that state delegates accept, acknowledge, and welcome industry presence in IMO proceedings, implying a very strong discursive position of firms and industry associations because they are considered legitimate political actors. This legitimacy is directly

derived from delegates' institutionalized beliefs about the IMO and the kind of appropriate actions and actors that can participate in policy discussions.

Consider for example quote #18 (p. 159), where a working group Chair explicitly acknowledges both the material interests of industry and their role in political deliberations. In #15 (p. 155), the same Chair explained that he goes to great lengths to understand concerns of industry actors. He uses the word 'helpful', which crops up in different places, for instance in my interview with another working group Chair. When the Chairs explain industry presence based on how 'helpful' it is, they make an implicit link to their understanding of the purpose of IMO, because if the industry input is 'helpful' not because it solves political divisions but rather because it makes regulation better. Indeed, one senior industry representative explained that because of the lack of power of the IMO secretariat, industry actors had a function akin to a technically staffed bureaucracy:

#22. *"The problem is, in the IMO, you don't have that civil servant [that states have]. You don't have that sort of service because that is not the role of the IMO Secretariat. Yes, there are some extremely good technical experts in the IMO Secretariat, but they're not allowed to, for example, draft a paper that would influence the outcome of the debate. Simply isn't the way the UN works. So the only way to make sure that the industry views are at least heard, is to have this organization where the observers can take part in the debate."*

(Interview with senior industry representative)

This is an industry perspective, but it links very clearly to the state delegates' testimonies about their views on industry participation. What is striking here is that the legitimacy of firms as political actors is rooted in the gap they can fill given the lack of technical expertise outside firms and class societies. This might lead one to believe that the lack of a permanent, influential, and technically sophisticated secretariat is a contextual requirement as well, but the evidence here suggests that it is not the lack of a secretariat per se but rather the *belief* among delegates - in both a cognitive and normative sense - that is operative. Put differently, the delegates' are more concerned whether or not technical expertise is present at all rather than if the expertise is held by a secretariat of the industry representatives.

7.3. Productive continuity between cause and the first causal step

In process-tracing, the core part of the analysis which justifies the causality of an explanation is the productive continuity of a theorized causal mechanism (Beach & Pedersen, 2019, p. 70). This means that there can be no logical hole between different steps so that a causal link between them is plausible. For this step to make causal sense there must be a productive continuous link between the cause (industry arguments that are technical in nature or appeals to consistency) and the first causal step (state delegates' evaluation of appropriateness of industry arguments).

The logic in this mechanism is that when industry puts forward arguments, it warrants an evaluation of appropriateness whether this evaluation is explicit or implicit. This perspective only makes sense from an institutionalist perspective or at the very least a theoretical lens that gives credence to non-materialist explanations of social behaviour. In the institutionalist tradition, it is theoretically expected that social actors evaluate the appropriateness of activities or speech-acts because everyone has more or less clearly articulated beliefs about appropriate conduct in a given social context. This would make it a logical step to then ask the underlying norms, beliefs, or values that underpin evaluation of appropriateness among delegates.

However, more rationalist or materialist theoretical lenses would not find this logical at all. If actors decide on responses to interventions based on their calculations of material gain or loss rather than by reference to institutionalized beliefs, then it is more logical to suggest that delegates evaluate whether the intervention is supporting or opposing their respective material interests. An example could be what happened in instance #17 (p. 156) where a single state acknowledged the relevance of the industry input given the material interests of that particular state. In the interview quotes, it is also clear that both industry and state delegates are well aware of the underlying material interests. However, the totality of the evidence points to institutional theory as a better explanation, which is a plausibility assessment in line with judgmental rationalism.

Although interviewees do not explicitly say that they react to arguments based on these institutionalized beliefs rather than calculated interests, the observational material I show coupled with the interviews strongly suggests that industry interventions does spur delegates to react, and this reaction is rooted in IMO beliefs. The most explicit example of this was when a state representative directly responded to industry interventions saying, “I happen to be a scientist” and then explaining his opposition to the substance of the argument. Observations in both plenary and working group (but particularly in the working groups where proceedings are less formal) delegates do respond to arguments and make some kind of evaluation of it. Consider this quote:

#23. Interviewee: “[...] to participate in the discussion, you need somewhat of a responsive approach rather than this ‘is a delegated position’.”

Christian: “Yeah, that makes sense.”

Interviewee: “So you can see that if you’ve got a dedicated spokesperson, it’s very difficult to intervene in the course of a developing argument because [...] you’ve actually got to have a *de sotto* discussion with your microphone user to get that point through, if that’s the way they work.”

(Interview with independent expert)

The interviewee highlights that it is necessary to respond dynamically to arguments as they unfold, and that in order to be effective a delegation cannot be 'locked' to a certain position which they cannot deviate from. This corroborates the observations I made in working groups, where I explicitly noted that as formality was decreasing the delegations stopped using pre-prepared statements and instead engaged in what seemed like actual discussion rather than simply coming in, reading statements, and then sticking to statements instead of responding to industry interventions. If discussions are dynamic in this way, then deploying arguments does indeed 'trigger' the next causal step.

Why are norms contextual elements while arguments and their type are not? Recall the point made by Beach and Pedersen (2019, p. 78) that contextual factors enable or inhibit causal relationships while causes or causal steps trigger some kind of effect or response. The empirical material presented here suggests that arguments do trigger responses, albeit much more pronounced in working group arrangements where the discussions are much less formal and back-and-forth interactions are very common. In the plenary, the more formal interactions still allow for responses and discussions moderated by the Chair but to a lesser extent than the working groups. However, interventions brought forward in the plenary are often discussed further in working groups, so delegates' evaluations of appropriateness 'travel' into the working group discussions.

Overall, the institutional perspective explains the causal link between the type of arguments made by the industry actors and the evaluation of the appropriateness of the arguments based on their institutionalized beliefs. This justifies the productive continuity from the theorized cause to the theorized first causal step. Of course, this begs the question: What does the evaluation of arguments' appropriateness trigger? To answer this, I turn to the second causal step where delegates accept the substance of the reasoning.

8. Causal step 2: Accepting substance of reasoning

If industry representatives mobilize arguments that state delegates consider to be technical in nature or dealing with consistency (and thereby constituting legitimate forms of reasoning), the delegates then assess whether the substance of the arguments make sense to them. This sequence of events is often tacit or immediate, but even when delegates makes these judgments silently or implicitly, the pattern is always the same. In this chapter, I explain how this engagement with reasoning works, which entities engage in which activities, what the contextual requirements are, and how this productively links back to the prior causal step.

8.1.Entities and activities

The operative set of entities here are the state delegates and, to a lesser extent, the Chair in charge of the deliberations. They engage in the activity of accepting the substance of arguments presented by industry representatives based on an internal evaluation of the arguments if the delegates understand the arguments to be appropriate given the ideational context (i.e. it passes step one). Instead of assessing the legitimacy of the arguments, state delegates evaluate whether they believe the reasoning of the argument itself is persuasive. Normative ideals about consensus-type deliberation and argumentation forms the basis for why delegates even engage with the substance of industry arguments.

Delegates' assessment of the persuasiveness is not necessarily an instant action, and depending on the scheduling and particularities of the issue, this evaluation of persuasiveness may take several MEPC or PPR sessions. When it is an instant response – whether or not it involves accepting or rejecting the argumentation – it usually happens as part of a tight working group session or when the issue has been discussed at length already. Longer periods of evaluation may involve states asking the industry to bring more information to the fore in support of the reasoning before state delegates are comfortable accepting the argumentation. It can also range from being the response of a single state representative who on their own evaluates the substance to a whole delegation who, potentially in consultation with other state delegations, assess whether they collectively are persuaded by the technical argumentation of the industry. The common pattern is that state delegates evaluate the arguments based on their perceived technical substance.

Since the delegates evaluate industry arguments in light of what they already know of the issue, the existing perception of the issue among state delegates is important for how they evaluate the arguments. For example, if state delegates are convinced that technical solutions to a given problem do exist, they will dismiss arguments from the industry that the relevant technology does not exist. If state delegates have expert knowledge on the matter, they will use this knowledge when ascertaining the value of the substance of the arguments. However, the opposite is also true as some delegates are less technically proficient than

industry delegates, and this results in a dynamic where a technical discussion de facto only goes between a few state and industry individuals while the rest of the room simply follows. This sometimes results in situations where even the Chair does not quite follow, and where most state delegates simply place their trust in whom they perceive as a credible expert on the issue which subsequently guides their assessment of the persuasiveness of the arguments in question.

8.1.1.Theoretical certainty and uniqueness: Delegates' evaluation of the substance of industry arguments

Similar to the inference of step one, step two involves an inference of an unobservable process that only indirectly manifests in the form of empirical fingerprints. Instead of searching the empirical material for evidence that there are operative norms or beliefs that form the basis of evaluation, the expected empirical evidence should provide substantiation to the idea that delegates engage in a genuine discussion of the merits of the arguments themselves. The idea that discussions are genuine deliberations (Risse & Kleine, 2010; Warntjen, 2010) means that it is necessary to corroborate evidence of evaluation of arguments with evidence which suggests the discussion is, in fact, genuine.

Type A: State delegates engage directly with the substance of industry arguments: When delegates are deliberating industry arguments, they may discuss the substance of the argument itself. This is different from discussions where state delegates either do not take on the substance of the proposals, or when they are assessing the industry arguments.

Type B: Reason-giving principally related to substance when accepting or rejecting arguments: Delegates provide the reasoning for why they agree or disagree with a given proposal or argument and relates it to the substance of the argument. For example, they may reject an industry proposal and justify it by saying that other sources of information or expertise contradicts the industry claim.

Type C: Indirect references to the veracity of the substance of arguments outside of actual discussions: Delegates make references to the substance of the argument outside of the actual discussion either before or after the discussion itself. For example, delegates may after the relevant IMO session refer to their approval of a specific industry argument during the deliberations by stating that they agree with the substance of the argument even if the delegates did not state that during the deliberations themselves.

Type D: Internal deliberation between or within state delegations in response to a specific argument by industry: During IMO discussions, state delegations may discuss (either on or off microphone) whether they agree with the substance of the argument put forward by industry actors. For example, a group of states may convene informally during coffee breaks and discuss among themselves whether an industry proposal is persuasive.

Justification of Type A and B evidence is very similar, and follows theoretical work on institutionalization of deliberation in international relations (Müller, 2004; Risse, 2000). From this perspective, actors deliberate not based on bargaining positions but rather based on arguments and their merits. Type A is the more direct empirical type where actors engage in a discussion of the substance itself. This may happen particularly in working groups where states and industry actors deliberate heavily on the veracity of a given claim and whether it makes technical sense to the extent that it should inform policymaking. Finding empirical traces of delegates' engagement with substance in this way is evidence of evaluation of the substance rather than the form of the argument, provided that it is justifiable that it is not merely ritualistic or not genuine (Checkel, 2001; Risse & Kleine, 2010, pp. 713–714). In order to justify this, it is necessary to engage with the totality of the empirical evidence to show to what extent this actually is justifiable.

Type B relates to direct engagement with the substance, but instead of delegates specifically discussing the substance, they may provide reasons for agreement or disagreement that relate directly to the substance claim. For example, a state delegation can chip in and state that the arguments made by the industry association makes sense because of this and that, and as such they find the argument convincing. In practice, this would happen either when discussions are shorter or when states are not part of a primary discussion of substance, but in either case when state delegates express reasons for finding one or the other argument convincing. This kind of evidence would likewise have to be evaluated in light of whether the statement is ritualistic, and in particular whether there is reason to believe the delegation in question simply is responding to national material interests rather than seeking reasoned consensus.

Type C evidence is indication that delegates do assess whether or not they are convinced by arguments in the deliberations even if they do not explicitly indicate that during the discussions. Empirical fingerprints of delegates expressing indication regarding the substance of an industry claim outside the actual deliberations is evidence of the evaluation taking place, as long as there is no theoretical reason to believe that it is imply a post- or pre-rationalization by the delegate in question. This kind of evidence would look like informal statements in breaks or during interviews where delegates indicate that they were or were not persuaded by the substance of a given argument, or that the reasoning of a specific argument from their point of view was not sound.

Type D evidence is indirect evidence where state delegates' internal deliberation or discussion with other delegations centre on the substance of the argument. If a state delegation discuss between themselves or consult with their advisers whether a given argument makes sense, it is indication that they are engaging with the substance of the claim as they are seeking information that allows them to assess the substance itself. Even if the delegates do not end up engaging directly in the discussion, this kind of empirical evidence would indicate that they do assess the substance of arguments regardless. The same is true if delegations meet during or between sessions informally in order to discuss their position vis-à-vis a specific

industry proposal. This is particularly important when the EU countries coordinate before and during MEPC and PPR sessions on issues where the EU Commissions claims EU competence.

It is integral to the analysis to assess why delegates engage in deliberation. Extant theorizing has found it “almost impossible” to ascertain the motivations of actors in deliberations (Risse & Kleine, 2010, p. 712), but it is possible in the analytical logic of process-tracing to infer motivations even if they cannot be directly observed. It is one of the core defining differences between institutionalist theory and materialist approaches to global corporate power that institutionalists do not presume the actors’ motivations. Because of this, I am careful to take departure in the empirical evidence when inferring why actors engage in the political discussion the way they do.

8.1.2. Empirical material and its evaluation

It is one of the most consistent findings of the available empirical evidence that discussions in working groups both in MEPC and PPR was based on the substance of claims and the content of argumentation, as long as arguments fit with the norms as explained in the previous chapter. In an early phase of my fieldwork, I witnessed the following interaction.

#24. *It is evening at PPR, and the discussion is going into its 11th hour. We have now reached a less controversial and highly technical issue, but still one of great concern to specific industry associations. A Northern European state are engaged in a discussion about a proposal made by that state, and the state representatives are trying to persuade a specific industry association that the proposal makes sense. As the state representative provides reasoning, a few engineers are shaking their heads. The industry association takes the floor and announces that they have changed their opinion based on the discussion. While they still do not agree with the Northern European state, they listened to the input of another, East Asian, state, and subsequently say that they agree with the East Asian state on the issue. This is contrary to what they said in plenary earlier. A very large Western state says that the discussion essentially is about a business case, and the Chair motions to move on from that particular proposal.*⁵²

In this instance, the peculiar thing happens where an industry association explicitly says that the argumentation by a state delegation is persuasive, whereby they change their mind and position. This is evidence of the industry association itself approaching the deliberation as a problem-solving discussion rather than a negotiation with fixed interests. This instance is symptomatic for the way the representatives of this specific industry association – which is an equipment provider association - approaches the MEPC and PPR discussions, so I will refer to this association as StarGroup when it is relevant to single it out.

Is the association only ritualistically deferring to state pressure and not genuinely changing their minds? In this specific instance, it is not evident what they stand to gain from doing so. Their member firms have much stronger expertise on the issue in question than any of the state delegates that are present, and

⁵² Based on PPR 4 fieldnotes, lines 275 - 280

individual firms that are members of the industry association also sit in their own right as advisors in at least two states (but not the states involved in this interaction). If StarGroup wanted to push their point of view, it would be very easy to mobilize their technical knowledge and show that both of the states were wrong at a technical level. A ritualistic deference to states' authority would also sit very uneasily with all the observed instances where StarGroup spent considerable energy driving home their points. For example, later that same evening on a different issue, StarGroup is unrelenting in their insistence on major changes to the draft regulation.

Is this evidence of a quid pro quo-deal that StarGroup has made with the second state in the empirical instance recounted in #24? If StarGroup had agreed to change their opinion in exchange for the Asian state's support on another issue, it would imply that it would be in both StarGroup and the state's interest to make this deal, and that the state would reciprocate. I have no recorded observations of the specific Asian state specifically supporting StarGroup, but since this advocacy could have happened outside IMO, it is impossible to tell. However, in the issue in question from the instance recalled above, it is not evident what the Asian state would gain from getting support from StarGroup. It cannot be ruled out that they had commercial interests in this direction, but the firms of the Asian state are in principle direct competitors with StarGroup's members, so from this perspective a quid pro quo with their own competitors seems implausible. Additionally, there is no evidence in the empirical material that quid pro quos like this happen at all, and the deal-interpretation would have to stand against every empirical example of StarGroup providing substantial reasoning behind their positions and other actors' reference to their expert authority as I will get back to.

The reason I include a discussion on StarGroup is to provide the basis for interpretation of the general relationship between industry and state representatives when legitimate arguments are evaluated. StarGroup is one of the most consistent industry actors when it comes to explaining the reasoning behind their proposals and engaging in the substance of arguments, so it serves as empirical substantiation for the way influence on the outcomes requires approval of substance by state delegates. Of course, the interesting thing is whether state delegates engage in a deliberation based on substance rather than simply aligning with what their perceived material interest is. Consider the following instance from the same evening as the previous instance.

#25. *Later that evening, StarGroup are suggesting “major changes” to the draft regulation on the screen. The Chair of the room is getting really tired, but several of the issue experts in the room from different delegations seem to be wide awake. StarGroup engages in a substance discussion with an independent technical expert from a professional association who corrects or argues against some of the points raised by StarGroup who is allowed by the Chair to essentially dictate changes to the draft regulation. Advisors from the same firm as the main representative from StarGroup are present in at least two delegations, and in one of them they are collaborating very closely and discussing the changes as they are brought up. I note that all formality seems to have evaporated as everyone is on a first name basis, including the Chair when he dictates who should speak. A large Western European state says that they accept the proposed changes by StarGroup conditional on an OK by the representatives of a very large Western state, the independent professional expert, and the representatives of the classification societies that are present in the room. I note that the entire discussion only has been possible because of the deep technical knowledge of the representatives involved.*⁵³

This instance shows both the tacit acceptance of the nature of the arguments deployed by StarGroup (step one of the theorized model), but also how the deliberation is on the level of substance. The deliberation between StarGroup’s representative, the independent expert, and one of the state delegates is on the substance of the proposals on a very technical level while a separate state representative says they are fine with the changes if the other delegates think that the argument holds water. It is of note that the main firm composing the delegation of StarGroup is headquartered in the same country that says they can conditionally accept, but the other very large Western state engaged in the discussion have no apparent commercial links to StarGroup. The complexity is exacerbated by the fact that the representative of the Western European country was actually employed in a classification society at the time of this instance, and still appointed as spokesperson on this issue by the state administration.

It would have been easy for the state representative to simply support StarGroup if it was in their interest, but here – just as in other instances – the state representative indicated that he assessed the substance of the argument in question based on whether the other experts agreed. It is consistent with how the representative has engaged in discussions elsewhere where it likewise has been evident that he engaged with substance rather than acting on potential material interests. Similarly, the representative from the very large Western country also seems to engage genuinely with the arguments put forward by StarGroup. Throughout the discussion on the issue, he provides reasoning behind his position and both agrees and disagrees with different points put forward by StarGroup:

⁵³ Based on PPR 4 fieldnotes, lines 309 - 316

#26. *It is now past midnight, and it has dragged out because we are tasked with developing the whole document on this session – not because a given actor has obstructed progress. StarGroup still has lots of energy, as has the representative of the very large Western state and a few others while the Chair and some others look like they are falling asleep. StarGroup puts forward an extremely technical argument and even the Chair seems to have a hard time following the technical reasoning. An independent expert steps in and counter-argues, and the very large Western state representative agrees with the expert, stating that if they we are in doubt he would err on the side of favouring environmental concerns.⁵⁴*

Within a span of a few hours, these delegates have both agreed and disagreed with each other and provided reasoning behind their arguments. Of the states participating in the discussion, there was no consistency in whether a state with economic ties to firms in StarGroup's membership base supported StarGroup's arguments or not. Rather than states positioning themselves depending on their strict economic interest, they were providing reasoning and engaging with the substance of StarGroup's interventions during the course of the discussion. However, it is also evident that the state representatives took into account their political priorities, for example, when one delegate says he prefers to err on the side of environmental protection. The same delegate had earlier dismissed a certain concern because it was a 'business case' discussion, but the common interest of both states with economic ties to StarGroup and states that prioritize environmental protection is to have clear and precise rules, since clearer rules is easier to implement for equipment producers and easier to enforce by states. Additionally, precise rules that are technically correct and do not require revision because of technical inaccuracies or shortcomings makes the regulatory regime stronger.

In an interview, an industry delegate explained with an example from a different issue how it is his perception that state delegates actually evaluate the substance of the arguments that industry puts forward.

#27. *Christian: You find that the member states then actually listen to you when you present, for instance, submissions or studies that show that you actually have a good argument. Do you find that they listen to you?*

Industry delegate: Yes. Recently at MEPC, you remember [we] presented a paper on its own analysis on EEOI. EEOI is a recommended method to measure the ship's operational energy efficiency. Our study shows that EEOI does not give you a consistent result, so therefore you should not rely on ship's EEOI values. This is something that we promoted. Member states listened to it, because it has a very strong and sound technical argument. We are not simply saying, "We don't like it". We are saying we agree that there is no ideal solution to address all different scenarios, but EEOI, which is recommended by IMO, gives different and inconsistent results, therefore in the new legislation process to not make EEOI as a mandatory requirement [sic]. This is the message that we promoted, and they listened to it.

(Interview with industry delegate)

⁵⁴ Based on PPR 4 fieldnotes, lines 343 - 346

It should be noted that he also provides an example where technical argumentation did not work out, which I will include and analyse in the next chapter as it relates to the political attention. The above quote indicates that the delegate believes the member states listened to the industry argument “because it [had] a very strong and sound technical argument”. The quote also shows that the industry delegate knows that “we don’t like it”-type of comments are ineffective, which would be subsumed under the explanation of appropriate types of reasoning in step one. The EEOI issue was not the issue under consideration in the field recounts above, but it shares some of the characteristics, as both issues are quite technical in nature and less politically salient.

The importance of the Chair’s interpretation of the substance is important in either case. During a discussion at PPR 5 of a more contentious issue, several industry associations made interventions:

#28. *It is just before the afternoon tea break early on at PPR 5. The plenary is engaged in a discussion on a sub-element of the larger issue where there is disagreement between two groups of states, with the industry being critical of the effort to regulate. The Chair lays out that the plenary can either discuss it and say goodbye, send it to the working group with a specific task, or note the discussion and invite proposals. Two industry associations provide interventions where they argue that it is premature to regulate the issue, and that we should wait for more evidence. One of the interventions includes a substantial reasoning based on existing experiences, with the crux being that a specific change proposed by the progressive states does not appear to solve the issue in any case. Two large states explicitly state that they agree with the industry reasoning, and the progressive states express their support for moving ahead but do not engage in a refutation of the reasoning. There are more states in favor of moving ahead than states supporting the industry. An environmental NGO makes an intervention. I note in my book that it sounds much more pathos-based than any other intervention. The Chair ends the discussion and summarizes, saying that PPR is not tasked with developing control measure. He says we need more work and that he will not send it to the working group. He wants experts to communicate between sessions and then invite for submissions for next session.⁵⁵*

What the Chair does here is interpret the substance of the input, evaluating the discussion between parties, and then summarizing a compromise. The industry intervention, in particular one of them, was heavy on technical reasoning and deployed concrete examples supporting their argument. They also specifically pointed out that the reasoning underlying the statements made in plenary did not have evidential support. Even if there is a majority of countries (albeit not many in total) speaking who wants to move further, the Chair limits the progress by reference to the mandate and the discussion at hand.

This example contains an interesting contrast where the reasoning provided by the shipping industry allows two major states – one a very large flag state, the other a very large ownership state – to rally up around the industry intervention. On this issue, there are large ownership states that disagree on the way forward and there are no clear material interests at stake. Instead, it is pressure from NGOs that has driven states to

⁵⁵ Based on PPR 5 fieldnotes, lines 183 - 207

be progressive on the issue, which is also evident in the interventions by NGOs on the issue in this and other instances. The important point here is that the collective evaluation of the substance of the industry arguments is influenced by the delegates' positions before the actual deliberation, and that the Chair's prerogative to interpret the substance of the discussion is important. At the end of the day, it was the industry call for a slowdown of the regulatory process that managed to supersede the NGO appeal to progress.

Consider in this vein the following instance from later that same week.

#29. *It is just before lunch and we are discussing a very contentious and relatively technical issue. An industry association is chiming in on a specific proposal by a member state, and asks what the purpose and substance of it is since it is not developed in the proposal. The representative says that their own numbers suggests that there are technical differences of opinion whether you need to carry out a certain type of compliance activity related to the state proposal. The Chair thanks the industry representative, and says that he "does take notes".⁵⁶*

The state proposal did not pass, but the delegation in question retained and expanded the proposal at later sessions. However, the Chair's explicit acknowledgement of the apparent value of the industry intervention is remarkable. Recall the quotes by Chairs in the previous chapter where they stress 'helpful' comments. The same pattern is evident here (i.e. acknowledging the nature of the argument), but in the Chair's summary and the discussion as a whole, the industry reasoning stands unchallenged and thus seems to have influenced the outcome. As important context, the industry speaker is a respected person in the IMO community as he chaired a very important working group before he joined the industry. Even if no state delegates explicitly support the industry intervention, no one speaks against it either, and the Chair summary leaves it out.

Later that week, a discussion is taking place on another issue, and the following happens.

⁵⁶ Based on PPR 5 fieldnotes, lines 425 - 427

#30. *We are well into the evening on this Wednesday of PPR 5, and we are discussing a technical issue that has important implications for air pollution. A very large Western state has challenged other states and industry representatives by saying that they were not invited to a certain non-IMO workshop and are sceptical of changing a certain definition. The discussion is heavy, and the state resistance forces other states and an industry association to clarify their positions and argue for it. One of the points of contention is whether a certain definition should be changed according to a proposed definition by StarGroup. A large Western European state says that a proposal in this vein was based on StarGroup, member states, and class societies and was good because of this. The very large Western state has a long response to this about the definition and why it was originally made the way it is. There is some frustration in the room. The Chair proposes that we drop the proposed change, and the Western European state says it is all the same. An independent expert says that it is a bad solution, and StarGroup contributes with a clarification. The Chair says to the StarGroup representative, "I'll give you MVP reward after the meeting". Another industry association representative says they can accept, and the Chair accepts the clarified input and moves on despite concerns raised by the very large Western state. The Chair calls a break and says he appreciates the conversation.*⁵⁷

They key interaction here is the clarification by StarGroup. As the Chair is about to summarize and let the industry definition fall, the technical reasoning provided by StarGroup – and supported by the independent expert – persuades the Chair that the proposed definition is better based on technical reasoning. The very large state that is being overruled by the Chair and the rest of the participants is interested in more stringent environmental requirements on the issue if there is technical doubt, but the Chair's summary and the rest of the state and industry delegates believes that it makes technical rational sense to change the definition in question. What is happening is that each delegation evaluates the substance of StarGroup's technical argument and different elements enters this calculation. The very large state does not believe a change is warranted because of their concern for the environment, while the rest of the delegates – of which several states are also conventionally pro-environment - are confident that the technical rationale of StarGroup makes sense.

It is also of note that the overruled delegate accepts the procedure. Although he argues for his positions and engages in a very intense debate about the merits of the proposal, he does not challenge the ruling nor the procedure of the Chair. This is also the same delegate who responded, "I happen to be a scientist" to an industry representative at PPR 4 (see instance #12, p. 154). In both instances (#12 and #30, on this page) the delegate engages in a substance deliberation based on the veracity of the claims just as the rest of the participants in both instances.

The deliberative relationship between state representatives, firm representatives and the issue at hand is particularly clear in more technical discussions. Consider the following instance.

⁵⁷ Based on PPR 5 fieldnotes, lines 925 - 953

#31. *It is Wednesday morning at PPR 4, and we are engaged in a technical discussion. A small Northern European state with several industry representatives as advisors is arguing with an independent expert and an industry association. During the discussion, the state representative is in close dialogue with one industry advisor – who is an employee of a large firm from that country - in particular who is an expert on the issue. At one point, the advisor asks the state representative off-microphone why he made a certain comment on microphone, and he tells her it is because someone else might make a different system from the one developed by the national firm. When the advisor interjects, the state representative says, “I disagree with that” and closes the discussion.⁵⁸*

The issue under discussion here is the same issue as one of the more technical, less-salient issues that I have referenced before. The interaction between the state representative and the industry advisor is striking here, as the explanation by the state representative to the industry advisor indicates he prefers to develop a set of rules that are conducive to a wider set of designs rather than favouring a type of design developed by a national firm. It is surprising that the state delegate would make such a choice if it was possible to design the regulation in such a way that it gave an inherent competitive advantage to the national firm if the delegates were following narrow national economic concerns. It is worthwhile to assess empirically the strength of this evidence. It should be noted that this was a chance interaction for me rather than either delegate (or a third one) explaining or recounting it – I simply observed it and noted it as it happened during the proceedings of the day, so there is less reason to believe it was a façade deployed for show as might be suspected in interviews.

What do we know of the involved individuals and their national interests? Both of them had been very active in substantial issue discussion on this and related issues and the state representative had been at so many IMO sessions that the Chair would refer to him on a first name basis when allowing him to speak as state delegate on the issue. The state in question has firms that are important market participants in the areas being regulated, but the state has also been very clear about pursuing more stringent environmental requirements. During the discussion being referenced, the technicalities of the issue was not directly stipulating stronger or more lenient requirements, but the ease with which firms would develop solutions would potentially have an impact on how easily compliance could be achieved. If the state delegate in question believes IMO regulation should be neutral in terms of unduly favouring a certain group of firms while also allowing for maximum environmental protection, it makes sense that he would insist that the regulation should be designed to allow for the broadest range of design systems possible.

During an interview, a working group Chair underlined this deliberative element.

⁵⁸ Based on PPR 4 fieldnotes, lines 179 - 182

#32. *When you have reached the point that you have the task to define the solution, then what it is, it's true cooperation, and most parties are then constructively contributing. Prior to such a decision, it may be kind of political fight whether or not to do it, but when you have reached that decision, I think it's quite cooperative. And in general, I have to say, my experience in this process is quite positive on most issues, not them all, but on most issues.*

(Interview with working group Chair)

When seeing the Chair's comment in relation to the instances recounted so far, it underpins the idea that there is a substance discussion where delegates engage in a deliberation centred on finding a "solution", as the Chair calls it. From this Chair's perspective, the 'political' fight happens early in the process but once that is overcome, the focus of the work is to find a solution by cooperating. He goes on to say that the climate discussion is the primary exception (which I will get back to in chapter 11), but his general view is that this holds for most issues. What is particularly remarkable is that he refers to the work as "true cooperation", evocative of a problem-solving exercise rather than a political interaction. He puts this in context of contributing parties without distinguishing between states and firms.

His perspective underpins the idea that deliberation occurs where state delegates assess the value of arguments put forward by industry on their substance, since the idea in a problem-solving setting is to find the best solution by sorting through arguments. In that light, it is more plausible that the discussions between industry and state delegates are genuine if they really are seeking to solve problems and deliberate. It also links back to the question of appropriate types of arguments, as poorly justified arguments from a technical point of view are less helpful in solving a problem. This means that instances like this (from PPR 4) are completely appropriate:

#33. *During a discussion of a technical issue, a very large East Asian state makes a comment based on their experience. A delegate from a smaller Northern European state makes an intervention and contradicts these results with specific reference to information provided by the firms "around me", meaning the advisers from the national firms sitting right next to the delegate.*

During this whole process, the kind of interventions - either by industry associations or by states speaking based on information provided by firms - is accepted by the other delegates because it conforms to the norms, but the evaluation of industry interventions happens based on the substance because they see it as a deliberative matter. In effect, when the working group Chair says that it becomes "true cooperation", it is evidence that delegates fundamentally see the exercise not as a battle between viewpoints but as a problem-solving exercise. This is not a norm but a taken-for-granted understanding linked to the identity of the IMO. If most delegates see the interactions in the IMO through this lens, then it is just how things are from the perspective of delegates. That means that appropriateness of instances like #33 (on the previous page) are rooted in norms as well as the taken-for-granted nature of IMO work as delegates understand it.

This fundamental institutionalized assumption is revealed in the way delegates distinguish between ‘political’ and ‘technical’ discussions. This is something which is most prominent in the GHG discussion, but which is evident in the common language of the IMO. Consider this interview testimony from a senior industry representative.

#34. *Christian: So say, for instance, that there's a very technical issue with a big relevance for your members that's being discussed. Do you then put more emphasis and send more technical experts into the deliberations and the working groups?*

Delegate: [...] I think that there's really only two kinds of debates at the IMO, the rather technical or the political. So in our staff, we have some really good technical people. We have a core of people who've been to sea. We have a core of people who are seagoing engineers, for example. We have another core of people who are experienced deck officers. So when we are deciding who's going to go to a particular meeting, we obviously look at the agenda for that meeting and the submissions. [...] On the political level, if it's a political debate, then it will either be me as the [delegation leader] or certainly one of the directors who would speak because there's a core of people here who understand the political sensitivities and will be able to negotiate their way around some political arguments. And it would be wrong just to have a junior person doing that.

(Interview with senior industry delegate)

It is evident that I did not introduce the political/technical distinction in the question. His explanation of the different types of debates is actually a reflection of what he sees as either political or technical, but he does not explain what either thing actually is. This internal representation (D'Andrade, 1984) of reality and the internal categorization of discussions as being either political or technical is defining for how this delegation approaches the deliberations. As the quote indicates, this particular delegation sends technical experts to more ‘technical’ discussions and senior executives to ‘political discussions’, which is in line with the field observations where substance rather than positions are discussed. Consider how a working group Chair articulates this on a specific issue.

#35. *[EEDI has] gone from that-- I'll call it qualified political discussion, for lack of a better term. SOLAS is very technical, but there can be some politics. The environmental discussions, there's always an element of politics in it somewhere, I think. That's just how it looks to me. But now that EEDI has moved from that kind of discussion into the more technical discussions, then people are just kind of chugging along.*

(Interview with working group Chair)

It is evident that the Chair makes a very similar distinction between what he calls a “qualified political discussion” and a technical discussion, and even contrasts environmental regulation with safety regulation (SOLAS) in terms of how political it is. This testimony is particularly interesting as some of the interactions with StarGroup happened with this Chair at the helm, and where it was very evident that the discussion was perceived as technical rather than political. In this way, it shows the link between the taken-for-granted distinctions between political and technical, the norms that inform appropriate behaviour in the context of

either type of debate. For the delegates, there is a movement between the two, as captured by the senior industry representative from before:

#36. *Well, the 2020 sulphur issue, of course, started in-- or already came to a head in 2008 when the amendments to MARPOL Annex VI were adopted. And I was leading that discussion because it was political. But I think there's always a time when you get into the politics. And then once the text is adopted, then the politics drops away to some extent. And you are really left with the sort of technical piece of how do we, in a technical way, address all of the issues that the politics have left us with. So I think on the sulphur side, there isn't a lot of politics at the moment. It's mostly technical issues. I mean, it is a mess and there are a large number of issues that have still got to be solved. But I really hope that will be done at the intersessional meeting in July. So now, it's really the technical people who are leading that, the issue of how do we implement, how do we make sure the right fuel is available, and so on and so forth.*

(Interview with senior industry delegate)

I also had informal talks during fieldwork with delegates who shared this sentiment.

#37. *Monday evening during the reception of PPR 4, I share a drink with some industry representatives and an independent researcher. One of them explains that there is a division between what is technical and what is political, and the others agree on the distinction.⁵⁹*

#38. *It is lunch break of Tuesday at PPR 5, and I am discussing the sulphur issue with a state delegate. The delegate is surprised with the intervention by a state in the morning discussion who wanted to include UNFCCC principles in the sulphur regulation. The delegate I am talking to says that MEPC as a whole has become "semi-politicized".⁶⁰*

I also observed the below statement, which is one of the more interesting expressions of this categorization said on microphone. I later verified the wording via meeting audio.

#39. *It is just before lunch break on Wednesday of MEPC 71, and we are in the middle of an extremely contentious discussion. A large east Asian state raises their flag towards the end of the discussion and makes a lengthy statement where they propose a way forward. They end the statement by saying they want less "political abuse".⁶¹*

Recall the earlier statement by an industry representative in #19 (p. 160) where the delegate also talks about the relationship between political and technical discussions. This categorization and specific wording substantiates the interpretation that it represents a taken-for-granted institutionalization of the nature of political and technical discussions that is implicit. For both state and industry delegates, this creates a tension between the two 'types' of discussions because delegates want to move the discussion into the

⁵⁹ Based on PPR 4 fieldnotes, lines 64 - 67

⁶⁰ Based on PPR 5 fieldnotes, lines 466-467

⁶¹ Based on MEPC 71 fieldnotes, line 335

territory of technical deliberation and keep it there. This is why delegates use terms such as “political abuse”, or believe MEPC to be more “politicized” than before.

This empirical evidence informs the above analysis of state delegates’ substance evaluation of industry input, and it brings together a whole picture of substance evaluation based on deliberative norms rooted in the idea among delegates that they are discussion solutions in the realm of technicalities rather than ‘politics’ as they understand it. In #38 and #39 on the preceding pages, the delegates’ use of the term ‘political’ or ‘politicized’ is in the context of what they perceive as unconstructive participation in the policy process, either in the context of out-of-place principles or in the context of state delegations who are reiterating viewpoints rather than engaging in an actual discussion. When it comes to industry interventions, they are legitimate not only because they are technical in nature (per step one), but also because they contribute to solving a problem when the discussion is perceived to be technical.

Given the empirical material, there is a link between the delegates’ internal characterization of the divide between technical and political discussions and the ideas about appropriate conduct in the discussions – i.e. norms of deliberation – that structure both the appropriate types of interventions and delegates’ evaluation of them. These are in principle case-specific contextual elements that inform the operation of the causal relationship, so this leads me to the next section of this analytical chapter.

8.1.3. Empirical Certainty and Uniqueness

In line with the two-stage evaluation framework, it is necessary to evaluate the empirical material with respect to empirical uncertainty and uniqueness; i.e. what the assessment of empirical access means for the inference, and to what extent the sources are trustworthy. Some of the fundamental considerations for the whole mechanisms were discussed in an earlier section, but there are some parts that are specific to the theorized step two that I discuss here.

It is a theoretical expectation that actors engaging in substance evaluation engages in reason-giving during deliberations if they seek an honest deliberation (Müller, 2004; Risse & Kleine, 2010; Ulbert & Risse, 2005). This reason-giving would take place as part of the actual deliberations, and that would be the strongest empirical access that in practice could be reached. The empirical material is drawn from observations of these deliberations as they occurred, which results in a strong level of empirical certainty as I had empirical access to the parts of the process where substance evaluation would manifest empirically. As this is an absence of evidence/evidence of absence question (Sober, 2009), the strength of the empirical material for this theorized step is high because of this empirical certainty. It is another question whether the observations are also empirically unique – or, in other words, whether my observations of reason-giving can be trusted. This is similar to the concerns discussed in step one, but the question in this instance is whether I could identify reason-giving as distinct from a lack of reasoning. I contend that there are flaws since I am not a naval architect or an engineer, but reason-giving is the practice of providing reasons for

your position during a discussion, and I had started to note down reasoning provided during discussions even before I had zeroed in on the final theoretical perspective. It is also relatively easy to identify interventions where the delegate simply state the position, and interventions where the delegate in question explains why their position is the way it is. This is particularly true when delegates respond to other delegates' arguments, which happens continuously throughout working group sessions.

Interview testimonies can be trusted because they corroborate both observations and other interviews. As an example, the interview with a Chair in #32 (p. 176) not only corroborates #36 (p. 178), which is a testimony by an industry delegate, but also the instance with StarGroup in #26 (p. 171) and #30 (p. 174). Of course, the observations and the testimonies are not identical and interviewees use different formulations when explaining themselves, but their core observations are similar. The consistency across types of empirical material strengthens the empirical uniqueness of the interviews and makes it more likely their testimonies can be trusted. If they cannot be trusted, the alternative explanation for the consistency found in the testimonies would be rooted in some kind of coordination between delegates in terms of what they would say to a researcher, which also would had to be consistent with the observations themselves. The necessary coordination involved would be implausibly complex, which means that the interviews are reliable sources of information for this theorized step.

8.2.Contextual elements operative in the second causal step

There are some necessary contextual elements that are present in the IMO that enable the delegates' substance-evaluation of industry interventions. As the analysis suggests, state delegates' evaluation of substance occurs because there is a strong norm among IMO delegates that the IMO proceedings should be deliberative. This enables industry influence when other important contextual elements are in place, and the absence of any of these contextual elements means that delegates either do not evaluate industry interventions based on their substance content or do not believe the speaker in question is sincere. Of course, it also matters whether the substance argumentation has a form or quality that makes state delegates agree it makes technical sense.

8.2.1.Deliberative norms

IMO-wide deliberative norms is the basis for why delegates find it appropriate to engage with substance. As state – and industry – delegates are bound by the idea that IMO discussions should strive to make precise and robust rules pursuant to a policy direction, they believe normatively that other delegations should contribute with viewpoints, reasoning, and information which helps move this along (Risse & Kleine, 2010). These norms are institutionalized and widely shared, and even if delegates do not explicitly say so, new entrants into the IMO are socialized into this system and adopt these institutionalized norms and beliefs. I asked a senior industry delegate on his thoughts on whether IMO had a 'culture'.

#40. *[...] I think there's a definite culture, but also as I sort of intimated before, there is a culture associated with every UN agency or at least the ones that we go to. They all have their different means of working. They all have the core people who are always attending every meeting, regardless of which government they're from, and the IMO is just the same.*

(Interview with senior industry representative)

This underpins the idea that the IMO veteran delegates who have attended hundreds of sessions in various bodies share a set of norms that are institutionalized across the organization. The delegate in question mentions elsewhere in the interview that he has spent 18 years observing the organization as an industry representative as substantiation to some of his points. A state delegate brought up an example of how their delegation was training their own delegates on how IMO works.

#41. *One of the guys on the delegation needs kind of coming up to speed. And so, this is the last two weeks, the intersessional meeting and then the MEPC last week were two of his-- he's been to one or two meetings beforehand but this is where he's really starting to get involved. And he's asking me a lot of questions about the way... And I had to tell him, I said, "Yeah," during the intersessional, I said, "Do not use this as an example [laughter]." This is really very, very unusual. A lot of the representatives that are [here] are actually the negotiators at the UNFCCC. And so they're not IMO people. It's a different organization, it's a different set of rules.*

(Interview with state delegate)

The above quote foreshadows my treatment later of the contrast with the UNFCCC, but the important thing here is how the training of new IMO representatives in this particular delegation seems to be cognizant of the particularities of how IMO works. When the delegate references that the UNFCCC is a different organization with a different set of rules, he does not only mean the formal rules but also the informal rules of the game. This 'training' of a new delegate over the course of several IMO sessions shows how this delegation took the socialization seriously enough that they were actively selecting which types of discussions were more or less representative of the 'real' IMO. I return to the IMO-UNFCCC conflict later because the influx of non-IMO delegates revealed the taken-for-granted assumptions of IMO delegates and their implicit norms very clearly.

Since IMO delegates hold deliberative norms, it also means that the distinctions between public and private become blurred while remaining relatively unproblematic. Delegates know that different individuals are experts on certain issues and that they circulate around the system, but in the substance discussions their input is valuable regardless of whether they are industry or state representatives. The reason this is accepted is because the technical expertise that different delegates can pour into the deliberation with the aim to improve the quality of the regulation is useful as long as it is technical and it makes sense to the other delegates. Within the IMO community, many individuals rotate in and out of the public or private realms and then return to IMO behind another flag. I had a talk with an industry advisor at MEPC 73 about this role-identity link in the IMO.

#42. *It is the first coffee break of the Monday here at MEPC 73. I have a long talk with an industry advisor who is part of a state delegation. She says that she is participating in different bodies besides IMO, and in the IMO, she is a fuel specialist. During the conversation, I challenge her a bit, and she concedes that she does have the interests of the firm in the back of her mind, but that she is open about where she stands. She says credibility is important, and that it is important that technical experts join the IMO sessions (in particular GHG) rather than professional lobbyists with no technical expertise.*⁶²

Her expression that there is a link between the context in which she is, the role she takes, and the contribution she makes underlines the overall link between the contextual norms, common IMO identity and state delegates' evaluation of industry input based on substance. As the industry advisor suggests, she believes she can contribute to the discussion because of her technical expertise, and her link to credibility implies that she is cognizant of the boundaries of what state delegates accept.

If there were no deliberative norms, the state delegates would not evaluate the industry input based on its perceived technical substance, but instead most likely evaluate input based solely on whether it was in the perceived interest of the state to support such arguments. The interactions recounted above – i.e. the apparent deliberative discussion between state and firm delegates – would instead be ritualistic or opportunistic when state delegates could see that it would further their agenda to support (or oppose) a given industry argument. There is, of course, no way a given researcher with no technical background would be able to evaluate whether a refutation or appreciation of an industry-presented technical argument made substantive sense or not. Instead, the plausibility of the existence of the norm must be inferred based on the available empirical evidence.

Besides the consistency in the way both MEPC and PPR deliberate, it increases empirical certainty of the overall point that industry actors themselves believe their input is taken seriously by states. In #42 on the previous page, the industry advisor even makes a distinction between actual experts and “professional lobbyists” who do not contribute, with the implication that there is room for technical experts. Similarly, when the other industry representatives invokes the politics vs. technicalities-distinction, they highlight that they actually send technical experts to the different issue areas because they can contribute and relegate senior people to the political discussions. There would be no reason for the industry associations to differentiate their staffing this way if the interactions were purely ritualistic or state delegates did not actually care about substance.

Similarly, state delegates and Chairs expressed appreciation of the industry participation and even in some instances explicitly highlighted the value of technical input by delegates. This happened, for instance, when a Chair said he would give StarGroup the MVP of the session because of their contributions and patience,

⁶² Based on MEPC 73 fieldnotes, lines 256 - 261

or when state delegates lament interventions that are ‘political’ (i.e. that do not help contribute to the discussion). Consider this instance from PPR 5.

#43. *During lunch break on the first day of PPR 5, I have found my way to a lunch table with both industry and state delegates. One state delegate openly notes how inappropriate it is that the environmental NGOs deploy pathos-based interventions. The state delegate in question has even made fun of specific NGO interventions because they are so extreme.*⁶³

The deliberative norms enables this part of the theorized causal mechanism because the norms constitute is the ‘benchmark’ that state delegates implicitly reference when they evaluate the substance of the input of industry actors. When the state delegate above lament the use of pathos, it is because it does not contribute the discussion from this delegate’s point of view. This links back to the process of the appropriateness of input covered in step one, but it goes to show that this norm relates to NGOs as well. The state delegate in question openly joked in another context about the lack of meaningful substance in an industry association intervention⁶⁴, which suggests that the deliberative norm applies regardless of type of originator. What matters for the evaluation is the substance because that is the relevant contribution to the discussion.

In the empirical record, there are also indications that coordination before IMO sessions does not necessarily depend on substance nor that state delegations always are bound by deliberative norms. Consider this comment by a state delegate.

#44. *So, I always think that having the observer organizations there are absolutely critical because they lend a very useful voice to the entire process. There are always going to be hidden agendas, not just among advocacy groups but among administrations as well. Administrations have their agendas as well. And, at least by having the industry groups there, what they provide is sort of a more of a boots-on-deck-type perspective on it.*

(Interview with state delegate)

This delegate represents an important flag state with strong ties to the industry, so it is not surprising that he would be sympathetic to industry presence in the IMO. The important part here is that his observation is that administrations also have ‘hidden agendas’ which feed into the way discussions are handled in the IMO. As noted in the literature on deliberation, hiding true policy objectives is detrimental to deliberation (Müller, 2004; Risse & Kleine, 2010) and indications that delegates did not reveal their true preferences suggests that they also do not evaluate interventions based on substance. Some of the industry interventions noted earlier – in particular where industry highlights the necessity of basing decisions on evidence – can also be interpreted as an industry reaction to state delegates not being sincere in their deliberation.

⁶³ Based on PPR 5 fieldnotes, lines 116 - 118

⁶⁴ Based on MEPC 73 fieldnotes, lines 778 - 779

However, this contrasts with this observation by a senior industry representative who once again uses the GHG discussion as a useful comparison to explain how the IMO ‘usually’ works.

#45. [...] In a normal IMO discussion, [states will] say, "Well, this is what we think. This is the way we think it should turn out." And then very quickly, it will be established that 60% of the room agrees with them and in order to get the other 40%, you can do a little bit of fiddling with some facts, and you'll get there. But the GHG discussion was very different because nobody really knew what each individual government really wanted [...]

(Interview with senior industry representative)

This contrast suggests that while delegates may have ulterior motives or hidden agendas in ‘normal’ IMO discussions, their agendas and engagement in discussions is considered sincere by other delegates in their approach to the discussion when compared to the GHG issue. The formulation by the industry representative above also implies that even if there is a majority of states supporting a given position, effort is taken to make everyone agree. The implication of this empirical evidence is that state delegates may have hidden agendas but still engage in sincere deliberation when industry presents technical arguments. However, this evidence also points to another contextual element that enables industry influence.

8.2.2. Weakly formulated state positions

For deliberation to be sincere and for state delegates to consistently engage with substance rather than push pre-established positions, the de facto state position on a given issue must be weak, in the sense that the delegates must not be under instruction from the home administration that they can only assent to a very specific outcome. If the pre-formulated position is precisely defined, it leaves no room for delegates to engage in sincere deliberation and industry interventions will never be evaluated based on substance. When the industry delegate in #45 on the previous page highlights the states’ openness about their preferences, it also implies that the remaining minority in his example have preferences or ministerial instructions that are loose enough that they can assent to the agreement at hand.

Interestingly, the weakness of some states’ mandates actually seemed to pose a challenge for at least part of the industry delegates. Consider the instance below.

#46. It is Tuesday morning of PPR 5, and I enjoy the coffee break in the lounge by inserting myself into a conversation between a state and an industry representative. Among other things, the industry delegate says that his firm is very frustrated because many states do not get a mandate before the start of MEPC sessions, and that makes it difficult as an industry actor to have a meaningful talk with them.⁶⁵

Most issues discussed at the IMO are not salient even if they on paper have a large impact on either the global industry, human health, or the environment. The issue the delegate in #46 was referring to was even

⁶⁵ Based on PPR 5 fieldnotes, lines 416 - 417

one of the more well-known issues, and even then many state ministries did not give strong policy directions to the state delegates. For this industry representative, this was a problem. However, in the wider context of IMO deliberations, the weakly formulated position of state delegates may actually be what allows them to engage in substance evaluation rather than being forced to follow a narrowly defined position.

In practice, most of the discussions taking place in MEPC and PPR are so specific that the ministries of each state leave it to their in-house experts or IMO delegations (these are often the same people) to determine the details of the state engagement in a given debate. For example, the EU claims common competence on many issues related to pollution prevention and climate change, which means that a prior EU-position for all EU delegations in the IMO is set before a given IMO session. However, even if there is a common EU position, each individual EU state delegation has leeway to engage in a substance debate whereby regulation is changed but still adheres to the overall coordinated position. The same happens for countries where the national ministries are less interested or capable of direction their IMO delegations to a specific policy position, or if the ministries deliberately let their local experts handle the issue.

This element relates to issue salience. Higher issue salience means that more political attention is paid to the issue, and if salience is high the IMO delegations are under stricter orders from their national politicians to work in favour of a specific outcome. While media in some countries have covered several pollution-related issues extensively – notably marine litter pollution, ballast water, and sulphur emissions – these shipping-specific issues do not have nowhere near the salience that the GHG issue enjoyed. The IMO delegates then just have to follow a very general policy line – if any – and engage in more detailed discussion without direct mandates from their governments. In some instances, this relationship is formally institutionalized. The IMO delegation of the Marshall Islands consists of a private legal firm called International Registries based in New York who services the Marshall Islands government by representing them and their interests in the IMO. In at least one instance, a large Western European state was also represented in working group arrangements at least once by an employee from a classification society, because that employee was an expert in the field. This can only happen when the issue salience is low enough that governments do not dictate specifically what their IMO delegates can assent to.

The effect of issue salience on each state's direct ministerial control with their IMO delegation is captured in the paradox of the GHG discussion and the EEDI discussion. In principle, both issues relate to the reduction of international shipping's impact on the climate, and EEDI was a controversial issue when it was agreed. With the new discussion on GHG inherited from the Paris Agreement, there are now two parallel issue discussions on the same thing, as EEDI continues as a separate issue. The discussions are even split in individual working groups in MEPC and PPR, as EEDI is handled under the air pollution working group and GHG has its own dedicated working group. On EEDI, state delegates do not have the

same direct orders that their GHG colleagues have even if EEDI is an element in the overall IMO GHG reduction strategy. This relates to the salience of the issue. Since EEDI is a technical measure to force new ships to be more efficient, it is less salient than the larger discussion of how IMO reduces the climate effect of shipping even if the larger discussion includes EEDI. The result is that industry actors have much more influence on EEDI regulation than on GHG because EEDI discussions are closer to deliberation while GHG is not. I discuss this further in the chapter 11 on GHG.

Whether or not because of the issue salience of the issue in question, it is necessary for deliberation and substance evaluation that state delegates do not have strict orders from their home ministries. Of course, some countries have stricter directions than others, but in general the evaluation of industry interventions is driven by an openness to useful contributions because most states do not have strong positions dictated by their home ministries. Consider this quote by a working group Chair.

#47. *Every member state has their objectives and what they want to see happen. And ideally, I think that, whether member states realize it or not, I think, to a large degree, there's probably not that much difference in what they would all see as achieving their objectives. I think that there might be some aspect of some item that they would like to see go a certain direction or maybe include certain caveats, but the overall picture I think everyone probably shares the same objective. Maybe not everyone but in general, generally speaking. And so, whether they realize it or not, that's how it seems to me. And I think that the particulars that member states-- there might be some particulars that differ between the various member states. But I think, in general, there's probably more commonality or more unity in the objective than differences.*

(Interview with working group Chair)

From the point of view of this working group Chair, the differences in state's perceived objectives are smaller than they think themselves. He spends the next part of the interview explaining how working groups help bringing these different but generally aligned concerns together so that everyone can be happy. What it shows is that the deliberative process of a working group for this Chair hinges on states not being strict about moving away from a pre-defined position and instead engage in sincere dialogue. The same Chair also makes reference to the problem-solving character of working group arrangements, so the quote also evinces the idea that it is in the common interest of states to agree on common rules that are based on contributing input. Part of the dynamics here is also that the working groups are held in-camera, and it is impractical or very difficult for home ministries to check whether their IMO delegates did 'enough' in the working group to maintain the state position, while the audio from the plenary is more easy to sift through. Overall, however, the core enabling factor for why state delegates can engage in substance evaluation is a generally weakly defined policy position on non-GHG issues.

8.3.Productive continuity between first and second causal step

In order to substantiate the causal link between the evaluation of appropriateness of industry interventions (step one) and the evaluation of substance of the arguments (step two), it is necessary to evaluate the available evidence with the aim of establishing the plausibility of such a causal link.

The initial empirical examples with StarGroup (#24 and #25, pp. 168 - 170) points to the inherent link between the type of argumentation and substance evaluation as StarGroup's success in each instance hinges on their mobilization of technical reasoning which is accepted as legitimate by the group in question. It can be seen in #25 where StarGroup convinces a large Western European state of certain changes based on their technical expertise and the Western European state says that they are OK with it contingent on other experts' approval. #25 contains the whole chain from technical reasoning through approval of substance of argument to implementation into regulatory text. This chain of events - whereby a large state essentially rests their position on the testimony of experts that are present in the room - links the substance evaluation of the arguments of StarGroup to the nature of these arguments. It is implausible that the state delegates in this instance had deferred their position to technical experts if they had found StarGroup's type of argumentation to be inappropriate.

In #27 (p. 171), the testimony of the industry representative clearly shows that the delegate in question links the nature of the argument with the reason why states 'listen', when he says that they listen "... because it has a very strong and sound technical argument". He specifically contrasts this to them just saying they do not like the regulation, implying that the state delegates would not listen if the industry was resisting changes in regulation without technical substantiation. Here, the link between the type of legitimate reasoning and the states' approval of the argument itself is evident from the point of view of the industry delegate, and it corroborates the interpretation of #29 (p. 173) and #30 (p. 174) where state delegates or the Chair highlights the value of input that contributes to a better solution.

The evaluation of substance also happens contingent on the nature of the argument when states do not accept the substance of technical reasoning. Consider #12 (p. 154) where a state delegate rebutted the reasoning by an industry representative, starting his response with "I happen to be a scientist". In this instance, the group as a whole found the interventions legitimate in nature even if state delegates disagreed on substance. Before the instance, a large Western European state had intervened and commented on the industry arguments suggesting that they were not necessarily in disagreement, but the hard technical response by the 'scientist'-state delegate effectively closed the matter. The pattern in this instance is that the delegate provided reasoning for his disagreement and rejected in the intervention not by reference to the inappropriateness of industry arguments designed to prevent more regulation, but instead because of the lack of technical substance in the argument. In the end, industry did not succeed in halting development on that agenda item.

Contrast instance #12 with instance #17 (p. 156) where an industry proposal was rejected because of its illegitimate character without substance discussion. When plenary had to choose whether to take the submission seriously, they (embodied by the Chair) decided not to entertain its content or evaluate the substance of the lengthy study made by the hired consultancy. In this instance, the inappropriateness of the industry intervention meant that delegates never considered evaluating the substance, in line with the theorized causal mechanism. Given the empirical material, it should not be expected that delegates evaluate substance of interventions that they do not find legitimate, and instance #17 is evidence of this. However, it also begs the question of how state delegates determined whether the argument was ‘technical’ enough that they were willing to engage with its substance. Even if the report, submitted as an INF document, was 137 pages long (with appendices), it seemed to other delegates that the arguments of the industry association and the conclusions of the report was a rehash of a previous discussion. Consider this comment from an interview conducted after the instance took place.

#48. *Christian: [I reference the case referred in instance #17 in the first half of the question] So, I'm curious what you think? Whether there are things the firms maybe sometimes do that is simply inappropriate and they don't know it?*

Interviewee: Yes. Say [this proposal], as an example, was neither specific, "We're thinking about it and we might plan to come back to the next meeting with a more concrete proposal." Well, either do it or don't do it. Having been given a leeway [...], to be coming back and asking for another five years [of extension for the industry] would appear to be the start of a whole series of bits and pieces.

(Interview with independent expert)⁶⁶

In his response, he affirms my suspicion (where I use the word “appropriate”) and uses the example I introduced to explain as an example how industry interventions can be inappropriate. His view is that the submission in question was not legitimate not only because it had been discussed before (as noted by the Chair in #17), but also because it actually did not contain a concrete proposal. Evidently, this delegate’s interpretation of the submission is that it does not really present technical arguments but rather uses the consultancy report as a minimal cover to appear technical in nature. This echoes the Chair and other delegates’ reactions to it.

As a whole, the logical link is plausible. If there are deliberative norms based on a belief that delegates should contribute to solving issues rather than forcing their own narrow interests, then it makes sense that engagement with the substance of arguments does not happen if delegates find arguments to be non-contributive. On the other hand, the same deliberative norms would also dictate that appropriate input to the discussion are taken seriously on their substance, rather than purely in the light of whether the argument

⁶⁶ Parts of the question and answer that reveals the industry association and the issue in question have been edited out to preserve anonymity.

supports the material interests of one or the other party. Deliberative norms as a contextual element then not only enable evaluation of input based on substance, but also spurs the causal link between delegates' approval of the type of reasoning and their evaluation of substance. Under deliberative norms, all relevant input is assessed to determine how consensus can be reached, so if delegates consider a given argument or proposal legitimate it spurs them to also evaluate the actual content of it. It would not make sense to have such a strong focus on whether delegates contribute to the discussion if legitimate input did not cause an evaluation of its substance.

In sum, the theorized step two of the causal mechanism has backwards productive continuity as legitimate input spurs delegates' evaluation of substance as it is seen potentially to contribute to the solution at hand. With this, I turn to the final step of the causal mechanism where delegates evaluate whether substantiated industry input lead to incorporation into draft regulatory text.

9. Causal step 3: Incorporation of arguments

When business representatives mobilize appropriate technical or consistency arguments that are accepted as appropriate by the state delegates and the state delegates also find that the substance of their claims are valid, a final evaluation kicks in: The weighing of the degree of politicization of the current issue and discussion versus the potential influence of private actors. In this step, the Chair plays an important role together with the state delegates in assessing whether the potential influence of industry actors is permissible. This results in situations where the industry provides legitimate input based on technical reasoning, the state delegates believe the import of the substance arguments, but the state of the issue being discussed does not allow for significant industry input and the proposals are thus either rejected or handled in such a way that the industry influence is viewed as legitimate. In this chapter, I explain the final step of the causal mechanism and show the empirical record substantiating it.

9.1. Entities and activities: The Chair and state delegates and their evaluation of politicization

The operative entities in this step are the Chair (plenary or working group, as applicable) and the state delegates. Unlike the previous steps where non-state delegates could play a role in the interpretation of substance (step two) or to reinforce the norms of technical rationality (step one), non-state delegates are side-lined here because it is state representatives who must agree whether or not they allow industry input on a given issue. The Chair plays a crucial role here as the de facto adjudicator of who is allowed to get influence based on the Chair's interpretation of the consensus of the room and their knowledge about the issue. In other words, the entities engage in the activity of evaluating whether it is appropriate to allow private actors to influence or dictate public regulation even if the arguments or proposals made by the industry makes sense to the Chair and have an appropriate form and content. Influence by private actors on draft regulation only occurs when the Chair and the state delegates either implicitly or explicitly accept that the degree of politicization is low enough that it is permissible.

For the Chair and the state delegates, the evaluation involves a trade-off between different concerns and relates back to the political/technical distinction introduced in previous chapters. Although delegates fundamentally view the work done in the IMO as the development of technical standards, they also accept that there are 'politics' in most issues present at varying degrees. Delegates only use the word 'political' and not 'politicized,' however, part of the evaluation of delegates do relate to the extent an issue is discussed or the general degree of issue salience (Zürn, 2014, p. 48). For the delegates, it is then a weighing between three concerns: First, the degree of politicization or political attention to an issue. This is both within-IMO political attention and pressure from outside IMO structuring this concern. Second, the appropriateness of firm influence on international regulation. State delegates are aware that it is seen as inappropriate by the wider public if industry representatives are believed to write their own public

regulation. Third, the potential value of the industry contribution to the extent state delegates believe it helps solve a problem. This relates back to the normative basis of why industry is considered legitimate political actors in the first place. State delegates and the relevant Chair have to navigate these concerns when they accept or reject proposals from the industry.

In the theorized causal mechanism, step three links step two with the outcome in the sense that delegates consider the political appropriateness of incorporating industry proposals in regulation contingent on perceived veracity of the substance of the industry arguments. Additionally, appropriate input produced at the wrong stage of the discussion – e.g. overly technical input at a too early stage or technical contributions just before the issue is closed – also spurs the Chair or state delegates to dismiss industry proposals even if they are otherwise accepted.

9.1.1. Theoretical certainty and uniqueness: Chair and delegates' assessment of appropriateness of incorporation of industry proposals

Similar to the other elements of the theorized model, the internal evaluation by Chair and delegates is an unobservable that must be inferred by the available empirical material. In this section, I sketch the theoretical evidence expected given the theorized step.

Type A: Direct reasoning related to political considerations in conjunction with Chair's or states' acceptance or rejection. Here, political considerations is a broad term which includes the general concern over how much influence industry actors can be allowed to have, whether the state of the discussion is at a very general or path-determining level, or if the industry proposal veers off too much from the established consensus about the policy direction.

Type B: After-the-fact justifications by participants relating to the appropriateness of industry influence at a given stage. This type of evidence would be expected to manifest as delegates' informal remarks about why they supported or opposed industry influence, where they appreciate the substance.

Type C: General remarks about the permissibility of firms' influence relative to the political considerations. This type of expected evidence would manifest as remarks made by delegates about the general appropriateness of industry influence during discussions understood by the delegates to be more 'political'.

Type D: Rejection of otherwise accepted input on issues that delegates consider very political. This pattern is evidence of a link between rejection of proposals or suggestions when it appears consistently, especially coupled with instances of the other types of theoretical evidence.

Type A evidence would be strong and direct evidence of the theorized causal step because the explicit justification by the Chair (or the state delegates) with reference to the political situation would underpin the proposed explanation. As there is consistent evidence that the IMO delegates hold deliberative norms

and often provide reasoning when they engage in discussions, it would also theoretically be expected that delegates' reason-giving would constitute evidence of the reasons for incorporation of industry arguments. Type A evidence would be strong supporting evidence of the theorized step, but absence of evidence would not theoretically weaken the argument. It would only be when Chairs or delegates provided another reason (or if there was empirical reason to believe their reason giving was dishonest) that the evidence in theory would be disconfirming.

Type B evidence is similar to Type A but disconnected from the situation itself. Here, delegates or the Chair would justify the choice to include or not include otherwise appropriate input that delegates believed to be substantively correct after the evaluation took place. It would be subject to empirical examination whether post-rationalizations after the fact should be trusted, but as in the rest of the analysis, the totality of the evidence provides the basis of justification. Unlike Type A, Type B evidence could also be expressed by delegates who did not actively participate in the discussion, but still consented to the direction of the Chair.

Type C evidence supports the theorized pattern in general even if the remark by the delegate in question is not linked to a specific instance. The way delegates understand the relationship between 'political' discussions and the extent of influence may be idiosyncratic, so across the types of evidence and particularly with Type C and D, it is important to consider the patterns of how the delegates in question understand the difference between 'political' and 'non-political' discussions and situations. While this was already discussed and analysed in previous chapters, it is even more pronounced here as the degree of perceived political contestation or politicization of an issue determines whether or not industry is allowed to influence the regulation.

Type D constitutes evidence in theory when the general pattern is consistent with the rest of the evidence and shows that Chairs or delegates are wary of allowing industry influence during discussions that they perceive to be highly 'political'. This would theoretically manifest as consistent instances where industry provided appropriate technical input and where delegates accepted the substance, but still rejected the proposals combined with other elements of evidence suggesting that delegates viewed the issue in question as 'political'. This is weaker evidence as it requires corroboration to be operative and should be substantiated by cross-empirical interpretation.

9.1.2. Empirical material and its evaluation

In the empirical record, there are no instances where the stated reason by neither Chair nor firm delegates on microphone related to the political nature of the issue. However, the empirical record does include evidence of the general pattern even if it is not justified during the actual discussions. Consider the following quote from a senior industry representative:

#49. *“There are debates when you simply just, as an industry observer, you simply just have to note and react to that moment in the debate where it ceases to become technical, and it becomes political. It's like a glass ceiling. You can argue and argue from a [...] technical point of view, but you have to recognize that moment when actually you're not going to win because the politics, for some reason, has taken over. The only time that observers will ever really get pushback from governments is if they're not sensitive to that moment.”*

(Interview with senior industry representative)

In the interview, this industry representative links this point to the reason why they divide discussions in terms of whether they are political or not, as you need a “political sense” to navigate these discussions. The quote also shows that the representative considers politics to be possible in every discussion rather than being limited to an issue in general, as indicated in his wording that it is a “moment” when it shifts from being technical to political. The quote as a whole is evocative of the general theorized pattern, where the non-political discussions allow for legitimate technical industry input, but that this technical input is irrelevant when the discussion becomes ‘political’. In a later part of the interview, the respondent also highlighted the role of the Chair in these situations.

#50. *“If you continue to argue from a technical point of view, and the Chairman [sic] is fully aware that this issue has moved into a political arena, then he would knock back the industry because he's got to be paying attention to the politics of the situation.”*

(Interview with senior industry representative)

As theorized, the Chair plays an important role by mediating whether it is permissible by industry to exercise influence given the Chair’s understanding of the ‘political’ situation. The most important example brought up by interviewees and observed in the field is the GHG issue, which is considered highly political. It appears that the delegates’ understanding of the politics of the discussion relates to how strongly state positions are drawn on a certain issue, and GHG is the issue where state positions have been entrenched most strongly, as the red lines and positions were transported from the discussions of the UNFCCC into the IMO. Similar dynamics were pronounced in other discussions. Interestingly, the industry representative highlights the role of the Chair in the interpretation of this, which is echoed by a Chair in one interview.

#51. *“So, when you tend to conclude and conclude on the basis of majority, you only count member states. Clearly, viewpoints by observer organizations - and also the green NGOs - put flavour to the discussion. So it is not irrelevant, and it is also having an implication of, let's say, what kind of viewpoints the member states will present, because you have discussion. First it is the initial viewpoint, and that is quite often decided internally in advance of the meeting, and then you have the subsequent discussion, where the viewpoints of others are put forward. And so it puts a flavour to the process, clearly, but it is the view of the member states which is important.”*

(Interview with Chair)

It is remarkable that the Chair highlights parts of the whole theorized causal model in this quote, as he points out the discussion is influenced by the input of industry and environmental NGOs in a way that is evocative of the theorized step one and two. In the context of accepting industry input, the Chair simultaneously emphasizes the role of the states and the role of industry input in shaping the ensuing discussion. When compared with earlier pieces of evidence in previous sections, it shows that this Chair is mindful of the role of states and the potential influence of industry viewpoints in the discussion. Another Chair had similar observations.

#52. *“However, one of the things that I look for is-- I look for agreement by the member states. So for example, if all I'm hearing on an issue is that certain industry stakeholders want some provision to be a certain way, some issue to go a certain way, but there's no support for it by any of the member states. Well, that's a big deal. I need member state buy-in.”*

(Interview with Chair)

Neither of these Chairs blindly accept industry input if there is not support among states, and their attentiveness to the positions of states vis-à-vis industry shows that they consider the legitimate type of influence of industry actors to be limited by states' responses. Corroborated with #50 on the previous page and the perspective from the industry, it is evident that Chairs pay attention to disagreement between states when adjudicating the potential influence of NGOs. Consider the previous examples of StarGroup and their apparent ability to dictate certain changes. Given the testimony from the Chairs in interviews, what happened in the instances where StarGroup exercised influence on the regulation was the result of a Chair assessment of whether the input had backing from member states, while the member states in turn also evaluated the technical usefulness of the input provided by StarGroup. Delegates' (and the Chair's) understanding of the issue in question as being less political underpinned the possibility of incorporation of StarGroups proposals.

One instance of industry influence highlights the different parts of the theorized mechanism and, in particular, state delegates' evaluation of whether it was permissible to allow industry influence on a given topic. During a discussion of a relatively politicized issue that nevertheless contained technical discussions, one industry association made a verbal proposal on microphone to change regulation. This proposal was not backed by a submission, but the representative of the association stated that he was “looking at a spreadsheet”⁶⁷ when explaining the reasoning behind his position. The idea was that a change in the structure of the regulation – an amendment to an already existing piece of regulation – would improve the total effect on the environment even if it lowered the standards for some classes of vessels. Initially, the states rejected his proposal and favoured a state-proposed amendment instead⁶⁸. One delegate later

⁶⁷ Based on MEPC 73 fieldnotes, line 477

⁶⁸ Based on MEPC 73 fieldnotes, lines 478 - 486

explained to an industry representative in the corridors that the relevant group of countries could not change their opinion based on a verbal proposal made by an industry representative reading from a paper that was not submitted in writing, even if it made technical sense⁶⁹. Later that same week, the decision was reversed after the countries had discussed informally, and the ‘lead state’ of the group stated that “it was a very interesting proposal” and invited the industry to submit a written proposal to MEPC 74.⁷⁰ A coordinated wave of state interventions supported this change and the industry association was invited to submit a proposal for the next MEPC session. Following MEPC 74 in May 2019, the amended regulation was adopted virtually word-for-word based on the industry proposal.

In this example, all the operative parts of the theorized are identifiable. The proposal was substantiated by relevant data, and the representative literally highlighted that he was looking at a data spreadsheet as substantiation. The substance of it appeared to make sense to both other industry associations and state delegates; even if they could not see the data first hand, the representative spelled out the technical reasoning underpinning the proposal. However, the acceptance of such influence and the legitimacy of incorporating industry proposals was a point of concern for the states even if it made sense, and it took a round of informal discussion within the group of states to assess how they could incorporate the proposal in a legitimate way. It was their understanding of the issue as being somewhat political that spurred their evaluation of whether it was appropriate to incorporate industry proposals in the regulation.

Recall the quote in #18 (p. 159), where a Chair highlights that he believes shipowners actually do want to contribute to regulatory solutions in the IMO. Other quotes and field observations support the inference that state delegates believe industry representatives generally want to be helpful; however, in the quote below the Chair (different from #18) also indicates he is not naïve.

⁶⁹ Based on MEPC 73 fieldnotes, lines 901 - 904

⁷⁰ Based on MEPC 73 fieldnotes, lines 906 – 907. Although I did not participate in MEPC 74, the result of the discussion was available online. My understanding of the factual events of MEPC 74 was corroborated by a state delegate in June, 2019.

#53. Interviewee: “[...] [as a Chair, you] need to understand also, for instance... because you may know in advance who may be most influenced by some industry groups.”

Christian: “Right.”

Interviewee: “And therefore also you need to understand what is real view of the industry group, you know, and so.”

Christian: “So you take that knowledge into account when you are chairing the session?”

Interviewee: “Yeah, well, it's just the kind of stomach feeling. Clearly what you need to take into account is what is actually stated, but if you need to come back to a committee or a group with the proposal, you need to propose something you know that the majority will accept, because it would be wrong to say that a viewpoints of the NGOs and the wider has no influence of the process.”

(Interview with Chair)

The Chair in the quote above implies in the first part that some states are more influenced by industry than others, and also that not all industry groups are honest in their contribution. In the next part of the interview, the Chair emphasizes that at the end of the day, it is the voice of states rather than industry that guides the outcome, but from the quote above it appears the Chair interprets the link between industry interests and state interventions and actively uses this “stomach feeling” when he adjudicates work. The Chair knows that the rest of the states have to agree to the output, and he cannot deliver a result that is seen by other states as heavily favouring a specific industry even if it was states that took charge on it. In essence, this constitutes an interesting part of the theorized political evaluation as the Chair not only evaluates whether it is politically legitimate to accept industry input, but also evaluates this when industry viewpoints are championed by sympathetic states.

In previous chapters, there has been many examples of industry influence on draft regulation. These instances were unproblematic for the Chairs and states participating because the issues discussed were considered to be highly technical. Instances like #24 (p. 168), where an industry group changed their position and contributed to rejecting a state-led proposal, or when StarGroup could dictate changes to the Chair in #30 (p. 174) were discussions on issues that were considered technical in nature. As discussed in previous chapters, this shows a relationship between the taken-for-granted dichotomy whereby delegates divide issues according whether or not they are political, and the legitimacy of incorporating industry proposals in regulation. Consider the following instance from MEPC 73.

#54. *It is around 10 in the morning this Tuesday and a break has just been called as we have finished discussing a non-mandatory set of guidelines for states. During the discussion, there was some confusion about the process and the outcome, and one state had even stated that they thought this was a waste of time. I overhear some delegates talking in the aftermath, and they say that a deliberation about a parallel set of guidelines for industry actor was much better, because two industry associations had developed the base document and took the lead in guiding the discussion.*⁷¹

The two delegates – one industry representative and one state delegate – agreed that the quality of the discussion improved in the case where industry actors had structured the discussion through their own submission. By virtue of this process, the industry associations in question ended up writing most of the proposal as the ensuing deliberation only changed some parts of the proposal. Since both guidelines discussed at MEPC 73 – the one on Monday being for industry and the one on Tuesday being for states – were non-mandatory and outside MARPOL, state delegates were willing to accept much more industry influence as it was seen as a non-political issue that industry could influence recommendatory guidelines. After all, it would be firms themselves who would adhere to them, and the MEPC would simply agree on it as the official recommended best practice on the issue. During the deliberations, industry input was evaluated as always, and arguments were evaluated based on their substance, but there was no ‘political’ barrier preventing industry influence when it was believed to make technical sense.

When issues were non-political, the power of states that are otherwise considered dominant elsewhere in the international system even disappeared in the face of industry proposals. Consider an instance that occurred later at MEPC 73.

#55. *It is Wednesday just before the first coffee break of the day. Plenary is tasked with deciding which of two proposals should be forwarded to a review group on compliance-related training courses. The first proposal is a written submission by a very large East Asian state, which contains a proposal for how to structure IMO-mandated courses. The second proposal is a comment on the first proposal by a large industry association where they argue the scope of the proposal should be expanded to accommodate potential future course requirements. Both written submissions contain several pages of reasoning. In the plenary discussion, the Chair stops the line of speakers after three states and another observer organization has voiced their support for the industry proposal, but in any case, he says, both documents should be forwarded as one comments on the other. After a brief discussion about two other papers submitted by states – of which one is forwarded and the other is not – the discussion is closed, and we all go to coffee break.*⁷²

Throughout the observed discussions, there were many instances like this. Industry made proposals on an issue which was important for MEPC to develop, but which was considered purely technical in nature and with no political import. After hearing just a few interventions, the Chair in this instance – similarly to how it was done in other instances where the issue was not considered political – makes a decision and forwards

⁷¹ Based on MEPC 73 fieldnotes, lines 225 - 243

⁷² Based on MEPC 73 fieldnotes, lines 417 - 422

industry arguments to the relevant sub-body. In fact, this is the routine IMO work on all issues or sub-issues where delegates do not find it politically sensitive, and the evaluation of whether or not it is appropriate for industry to change regulation, whether legally binding or not, happens automatically because of the taken-for-granted belief in the distinction between political and non-political discussions.

Even the independent expert I interviewed – who had decades of experience in the IMO – corroborated this explanation as he explained how he himself takes the political sensitivities into account when he makes interventions. Consider this quote where he explains his reasoning behind a specific intervention I witnessed.

#56. *“I said this to another party that was thinking of putting in a paper on that, “Look, this has been kicked around so much. That’s the wording that we got to at this stage.” Even if you think you might have a better wording, to open it up at this adoption stage-- and that’s why when I, for example, when I introduced [our] paper on the item three, I made it clear at the outset that it had absolutely no connection with [a related provision which was considered politically sensitive]. [...] I make it very clear from the outset, “Look, I’m in a different piece of territory. So no hackles up, please, because I’m approaching it on that particular point.” I’ve had certain indications there might be resistance to even opening it up on a related paragraph. And so, that’s why I put certain wording in the introduction to try and pre-empt those arguments.”*

(Interview with independent expert)

Not only does he highlight his deliberate wording of the intervention to avoid suggesting to the state delegates that he is touching on the political issue, he also notes that the stage of discussion dictates whether input is appropriate. If a representative opens a discussion about wording late in the process, or if a delegation tries to reopen a discussion that has already been closed off, it is not accepted as input that can be incorporated even if it might be helpful. The latter happens during working groups’ work on their own report to the plenary when delegations want to shoehorn concerns into the report regardless of how the prior day’s work actually too place. Consider these instances:

#57. *It’s 10:15 Thursday morning at PPR 4, and I have arrived late as I forgot my access card in the hotel room. I’m briefed by an industry representative as I sit down that people are “trying to grease their opinions on [an issue] into the report.”⁷³*

#58. *Thursday morning at PPR 5. An industry association proposes some changes in the report to reflect a certain issue, but the Chair rejects the proposal, reasoning that the issue was not discussed yesterday and thus should not be reflected in the report.⁷⁴*

⁷³ Based on PPR 4 fieldnotes, lines 357 - 358

⁷⁴ Based on PPR 5 fieldnotes, lines 1015 - 1016

In both instances, the Chair and the other delegates engaged in an evaluation of the proposals for textual changes of the written report. Industry representatives sometimes tried to ease their proposals in even if it had been ignored during the actual discussions, as it would be problematic to allow changes to the report of the work of the bodies in a way that did not reflect the way the Chair and the other delegates understood the group to have worked. In other words, comparing with #56 on the previous page, delegates evaluated input both on the basis of whether it was appropriate that industry changed wordings late in the process, or whether they changed the report of discussions in a way that would be beneficial to them but not accurately report the work of the different bodies.

The empirical record is not entirely void of delegates explaining how they make political considerations. One delegate explained how his state administration evaluated industry input prior to IMO sessions:

#59. *"[...] it's obviously a balance of priority. That to me is politically what's important. Politically, I mean, even between the administration and the IMO and the administration and the other administrations is whether there is some kind of partnership for previous support or anything in that sense."*

(Interview with state delegate)

The delegate relates the political considerations when evaluating input from industry before IMO sessions to considerations on alliances and mutual support agreements with other state administrations. However, in the rest of the interview he highlights the value of having industry participating in the IMO working groups because of their contribution to developing technical standards. In this way, he distinguishes political considerations outside IMO whether or not state delegations adopt industry viewpoints and the deliberations that take place during IMO sessions. Political considerations are then 'bracketed' as taking place outside IMO deliberations when states evaluate whether to listen to industry when formulating their initial stance.

In sum, it is evident that while state delegates evaluate whether the arguments and proposals made by industry conforms to technical rationality (step one) and whether they stand up to scrutiny of substance (step two), they also evaluate whether it is legitimate for firms to have influence on an issue given that issue's degree of politicization. The basis of this evaluation lies in the taken-for-granted belief among IMO delegates that issues and discussions can be thought as being either more or less technical or political.

9.1.3. Empirical uncertainty and uniqueness

How strong are the inferences when taking the available empirical material and source evaluation into account? As noted earlier, the inclusion of both interview and observational material reduces the possible problems with interviewees providing misleading or plainly wrong testimonies. However, the empirical strength is not as clear as in the preceding steps because delegates and the Chair do not address the question of 'politics' explicitly during IMO proceedings, which means that the most clear empirical manifestation

basically never is observed. Add to this that when firms do get influence (per the theorized model), it is because the issue or discussion in question is less political and industry influence is thus appropriate, but it also means that there is no reason for the delegates to voice the relationship between level of politicization and industry influence since they take it for granted. This is why the ratio between interview quotes and fieldnotes in this section is skewed toward the former.

The interpretation of all the instances where industry gained influence or was rejected is then an inference based on the interview material, as well as the one observed incident where a delegate noted off-microphone that the input made sense but was politically inappropriate as it stood. The event itself can be explained by the theorized mechanism as every part plays out as theorized, and it extends the viewpoints expressed by delegates during interviews. In June 2019, I verified my interpretation of the sequence of events with delegates who had been part of the group of countries that came back and asked the industry association to submit a written proposal. In corroboration with the interview testimonies, the empirical certainty and uniqueness for the theoretical interpretation of this event is very high.

If it is true that the taken-for-granted belief about the distinction between political and technical discussions structure delegates' evaluation of legitimate industry influence, then there are almost by definition not any empirical spaces I did not have access to which could have yielded more concrete evidence. This is because taken-for-granted beliefs are usually entirely implicit, and even more difficult empirically to assess than norms (see the discussion in the chapter on step one for similar considerations). Interview testimonies alone suggest that both Chairs, state delegates, and industry representatives act on their understanding of the 'politics' involved, so inference to the best explanation here is the theorized step three, in particular when combined the observational material.

Based on this, it is worth evaluating alternative explanations of the observed patterns to assess the strength of the inference. The referenced instance that span across MEPC 73 and 74 could, in theory, be explained by reference to interstate bargaining behind the scenes. The relevant group of countries could have been strong-armed by a some of the more powerful ones, leading to a change within the group. However, this would have resulted in evidence of this sequence of events, or – if this was not observed – evidence that this happened elsewhere to make the explanation more plausible. In reality, there is evidence that there was deliberation within the group in line with the theorized model, and strong indication that the relevant group of countries in other issues never strong-armed each other but instead deliberated.

In terms of interview testimonies, any alternative theoretical explanation would have to take into account the corroboration between interview statements. One explanation could be that the strong social cohesion within IMO spurs both industry representatives, state delegates, and Chairs to legitimize industry participation in interviews. This would manifest as almost identical interview testimonies where Chairs stress that they limit industry influence, industry representatives highlight that they have no influence when

it gets ‘political’, and state representatives echo these sentiments. Ultimately, the interpretation of this alternative explanation comes down the evaluation of interviewees as sources (Beach & Pedersen, 2019, pp. 213–215). What makes the alternative explanation less plausible is the trustworthiness of other parts of their testimonies that are corroborated with observational material, the corroboration with their testimonies on political evaluation with the specific MEPC 73/74 observed instance, and the diversity of the interviewees’ roles in the IMO.

In other words, inference to the best available explanation results in the theorized step, albeit with less empirical certainty because of the implicitness of the taken-for-granted beliefs that are theorized to underpin the delegates’ evaluation of legitimate industry influence. I now turn to the operative contextual elements that are required for this step to function as theorized.

9.2.Contextual elements operative in the third causal step

In order for step three to work as theorized (and for industry to influence the draft regulation), the perception among state delegates and the Chair in question must be that the level of politicization of the issue accommodates legitimate industry influence.

It is an integral part of the explanation of the theorized step that state delegates balance concerns about the political nature of the issue at hand with the degree of influence they are about to give to industry actors. It is also a contextual requirement of the IMO process that there are issues at all that are considered to be less ‘political’ by delegates. This does, of course, link back to the taken-for-granted belief that is operative in other causal steps, as delegates’ and Chairs’ interpretation of the politics is contingent on their own internal distinction or representation of reality (D’Andrade, 1984; Scott, 2014, pp. 62–64) is the foundation for why they make this evaluation in the first place. This implies that it is not the objective degree of salience of a political issue that is the relevant contextual factor – rather, the underlying contextual factor is the taken-for-granted belief among IMO delegates.

An example of this contextual necessity in action (in addition to the instance at MEPC 73/74 already recounted), a specific firm managed to exercise direct influence on a specific provision in a regulatory provision which was binding but considered largely non-political. Over the course of a whole year from PPR 4 through MEPC 71 to PPR 5, this firm – which was part of a state delegation as advisers – participated in discussions relating to a very specific issue that state delegates and the relevant Chairs considered technical in nature. In collaboration with their host state, they contributed with written and verbal input to the discussions, and even went on microphone on behalf of the state in some of the same discussions as StarGroup. The firm coordinated a meeting with another state delegation and managed to persuade them

to change their position on the relevant issue.⁷⁵ This chain of events was considered completely legitimate by all parties involved not only because the firm was seen as contributing with their expertise (step one and two in the theorized mechanism), but also because the issue was not considered political in nature. In essence, it was a set of regulations that stipulated how to reach a larger pollution reduction goal that had been set years in advance. Contributing to fleshing out this regulation was seen as appropriate for this reason.

It is interesting to contrast this example with the other instance from MEPC 73/74. The statement by the one delegate who said in the corridors that they could not adopt a verbal proposal by an industry representative stands in contrast to how it works in many of the other recounted instances where industry associations actually do end up influencing regulatory text based on verbal proposals that have not been submitted in writing. The key difference is the delegates' perception of the issue as being either more technical or political, but this is not black and white, as the MEPC 73/74-instance was technically complicated to some extent. This is why the delegate was looking at a spreadsheet while talking, since his industry association had the necessary data to substantiate the claims. However, in general terms, delegates viewed the MEPC 73/74 instance as being more defining of policy direction than many of the other recounted instances.

In sum, industry influence per the theorized mechanism requires state delegates and the Chair to view the issue to be sufficiently less politicized relative to the extent of the industry influence. The more substantial or fundamental changes industry representatives want to write into the draft regulation, the less must other delegates view the issue as being 'political'.

9.3.Productive continuity between second and third causal step

As with the other steps, it is necessary to evaluate the productive continuity of the theorized step in relation to the broader causal explanation. Does the theorized step three logically follow step two? In step two, I theorized that state delegates evaluate the substance claims of industry, provided that the industry has presented appropriate types of arguments. It does not immediately follow logically that delegates would evaluate whether it is politically appropriate to yield influence to private actors as a consequence of evaluating the substance of their arguments, because the evaluation of the appropriateness of private actor influence possibly could happen as the very first step.

There are no clear empirical instances showing the link, but there is both substantiation that delegates evaluate substance, and that delegates evaluate political appropriateness. The evidence also implies that these evaluations happen separately. Consider, for example, #14 (p. 155), where the industry delegate

⁷⁵ Based PPR 4 fieldnotes, lines 210 – 214, MEPC 71 fieldnotes, lines 127 – 134, and PPR 5 fieldnotes, lines 588 - 590

highlight analytical accuracy as the basis of credibility (and thereby influence), and #49 where he says that the limit of technical argumentation is defined by the moment it becomes political. There are also instances like #17 (p. 156) where industry influence was shot down before political evaluation kicked in, but where political concerns lurked in the background as it was contentious to extend the requirement deadline. Similarly, in every instance where StarGroup was involved, the issue was very technical and not path defining in terms of policy objectives (e.g. #26, p. 171).

It is not plausible that causality is reversed, because that would mean that delegates implicitly decide as the first thing whether the issue allows for industry influence, and this would contradict the MEPC 73/74 example where it was explicitly shown that the strength of the technical argument meant that the industry proposal was permissible influence. Had it been the other way, the relevant group of countries had never changed their position after internal deliberation because they already would have assessed that the issue was too political to allow industry influence regardless of the kind of arguments industry actors presented. Similarly, this would be at odds with the interviewee in #49 who talks of the “moment” that something becomes too political, indicating that the default course of events is technical deliberation. In #54 (p. 197), when the base document for a whole issue is draft text developed by industry associations, it may look like the opposite when the onset of the discussion seems to contain a political evaluation. However, this may simply be because delegates consider the issue to be so technical (or politically unproblematic) that the kind of industry proposals needed to make state delegates reject otherwise technically sound arguments would be extreme.

Linking step two and step three causally by productive continuity is a less clear inference than the other steps and requires going back to earlier examples. However, the degree of perceived politicization or political contestation is not a flat contextual element, but rather a causal step in itself, because there is evidence that state delegates actively evaluate the appropriateness of potential industry influence in this light, and evidence that industry interests navigate around it. In this sense, when industry makes a technically sound argument it does actively spur delegates’ and Chairs’ evaluation of whether it is appropriate to allow industry influence given their understanding of the political circumstances of the issue.

10. Outcome: Firm influence

What happens when industry exercises influence? Throughout this analysis, I have used vague language when discussing specific instances to maintain anonymity of the issues and individuals involved. In this section, I provide an overview of the results of industry influence when it happens. To begin with, I will note that I found— either directly by observing or by virtue of interviewees and informal talk – evidence of direct industry influence on 13 specific issue discussions. In some of these discussions, industry influence manifest many times, for example when going through a lengthy document or several related regulatory provisions, and other times, instances of influence occurred when industry changed a key element of a specific piece of regulation. To give a sense of breadth, industry exercised influence based on their direct participation in the discussions in every discussion about sulphur, NO_x, GHG, BWM, Black Carbon, and EEDI that I either observed or learned about through interviews, while the nature of this influence differed substantially, pursuant to the theorized mechanism.

Industry influence can potentially result in changes to the policy direction of the IMO. When MEPC deliberates whether to set new standards, whether to embark on a new policy objective, or whether to move forward with strengthening on existing standards, industry actors play an active role and their influence may end up changing the policy path of the organization. However, as fundamental policy choices are more politically sensitive, the Chair and the state delegates limit how much influence industry representatives can wield as theorized in step three. This is what the Chair highlights in #51 (p. 193) where he says that industry groups add “flavour” to the discussion. Delegates’ view of the political state of the discussion limits the extent that industry can influence it, and influence tends to be limited to minor changes to either the timeline of the work, the scope of regulatory work, or higher editorial or technical precision of the draft regulation. In the Black Carbon discussion, for example, industry contributed to delaying the work schedule by submitting technical evidence supporting their arguments that the issue was not as big as some states suggested, but industry did not manage to get the issue off the table.

Industry representatives instead engage in lobbying of state positions prior to IMO discussions in order to build state support in the IMO. The interactions between firms or industry groups and states outside IMO is beyond the scope of this dissertation, but these dynamics become very clear when industry submit documents together with states. This process is what the state representative alludes to in #59 (p. 199). A public example of this is submission 73/5/14 from MEPC 73, where Bahamas, Liberia, Marshall Islands, and Panama – who collectively are the flag states of just over 45 % of the total global merchant fleet (UNCTAD, 2018, p. 35) – submitted a paper with BIMCO, INTERTANKO, and INTERCARGO. They argued that the safety problems with the fuel switch taking place on 1/1 2020 with the new global sulphur cap were so severe that global enforcement should be “pragmatic” (MEPC 73/5/14, p. 3). One delegate explained to me that it had backfired completely, because MEPC viewed it as another attempt to delay the

entry into force of the rules. According to the delegate, one state representative had to start his presentation of the paper by apologizing to MEPC for submitting it in the first place⁷⁶. This was consistent with my own field notes of the event and corroborates the testimony by the Chair in #53 (p. 196) where he says that he takes into account whether he believes the states are influenced by industry. Additionally, delegates did not believe the substance of the claim was true; i.e., there was no real safety problems with fuel change. The failure of MEPC 73/5/14 is an example of how lobbying activities outside IMO are futile unless the arguments fit into the invisible rules of the IMO, even without theorizing or exploring the lobbying activities taking place outside the IMO.

The general pattern of the theorized mechanism shows that industry has very limited leeway to change the fundamental policy direction of the IMO by virtue of their participation alone. Industry influence on the fundamental direction of IMO regulation, if it happens at all, happens through states' positions as states change their stances to protect national industrial concerns. Some interviewees pointed to instances of this that took place many years ago, for example, when Korea and Japan were protecting the interests of their national yard industries when it conflicted with the interest of shipowners. However, instances where the defining lines of agreement between states are drawn based on national industry interests seem to be rare. On a given issue, specific states may protect their own economic interests or nationally flagged shipowners – e.g. in MEPC 73/5/14 – or because they have supporting industries that would benefit from a given direction – e.g. in instance #17 (p. 156). As noted in the contextual analysis of step two, it is a contextual prerequisite for the theorized mechanism that state positions in general are weakly formulated and delegation mandates are broad or imprecise. The states may have a clear idea where they want to go in terms of general policy direction, but the specifics of their position may be loosely defined, or the home ministries may simply delegate the authority to the delegates themselves. Any room for industry influence during the IMO sessions are then 'walled in' by the general policy direction set by state delegates. Consider this testimony from an independent expert.

#60. *“So firstly, you might say, in submitting a paper, does it fit in? Do you see it fitting in with IMO's view of where it wants to be going?”*

(Interview with independent expert)

Elsewhere in the interview, the interviewee highlights the ability to be able to discuss freely without strong constraints on the position as integral to influencing the IMO discussions (e.g. #23, p. 163). However, the quote above shows that he does believe there must be concordance between the general policy direction of the IMO and the intention of the paper. In #48 (p. 188), the expert refers to the instance of #17 (p. 156) as an example of this. In his reading, the submission was inappropriate because it did not make a technical

⁷⁶ Based on informal conversation with a state delegate in June, 2019

contribution to solving an issue, but wanted to go squarely against the policy direction of the IMO. Conversely, interventions by StarGroup often resulted in industry dictating changes to draft regulation because it was seen as a strengthening of the regulation and states had no fixed positions on the details. When the state delegate said in #26 (p. 171) that he would err on the side of environmental concerns when in doubt, he actually showed the extent of his delegate mandate in the discussions. Apparently, he had the authority to engage in the discussions and determine whether his delegation would favour proposals based on his judgment of whether it would help protect the environment. StarGroup's interventions, where they often argued with said state delegate, never changed any fundamental policy direction of the IMO, but they did change elements of the final regulation.

As the StarGroup instances show, industry representatives enjoy the greatest extent of influence when they change the details of draft regulation without changing the trajectory. This is when the justification for their technical expertise shines and when industry is considered the most 'helpful', in the words of one of the Chairs, as they contribute to better regulation in line with the states' policy direction. In the observed instances where industry managed to do this, influence manifested as changes in specific sub-requirements, definitions, model- or calculation-specifications, or use of concepts. For example, some of the design requirements for engines built to comply with new NOx-requirements were influenced at the level of substance, such as whether a specific measurement of an engine parameter was relevant to assess engine compliance. Another example was a question concerning whether computer models could replace in situ measurements in the context of ballast water management, where industry actors successfully persuaded state delegates to allow computer models to substitute physical measurement in some cases. In both of these instances, industry input was viewed as helpful and the substance arguments made sense, and since the end result was perceived as better regulation in line with the policy objective and not politically contentious, state delegates viewed industry influence as appropriate.

In a few instances, industry influence was not manifest through changes in regulatory text, but instead through successful pushback against proposed regulation. In the example recounted in #2 (p. 142)⁷⁷, industry representatives contributed to a rejection of increasing the stringency of certain regulatory provisions for specific vessel types through their insistence on evidence-based regulation being the norm. The result of the lengthy debate on the issue resulted in MEPC deciding to maintain regulatory provisions for several vessel types, including some vessel types where the industry association for those same shipowners had fought against stronger requirements in the discussions. Even if the Chair of the discussion referenced in #2 stated that he thought a lack of data should not prevent stronger regulation, only a few states supported. The rest rallied around the industry associations because the industry arguments made

⁷⁷ Based on MEPC 73 fieldnotes, lines 576 – 622, of which #2 recounts parts of the interaction

sense substance-wise in the context of the discussion: Without data, it could not be justified to strengthen requirements when there was consensus to base regulation on available evidence. Additionally, it was not seen as inappropriate politically, because even though the discussion was considered by state delegates to be somewhat contentious, the industry was arguing in favour of status quo rather than building a new proposal themselves. This was not politically illegitimate in that specific discussion.

In some instances, influence was rooted in the initial draft text used as base document when industry actors had written it already. These base documents had ‘baked in’ both the substance proposals by industry as well as the structure of the discussion with the appropriate headings, and when discussions took departure in these industry-drafted documents, the initial point of departure shaped the discussion accordingly. The example in #54 (p. 197), where the basis for discussion was an industry proposal for the entire guideline, is a good example of this. State delegates and other industry organizations changed substantial parts of the proposal, but since the base text was drafted by industry, many of the initial formulations and substance elements were retained. In another instance, during a relatively contentious discussion of a legally binding instrument, a group of industry associations had drafted the base document for the discussion. One industry representative explained that “their intention was to cover all issues”, partially in response to a state delegation that criticized the industry proposal because it was drafted by industry⁷⁸, where the industry representative was implying that the draft was an attempt to be helpful in structuring the discussion without keeping issues out. Even if the instrument was legally binding and the discussion itself was relatively contentious, the base document drafted by the industry did end up structuring parts of the discussion with many formulations and substance elements – albeit minor – survived into the final regulation.

Industry influence also often resulted in impact on the form and concepts used in IMO regulations. In many discussions, industry representatives (as well as all the other delegates) engaged in editorial-type vetting of the text both during and after substance discussions in order to enhance the clarity of consistency of phrases, styles, or structures used throughout IMO instruments. For example, during MEPC 73, an industry association represented by an English native speaker made a series of editorial proposals.

⁷⁸ Based on PPR 4 fieldnotes, lines 122 - 147

#61. *It is late Friday on MEPC 73, and the plenary is wrapping up some of the last items. I am tired after a whole week of observing, and I have to leave soon to catch my plane home. On a less contentious issue that is non-binding, an industry association says that "should" in the text should be changed to "may". [...] The Chair of the working group in question says that the group thinks "should" is suitable". The plenary Chair asks if the industry association is happy with it. The industry responds, "Not really, sir", and the plenary erupts in laughter. The industry representative believe it should be "may". A large Western European state takes the floor and says, "If we're loyal to how we do it in this house, "should" should be "may"". The Chair says "should" should be "should", and once again, the plenary erupts in laughter. A large Asian state agrees with the industry. An independent expert community representative agrees with the industry. A large Northern American state says that "may" would weaken the strength of the recommendations, and they do not agree that it is an editorial comment. A large island flag state agrees with the industry. A smaller Western European state says they have sympathy for the North American intervention, but in the interest of moving ahead, they can agree to "may". A few states support the North American intervention. Another island flag state says that "we can't get away from the norm in this house", and says that since it is non-mandatory, we should use non-mandatory language. The Chair interrupts and says that he cannot let this discussion continue, so he believes "may" is appropriate. A Northern European state says that their experts on the issue have left, and "should" is also non-mandatory language. Another Western European state agrees with them. Chair closes the discussion by saying he sticks to his conclusion from before: since this is non-mandatory, it should be "may". We move on and I prepare to leave for the airport.⁷⁹*

This is an example of industry influence perceived as editorial in nature even if it lies on the boundary of what some delegates would consider editorial. Two important elements here relate back to the theorized mechanism and underpin this kind of industry influence. First, one state delegate explicitly highlighted there is a "norm" in IMO that they have to obey. He referred to the use of certain types of words associated with legally binding instruments, and another set of words associated with non-binding instruments. He used this to highlight that he thinks the industry representative is right. Second, the Chair has a very large prerogative in assessing what the conclusion should be. Even though there was a majority of states noting that it was not an editorial comment, the Chair shut them down and incorporated the industry proposal. Evidently, in this instance, the Chair did not believe that it is inappropriate politically to allow this type of influence to industry actors despite the interventions by state delegates. Indeed, this small instance highlights the dynamics of industry influence even if it is presented as just an editorial. The industry proposal is presented as a consistency contribution that is helpful, there is a discussion of whether the substance of the argument has merit, and the Chair makes a decision in favour of industry since the issue is not politically sensitive. All other instances of industry influence on form (such as editorials and headline structuring) were less contested and relatively common in both plenary and working groups.

In sum, the resulting outcome of the theorized model was influence by industry actors on both legally binding and recommendatory regulation. Most instances of influence resulted in industry affecting sub-

⁷⁹ Based on MEPC 73 fieldnotes, lines 1011 - 1027

requirements or regulatory specifications in line with the regulatory goal, or changes to provisions that specified measurement protocols or calculation methods. Industry contributed to delaying amendments to provisions in some instances, but industry influence on fundamental policy objectives were not achieved because of industry participation in the IMO by itself – rather, lobbying of state delegations by industry actors outside the IMO contributed to this. It is outside the scope of this dissertation to unravel these dynamics as well, but the important point here is that industry influence that resulted from industry participation in the IMO sessions never affected the core direction of policy choices.

11. The GHG issue: A breakdown of the basis for industry influence

Throughout the analysis, I have alluded to the internal comparison between the “normal” IMO discussions and the GHG discussion as an issue with its own set of invisible rules shaping potential industry influence. In the following section, I will make a comparison between the normal IMO discussions and the GHG discussion to show how the theorized mechanism breaks down when specific parts of the required contextual elements disappear. The GHG discussion becomes a kind of within-case mechanistic counterfactual, since the absence of contextual elements theorized to provide the operative basis for the mechanism are absent as if it was another case entirely. In other words, the GHG discussion is a case where the theorized basis for industry influence disappears, with the result being a substantially different role of industry interests in the discussion. I refer to the GHG discussion as the GHG issue or simply GHG interchangeably.

At the same time, the GHG discussion constitutes a substantiation of the theorized mechanism itself. There are two main reasons for this. First, if the absence of theorized contextual factors changes the dynamics of industry influence in a way that the theorized explanation can account for, it is evidence that the theorized explanation for normal IMO discussions is correct. A faulty theorization with contextual requirements that are in reality not operative would possibly result in a dynamic where the GHG discussion would exhibit the same or very similar dynamics of industry influence. For example, if it were wrong to theorize that the legitimacy of industry participation is rooted in a shared normative belief in the value of problem-solving, then the absence of such norms would not change the legitimacy of industry participation. Second, interviewees consistently referred to the GHG discussion as different from normal IMO proceedings, either implicitly or explicitly emphasizing how “normal” IMO discussions worked when compared to the GHG discussions. In every interview conducted after MEPC 71, the GHG issue entered as an example of how IMO did not usually work. As some of the quotes already have shown, delegates explained how normal IMO discussions worked by explicitly comparing to the GHG discussions to explain to me, as an outside, how different it was.

In this chapter, I present some of the evidence supporting the claim that the GHG discussion as a whole constituted a breakdown of the contextual components that are part of the theorized mechanism. Because of the sensitivity of the process and the inability to mask the issue, I do not recount field observations in the same way as in previous chapters. Instead, I rely primarily on interview testimonies and note when field observations underpin a given observation.

11.1. Issue background: Core points of contention in the GHG discussion

In order to provide some context to this breakdown of the theorized causal mechanism, I cover an overview of the main points of contention here. Because of the sensitivity of the issue, it is limited what can be said about specific actors, but the general contours of disagreement are well understood. At its core, two fundamental principal points were the source of the majority of disagreement.

Level of ambition. Countries and industry actors disagreed from the onset of the dialogue about the appropriate reduction target, both in relative and absolute terms. The UNFCCC had agreed on a 1.5 or 2-degree target in 2015, but there was strong resistance among some states to converting the temperature target into a specific reduction level and transfer it into shipping. This part of the discussion was very similar to the previous discussion in the UNFCCC during the 2010s, where primarily European states wanted a higher level of ambition, while many developing countries and oil-producing countries opposed this. Since the UNFCCC (and the IPCC) had already set a temperature target, the discussion in the IMO on level of ambition revolved almost exclusively around the specific reduction targets. On the absolute side, the question was how big the reduction should be in terms of a percentage reduction in total emissions from the shipping industry, and on the relative side, the main discussion revolved around how steep the ton per transport work emission requirement should be and how this number should be calculated.

Guiding Principles. Separate from the discussion on the substantive reduction targets, a core point of contention related to whether the most favoured nation (MFN) or common but differentiated responsibilities and respective capacities (CBDR-RC) should guide the future regulation. Put briefly, the MFN principle means that every state have to treat a vessel from another state as well as how they treat the most favoured nation. This has historically been the core principle in shipping as it means there is no differentiated treatment based on nationality. The CBDR-RC principle is used as the basis of climate negotiations in the UNFCCC, and under this principle, different states are subject to differentiated responsibilities (i.e. more lax rules or slower implementation) in light of their relative capabilities. This principal discussion was complicated as major countries, such as India, China, Brazil, and Saudi Arabia, are classified in the UN as developing countries, implying that these countries would face less stringent regulation. Developed economies contested this, and argued that the decoupling of the vessel from the land economy (and the state's capabilities) meant that CBDR-RC made no sense in shipping.

11.2. Breakdown 1: Change in taken-for-granted beliefs about the nature of IMO discussions

A core difference between the normal IMO discussions and the GHG discussion was the change in the shared taken-for-granted beliefs among delegates concerning the nature of politics. Whereas IMO delegates in normal discussions acted upon a basic internal representation and associated assumptions

about the work done at IMO as technical standard setting, the delegates who came from the UNFCCC did not share this belief. Instead of viewing IMO as a place for technical standard setting, they brought with them the idea that IMO – as any intergovernmental organization – was a political forum where states bargained with states. To each group of participants – IMO veterans and UNFCCC climate negotiators – it was taken for granted how discussions in the IMO worked. IMO veterans believed the IMO process fundamentally was an exercise in developing standards at the level of vessels, while UNFCCC negotiators assumed it was an intergovernmental negotiation similar to the one at the COP-sessions under the UNFCCC regime or in other IGOs. This ‘blueprint’ of the nature of the structure of political interaction, derived from their institutionalization in either IMO or the UNFCCC, was a key defining difference that shattered the institutionalized basis for legitimate industry participation.

This distinction between “core” IMO veterans and UNFCCC-delegates who were new to the way IMO worked was consistent in both observations and interviews. When I asked a senior industry representative, he noted this distinction.

#62. Christian: “Why was [the GHG discussion] so different, and how was it so different?”

Interviewee: “Well, that's easily answered, because most of the time-- in fact I would say in any other IMO discussion for the last few years there are a core of people who are the IMO attendees, whether they come from governments, or whether they come from the observers. They do IMO. They do safety. They do environment. [...] [The UNFCCC is] a very different character because they are negotiators and they are trained in that art, that skill. And so their approach to discussion was very different to the normal IMO one.”

(Interview with senior industry representative)

For this representative, the “art” of being a climate negotiator was what defined the UNFCCC representatives when they met the IMO. Their character as climate negotiators related, of course, to their norms about legitimate political conduct and the role of industry representatives (see the next section), but at the core, it was a matter of *identity*. The IMO veterans and UNFCCC negotiators’ internal representation and understanding of the constitution of the IMO process related to their respective identities as either shipping regulators or climate diplomats. In the analysis, I highlighted that the IMO delegates generally saw their own work as technical standard setting rather than ‘politics’, and it is this taken-for-granted belief that clashed with the UNFCCC negotiators’ understanding of the process as a matter of politics between states. Throughout the field observations, there were several instances where there were clashes not only on the appropriate forms of conduct (i.e. norms), but also where delegates would say (paraphrasing), ‘this is not who we are’, or ‘if we change the way we do this, then we lose ourselves’.

The clash was so pronounced that it found its way into virtually any conversation about IMO with delegates. During a lunch session before the GHG agreement, a set of negotiators from UNFCCC and some

delegates from the IMO with no UNFCCC experience were exchanging jokes on the matter, with the UNFCCC negotiators joking that they had to start every lunch conversation by apologizing for bringing UNFCCC with them into IMO. Veteran IMO delegates would openly discuss how long they had to cope with the UNFCCC people staying for the GHG discussions. However, for the UNFCCC negotiators, it was just as big as a shock. When they first came into IMO and were challenged on their taken-for-granted assumptions about what an intergovernmental political discussion could be like, they were beyond surprised. One UNFCCC representative shared with me that they had been almost speechless when they first entered the IMO plenary and witnessed dozens of industry representatives sitting with their own flags and actively participating in what the UNFCCC people considered solely a matter between states. Within the different clusters of states, there were newcomers from UNFCCC who had to collaborate with likeminded IMO veterans, and in one of the larger groups, there were significant internal struggles essentially resulting from the same clash of identity. This is consistent with field observations from the actual discussions.

These identity- and belief-based clashes between IMO veterans and UNFCCC negotiators shaped the progress of the work itself, but also ripped apart some of the foundation of industry influence. As theorized in the causal mechanism, an important contextual element of industry influence in the IMO is the shared cognitive institutions – i.e. taken-for-granted beliefs – that constitute delegates internal representation of the world. Under normal circumstances, the shared IMO identity and the common belief that the work results in technical standards at the level of the ship provides the foundation for industry influence as they are seen as legitimate co-constructors of better standards. However, this legitimacy can also be traced back to the shared IMO belief that they are a self-contained community. Consider the following quotes.

#63. *The marine industry is a very small, sort of an incestuous group. It really is. There's a lot of interrelationships. There's people that do collaborate, I guess is the word. But to cut the long story short, it's a close-knit group and because of that there is a very sort of friendly... [...] It is a very collegial atmosphere. And so the week goes on. People have different views. Arguments can get heated. But then by Friday, all the decisions are put in writing. And everyone kind of comes together to say goodbye. And it's like, "All right, great. Yeah, see you next week. How's the family?" So it's a very-- I think that adds to its effectiveness as an organization because there's that specialized nature.*

(Interview with state delegate)

#64. *"When you understand the organization and you just meet the people are representing the various states and the member organizations, it's really the constant kind of... family is perhaps the wrong word, but the people in general support the organization and the work and are constructive."*

(Interview with Chair)

The way these two interviewees are explaining the IMO explicitly uses family-related metaphors. Both of the quotes are from parts of the interviews where the respondents are relating their understanding of the IMO to the GHG discussion, and they use these characterizations of the IMO to explain why the GHG discussion was so different compared to normal IMO work. By characterizing the IMO as a ‘family’ they are not trying to say that it is like a mafia, but rather that it is a community where most people know most people and there are shared beliefs among group members. Under normal circumstances, industry representatives are part of this family, and their legitimacy as participants is rooted in their contribution to the discussion as well as their membership of the family. When this communal membership is stripped away, as many delegates no longer share this belief, it is no longer unquestionably legitimate for the industry to participate and their potential for influence diminishes drastically. In the language of process-tracing, a key contextual factor necessary for the operation of the theorized step one was not present in the GHG discussion, and industry input was no longer considered appropriate by the majority of the state delegates.

As the industry no longer had the status of being a legitimate participant in the discussions, their contributions drastically shifted. Instead of making substance contributions based on technical data or reasoning, industry proposals and interventions throughout the middle and latter half of the GHG discussions began being procedural in nature. Representatives from industry associations made suggestions for how to move the discussions forward, how to structure parts of the agreement, or how to conduct the work of the group in a way that would resolve conflicts. Throughout the final two weeks leading up the GHG agreement in April 2018, industry interventions were exceedingly rare and virtually never related to substance. This change in pattern is consistent with the interests of the industry. As noted in the earlier chapter on interests, it is the prime interest of industry to have a unified regulatory regime for all of shipping. However, the pattern is also consistent with the community view of IMO. The representatives of industry associations were veteran IMO delegates in their own right, and part of their changed behaviour was due to their protection of the integrity of the IMO and the way the organization worked. By making procedural comments and helping the discussion move forward, they contributed to maintaining the existing modus operandi while also underlining their continued legitimacy as helpful participants. One industry representative was concerned that the general trend of fewer delegates with practical experience – of which the GHG issue was part of – was worrisome.

#65. *“So [people with seafarer experience has] dropped away over the years, and the outcome of that is sometimes, you listen to a government intervention and you think, “my goodness, you simply don't understand the implication of what you're saying on the people who are on the ship,” and that's terrible. But the interesting thing about that is, to my mind, this makes it so much more important that the industry is fully engaged in the IMO debate because we are the only people these days who can really give the seafarer's view and support the seafarers and support the ship owners. If we weren't there, I think the quality - maybe this is rather arrogant, but I believe it - I think the quality of IMO regulation would be not very good.”*

(Interview with senior industry representative)

This quote highlights that this industry representative believes the legitimacy of the industry as participants in the IMO is linked to their contribution to the quality of the regulation. For him, it makes it even more important that industry participates when there is a lack of state representatives with technical knowledge. However, for the UNFCCC delegates, the opposite is true: the more the discussion resembles their institutionalized view of what an intergovernmental negotiation, the less appropriate it would be for industry representatives to participate under their own flags.

Part of the story of the GHG issue is this challenge to the fundamental idea of what ‘work’ at IMO actually constituted. When the taken-for-granted beliefs were cast into doubt, the legitimacy of industry as participants in the process was destabilized, and they had to navigate a new situation while still remaining helpful and protecting the identity of the organization. I will return to this community aspect in the discussion, while I now turn to the second breakdown: lack of shared deliberative norms.

11.3. Breakdown 2: Lack of shared deliberative norms

In addition to the breakdown of shared taken-for-granted beliefs, the entry of UNFCCC negotiators resulted in a breakdown of the norms governing appropriate conduct in the IMO. As institutionalized norms and institutionalized cognitive beliefs and identity are closely related, they are part of a larger whole, but analytically, they can be distinguished in the same way that beliefs and norms have been separated earlier. Beliefs concern how things are or ought to be or how internal representation of reality is constructed, while norms structure which actions and activities that are appropriate (Scott, 2014, p. 63).

Under normal IMO circumstances, there was a set of shared and strong deliberative norms among delegate as explained in earlier chapters. Under these norms, appropriate behaviour during IMO work has to be helpful or contributive relative to the problem at hand to be legitimate. However, the same norms do not structure the UNFCCC. As the negotiators of the UNFCCC understand the COP-process to be classic negotiational bargaining (Dimitrov, 2010, 2016), the UNFCCC people entering the GHG discussion in the IMO brought with them these norms. Appropriate conduct under these norms are effectively contrary to deliberative norms (Risse & Kleine, 2010; Ulbert & Risse, 2005). In negotiations, it is legitimate not to provide reasoning for positions, just as it is legitimate to reject arguments without justification. This is

because there is no external authority such as evidence or science that participants can refer to (Risse & Kleine, 2010), as the only authority is between the parties involved. The appropriate conduct for negotiators is instead to keep ‘true’ preferences secret, to engage in compromise seeking between positions, to veto progress, to link all issues by virtue of the negotiation process (Jepsen, 2013), and to leave the discussions if perceived as beneficial by the party.

The quotes used in the previous section already alludes to this difference in norms, but there are other interview testimonies. Consider this industry representative.

#66. *[The UNFCCC delegates'] approach to discussion was very different to the normal IMO one, and perhaps one of the most significant characteristics was, because they are trained negotiators, they would not give away their position until they had to. [...] The GHG discussion was very different because nobody really knew what each individual government really wanted, and in fact, I got very cross with the Europeans and with the commission. Because we had discussions with the commission before we got to IMO, and it was very clear they were going to be completely intransigent. And we were saying to them, "Look, if you're intransigent, you're going to lose the support of China, in particular. And India. And countries like that." And without them, you're not going to get a result. So what do you want? Do you want a result? Or are you going to just stick to your unmovable position? And I think towards the end of the IMO discussion, it became clear what Europe was prepared to go along with. But they would have made that discussion so much easier if they'd done it from an IMO point of view from the beginning.*

(Interview with senior industry representative)

The industry delegate’s explanation of his view on the nature of the GHG discussion is very evocative of Risse and colleagues’ work on deliberative norms (Risse, 2000; Risse & Kleine, 2010). It is particularly interesting that the delegate juxtaposes the European delegates’ intransigence with the “IMO point of view”, which is here synonymous with deliberation rather than negotiation. Of course, industry was interested in getting a climate agreement that was rooted in the IMO to safeguard the uniformity of the regulation and making sure IMO remained the international regulatory agency, so it is less surprising that an industry representative would lament the ability of states to reach an agreement. Nevertheless, his reasoning around their intransigence is telling of the contrast between UNFCCC and IMO norms, as the “IMO point of view” would be to engage the discussion as a deliberation where delegations would be willing to be persuaded. The following testimony by a Chair echoes the lack of UNFCCC delegates’ understanding of the IMO procedures.

#67. *Christian: [...] In the climate discussion, it is my impression [the climate negotiators] were primarily concerned with representing the country in UNFCCC. I guess that it also has something to do with understanding how IMO usually discussed stuff.*

Interviewee: Yes. I think that it was the correct observation. And that was also-- first, I think some of them came into the process with the-- not the full trust they should have had on board. The other thing is they didn't fully understand-- perhaps they didn't fully, let's say, capture the process at the IMO.

(Interview with Chair)

The Chair mentions the formal procedures for the IMO, but as established earlier, the principal documents governing the conduct of MEPC and PPR do not explain how consensus is reached, so the process of the IMO inevitably includes the procedural norms. During the GHG discussions leading up to the agreement in April 2018, the UNFCCC negotiators and IMO veterans clashed over the role of evidence in the discussions because the UNFCCC negotiators did not believe it was appropriate to discuss on the basis of evidence. When UNFCCC delegates did support the use of evidence, it was seen by other delegations as beneficial to their own agenda rather than as a sincere attempt to engage in deliberation and reasoning to find a better solution.

In relation to the theorized causal mechanism, the lack of deliberative norms meant that industry interventions or proposals were no longer evaluated on the basis of their substance. Instead, UNFCCC delegates evaluated proposals made by industry in terms of whether it helped either side's position. This change in the normative context of the discussions meant that industry could no longer play their strongest cards – their technical expertise and experience – as the substance veracity of interventions no longer played a crucial role for state delegates' evaluation. In one instance, an industry representative had to explicitly note for the sake of the report that they had submitted an analytical document even though the state delegates had completely ignored it. Part of the reason behind the change from substance-related to procedural comments by some industry associations was spurred by this, as their 'normal' interventions no longer mattered. IMO veteran state delegates could not force UNFCCC delegates to engage in deliberation based on evidence, but they could take industry proposals for the process itself and use it to move the discussion forward. Industry influence changed fundamentally because of this, as industry influenced the outcome not by virtue of championing substance changes, but rather by supporting the procedural progress of the work.

One important difference between the negotiational and deliberative norms was the question of issue linkage. Issue linkage in the context of the IMO GHG discussion was the practice of linking agreement on one area to another, typically captured by the UNFCCC informal slogan, "nothing is agreed until

everything is agreed” (Jepsen, 2013)⁸⁰. This phrase was used word-for-word by UNFCCC negotiators in the IMO to communicate how they thought the work should be done. Under this norm, no issue discussion would be closed until every discussion was closed, as compromises in one area could link to changes to earlier compromises on other areas. Some delegates explicitly stated that if a given issue fell the wrong way, they would have to go back to otherwise settled issues and re-negotiate, and it was used as an explicit threat on particularly thorny issues. IMO veterans reacted strongly to this practice, as it was anathema to the deliberative process whereby issues were settled separately based on a reasoned consensus. It was inappropriate, from the point of view of the IMO veterans, to link the solution of one issue to the solution of another, since there in principle should be a consensus solution to any given issue independently of disagreement on other issues. UNFCCC delegates, who viewed this issue-linkage as a core element of political practice, did not understand the IMO veterans’ resistance, and the UNFCCC negotiators succeeded to some extent in making this practice the basis for the discussion. This stripped the industry actors of the ability to make relevant input on specific issues, as these issues in any case were linked to political compromises on other issues. This practice and the embodiment of it in a single motto-like phrase is one of the most tangible examples of the change from deliberative to negotiational norms.

11.4. Breakdown 3: Fixed state positions

Since the negotiators from the UNFCCC saw the GHG discussion in the IMO to be an extension of the global process on global climate policy, their respective countries’ positions in UNFCCC were strongly connected to the positions in the IMO, which fixed the states’ positions in the IMO. As changes in positions on levels of ambition or guiding principles in the IMO would have an effect on the process in the UNFCCC, negotiators were keenly aware that their positions were constrained by negotiations elsewhere in the UN system. In addition, the extreme salience of the GHG issue (compared to normal IMO discussions) meant that national ministries and high-ranking political officials suddenly were very explicit in their directives for their IMO representatives. The result was that one of the contextual elements in the theorized mechanism – namely, the more flexible state position on the issue – disappeared.

A core problem was the states’ positions on the principles agreed upon in the Paris Agreement. In the Paris Agreement, it was agreed to maintain a degree of differentiation under the principle CBDR-RC (Falkner, 2016, p. 1116). However, the IMO was built on the principle of MFN, whereby there could be no differentiation in how countries treated other states’ respective merchant navies. For the UNFCCC negotiators in the IMO (particularly from developing countries), it would be unacceptable to allow a large GHG agreement in shipping not to include CBDR-RC as it would undermine the efforts elsewhere in the UN system to build the principle into every agreement with an explicit reference to the Paris Agreement.

⁸⁰ Jepsen put the slogan in the title of his book because of the slogan’s prevalence in the UNFCCC process.

IMO veterans believed that CBDR-RC had no place in shipping, as they believed the ability of vessels to reduce climate impact was detached from the national industries. If a vessel changed flag from Germany to Brazil under a CBDR-RC agreement, the vessel would have differentiated responsibilities even if there was no actual change in the capacity of the vessel or the shipowner to reduce emissions. One independent expert expressed his frustration with this.

#68. *“[...] for countries like Brazil, Saudi Arabia, South Africa and whatever else, there's this huge question of where they sit within the GHG debate. And therefore, they're not prepared to see any, should we say, implication upon their national Paris position that might be leveraged by what has happened within IMO. And so we've had, within this whole GHG discussion, this ridiculous business about, and, of course, because it's driven by national flags, but whether a fleet of ships, series of ships is being built in China. Half of them are going to be U.K. flag, and the other half are going to be, say, Bahamas flag. They're all the same ship. They have the same equipment, they have the same hull lines, they have everything else so there's that. But for one tax reason or another, some of them are going to be U.K. flag, others are going to be Bahamas flag. [...] The idea that Panama, Liberia, Brazil, or any other country is any different to the U.K., Denmark, or Sweden is really completely fictitious.*

(Interview in independent expert)

This sentiment relates to the basis of why IMO regulates at the level of vessels (i.e. what they perceive as technical standards) while UNFCCC regulates at the level of countries. IMO veterans believed there was no systematic difference between the ships depending on their flag, as the reasons for choosing a flag primarily relate to taxation-related issues, so it did not make sense for IMO veterans to differentiate state responsibilities for vessel regulation. A state delegate noted to me during informal conversation that the maritime industry was special because they regulated virtually identical boxes of floating steel that just happened to have different flags⁸¹. IMO veterans were puzzled that the respective states' positions in the UNFCCC dictated their position in the IMO. At MEPC 73, one IMO veteran - who had stopped counting his number of IMO sessions after reaching 200 – noted that certain states had reversed their positions in the IMO GHG discussion after the UNFCCC negotiators entered the discussion⁸².

The change from weakly formulated state positions to highly entrenched state positions also related to the high degree of salience of the GHG issue. Compared to the other policy issues of the IMO, GHG was by far the most salient. This was noted by interviewees, informally in the corridors of IMO, and the opening speeches by the Secretary General before sessions also included references to the extensive public attention to the work at the IMO unlike anything experienced before. During the GHG intersessional in April 2018, there was even a small demonstration outside the IMO headquarters, and IMO were keen to discuss this exotic event, as they had never experienced public attention to the extent that NGOs were organizing

⁸¹ The conversation took place in June, 2019

⁸² Based on MEPC 73 fieldnotes, lines 681 - 683

protests at the doorstep of the IMO. Representatives from the European Commission (EC) and the European Parliament (EP) also flew to London under significant media attention and highlighted the gravity of the IMO decision in interviews in front of the IMO headquarters. The MEPs were threatening to carry out unilateral measures should the IMO agreement be too ineffective or un-ambitious insofar as it was agreed at all. Compared to any other normal IMO discussion, even GHG discussions prior to the Paris Agreement, this was public attention to the work of the organization was unprecedented.

In this environment, state delegates doubled down on their positions because of the public attention. As the respective governments could not afford to be seen as yielding on the critical issue of GHG, the instructions from ministries to delegates were more strict and narrowed the band of allowed state compromises. This was a big step away from the weakly formulated state positions of normal IMO discussions and included much more intense political attention to the work of the IMO delegates. Some ministries decided to send either junior-, vice-, or even full ministers to the IMO as their official representatives who would read prepared statements in the opening parts⁸³. In at least one delegation, this new direct political control of the IMO delegation led to open conflict between the IMO veterans on one side and the UNFCCC negotiator and the ministry of foreign affairs on the other. This increased scrutiny and more narrow aims manifested in UNFCCC delegates sometimes pausing the negotiations, saying they had to talk to their capitals to renew their mandate. IMO veterans balked at this, as this practice was unheard of in the IMO, and it made it impossible to approach consensus without half-day breaks where delegations could go back to their capitals.

For the industry, these fixed state positions was another nail in the coffin for substance evaluation in the GHG discussion. Recall the quotes in previous chapters and in the previous section where industry representatives and state delegates alike highlighted the value of reaching consensus agreements in the working groups based on a dynamic discussion. The two prerequisites for this process had disappeared, and it was no longer possible for industry representatives to contribute to a solution by making a snap proposal that could bring delegates together *unless* it was about procedure rather than substance. Even if there were issues where state delegates were willing to engage in deliberation for whatever reason, industry proposals would have to be cleared in the respective capitals instead of being deliberated and decided upon in the group itself.

⁸³ These prepared statements was a source of conflict in their own right, as it was seen as "political" and a waste of time by IMO veterans. However, lengthy opening statements was normal in the UNFCCC and in other intergovernmental forums, and ministers arrived at Albert Embankment anticipating the IMO to be just like the other forums. This relates back to the discussion of the taken-for-granted beliefs about the nature of political interaction as dependent on different social systems.

While the whole UNFCCC-IMO interaction potentially could warrant a whole dissertation in itself, the main points of this brief contrast with the ‘normal’ IMO work shows that the breakdown of specific contextual elements led to a breakdown in industry influence that can be explained by the theorized mechanism. As UNFCCC diplomats challenged the main contextual norms and taken-for-granted beliefs, industry actors could only influence the outcome of the GHG discussion by trying to maintain the “IMO way” of developing regulation. The eventual influence of private actors in the discussions was severely limited compared to the relatively extensive potential for influence that industry actors enjoyed in other IMO discussions. More fundamentally, the reaction of IMO veterans – industry and state representatives alike – in their unity against the advent of UNFCCC working norms and beliefs shows the social cohesiveness of the IMO, and this supports the analysis of the IMO by strengthening the confidence in the existence of the theorized norms and beliefs of the IMO.

12. Discussion: Knowledge and implications from a reflexivist stance

12.1. Reader's Guide

In the preceding chapters, I have explained the theorized model and substantiated it throughout the analysis, and shown the conditions that led to its breakdown. As this completes the analysis and the explanation of the causal mechanism, I use the rest of the dissertation to discuss the implications, weaknesses, and lessons for theory drawn from the case study. I choose to structure the discussion of the veracity of the claim in two parts; first, I comment on the explanation from within the theoretical paradigm of organizational institutionalism, and second, I criticize the explanation from an outside-paradigm perspective. Following that, I turn to a broader discussion of the theoretical import of my explanation as well as the relevance for both public and private actors.

From the onset of this dissertation, I have taken departure in reflexivist research (in particular Alvesson & Sandberg, 2011; Alvesson & Sköldberg, 2018), which emphasizes the necessity of evaluating underlying assumptions – theoretical as well as philosophical – when conducting theorizing research. This is the stance from where I approach the discussion about theoretical relevance of this study. The core point of the theoretical discussion in this chapter is that this in-depth case study of corporate influence can expand and compliment the extant theoretical assumptions that researchers implicitly or explicitly use as point of departure when researching global business power.

12.2. The plausibility of the theorized mechanism: Critically evaluating the strength of the explanation

Throughout the process-tracing analysis, I have evaluated the strength of the evidence in relation to the specific theorized parts of the mechanism when it was applicable. Additionally, I have included considerations on the strength of the explanation when it related to general features of the mechanism, for instance the prevalence of norms or inferred taken-for-granted beliefs. The contrast between the ‘normal’ IMO and the GHG discussion also substantiated the inferred mechanism as the theorized mechanism broke down as expected in the absence of operative contextual elements. However, the question remains; how strong is the theorized mechanism and the explanation as a whole compared to extant scholarship? In this section, I consider this question in two ways: First, I assess the explanation as a whole from within the organizational institutionalist paradigm; second, I assess the strength of the explanation from the perspective of more standard approaches to global corporate power rather than from institutionalism itself.

12.2.1. Critiquing from within the paradigm

How strong is the analysis from the perspective of organizational institutionalism? On one hand, it is trivial in organizational institutionalism to conclude that an organization works according to a set of

institutionalized norms and beliefs. On the other hand, finding that these norms and beliefs structure the conduct of political work and, by extension, the influence of private actors, is a meaningful extension of both studies of corporate power and organizational institutionalism. The extant scholarship on deliberative norms (Checkel, 2003; Müller, 2004; Risse & Klein, 2010) has already shown that norms can structure political conduct, so the analysis is, in general, plausible from within the paradigm of institutionalism. This implies that the core challenge against the findings must come from the research process, the sources, or the analytical methods deployed.

Since the research process moved through different phases where I drew on different main theoretical traditions, it is a potential weakness that my shift across positions made my observations and interviews unreliable. This is because the empirical material was gathered when I had a different theoretical position 'in mind' when I wrote down fieldnotes or asked questions to the interviewees, which means that there is potential discrepancy between early and late observations in terms of whether they are commensurable at all. The way I have alleviated these concerns, as discussed in the methodology section, is by being transparent about the process and reflexive about the gathering of empirical material. However, the consistency of the empirical material (regardless of analytical processing) from early 2017 through late 2018 strengthens the analysis. I gathered some of the most interesting empirical points at PPR 4 in early 2017, which predates my explicit usage of organizational institutionalism. For example, my field notes from Wednesday 18, 2017 during PPR 4 contains instances where I noted down reason-giving and deliberation, but I did not recognize these instances as reason-giving and deliberation until March, 2018. Consistencies like this, coupled with my ambition to be reflexive about both data gathering and analysis throughout the project (Alvesson & Skoldberg, 2018), strengthens the general findings of the analysis.

Wherever it was applicable, I discussed and evaluated the use of sources, but the overall strength of the argument also relates to systematic faults in my empirical work. There are three core sources of systematic uncertainty here: Empirical bias as a result of social embeddedness in the Danish delegation, empirical bias due to systematic sampling issues with the interviewees, and the potential of going 'native' in the culture of the IMO.

The first challenge to the credibility of the findings relate to my position as a researcher situated in the Danish delegation. By virtue of my physical position on the back rows of the Danish delegation, I was limited in my ability to see interactions during sessions, but more fundamentally, the implicit worldview of the Danish delegation may have shaped my understanding of the IMO even before I arrived. Before each IMO session, I participated in the Danish delegation's pre-meeting in Denmark some weeks before the relevant IMO session, and my only initial impression of the IMO came through the filter of the Danish delegates. Despite this dependency, it is unlikely that any Danish bias substantively shaped my findings. Just as I paid attention to my theoretical reflexivity, I also continuously reflected on the relationship

between the Danish belief and the IMO-wide beliefs, and in my private field diary, I noted some of these concerns throughout. I also deliberately engaged in social interactions with non-Danes throughout IMO sessions, and even if Danes were overrepresented in my fieldnotes as a consequence of my physical proximity to them, I took care during the analytical work to ensure that my analysis was not based primarily off of Danish instances. Despite my efforts, I recognize that my socialization into the Danish delegation may have influenced my analysis of the IMO, and it is consistent with the tenets of critical realism to accept the limits of researchers' objectivity.

The second empirical challenge relates to any systematic problems with the interviewee sampling and usage. As noted earlier, my first interviews were explorative in nature, while the later ones were part of the explanatory research process. The exploratory interviews were all with Danish delegates, but only one of the explanatory interviews is with a Dane. Early interviews with Danes may have introduced systematic bias, but this potential bias disappeared as I moved into the explanatory phase and increased my familiarity with the IMO beyond the Danish perspective.

A slightly different problem is the ratio of industry representatives to environmental NGOs both in interviews and in the fieldnotes, and the interview that I did manage to set up with an environmental NGO was with a person who was relatively new to the IMO. However, this skew is not the reason for the lack of an active role of environmental NGOs in the analysis. Throughout my fieldwork, the NGOs played a minor role relative to the industry representatives, in particular during the more intense working group discussions. NGO activity centred on issues in the MEPC considered to be more political by delegates, and while their influence on substance regulation was limited, they used their participation to highlight the civil scrutiny of the IMO. The interview with the NGO contained no empirical material that significantly cast the theorized mechanism into doubt. It is a weakness that the analysis could not rely on more NGO testimonies, but the available empirical material also strongly indicates that further interviews or informal interaction with environmental NGOs would not have changed the analysis nor the conclusions.

Conversely, it is a potential weakness that the testimonies by industry representatives play a prominent role in the analysis. Although they are by no means dominating, my substantiation of the different parts of the theorized mechanism derives in part from interviews with industry representatives. I have explained in the various instances why the source evaluation of the specific interviewees suggests that their testimonies should be trusted, but the systematic usage of accounts provided by firm employees is potentially problematic. Since these individuals are political representatives of industry interests and viewpoints, the danger is that their testimonies are untrustworthy almost by definition. Throughout the analysis, I alleviated this by seeking to corroborate industry viewpoints with non-industry testimonies or observations. However, if industry representatives are systematically untrustworthy, then their collective empirical contribution should be devalued or corroborated more strongly. Initially, I was very sceptical when talking

to industry representatives and using data produced by them. It soon became clear that industry representatives talked about the IMO the same way that state delegates did, and although there were nuances in the way different interviewees explained specific instances of interaction that had happened in the past, explanations of instances that I had witnessed were consistent across state and industry interviewees. The weakness of the project persists, however, as the total evaluation of the sources rests on prior assumptions about the nature of industry representatives. As always, the usage of industry representatives as primary sources requires reflection on their source characteristics and the research purpose itself.

The third challenge relates to the potential effects of going native. In ethnomethodology, “going native” refers to the situation where the researcher uncritically adopts the viewpoints and beliefs of the culture being studied and loses the external perspective (Flick, 2014, pp. 315–316). Initially, I did not anticipate that the participant observation would warrant considerations on the risk of going native since I did not theoretically expect an IGO populated by representatives to have a strong culture – in particular when the point of departure was the ‘material determinism’ (Woll, 2008, pp. 24–25) of mainstream IPE. As I continued my participant observation and shifted towards organizational institutionalism, I realized that the organization did have a set of shared norms and beliefs, and I had to spend critically examining whether I had inadvertently adopted said beliefs and internalized them. As in any other ethnomethodological study, this risk of going native is a serious challenge to my analysis.

Throughout the research process, I checked my findings and analysis with other researchers at seminars, workshops, and informal conversations with the intent of identifying significant deviations between my own understanding of the social system of the IMO and other researchers’ understanding. For example, I would test whether I would take industry presence for granted myself by presenting some of my empirical material and analysis and specifically questioning other researchers how implausible my analysis was. I realized that my findings did not break strongly held assumptions among researchers working within the same theoretical tradition (Davis, 1971; Weick, 1989), but when there was deviance, I made sure to search for more empirical material that could challenge my existing analysis or beliefs. This is in line with Flick’s (2014, p. 315) assertion that a researcher’s process of dealing with ‘going native’ is an opportunity to reflect on the ability of the researcher to uncover some of the beliefs which otherwise would be impossible to uncover. More subtly, this procedural safeguarding also falls in line with the Bayesian basis of process-tracing, as the reflexive process can be understood as a fine-tuning of the prior beliefs and the evidence that would be necessary to infer the mechanism itself. While there is a risk that I adopted some ideas or beliefs shared by IMO delegates, these steps reduced the potential influence on the project and minimized the risk of ‘going native’.

12.2.2. Critiquing the theoretical explanation from outside the paradigm

Earlier in this dissertation, I discussed the choice of organizational institutionalism relative to the more common choice of three faces of power-framework. In this section, I make a critical assessment of my theorized mechanism from the more conventional IPE perspective and evaluate how plausible the explanation is when viewed in that light. This will lead into the rest of the discussion where I relate the core findings to the extant theoretical universe and discuss the potential implications. For the rest of the chapter, by “conventional” IPE perspective, I mean the broad category of theories that take objective material interests as a starting point, theorize industry influence at a higher level of analysis, and are a priori critical of the power of global corporations (Woll, 2008, p. 32).

The most fundamental challenge to my theorized mechanism from the perspective of conventional IPE is that it overlooks the larger societal structures that result in systems of corporate power, and which cannot be reduced theoretically to micro-level explanations. The implicit assertion of my analysis is that explanations relating to macro-structural relationships only provide one of several possible sets of understanding when explaining the dynamics of industry influence when it happens in specific instances or at a different scale than that of conventional theoretical perspectives. In other words, this critique would delve into the details of social emergence and how larger structures cannot necessarily be reduced to its constituent components.

Formulated as a question, the challenge to my findings is this: If global corporate power is an emergent phenomenon that cannot be fully understood by explaining specific instances, is it then possible at all to learn anything from studying and theorizing specific instances of industry influence at the micro level? Within this line of reasoning, the general phenomenon of global corporate power can only be theorized as a product larger than the sum of its parts (i.e. instances of influence) since the characteristics of global corporate power as a phenomenon has emergent properties (Sawyer, 2004). An analogy to evolutionary biology is appropriate here (Tsoukas, 1993). Evolution is a phenomenon with emergent properties that cannot be reduced to its constituent components, like individual genomes’ change. A researcher studying how genomes work may develop theories of the genome and how it functions, but does not grasp the more general theory that explains genome development across species⁸⁴. Similarly, it would be possible to theorize the specifics of industry influence by studying cases of industry influence, but not global corporate power if that indeed was an emergent phenomenon.

To what extent is global corporate power irreducible to its constituent components? It is plausible that the phenomenon of global corporate power has properties that are larger than the sum of its parts, most notably

⁸⁴ Interestingly, Charles Darwin theorized his ‘survival of the fittest’ by studying several species and their development, while Georg Mendel theorized genomes by studying trait development over generations in a single species. The two were not unified until the development of modern evolutionary biology (Kutschera & Niklas, 2004)

captured by the discursive power of private actors as a property of the system beyond the individual instances. Analogously, industry actors in the IMO (and other international organizations) may exercise influence repeatedly the same way a genome develops repeatedly, but the larger pattern of global discursive power emerges as a phenomenon only when the complete system is considered, just as evolution only emerges when the general pattern of genome development is captured. However, if the effect of the emergent phenomenon *does* manifest in some way at a lower scale, then it is possible to theorize a relationship between the larger phenomenon and its instantiation by looking at the instance itself. For example, if the discursive position of industry generally means that states move toward taking the political role of private actors for granted, then it can be observed at specific instances that state delegates indeed take for granted the political role of firms in a given situation. This is because there is a logical link between the general phenomenon and its expression in specific instances.

However, even if there is no plausible logical link between the general phenomenon and its expression in a given case or instance, an in-depth case study has knowledge value for a theory operating at another level of analysis. Setting aside, for a moment, the knowledge value of explaining the case itself, the practice of theorizing from single case studies can have valuable implications for more general theories or theories operating at another scale if the findings challenge the theoretical expectations (Flyvbjerg, 2006) or challenge theoretical assumptions (Davis, 1971; Weick, 1989). In this dissertation, I challenge broader theories by showing that organizational- or group-level institutionalized beliefs may structure industry power and influence and serve as a complementary approach – or base of assumptions – for explaining global corporate power. For example, it is expected in theory that national industrial interests and potential structural power of the industry shapes states' positions, but my empirical evidence suggests that there are alternative theoretical perspectives rooted in different types of assumptions that serve as vehicles for explanation and understanding. Such findings are theoretically relevant regardless of whether global corporate power is an emergent phenomenon because it goes against weakly held assumptions that underpin the understanding of the phenomenon as a whole (Weick, 1989, p. 525). However, I contend that the answer to these challenges also relies on the researcher's ontological convictions concerning the relationship between structures at different scale and the nature of emergence itself. I will leave that discussion and move into a discussion about assumptions more generally.

A core challenge to my work from conventional IPE relates to the underlying theoretical assumptions. Conventional IPE presumes that firms and their employees are profit-maximizing agents who only appear to conform to societal requirements when it is in their own material interest. For example, in Levy and Newell's contribution to the debate from 2002, it is implicit in their Gramscian perspective that corporate interests equal the search for corporate profits (Levy & Newell, 2002, p. 95). Earlier in the dissertation, I elaborated at length about the difference in understanding of interests between conventional IPE and organizational institutionalism for this reason, and I developed an overview of the relative interests of the

different actors to show from an objectivist perspective how the industry differed internally in terms of interests. From the perspective of conventional IPE, any inability to explain industry and state interactions by reference to material interests would be a weakness. The theoretical expectation of the explanatory power of material structures would imply that the analysis is wrong or the industry and state interests are not understood well enough.

I developed the chapter on industry interests based on managerial economics and microeconomics to pre-empt this critique. With managerial economics being just as objectivist in its conception of corporate interests, it serves as a useful tool to serve as analytical basis for a diversity of business interests already theorized in IPE (Falkner, 2008). My argument in this dissertation is that the institutionalist perspective complements the materialist explanatory program by showing that a different set of theoretical assumptions can provide a productive explanation of the phenomenon in question. This relates back to the choice of process-tracing, as the empirical analysis allows for adjustment of priors, which includes the prior theoretical expectation that material interests is the core explanation. In line with judgmental rationalism, it should then be methodologically possible to adjudicate whether one or the other explanation is better in a given case, taking into account the strength of existing theoretical assumptions and the strength of the analysis itself. The overall point would be that adjudicating between different sets of theoretical explanations also involves reflection on the complementarity of different assumptions, including the type of knowledge they allow for.

However, can assumptions be so strong they are practically beyond challenge? Approaching the political role of industry with a set of assumptions that structure the range of possible explanations is unavoidable, but if the assumptions are so strongly held that they are not possible to challenge, then we preclude the possibility of substantial theory development (Alvesson & Sandberg, 2011). This is the core of how my research engages with the conventional literature on global corporate power and lobbying: The case study of the IMO and the explanation I have produced serves as a response to the existing theoretical assumptions that underpin existing theorizing. If I have succeeded in making it plausible that industry influence in the IMO hinges on norms and taken-for-granted beliefs while material structures serves as determinants for actors' positions rather than the mechanism of influence, then it is an occasion for further research not only to be mindful of this possibility in other cases, but also to reflexively consider whether the total scholarship on the issue warrants a development of the underlying assumptions. This, of course, also requires a clear explanation of the assumptions that any theoretician holds. In the words of Bacharach (also cited by Alvesson & Sandberg, 2011, p. 253):

“As Weber pointed out, the value-laden nature of assumptions can never be eliminated. Yet if a theory is to be properly used or tested, the theorist's implicit assumptions which form the boundaries of the theory must be understood. Unfortunately, theorists rarely state their assumptions.” (Bacharach, 1989, p. 498)

The ambition to clarify reflexively one's own implicit assumptions as a researcher coupled with Alvesson and Sandberg's (2011, p. 253) call for more challenges to theoretical assumptions forms the basis for not only the critique from other theoretical perspectives but also the discussion as a whole. The core of the matter is the question how much institutionalized norms and beliefs can shape actors' interaction in a political context. My analysis in this dissertation is a contribution to this discussion. As Weick (1989, p. 525) argues, if the findings of the process-tracing analysis results in a "*that's absurd!*"-reaction from the reader, then the analysis has challenged strong assumptions. If the relative explanatory value of material interests and institutionalized norms or beliefs is a strongly held assumption, then it is worthwhile for the continued development of the research program to evaluate whether there is reason for maintaining those assumptions. This implies that we as researchers should evaluate whether it is possible that our strongly held assumptions should be challenged, moving the assumptions towards the category of weakly held assumptions. Challenging a weak rather than a strong theoretical assumption shifts the theoretical reaction from "*that's absurd!*" to "*that's interesting!*" (Davis, 1971) and firmly in the realm of productive theorizing.

To be clear, it is not my belief that it is possible in principle with any singular project to disprove a set of theories or theoretical assumptions, and it is not my goal of this dissertation. However, it *is* my goal to show that different theoretical positions and their underlying assumptions can coexist and act as complementary set of explanations for a given phenomenon. In line with reflexivist research and philosophy, the best theoretical outcome of a case study like this would be if scholars in one or the other theoretical tradition considered whether their assumptions could be challenged, and whether alternative explanations potentially hold credence.

From here, I move back into a discussion about the theoretical and practical implications of this dissertation. The relevance and usefulness of any potential theoretical implication follows the discussion from before on assumptions, and I take departure in the organizational institutionalist perspective in terms of ground assumptions. With this, I turn to a discussion on the theoretical implications for the study of firms' political influence.

12.3. The construction of organizational identity and the space of appropriate political action is an enabler of industry influence

The case of firm influence in the IMO shows that the identity of the organization itself is a source of industry power since the identity and its associated beliefs and norms shape the appropriate space for political conduct. If the appropriate types of political activity dictated by this feeling of identity is in line with what is inherently advantageous to the firms, then this in itself is a source of power. More fundamentally, the discursive position of firms as legitimate political actors is in the IMO rooted in this common identity, and the strong institutionalization of this identity has entrenched the idea of the industry

as legitimate political actors. The identity of the IMO also to some extent shape the perception of the collective interest of the industry, the IMO, and the maritime community as a whole.

From the point of view of organizational institutionalism, it is not surprising that a stable organization with a well-defined set of regularly participating delegates develop an organizational identity associated with a set of norms and beliefs (Checkel, 2003; Finnemore & Sikkink, 2001; Neumann, 2005; Zürn & Checkel, 2007). It would also be expected that ideas travel in and out of the organization by virtue of the individual delegates' participation in different forums, strategically bringing in policy perspectives or assumptions from other areas (Seabrooke, 2014). However, it is a theoretical novelty that it is empirically possible to establish a link between the influence of private actors on public regulation and the contextual organizational identity. The analysis of the dissertation has showed that the underlying identity of the IMO delegates is a core element in explaining why state delegates consider industry groups to be legitimate political actors and why they are perceived as natural participants in the policymaking.

IMO delegates understand themselves as being part of a community of seafarers or technical experts who participate in MEPC and PPR sessions with the purpose of agreeing on well-developed rules that apply to the entire sector. Their identity is closely linked to this purpose, which is captured most succinctly by the way IMO delegates refer to themselves as a 'family'. 'Family' should not be understood in the sense of a mob gang where family equals unquestionable loyalty, but rather as a space where everyone knows each other and they understand each other even if they disagree. In my analysis of the organization, this family idea as vocalized by delegates themselves is an adequate metaphor for explaining how the identity relates to ideas about appropriate ways of acting or taken-for-granted categorizations and distinctions. Think of MEPC as a family gathering. There are some family members who know some better than others, and there are new entrants and grandparents, the former trying to find out how to fit in and the latter re-constructing the identity of the family by retelling the history of former family gatherings and by virtue of the way they lead the ceremony. Of course, not all family members want the same thing and not everyone likes each other – perhaps there are some who are bitter rivals – but as a whole, a given family member roughly knows the names and the faces of most of the other participants.

Delegates' idea about this "IMO family" prescribes roles to different groups of people (Scott, 2014, p. 64). Family elders – i.e. IMO veterans who have been participating for decades – are expected to take the lead when discussions become bogged down, family members with relevant knowledge are expected to contribute to the deliberation, and new family members are expected to conform to the way things are done in the family. Industry delegates are family members as well, and they are expected to do things they appropriate way in the IMO. Other family members know that they have different interests compared to state delegates, but they are, after all, family members as long as they play by the informal rules. If industry

delegates are not aware of this, it has the same effect as when a rude uncle makes an inappropriate speech at a wedding: Nobody listens.

The metaphor is imperfect, but it does capture the essence of what it means to IMO delegates to be part of the IMO. Relationships and faces are recognizable, and you know whom you can expect to see in any given working group. Delegates are by no means blind to the interests of industry actors or the agendas of other states. However, the common purpose of the family gatherings – to develop and maintain a set of binding regulatory rules for the international shipping industry – coupled with the sense of community is the root construction that enables industry to be legitimate political entities even when state delegates consider discussions to be entirely political.

It is particularly evident that this family structure is operative when it is challenged from the outside, as the GHG discussion in the IMO shows. As outsiders came in with their own ways of doing, the IMO community found themselves agreeing that zero-sum negotiations was not the ‘IMO way’, to paraphrase one of the Chairs. As UNFCCC delegates tried to impose their own version of political order on the IMO, the IMO delegates responded in kind and did everything they could to prevent this from happening. It was particularly important for IMO delegates that they maintained IMO as a legitimate regulatory body, and this interest united industry and state representatives. However, it was also a defence against a change of the community and the norms of the organization. In private, IMO delegates from both industry and state delegations expressed the view that they wanted the UNFCCC people to go back to the COP negotiations and stay there.

When these breakdowns occurred, industry influence vanished. Industry influence in every other environmental issue hinged on the agreement among state delegates that the IMO was there to solve problems even if there was political agreement, so the core elements of industry influence did not work when a large part of the state delegates did not have this view. While the industry was used to more “political” discussions in the IMO, the GHG debate was hyper-politicized compared to every other issue. This forced industry actors to change their role throughout the GHG process, and in the final two weeks leading up to the agreement on the initial strategy in April 2018, industry interventions were rare. As I recounted in an earlier chapter, the leading industry associations had recognized that the GHG discussion was out of the ordinary and, at the end of the day, a matter for states rather than firms.

This dynamic shifted the role of the firms to protect the integrity of the community instead. Both at MEPC 71, ISWG-GHG 3, and MEPC 72, industry interventions in the GHG discussion consisted of proposals for structuring the debate or comments concerning how to reconcile different viewpoints. In the final stages of the negotiation, the major industry associations gave their point of view – in one instance after an IMO ‘family member’ had queried them specifically for the industry point of view. Since the UNFCCC delegates did not consider industry actors to be legitimate political entities (since firms are not formally

parties to international treaties), the agency of industry actors in their own right and the IMO delegates' acceptance of their presence and participation was startling to UNFCCC delegates from the beginning, and particularly in at the very end of the process. This dynamic led to peculiar situations where UNFCCC delegates would argue that the global industry was not prepared for more stringent regulation while industry associations were sitting in the same room waiting to explain their actual position. Many UNFCCC delegates never explicitly responded to nor acknowledged industry input throughout the GHG debates.

Industry had, of course, strong incentives to maintain IMO as a coherent community with its own set of norms and a stable identity since this structure underpins industry influence. It was also in the interest of both industry as well as major flag- and ownership states to maintain the legitimacy of the IMO as the prime regulatory body for international shipping. The fear among delegates was that a weak IMO agreement would signal that the organization could not deliver as expected on major issues, which would feed into unrelated issues such as sulphur regulation. It would also open the door for regional entities or even nation states to begin regulating the shipping industry unilaterally, apparently justified by the lack of ability of the IMO to handle such issues. This was specifically the threat made by the European Parliament (EP) before the final agreement. As noted earlier, it is in the interest of every international shipping firm that rules are uniform in both content and enforcement, so it was considered a major threat to the industry if the EP would start unilaterally regulating GHG.

The major insight of the contrast with the GHG issue is that the “normal” IMO way of deliberating is different from other UN bodies, and that the identity becomes visible when it is challenged from the outside. Firm delegates that are part of this community knows the rules of the game that allow them to exercise influence, and this important contextual factor disappeared in the GHG negotiations. The common IMO identity thus underpins the legitimacy of the participation of industry actors in the IMO.

12.4. The structuring effect of common political norms is an enabler of industry influence

The institutionalization of norms that govern how deliberation works in the IMO is an important enabler of industry influence, because it allows for industry to participate legitimately in deliberations. Since there is a heavy emphasis in the IMO to discuss substance based on evidence whenever possible, industry representatives can access the deliberations based on these norms as other IMO representatives are interested in including more viewpoints, which may help solve the regulatory challenges. In this way, institutionalized norms of deliberation become as double-edged sword: On one hand, it allows for thorough deliberation on substantive issues, which is regarded as a success by IMO representatives themselves. On the other hand, it unevenly skews access to firms because they are perceived to have the most relevant

knowledge on the matter. The firms then walk a tight line, as they cannot risk being seen to push their perceived agenda but still want to influence IMO discussions.

As mentioned earlier, the scholarship on deliberative norms in international governance has focused on how deliberation between states changes as an effect of the presence of deliberative norms (Müller, 2004; Risse & Kleine, 2010; Ulbert & Risse, 2005), in particular in the EU (Warntjen, 2010). However, the analysis in this dissertation has shown how the strong deliberative norms of the IMO structures the dynamics of industry participation in the regulatory process because the state delegates value the input of industry representatives as it is perceived to improve the quality of the deliberation. The existence of these norms then allow private actors to influence regulation directly because it is understood to be part of the ‘technical’ deliberation concerning the quality of the rules. This is then a direct source of legitimacy, because state delegates find it appropriate to invite firms and business associations to the discussions if they are bringing relevant input to the table. Firms’ legitimate participation in deliberation leads to a generalized perception of firms as legitimate political actors.

Given the consensus-based form of decision-making in the IMO, it is important for the influence of industry that a majority of state delegates shares the deliberative norms – otherwise, the interventions by industry would seem inappropriate to most delegations and they would easily overrule the industry interventions by arguing against the legitimacy of industry as political actors. As I discussed earlier, these norms are rooted in the IMO identity. This link between “who we are” and “how we do it” is a powerful reason for why state delegates take the political role of industry for granted, and there is evidence in the analysis suggesting that delegates socialize new members of the family into this identity and its associated set of norms. This is why there is such uniformity among state delegations when it comes to their acceptance – whether tacit or explicit – of industry participation.

The deliberative basis of industry influence in the IMO challenges the idea that industry power in state-led bodies can be explained by material self-interest by states, as I have discussed elsewhere. Although states take the lead when higher-level policy direction is formulated, there is plenty of room left for industry actors to influence the details of the regulation pursuant to the general political direction. This evokes a two-tier policy discussion akin to earlier distinctions (e.g. P. A. Hall, 1993), but rooted in the delegates’ own understanding of these distinctions. For example, the policy direction of the sulphur regulation was agreed in 2008, and every discussion during 2017 and 2018 took place under this direction. As most state delegations agreed on this policy direction, the nature of the discussions shifted into the territory of deliberation of how to achieve the policy target, which allowed for more industry influence on regulation as states saw it as qualification of a technical discussion. Instances of influence occurred not because it was strictly in line with the material interests of certain states, but rather because state delegates believed it was legitimate. In every instance where industry input was taken seriously – and where state delegates

did not consider the issue “political” - deliberative norms underpinned the legitimacy of industry actors as political participants.

On a more general level, these considerations imply that sources of industry power and influence may be found at a smaller scale than most research has focused on. The primary source of the influence of firms in MEPC and PPR is not the large-scale material or ideational structures that can explain patterns of industry power, but rather the micro-level norms and beliefs held by IMO delegates either at the level of a group or at the level of the organization. When states accept and incorporate the proposals and arguments by industry representatives in MEPC and PPR, they do so because it conforms with beliefs held at the level of the organization itself. Larger concerns about the structural importance of the industry or the general legitimacy of the industry is only a component of the evaluation made by the state representatives, however this would always be subject to empirical scrutiny in other case studies. It is much more important whether the form of the argument and the substance itself passes the scrutiny of state delegates in terms of whether it conforms to IMO’s norms and beliefs.

If the particular norms and beliefs of a political assembly is a potentially important explanatory factor of industry power and influence (Parsons, 2007, p. 12), then it opens up a new set of research questions (Alvesson & Sandberg, 2011) relating to the potential institutionalization of political conduct in global governance. As I noted earlier in the dissertation, extant theorizing primarily deals with general, macro-level norms, formal institutional characteristics, or relative material positions of sets of actors. One novelty of this dissertation is the clear evidence that the norms and beliefs that are particular to a specific organization or group of political delegates may determine the appropriate kind of political conduct allowed. In the IMO, this was particularly pronounced by the IMO delegates’ focus on deliberative norms that were related to delegates’ valued aim of basing regulation on evidence, and the taken-for-granted distinction between political and technical discussions. Rather than assuming that general structures or ideas structure delegates’ actions in any given intergovernmental negotiation or deliberation, future research should examine whether local or particular institutionalized norms, values, or beliefs explain the process of political decision-making. In a sense, I echo practice-oriented scholars who have highlighted similar elements (Adler-Nissen, 2015; Neumann, 2005).

Deliberation theory in global governance and IR by Risse and colleagues is the only theory of political norms structuring political conduct that I have been able to identify in this project. During my work, it was puzzling to me that organizational institutionalism had an extremely broad literature base of the way norms and beliefs structure organizational conduct, but neither domain – political science or organizational theory – had refined theories of general rather than particular explanations of political norm dynamics (Finnemore & Sikkink, 1998; March & Olsen, 1995, 1998). For example, my observation that delegates’ particularized cognitive belief about the nature of the discussion structured their political conduct does not find purchase

in extant IPE theories. General norms and paradigmatic beliefs are theorized to influence policy *choices* (Avant, Finnemore, & Sell, 2010; Carstensen & Schmidt, 2016; Falkner & Buzan, 2017; Finnemore & Sikkink, 2001) but not a political *process* in itself. However, if political interaction between delegates at small scales is social interaction, why would we not expect that social rules structure political interactions as well? One of the main conclusions of this dissertation is that industry power can be derived from particular norms and beliefs that legitimize industry participation, and if research fails to be attentive to such dynamics, future research risk misappropriating the sources of corporate political power or wrongly attribute more or less corporate power based on conventional forms of theorizing. In line with critical realist judgmental rationalism, it should be a matter of empirical inquiry whether political norms constitute an explanatory factor in other cases.

12.5. Delegates' own assessment of politicization makes or breaks industry influence

Industry influence does not occur if delegates in IMO think that the issue is too 'politicized' for substantial firm influence to be appropriate, but what IMO representatives mean by 'politicized' and 'political' is different from how the terms are used in scholarly discourse. Delegates' own understanding of what politics is and how it works as translated into the way issues are discussed is a critical component for explaining industry influence. Political actors' own understanding and usage of 'politicization' or the constitution of politics in the context of the political power of business is less explored (but see Islam, Khan, Hughes, & Ali, 2018). IMO delegates make distinctions between technical and political discussions, and this division structures the extent delegates think it is appropriate to allow industry influence. These institutionalized distinctions are a product of the social system of the IMO and embedded in the identity, norms, and belief system of the organization.

Similar to my earlier argument about the explanatory role of political norms, I understand the explanatory value of political participants' worldviews as equally relevant. The specific novelty in this case study is the importance of political participants' taken-for-granted belief about the nature of the political interaction in which they take part. In the analysis, I showed how delegates across sectoral divisions both in interviews and in interventions differentiated political and technical discussion and presented it as a matter of fact. This difference became particularly important in the clash between IMO and UNFCCC representatives. Inspired by reflexive contributions to the discussion about the ontology of politics (Hay, 2006; Marres, 2013; Stanley, 2012), I argue that researchers should be careful about attributing a decision-making process as 'political' if participants do not share this belief. Political researchers usually prescribe a process as 'political' if it involves the distribution of values for society rather than just an organization⁸⁵, and this may

⁸⁵ I owe this distinction to a presentation by Martin Bæk Carstensen at a CBS seminar in May 2019.

be a useful theoretical demarcation to separate organizational studies from political studies. However, confusing the research label we put on a class of phenomena or topics with social actors' own constitutive ideas about such topics or phenomena may obscure the explanatory value of political actors' constitutive beliefs. To put it differently, researchers should not expect that actors understand or treat a political process as 'political' simply because the process belongs to that class of phenomena.

While the core distinction made by delegates in this case study was between technical and political discussions, the broader implication is that the constitutive beliefs among political participants about the nature of discussions or negotiations can be important sources of explanation of political outcomes. For example, UNFCCC delegates and IMO representatives' respective constitutive understandings of what 'political' meant in the context of GHG regulation explains not only the core disagreements leading up to the GHG agreement, but also the path of the process itself. Is 'politics' zero-sum bargaining, or is it deliberative agenda-setting in preparation for 'technical' discussions? Is politics a set of interactions based on fixed or fluid positions and preferences? Some of these questions have already been hinted by Jeffrey Checkel (2003). From an institutionalist point of view, the question of internalized beliefs about what something is may relate to normative institutions about how conduct ought to be done, and it is evident that there is a link between deliberative norms (Risse, 2000) and taken-for-granted beliefs that gives rise to actors' meaning-making of what politics is (D'Andrade, 1984).

The point of this argument is that IPE, or political science in general, could expand the potential explanatory role of case-specific institutionalized beliefs about the constitution of politics. Wendt's argument about the constitutive-causal effects at the general level of international relations (Lebow, 2009; 1998) may also apply at specific sites of political interaction, where the (institutionalized) constitutive belief about the nature of politics provides the basis for causal explanations of specific outcomes. This is not to say that political participants' constitutive beliefs are important explanatory factors in most cases, but the plausibility of the explanatory value of these beliefs in a case study like this is a reason for exploring this in more detail (Alvesson & Sköldberg, 2018; Flyvbjerg, 2006) throughout other cases, whether in an international, European, or domestic context.

12.6. Delegate autonomy and reaching consensus: The role of IMO delegates in forming state preferences

With the exception of the issue of GHG, states overall had relatively unspecified positions on the different issues, and even larger state delegations seemed to have relatively superficial opinions on substance issues. In practice, it was the various issue specialists – and their industry advisors on the back rows – who would interpret what their state position was during the intense discussions of both working groups and plenary sessions. Even if the issues were important both in terms of protection of the environment, human health, and the economic future for the industry itself, the state delegations seemed to operate with a large degree

of autonomy from their state ministry principals. There are two main points of discussion related to this: The construction of state and industry interests in the industry-state interaction and the overall conceptualization of state interests.

First, the interactions between state delegates and industry advisors within national delegations may contribute to the constitution of both industry and state preferences. In most discussions, the steep technical requirements for meaningful participation means that the national experts on an issue usually *are* the IMO delegates. By extension, the home ministry relies on their IMO delegates to contribute to the national preference because the technical experts know the issues and can advise the ministry accordingly while keeping in mind the political direction of the country. When these IMO delegates discuss the issues and engage in sensemaking (Weick, 1995a; Weick, Sutcliffe, & Obstfeld, 2005) to determine their position and possible proposals, they do so while interacting with industry representatives on the national backrows who also engage in similar sensemaking. In some instances, this may result in collective sensemaking involving both public and private representatives where they disentangle a given issue, how they should position themselves in it, and what the interests of the state are. Once sessions ended on the Friday and everyone returned home, the respective state delegates could bring their impressions home based on the interactions they had with their industry advisors (and their other IMO colleagues). This means that IMO delegations – with both state and industry participants – can be sources of interest formation based on such sensemaking processes.

Second, this implies that states' IMO delegations structure or determine state interests. There are already well-developed theoretical perspectives on how state agencies shape policy, often in interaction with other state agencies (C. J. Bennett & Howlett, 1992; Laatsit, 2019), but rather than simply formulating policy, IMO delegations make even structure how their state bureaucracies make sense of their interests. This can happen when the IMO delegates, enjoying more expertise on a given maritime issue than the ministerial organization, offer both their interpretation of the stakes of the issue and what they think would be in the state's best interest in the context of the domestic political climate. There is indirect evidence that this happened in some instances, for example in the recounted empirical situations where a state and a firm over the course of several PPR and MEPC sessions persuaded another state delegation to accept a particular provision. The persuaded representatives evidently rationalized based on the other side's arguments that it was in the best interest of their state to agree to the provision since they ended up officially agreeing to the proposal. Similarly, in the GHG issue, the negotiators from various delegations were collectively rationalizing whether it was in the best interest of their states (or alliances) to agree to a compromise or continue to bargain, without consulting home ministries until after the fact.

Although this is not the analytical focus of the dissertation because of the nature of the empirical material, my understanding of the observations in the IMO is that state delegations had a significant say in national

interest formulation partially due to the weakly formulated state positions. As one lobbyist noted to me, many state delegations did not know what their home ministries' position on a given issue was even a week before MEPC or PPR sessions, which is congruent with other parts of the empirical record. Such dynamics does raise questions about whether industry actors can influence state preferences or interests indirectly through sensemaking processes in national delegations. The reverse is also possible. In at least one instance, I directly observed one state delegate explaining two lobbyists in details how a specific result was in the best interest of their firm, and that they should be happy with the outcome. Such dynamics of interest formation shifts the focus from elements of capture to results of group-based sensemaking among delegates, diplomats, and industry representatives. Based on this, I find it relevant to consider not only how state preferences travel 'into' intergovernmental forums like the IMO, but also how preferences and interests 'emerge' from delegates' social interactions (see also Checkel, 2003).

12.7. Considerations on contextual factors, inferences to other cases, and the logic of process-tracing

As noted in earlier sections, case selection in process-tracing involves determining for each potential case whether the theorized contextual elements are present if the phenomenon of interest also is present. In order to complete this methodological consideration, I will discuss what this dissertation means for future studies using process-tracing logic for case selection.

From the onset, it is valuable that the IMO provided its own sub-case in the form of the GHG discussion. This causal breakdown showed explicitly how the absence of certain contextual factors meant that the theorized causal mechanism fell apart. In other cases, the same inferential logic would lead to closer examination of the mechanisms of industry influence and lack thereof. One important case for further research is the ICAO, the regulator of civil aviation and the sister-organization of the IMO. Just as in the IMO, the aviation industry can access the ICAO discussions and contribute to regulatory development. Based on the conclusions of this dissertation, it would be a natural second step to carry out a process-tracing study of the ICAO to see whether industry influence works similarly, different, or not at all, and whether the contextual elements that potentially underpin industry influence are the same as the IMO. Within the inferential logic of process-tracing, further studies would over time map out the causal mechanisms and associated contextual factors of several cases and gradually show what the general relationships could look like.

Another interesting case to consider is the Basel Committee on Banking Supervision (BCBS) reported by Kevin Young (2012), as referenced several times in this dissertation. Young notably concluded that regulatory capture did not take place in the BCBS, but he did not specify the possible causal mechanism for when industry actually managed to influence the eventual Basel II Capital Accord. The reason for why the BCBS would be an interesting next step for future process-tracing is that Young explicitly notes that

industry access to BCBS does not equate influence, which is identical to the IMO. Of the three cases Young covers, only one resulted in industry influence (Young, 2012, p. 680). An updated process-tracing study of the BCBS could take departure in the theorized contextual factors of the IMO – shared norms and beliefs about deliberation, the idea of non-political issue discussions, and so forth – and assess whether a causal mechanism of industry influence in the BCBS would follow a similar pattern to the one in the IMO, despite the very different areas of regulation. Ideally, such a study could explain how the specific contextual elements present in the case of the BCBS enabled industry influence in some instances but not others.

These two examples are interesting potential cases to further refine the set of explanations of industry influence in global governance. The implication is that process-tracing as a methodological paradigm can be used to expand our knowledge about relevant contextual factors and how they enable or prohibit industry influence across cases. Of course, this does not imply that the ultimate purpose of process-tracing is to create nomothetic knowledge and generalizable laws, and certainly not universal causal relationships. Rather, the ambition is to explain and specify how certain causal relationships in specific cases or populations play out depending on contextual elements. The more cases studied, the better the picture of the set of mechanisms that explain industry influence. More of this knowledge could help with the theoretical refinement of categories. I started this dissertation out by saying that it is necessary to draw on insights from both lobbying studies proper, global corporate power studies, and corporate political activity research, and further research in the particular mechanisms of influence could show what contextual factors that are relevant to identity lobbying versus corporate political influence. As long as the underlying mechanisms of influence are less clear, the theoretical categories remain challenging when researchers seek to explain one or the other instance of corporate influence by reference to these broad concepts.

The inferential logic of process-tracing relates back to the preceding discussion on a broader theoretical approach to corporate power. Future process-tracing studies examining the relevant contextual factors in other cases could specifically theorize the relationship between material interest structures and ideational elements as contextual factors for potential causal mechanisms. Such studies would advance research in corporate power by more explicitly theorizing the link between case-specific structural elements and the way a causal mechanism played out. Process-tracing provides a useful methodological path forward to expand our understanding of how industry actors influence political outcomes and how different types of case-specific structures enable such influence.

12.8. Normative assessment of industry presence in the IMO: Is it good or bad?

Industry presence and participation in the IMO serves an interesting normative case. On one hand, the institutionalization of industry participation and the associated IMO identity, norms, and beliefs allows for the drafting of regulation that is potentially more precise and successful in achieving policy goals than it

would have been without the expert input of firms. However, the participation of industry representatives serves as a continual strengthening of the very same norms that underpin industry influence, thereby allowing for potentially runaway institutionalization of undue industry influence in opposition of the public interest regulation (Mattli & Woods, 2009a). Productive participation of industry requires expertise among state delegates so that they are able to evaluate whether industry claims make substantial sense, and should be balanced by more participation by NGOs. Fundamentally, however, capture is prevented not by the formal institutional arrangements as it is always possible for firms to influence state positions outside the IMO regardless whether firms are present in the IMO deliberations or not. Rather, it is the structuring effects of institutionalized norms and beliefs among IMO delegates – including both state, firm, NGO, and independent expert delegates – which both enables the possibility of industry influence and safeguards against wholesale capture.

The normative aspect of this dissertation comes at a time where both press, NGOs, and member states themselves are discussing the IMO and its working procedures. In July 2019, the IMO Council agreed to move forward with a proposal to revise the rules of procedure for the committees and sub-committees with a view to increase transparency. This was a similar proposal to the one that the Council had rejected a year earlier, but was backed by more states this time (Adamopoulos, 2019). NGOs had highlighted problems with the lack of transparency in the IMO rules of procedure and explicitly linked this to a general corporate capture of environmental regulation of shipping (InfluenceMap, 2017; Transparency International, 2018). Regardless of the veracity of NGO claims about corporate capture, these developments highlight that the limited transparency of the IMO coupled with the strong presence of industry representatives is a serious point of contention. This is particularly true in the wake of the 2018 GHG agreement, because the extreme salience of the issue compared to normal IMO issues drew in observers and commentators who otherwise had never dealt with regulation of shipping. The conclusions of this dissertation cannot be separated from this general discussion about the transparency of the organization and the legitimate role of industry representatives.

Inevitably, the question I must contend with is this: What is the appropriate extent of corporate access and influence that should be allowed in the IMO? Any normative discussion about the possible structure of an organization similar to the IMO should depart from a discussion about what the valued ends of global regulation (or the deliberative process itself) is. One common proposal is to define the purpose of good global governance as regulation that is in the general interest of the public (e.g. Mattli & Woods, 2009a). If strong corporate concerns capture or influence regulation, it is likely that regulation serves industry interests rather than public interests. The challenge arises when the quality of the regulation is dependent on industry expertise. As several state delegates and Chair noted to me during my fieldwork, it was their belief that the net contribution of industry in the deliberations was positive, because, they believed, at the end of the day, the kind of technical standards MEPC and PPR discuss could not be created without

industry input. This dissertation has shown one solution to this apparent paradox, namely that technically skilled state delegates are capable of evaluating industry input to the point that industry cannot capture the process by virtue of their expertise. As industry representatives want to retain their credibility, they must bring constructive ideas and contributions to the table, lest the state delegates rule them out as illegitimate. As this practice becomes institutionalized, the evidence-based *modus operandi* of the organization becomes a reciprocal norm.

However, this also is what makes this a very fragile system. There are no formal institutional checks on industry influence in the IMO, and the deliberative nature of the discussions rely on non-codified norms bound to the specific delegates that populate MEPC and PPR. The UNFCCC/IMO interaction showed that replacing IMO delegates with non-IMO delegates overnight removed the basis of decision-making that otherwise structured firm-state interactions during deliberations. If the IMO industry and state delegates were replaced with new delegates in the future, it should not be expected that industry and states would interact in the same way, nor that discussions would work according to deliberative norms. If the deliberative form of interaction disappeared, the dynamics could shift towards a UNFCCC-style of interaction centred on bargaining rather than arguing (Risse & Kleine, 2010), which would incentivize industry actors to lobby states outside the IMO and not engage in deliberations in good faith. Regardless whether this is desirable, the point is that the basis of the IMO decision-making process rests on a fragile basis of uncoded institutionalized norms and beliefs.

The uniform picture I have of IMO delegates' own evaluation of how well the organization works is that there is broad consensus that the fundamental idea is very good, albeit some things ought to be slightly different. State delegates were generally happy with the IMO as a forum where they could make technically precise rules and enjoy qualified input from stakeholders. Industry representatives were content that the IMO often listened when they had legitimate concerns, and – more importantly – the IMO was a unitary regulator for all of international shipping. Environmental NGOs, although critical of the massive presence of industry, were satisfied that the IMO constituted a single forum for environmental concerns, which allowed NGOs to pool resources and focus media attention. Differences concerned, as I understood the sentiment by delegates, primarily the question of degree of transparency and the mandate of the organization (for example relative to enforcement or climate taxation schemes). One state delegate noted informally to me after my fieldwork had ended that increased transparency would fundamentally change the nature of deliberations in MEPC and PPR, in particular the working groups. It is an open question whether more transparency would limit or expand the deliberative nature of the discussions.

Questioning the appropriate extent of industry participation in international shipping regulation relates to the more general discussions on the permissible role of industry actors in shaping global governance, which is a normative question that has been treated extensively (Dryzek, 2006; Ougaard, 2010; Scholte, 2004;

Stevenson & Dryzek, 2013). The case of industry influence in the IMO is interesting in this context because of the institutionalized norms and beliefs that are particular to the IMO, and which both structure, enable, and limit the possibility of industry influence. Similarly to how Risse and colleagues have explored the preconditions for deliberation in IR (Müller, 2004; Riddervold, 2011; Risse & Kleine, 2010; Ulbert & Risse, 2005), the case of industry influence in the IMO suggests possible preconditions for a kind of state-firm interaction that allows for precise regulation in the general public interest. The case does support the neopluralist claim that business actors are in a privileged position (Falkner, 2008, pp. 24–25), and that the contextual circumstances does help explain why corporate reach is neither ignored nor unlimited. The relative success of the IMO in regulating international shipping with uniform rules while still strengthening the environmental requirements over time, as well as the general satisfaction with the organization among its member delegates, is evidence that norms and beliefs of delegates may enable productive deliberation and contributions by industry stakeholders without excessive corporate influence.

This is, in truth, a very long-winded way of conceding that I do not have a clear answer what the correct balance of access and influence of private actors is. However, I do believe that case studies such as this one serve to challenge and expand both theoretical and normative assumptions about the interaction between state and industry representatives. Any normative proposal about how to structure state-firm interactions in global governance – whether at larger, more general scales or in specific organizations like the IMO – must include considerations on the effect of institutionalized norms, values, and beliefs. No meeting between a lobbyist and a public regulator has ever taken place in a social vacuum. Other things than objective material structures and formal institutions may shape interactions between people, even when they represent firms and states. With this dissertation, I hope to expand the academic conversation about how the invisible social rules should be incorporated in normative judgments about the appropriate role of firms as political actors in global governance.

12.9. Reflexivity and the researcher

As is the nature of all research, the interpretation of both empirics and theory innately links to the researcher's own beliefs, worldviews, assumptions, research tradition, culture, and so on. Throughout the dissertation, I have sought to represent the empirical instances, the analysis, and my interpretation given the theoretical lens as detached from my own belief system as possible, while recognizing – in line with critical realist thought – that it is impossible for a researcher to objectively analyse, interpret, and report research. It is only possible to strive towards objectivity, not reach it. This is even more important in qualitative research based on ethnomethodological ideas, as the researcher may become embedded in the social fabric they seek to understand. For this reason, it is prudent to consider, *ex post*, my own role as a researcher and reflect on the part I played myself in the construction of the research in a transparent manner, which is a key part of rigorous qualitative research (Jonsen et al., 2017; Pratt, 2008, 2009).

Alvesson and Sköldberg (2018, pp. 13–14) contend that there are four elements in reflective research, drawn from very different epistemological traditions: Methodological reflection (drawn from empirical traditions), clarification of primacy of interpretation (drawn from hermeneutics), reflection on the political-ideological character of the research (drawn from critical theory), and reflection on the problem of representation and authority (drawn from postmodernism). I believe the considerations on process-tracing constitute an appropriate level of consideration on methodology, while the representation-authority problem is less pronounced here because the texts used (interviews, fieldnotes, documents) are very intrinsically attached to the author's presence. However, reflections on the primacy of interpretation and the political-ideological character of the research is relevant to consider here, which is what I will focus on.

Most fundamentally, my own ontological and constitutive beliefs necessarily underpins any interpretation or inference that I could possibly produce. Alvesson and Sköldberg refer to this as the researcher's *repertoire of interpretations*. In their words:

“The repertoire of interpretations means that certain interpretations are given priority, that others are possible but are not so readily emphasized, while yet others never even appear possible. An economist who has learnt that self-interest lies behind everything is hardly likely to notice any empirical indications of altruism. The suggestion of any such thing either fails to be noted or is simply explained away.” (Alvesson & Sköldberg, 2018, p. 331)

Undoubtedly, I have fallen prey to my own repertoire of interpretation. When combing through field notes and interview transcripts multiple times, the possible explanations that I would ever be able to conceive could only be products of what I would be able to comprehend as possible explanations at all. For example, I could conceive of the possibility that every IMO delegate was acting based on narrow self-interest, but I would find it absurd⁸⁶ to think of the possibility that human actors had no agency, and that material objects were the only actors capable of independent agency. One strength of my research process is the distinct movement through theories from start to finish. I began my journey in the theoretical domain of IPE and the three faces-theories of corporate power, slowly drifted into the realm of institutional theory broadly understood, before settling specifically within organizational institutionalism. This movement forced me to reconsider the possible explanations several times in conjunction with additional empirical material. However, the relative similarity of fundamental assumptions in IPE and organizational institutionalism (as compared to actor-network theory, economics, or poststructuralist traditions) makes this a relatively small challenge to my interpretative repertoires.

⁸⁶ 'Absurd' in the same way Davis (1971) and Weick (1989) uses the term.

What I found was a useful tool was to engage in theoretical and methodological discussions far away from my own theoretical and methodological position throughout the research project. The point of such digressions were to stimulate both creativity and openness to new perspectives, which several authors have highlighted as crucial for theory development (Alvesson & Sköldberg, 2018, p. 332; Klag & Langley, 2013; Locke, 2011; Locke, Golden-Biddle, & Feldman, 2008; Weick, 1989). During the project, I attempted to engage myself in the basic theoretical principles of as disparate perspectives as incentive structures in contract theory, actor-network theory in its variations, discursive institutionalism, post-structural and postmodernist strands of thought, critical theory, micro- and managerial economics, professions theory, sensemaking theory, supply chain management theories, and more. Of course, I cannot boast that I even comprehend the theoretical vastness of all these different lines of thought, but I *consistently* found that engaging in research seminars, reading published or in-progress papers, and talking to scholars from each tradition helped expand my understanding of my own theoretical position and the empirical material I worked with myself.

On a broader note, even my interpretation of the empirical material within the institutionalist paradigm was aided by the creative thinking that resulted from interactions with other theoretical paradigms. This is, in hindsight, perhaps not too surprising, given that several methodological authors highlight exactly this. For example, Beach & Pedersen urge the researcher to be creative both during abduction in theory-building process-tracing (2019, p. 286) and when formulating empirical observables (*ibid.*, pp. 188-189), while inductive case study researchers have highlighted the necessity of creativity when making conceptual leaps or theorizing higher-level concepts (Charmaz, 2000; Gioia, Corley, & Hamilton, 2012; Klag & Langley, 2013). Fundamentally, theorizing the existence of in-principle unobservable phenomena or entities through abduction inevitably involves a creative process whereby the researcher fundamentally engages in a creative process (Jackson, 2016, pp. 93–101; Timmermans & Tavory, 2012). When I used Sherlock Holmes and the invisible dragon as a metaphor, it was implicit in the metaphor that the detective engaged in a fundamentally creative exercise to produce an explanation. I found that the engagement with other theoretical discussions that did not relate directly (or even remotely) to my field of study both helped me reflect on my repertoire of interpretation and induce more creativity in the research than I otherwise would have enjoyed.

The other element highlighted by Alvesson and Sköldberg is the political-ideological element of research. They note that they base this element of reflexivity specifically on critical theory (2018, p. 179) understood as the Frankfurt school and its associated writers. From this perspective, it is necessary for any researcher to reflect on the way research challenges or perpetuates existing social orders and structures, thereby implicitly taking one or the other political-ideological position (*ibid.* p. 219), which coincidentally is a sentiment that is very clearly present in research on global corporate power (e.g. Fuchs, 2007, p. 2).

Because of the innately political-ideological nature of the research topic and the theories involved, this research warrants a reflection on whether I inadvertently reproduced (or criticized) a particular social order.

For me, the key question is whether I inadvertently have reinforced a particular model of global society, where firms' political reach is taken for granted and they dictate the reproduction of social order by virtue of their political role. More succinctly, could I have fallen into the trap of their discursive power, whereby my interpretive repertoire *a priori* would include firms as potential political actors? In the chapter on the UNFCCC-IMO divide, I noted that UNFCCC delegates were surprised when they saw how prominent the industry presence was. As I was observing that, sitting in my suit with my fieldnotes, already embedded in the social context of the IMO, I felt that they were the odd ones out because having firms here was normal. Now, years later, I believe the UNFCCC delegates' reaction said something about different political-ideological ideas. For UNFCCC delegates, the international system was constituted by interstate relations, while for the IMO delegates, the international system was one where firms and individuals also played a role. Both beliefs are politically and ideologically charged. During the last part of my project, I increasingly questioned these implicit ideological elements in my work, greatly helped by critical colleagues who saw political elements that I did not.

This leads to a consideration on my own role as participant observer embedded in a Danish delegation and the IMO worldview as a whole. As noted earlier in the dissertation, it is a fundamental requirement for ethnomethodological research that the researcher to some extent embeds themselves in the social context which they are studying while still maintaining enough distance that the researcher does not 'go native'. How do I know I did not go native? Worse, if I inadvertently did go native, am I reproducing a particular ideology through my research? By being rooted in an active academic community with a high level of professional engagement, I could 'check' my analysis and the underlying assumptions against scholars from different research traditions who were not embedded in the IMO. This dual movement between fieldwork and academic interaction – made possible because IMO sessions come in weeklong chunks – helped me revise beliefs so prevent going native or unduly adopting IMO delegates' own viewpoints and culture. However, this was only a strategy because of my ability to engage in an active academic community. Had I been rooted in an inactive or lacklustre academic setting with closed doors and lack of disciplinary conversation, I would have risked going native because of a lack of academic interaction to ground my assumptions.

The best way to show how I handled these questions is by reflecting on it and being transparent about my research process, analytical development, and assumptions. There is no boilerplate (Pratt, 2009) for conducting or reporting qualitative research, with transparency of the research process and reflexivity (Alvesson & Skoldberg, 2018; Bryman, 2016, p. 388) being a few tools available to the qualitative researcher to show that the study has value.

12.10. Relevant lessons for practitioners

The lessons of this case study apply to both public delegates and industry practitioners, and although the implications are similar, there are distinct differences between the relevance for either group. However, one common implication is that employees who work in IOs or IGOs, or simply in international negotiations, should be socialized into understanding the relevant ‘invisible rules’ that apply in the particular setting. In the IMO, the institutionalized norms and beliefs are both platform and barrier for industry influence, and if new delegates or industry representatives do not understand these institutions, then they may potentially act in a manner that is counterproductive to their organizational goals. Throughout the fieldwork, I learned that one state delegation has an informal introductory program to new delegates that serves to bring new hires up to speed, not just on the formalities of the IMO, but also on the informal rules of the organization. Similarly, I learned that the IMO also organizes introductory seminars for new delegates, where old Chairs are invited to explain how things work in the organization. Despite these forms of institutionalization, my understanding is that the vast majority of delegations – whether industry or state – have either little or no introduction to the invisible IMO rules, and instead rely on delegates’ own ability to analyse and absorb the institutionalized norms and beliefs. It could be beneficial to the work of the IMO if new delegates were introduced to the IMO-specific norms and beliefs in a more systematic manner.

For state delegates, a better understanding of the unspoken rules of the organization could protect the institutionalized practices of the IMO. The advent of the GHG discussion and the associated breakdown of institutionalized norms happened because UNFCCC and IMO delegates did not understand each other’s practices and this lack of understanding almost resulted in a lack of agreement in April 2018. However, as climate concerns proliferate IMO discussions and more spotlight is put on the environmental impact of the shipping industry, more state delegations may send career diplomats rather than specialized maritime engineers to MEPC and PPR sessions. During interviews and informal conversations, it was a common viewpoint among IMO ‘veterans’ that new state delegates with no technical background either did not understand the details of an issue, or were trying to change the discussion from one about solutions to one about issue-linkage. This was frustrating to many IMO delegates who felt that the quality of the discussion – and ultimately the regulation – could suffer, as they believe it did in the climate discussion. This dissertation shows that the invisible fabric of IMO deliberations can be analyzed and understood, and even if states increase their shipment of career diplomats to the IMO, it is at least possible to prepare them for the peculiarities of the organization and thus protect the institutionalized norms and beliefs.

The lessons of this dissertation also means that more awareness among state delegates of how industry influences the discussion could be beneficial to the deliberations of the IMO. If state delegates are capable of evaluating the technical arguments put forward by industry (and understand the technicalities of the issue

itself), then industry can contribute constructively to discussions. This relationship also necessitates that state delegates understand that industry acts according to these institutionalized norms, partly so state delegates actually reinforce those norms, and partly because state delegates can appreciate industry as a potentially contributive rather than hindering force. As my empirical evidence showed, state delegates are well aware when industry actors are trying to contribute and when they are not, and they use this knowledge to filter industry input and improve the quality of the discussion. My analysis helps state delegates in disassembling the elements of contributive industry contribution, but also highlights the challenge of the institutionalization of industry participation itself. With the de-mystification of IMO deliberations, IMO delegates can become more reflexive about the norms and beliefs they take for granted.

Industry actors can also learn from this dissertation. It is perhaps the most important takeaway for practitioners that industry influence is possible only when industry representatives seek to constructively contribute to the substance of the regulation rather than vehemently oppose any form of regulatory strengthening. Industry practitioners who come from political contexts with a more antagonistic relationship between public authorities and private actors can use this dissertation to appreciate that each political setting has its own particular set of invisible rules. In the IMO, the strong norms and beliefs dictate that industry only achieves direct influence when they respect the state delegates' perception of the politicization of the issue and the need for constructive proposals in line with the regulatory purpose. Some of the failures of industry influence recounted in this dissertation – for instance with Transpax – can be interpreted as instances where industry delegates were unaware of the invisible rules of the game, and consequently did not achieve influence.

However, this also means that industry actors can sustain an industry-state interaction that is mutually beneficial and a positive-sum form of exchange. The underlying premise for the dynamics of the IMO is that all actors have a reciprocal expectation of how to participate in the discussions, and as long as industry actors fulfill these reciprocal expectations, they maintain their legitimacy as political participants. This in turn is beneficial to industry, because their legitimacy as political actors allow them to bring justifiable concerns to the fore and have state delegates take their experiences seriously. In addition, the contribution of industry expertise when specifying instruments in pursuit of a political goal improves the precision and quality of the regulation, which both state and industry delegates acknowledged throughout the project. Rather than viewing these political discussions as 'battlegrounds' with clear winners and losers, it is beneficial to all actors to see deliberations as a positive-sum interaction. One clear advantage of this for corporate actors is that it creates more stability around regulatory change, since regulation can be precise from the onset due to constructive input for knowledgeable corporate interests. Similarly, corporate actors can prepare well in advance if they are part of the discussions inside the IMO, which is preconditioned on the legitimacy of the corporate actors as political participants in the first place.

All of this hinges on practitioners' ability to de-mystify the interactions between industry and state representatives in the IMO. Just as part of this dissertation has been to challenge and expand the theoretical assumptions of theories of corporate power, so is it part of this dissertation to shake the 'folk theories' (a term inspired by Adler-Nissen, 2015) of both corporate and public delegates. An important point for practitioners is that my analysis and explanation of industry influence in the IMO can help practitioners reflect on their own folk theories or practices, whether in IMO or other places. The aim of this would be to improve the state-industry interactions and make international deliberations and global governance in general align more closely with the general public interest in the context of environmental and climate regulation.

With these considerations, I now turn to the final chapter of the dissertation where I conclude on my findings, answer my research question, and reflect on how I contribute to global governance.

13. Conclusion

This dissertation has shown how industry influences environmental regulation in the IMO, but the conclusion – and answer to the questions posed in the introduction – reaches further than the case study itself. In this final chapter of the monograph, I conclude on the questions I posed in the beginning, and show how the lessons learned from this case study has profound implications for the way we should think about private influence on international regulation.

13.1. Explaining the IMO: Empirical lessons from the case

The primary puzzle that underpinned the start of the project was the challenge of explaining industry influence in a situation where private actors were an integral part of the closed-door discussions taking place in the IMO. Throughout the dissertation, I showed how the institutionalized norms and beliefs held by IMO delegates helped explain why industry actors could influence the drafting of regulation in the IMO plenary and working groups. I captured this in the theorized model that I built and substantiated in the analytical section. In this section, I will discuss my answers to the sub-question posed in the introduction relating to the empirical findings of the case.

In the theorized model, the core activities that industry actors carried out to influence regulation consisted of technical arguments deployed both in writing and orally before and during IMO deliberations. These technical arguments, analysed in chapter 6, were consistently instrumental in allowing industry actors to influence regulatory drafting. However, such activities were not by themselves enough to allow industry actors to influence regulation. Other delegations would evaluate the influence attempts by industry actors in order to assess whether the type of reasoning was appropriate and whether the substance made technical sense, as I showed in chapter 7 and 8. In this way, successful industry actors legitimized their role as political actors in the IMO by continuously supplying arguments and reasoning that other delegates saw as being appropriate.

Other delegates – that is, primarily state delegates – were implicitly referencing a set of institutionalized norms and beliefs held by the collective group of IMO delegates. In the analysis, I showed how this strong social context formed the structure for legitimacy of industry actors. These norms and beliefs stipulated that the purpose of IMO deliberations was to produce technically correct and ‘non-political’ regulation that would be useful in practice, and the normative expectation by other delegates was that industry actors contributed to this discussion in a constructive way. This meant that industry actors’ legitimacy hinged on their ability to be seen as contributive by the rest of the IMO delegates. However, the technical background of many delegates meant that substance of proposals and arguments also was evaluated, indicating that it was not enough for private actors to simply seem as if they were contributing. This created a pattern where

industry actors tried to maintain legitimacy by always making technical arguments, which in turn strengthened the institutionalization of this practice.

At the same time, delegates held the taken-for-granted belief that ‘political’ and ‘technical’ discussions were separate things, and that it was prudent to keep discussions as technical as possible, which I showed in chapter 9. If IMO delegates saw an issue as too ‘political’ or salient beyond the IMO, then delegates would dismiss industry influence because it would be illegitimate for industry actors to influence a ‘political’ discussion. Industry actors would then be able to influence regulation once the discussion had shifted down to a ‘technical’ discussion. In reality, these constructions were constructions in the sense that every technical discussion had a political element to it – a fact that some delegates were explicitly aware of – but the distinction nevertheless served as a way for IMO delegates to accept industry input without allowing for undue influence on issues or questions that were seen to be a matter between states.

In this regard, I found that the Chairs of both plenary and working groups played an important role. They were in one sense adjudicators of industry influence, taking it upon them to estimate whether the group was satisfied with the kind of input that the industry actors provided. Chairs also took on the informal role of defending the norms of the IMO, which was not only visible during the GHG discussions but was also evident every time Chairs took decisions on the structure of discussions or the basis for decision-making. However, Chairs were, ultimately, also enablers of industry influence. Guided by the norms and beliefs of the IMO, the Chairs took steps to allow non-state actors (of which industry groups were far more numerous) to provide input in both plenary and working groups even if individual state delegations found it problematic. This was only possible because state delegates in general were satisfied with this arrangement, and the explicit protests by UNFCCC delegates against such practices during the GHG discussions testify to this.

It is now evident that the contextual factors explaining industry power are rooted in the culture of the IMO. The specific circumstances of the case is what enables the influence of private actors, and it is also what limits the type of influence that private actors potentially can have. Some of these contextual elements – such as the cognitive belief in the nature of IMO work, or the norm that discussions ought to be deliberations – are a product of the social system of the IMO, while other contextual elements – such as the formal institutional access to the IMO deliberations or the weakly formulated state positions – are features of the maritime industry and regime configuration.

What is remarkable is that the particular constellation of contextual elements collectively set the boundaries for potential influence by private actors in the IMO. Within the realm of explaining the role of industry actors in the maritime industry, this is particularly relevant in light of the GHG discussions currently taking place. As the contrasting analysis of the GHG discussion detailed in chapter 11 showed, the removal of some of the enabling contextual elements resulted in a breakdown of industry influence. However, the

breakdown also changed the overall dynamic of interaction when compared to ‘normal’ IMO issues. By showing in this dissertation that IMO discussions and industry influence are contingent on the presence of the ‘invisible rules’ of norms and beliefs, I contribute to future work in the IMO on contentious issues. International deliberations are not complete mysteries. They can be disassembled. They can be explained. And in this case, they can serve as lessons. As the realities of climate change become apparent, the maritime industry and the IMO are moving towards tackling even more contentious issues. This dissertation shows that it is not a mystery how deliberations proceed, and by considering both the formal and informal elements of political interaction, it is possible to enable industry actors to play a useful yet limited role in the coming years.

13.2. Theoretical lessons: A complementary perspective on corporate power

Throughout the dissertation, I have discussed the contrast between conventional approaches to analyzing global corporate power and the perspective of organizational institutionalism. Although the different theoretical perspectives are relatively similar in some aspects, the dissertation has also shown how an organizational institutionalist perspective complements other IPE perspectives on global corporate power. In this section, I refer back to the sub-questions presented in the introduction relating to theoretical implications.

The main theoretical contribution to the study of global corporate power is the idea that the power of international firms and business associations may be rooted in institutionalized norms and ideas inherent to a specific international organization. As the dissertation showed how important it is in the case of the IMO to understand organization-specific political norms and beliefs, the theoretical lesson is that complementary theoretical perspectives with their own universes of background assumptions can explain new facets of corporate power. My own journey through the corridors of the IMO took me from the conventional to the unorthodox perspective because the empirical material lent itself better to a different set of theoretical assumptions.

An explanation with such a different approach raises questions about possible explanations and perspectives on global corporate power. For example, the vocabulary binding politics and institutionalism together is limited. My theoretical repertoire and the associated concepts are drawn from studies on organizations in non-political settings, and this entails some imprecision. IMO delegates’ distinction between political and non-political discussions in a political setting is fascinating, but the conceptual legwork does not fully capture the nuances of their distinctions other than it is a belief. Similarly, the norms for political interaction in a specific deliberative setting such as the IMO clearly structures how participants expect each other to conduct their deliberations, but there is no well-developed conceptual vocabulary to capture such distinctions.

By showing that such elements have explanatory value in a specific case, I hope that scholars and students of global corporate power reflexively consider what the limits are of any theoretical approach to corporate power and influence. Material-structuralist explanations rooted in material interests or macro-ideational theories of global governance are important in their ability to explain macro phenomena and carry out sweeping overviews of phenomena such as corporate power. Micro-level studies of corporate influence in specific cases and instances can then complement and strengthen macro-level theories to provide an even more nuanced picture of the dynamics of corporate power.

A central part of this complementary perspective is the structuring effect of institutionalized norms and beliefs. Future theorizing on the matter could attend to the potential of such elements in cases where institutionalized norms and beliefs have been overlooked. Are there Brussels- or Washington-specific widespread institutionalized norms or beliefs that structure lobbying in the EU or the U.S.? Do such factors play an explanatory role in other IGOs, such as the ICAO? Under what circumstances are ‘invisible rules’ important in explaining corporate power or lobbying success? The development of a better theoretical vocabulary and more attention to informal institutions seems to go hand-in-hand, and the insights gained from this dissertation should spur an expansion of the available explanations of global industry power.

One unexpected conclusion from this dissertation is the demonstration of process-tracing as a valuable methodology. When I started using process-tracing, the textbook that I refer to had not even been published, and there is, here in 2019, a dearth of papers or books that use process-tracing the same way that I do. I found that process-tracing was a very appropriate method for this particular research purpose, and that the abductive research process complemented my shift between theoretical stances. A very remarkable quality of process-tracing shown in the analysis is the ability to explain the way inferences were made in more detail than standard case study textbooks can. Process-tracing gave a language for evaluating ideas and claims in light of the empirical evidence beyond what most extant methodological approaches could offer. This is particularly interesting in light of challenging and expanding theoretical assumptions. An ideal process-tracing study should explain how theoretical assumptions informed the analysis in such a clear fashion that any reader can engage in a discussion about the value of using such theoretical assumptions in an analysis. It is an important contribution by this case study that future researchers can use process-tracing not only to unpack a specific case of industry influence, but also to enable a better discussion about theoretical assumptions and how they are operative in an analysis.

13.3. Lessons for democracy and global governance for the public good

When the case of the IMO is viewed from afar, it seems like a paradox that private actors have so extensive access to the IMO proceedings, and yet are constrained in their ability to influence regulation by virtue of invisible rules specific to the social context of the organization. Throughout the project, I often presented this apparent paradox to researchers and laypeople alike, and almost universally, people responded with

scepticism. How can we be sure that the firms do not implicitly capture either agenda-setting or actual regulatory drafting? Should there not be more formal institutional constraints on their ability to access and influence deliberations? In this final section, I consider my response to the final sub-question I presented in the introduction which related to the general implications for global governance.

Industry actors serve a useful purpose in the IMO because of their operational and technical knowledge. The core of the challenge of governing international shipping is striking a balance between too little and too much usage of private actors in regulatory development. One important insight from this dissertation is the idea that strong social systems can constrain industry influence even when formal constraints are absent or weak. This only worked in the IMO because there was a strong sense of what the appropriate role for the industry was, and because many state delegates had technically competent people who could evaluate substance elements of industry arguments. In effect, this created a self-reinforcing social system whereby industry could not afford to step outside the narrow path of legitimate action and had to act in a constructive and honest manner. In addition, industry have been recruiting former state delegates, which reinforces the social practices that make up the IMO deliberations.

This is not to say that everything works perfectly in the IMO. Industry certainly gains the upper hand in some instances, while in other situations their attempt to bring relevant knowledge to the table is dismissed because states find it inappropriate. However, the lesson is that formal institutional constraints on industry influence in global governance only constitutes one possible way of governing industry actors' power. I wish to raise awareness about the way political norms and beliefs – that is, about the practice of political interaction itself – structure and enable actors' ability to influence political processes. More and more issues require international cooperation, and we should be careful as both researchers and laypeople to pay attention to the role of informal norms and beliefs that structure political interaction.

If future global governance should bring about solutions in the interests of broad rather than narrow interests, researchers and society in general have to expand the understanding of the way political processes at every level are a product of specific norms and beliefs. When I contrasted the GHG issue with 'normal' IMO discussions, I implicitly showed that a specific international negotiation does rely on the institutionalized norms and beliefs of participants. This has huge implications. The global society faces a period of uncertainty relating to the climate crisis, the ecosystem changes, the retreat of the liberal democracy, and the changes brought about by the next industrial revolution. We simply have to consider how to structure political discussions and negotiations not just on a formal level, but also in terms of the informal reciprocal expectations that political actors have to each other during political interactions. I view it as an important contribution of this dissertation to expand a discussion about how we *do* politics and how the practice of political interaction at the micro level can be institutionalized. In the pursuit of more

accountable international institutions, both researchers and practitioners should examine these elements much more.

Perhaps the reader has noted, at this point, that this dissertation can be used as a tool for industry actors who want to influence international politics as much as possible. Any practitioner, whether lobbyist or public official, who engages in international maritime regulation can use this dissertation to reflect on their own practice and potentially improve it. However, I think the biggest lesson learned for industry actors in this story is the value of engaging with useful and substantive contributions without trying to hamper state-led consensus. The IMO works because industry and state actors generally adhere to institutionalized expectations, and the most successful industry representatives in IMO know that their possible range of influence is directly tied to their usefulness in the drafting process. As the empirical analysis showed, both state and industry representatives were satisfied with the way IMO deliberations worked, where they felt that industry participation was at an appropriate level. This agreement on the political practice of the IMO rests on the shared norms and beliefs that in many other cases probably are absent. I urge any corporate actor reading this dissertation to consider thoroughly how the industry influence on state matters rest on a mutual relationship of expected behaviour and honesty, and that the most successful industry actors were those who tried to be as contributive as possible, given applicable premises and operative logics, regardless of their own narrow interests.

From the onset of this dissertation, I highlighted that the theoretical assumptions of the researcher has importance of the kind of explanations they can make, and that it is valuable to question established assumptions. I hope that the lessons of this dissertation are not answers as much as questions for further inquiry. We should question the taken-for-granted ideas about industry influence and power in politics. We should question the theoretical assumptions that implicitly inform our analyses in social science. Above all, we should question established orthodoxy on how we govern our civilization here on planet Earth.

14. References

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15. Appendix

15.1. Coding Structure

Codes are indented here to show relationship between higher-level nodes and lower-level nodes. For example, “adaptation to norms” is a sub-category of “norms”, and so forth.

15.1.1. First round of coding

This round of coding took place in early 2017, just after I finished the first round of fieldwork.

First Round
Analysis Framework 1
Institutions
Cognitive institutions
Formal institutions
Normative institutions
Power
Influence
Discursive influence
Legitimate actors
Social ontology
Instrumental Influence
Material resources
Structural influence
Agenda control
Self-regulation
Power Resources
Discursive power resources
Legitimate power
Social ontology power
Instrumental power resources
Material Resources
Structural power resources
Agenda control power
Self-regulatory power

15.1.2. Second round

The second of coding took place in late 2017, after several field trips.

Second Round
Causal Process Observations
Hypothesized Model
Firms' causally relevant activities
Economic Impact Argumentation
Technical Argumentation
The Rational Process-argument
First Causal Step
Acceptance when no counter arguments
Business Input is accepted because of technical input
Technical expertise is accepted
Second Causal Step
Incorporation when non-salient and or non-technical
Norms and legitimacy is reinforced
Non-hypothesized CPOs
Culture
Identity
Identity Break
Norms
Adapting to Norms
Breaking with Norms
Values
Influence and Power
Discursive Influence
Business as Norm and Identity Shaper
Instrumental Influence
Structural Influence
When Influence Goes Wrong

15.1.3. Third round

The third round of coding took place in mid 2018, after the majority of the fieldwork had been completed.

Third Round
Ineffective firm activities
Non-theorized elements
Importance of specific people
Industry as legitimate political entity
The role of the secretariat
Norms, values, taken-for-grantedness
Atmosphere
Procedural norm
Procedural rationality
Technical rationality
The IMO Family
What is politics
Theorized Model
Cause - Technical or consistency arguments
Antiquotes
Good quotes
Outcome - Firm influence
Step 1 - Acknowledging nature of arguments
Contextual Elements - step 1
Step 2 - Accepting substance of reasoning
Contextual Elements - step 2
Step 3 - incorporation of arguments
Contextual Elements - step 3
UNFCCC vs IMO

15.2. Interview guides

15.2.1. Initial interview guide

First guide used in the exploratory phase. At this stage, I had devised different interview guides for each type of actor.

Maritime Firms

1. <i>How does environmental regulation from IMO impact your organization?</i>
<ul style="list-style-type: none"> a. <i>Do you think that environmental regulation is important?</i> b. <i>What do you think are the most important current or recent issues?</i> c. <i>[Probe slightly via open questions to get them warmed up – calibrate based on time]</i>
2. <i>What does your organization do in order to handle political issues concerning environmental regulation in the IMO?</i>
3. <i>How much do you focus on... (Depending on their initial answer, elaborate on those not mentioned)</i>
<ul style="list-style-type: none"> a. <i>Building awareness among the public?</i> b. <i>Cooperating with state agencies?</i> c. <i>Creating alliances with other firms or environmental NGOs?</i> d. <i>Supporting self-regulation in the industry? (e.g. CCWG)</i> e. <i>Using your ability to move assets and flag registry as leverage?</i>

	f. Providing information to the policymakers in MEPC?
	g. Support policymakers' political campaigns with funding?
4.	How does the process of making new environmental in IMO work?
	a. Are you satisfied with how this process work?
	b. What could be improved?
5.	What kind of principles should guide new environmental regulation?
	a. Do you think that other organizations share these principles?
6.	Who is the most influential political actor when it comes to formulating new regulation?
	a. [Consider probing respondent to identify what they think 'influential' entails]
7.	If we were to divide all relevant actors into two groups in the general discussion about environmental maritime regulation, what would be the key thing that divided these two groups?
	a. [Probe for respondent's primary categorization]

Industry Associations

1.	How does environmental regulation from IMO impact your organization?
	a. Do you think that environmental regulation is important?
	b. What do you think are the most important current or recent issues?
	c. [Probe slightly via open questions to get them warmed up – calibrate based on time]
2.	What does your organization do in order to handle political issues concerning environmental regulation in the IMO?
3.	How much do you focus on... (Depending on their initial answer, elaborate on those not mentioned)
	a. Building awareness among the public?
	b. Cooperating with state agencies?
	c. Creating alliances with other industry associations or environmental NGOs?
	d. Supporting self-regulation in the industry? (e.g. CCWG)
	e. Using your ability to move assets and flag registry as leverage?
	f. Providing information to the policymakers in MEPC?
	g. Support policymakers' political campaigns with funding?
4.	How does the process of making new environmental in IMO work?
	a. Are you satisfied with how this process work?
	b. What could be improved?
5.	What kind of principles should guide new environmental regulation?
	a. Do you think that other organizations share these principles?
6.	Who is the most influential political actor when it comes to formulating new regulation?
	a. [Consider probing respondent to identify what they think 'influential' entails]
7.	If we were to divide all relevant actors into two groups in the general discussion about environmental maritime regulation, what would be the key thing that divided these two groups?
	a. [Probe for respondent's primary categorization]

Environmental NGOs

1.	How does environmental regulation from IMO impact your organization?
	a. Do you think that environmental regulation is important?

	<ul style="list-style-type: none"> b. <i>What do you think are the most important current or recent issues?</i> c. <i>[Probe slightly via open questions to get them warmed up – calibrate based on time]</i>
2.	<i>What does your organization do in order to handle political issues concerning environmental regulation in the IMO?</i>
3.	<i>How much do you focus on... (Depending on their initial answer, elaborate on those not mentioned)</i>
	<ul style="list-style-type: none"> a. <i>Building awareness among the public?</i> b. <i>Cooperating with state agencies?</i> c. <i>Creating alliances with other firms or environmental NGOs?</i> d. <i>Supporting self-regulation in the industry? (e.g. CCWG)</i> e. <i>Using your ability to move assets and flag registry as leverage?</i> f. <i>Providing information to the policymakers in MEPC?</i> g. <i>Support policymakers' political campaigns with funding?</i>
4.	<i>How does the process of making new environmental in IMO work?</i>
	<ul style="list-style-type: none"> a. <i>Are you satisfied with how this process work?</i> b. <i>What could be improved?</i>
5.	<i>What kind of principles should guide new environmental regulation?</i>
	<ul style="list-style-type: none"> a. <i>Do you think that other organizations share these principles?</i>
6.	<i>Who is the most influential political actor when it comes to formulating new regulation?</i>
	<ul style="list-style-type: none"> a. <i>[Consider probing respondent to identify what they think 'influential' entails]</i>
7.	<i>If we were to divide all relevant actors into two groups in the general discussion about environmental maritime regulation, what would be the key thing that divided these two groups?</i>
	<ul style="list-style-type: none"> a. <i>[Probe for respondent's primary categorization]</i>

State Agencies

1.	<i>How does environmental regulation from IMO impact your organization?</i>
	<ul style="list-style-type: none"> a. <i>Do you think that environmental regulation is important?</i> b. <i>What do you think are the most important current or recent issues?</i> c. <i>[Probe slightly via open questions to get them warmed up – calibrate based on time]</i>
2.	<i>What does your organization do in order to handle political issues concerning environmental regulation in the IMO?</i>
3.	<i>How much do you focus on... (Depending on their initial answer, elaborate on those not mentioned)</i>
	<ul style="list-style-type: none"> a. <i>Building awareness among the public?</i> b. <i>Cooperating with state agencies?</i> c. <i>Creating alliances with other firms or environmental NGOs?</i> d. <i>Supporting self-regulation in the industry? (e.g. CCWG)</i> e. <i>Using your ability to move assets and flag registry as leverage?</i> f. <i>Providing information to the policymakers in MEPC?</i> g. <i>Support policymakers' political campaigns with funding?</i>
4.	<i>How does the process of making new environmental in IMO work?</i>
	<ul style="list-style-type: none"> a. <i>Are you satisfied with how this process work?</i> b. <i>What could be improved?</i>
5.	<i>What kind of principles should guide new environmental regulation?</i>

a. <i>Do you think that other organizations share these principles?</i>
6. <i>Who is the most influential political actor when it comes to formulating new regulation?</i>
a. <i>[Consider probing respondent to identify what they think 'influential' entails]</i>
7. <i>If we were to divide all relevant actors into two groups in the general discussion about environmental maritime regulation, what would be the key thing that divided these two groups?</i>
a. <i>[Probe for respondent's primary categorization]</i>

15.2.2. Explanatory interview guide 1

In the fall of 2017, I had changed to a single interview guide common to all actors, but with probing strategies that was differentiated.

Interview guide

- <i>Introductory Talk</i>
- <i>Theme 1: Firms Arguments</i>
○ <i>"When do you find yourself being convinced by an argument put forward by an industry NGO?"</i>
▪ <i>Probe for the type of actor or type of reasoning required.</i>
▪ <i>Probe for response when it is a firm speaking on behalf of a state</i>
○ <i>"What role do you think the firms play in the IMO process?"</i>
▪ <i>Probe for perception of legitimacy of firms</i>
▪ <i>Probe for change over time, differences between certain actors</i>
- <i>Theme 2: Incorporation</i>
○ <i>"From your point of view, when do you experience that industry NGOs are able to change the draft under discussion?"</i>
▪ <i>Probe for relevance of counter-arguments</i>
▪ <i>Probe for salience</i>
▪ <i>Probe for technical/non-technical input</i>
- <i>Theme 3: Culture</i>
○ <i>"How would characterize the way that IMO – especially the working groups – draft regulation?"</i>
▪ <i>Focus on procedural norms, norms concerning acceptance of industry</i>
▪ <i>Probe for norms of self, norms of others</i>
○ <i>"Which kind of values do you believe should guide regulation in the IMO?"</i>
▪ <i>If asked, examples given are "less pollution, freer trade, more precise and clear regulation"</i>
▪ <i>Probe for differences in values across IMO or dominant set of values</i>
○ <i>"Usually we talk of firms' influence on politics as lobbyism. What are your thoughts on this in the context of IMO?"</i>
▪ <i>Probe for respondent's characterization of the political deliberation in IMO</i>

- Challenge “easy” statements about it

15.2.3. Explanatory interview guide 2

During the winter of 2017-2018, I developed this interview guide which served as the final interview guide used

Interview guide

1. Introductory Talk
2. Theme 1: Firms' arguments
a. What type of arguments to you usually use in IMO?
i. Probe for reasoning behind use of these arguments
ii. Probe for reasoning about efficacy of arguments
b. Do you change arguments depending on the issue being discussed?
c. Probe in general for why acknowledgement of firm input occurs
3. Theme 2: Acceptance
a. Why do state delegates accept that firms participate so much in policy drafting?
i. Probe for legitimacy of firms as political actors
b. Can you give an example of an instance where it was very clear that state delegates gave credence to what you said?
i. Probe for reasoning
4. Theme 3: Culture
a. How would you characterize the way that IMO drafts regulation?
i. Probe for norms, assumptions
b. What kind of values do you believe should guide IMO regulation?
i. Examples: less pollution, freer trade, env protection
c. You have been part of IMO deliberations for many years. How would you characterize the IMO culture?
i. Probe and shift to open structure from here

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