

Article

Navigating Regional Regime Complexity: How and Why Does the European Union Cooperate With Regional Organizations?

Diana Panke and Sören Stapel *

Department of Political Science, University of Freiburg, Germany

* Corresponding author (soeren.stapel@politik.uni-freiburg.de)

Submitted: 20 October 2022 | Accepted: 15 February 2023 | Published: 26 April 2023

Abstract

The number of regional organizations in Europe has increased in the aftermaths of the Second World War and the Cold War. Whenever regional organizations share member states and are equipped with identical policy competencies at the same time, regime complexity comes into play. Unmanaged regime complexity has not only increased over time but can also bring about negative consequences that can reduce the effectiveness of regional governance. To address these challenges, regional organizations can turn into external actors and cooperate with each other. While some of these cooperation agreements are shallow, others are deep and differ in the specification of policy scopes, instruments, and designated arenas. Thus, we pursue the following research questions: (a) How frequently does the EU cooperate with other regional organizations in the regional regime complex? (b) How does the design of cooperation differ? We show that the EU is an active shaper of regime complexes, not only when it comes to constructing them in the first place, but also with respect to navigating complexity. The EU has entered formal cooperative agreements with most of the regional organizations with which it overlaps. The EU concluded many agreements because it possesses the necessary capacities and is able to speak with one voice externally. We show that the design of agreements is influenced by ideological distances with the other regional organizations.

Keywords

European Union; inter-organizational cooperation; inter-organizational relations; overlapping regionalism; regime complexity; regional organizations

Issue

This article is part of the issue “The European Union and International Regime Complexes” edited by Tom Delreux (University of Louvain) and Joseph Earsom (University of Louvain).

© 2023 by the author(s); licensee Cogitatio Press (Lisbon, Portugal). This article is licensed under a Creative Commons Attribution 4.0 International License (CC BY).

1. Introduction

In the aftermath of the Second World War and the Cold War, the number of regional organizations (ROs)—defined as international organizations (IOs) with three or more member states that cooperate on the basis of geographical membership criteria (Börzel & Risse, 2016; Jetschke et al., 2021)—has increased tremendously. Over time, ROs grew in size and were equipped with an ever-increasing number of policy competencies that entail policy fields as diverse as economy and trade, security, human rights, and governance by now. This has led to a situation of non-hierarchical overlaps in the

mandate and membership of these ROs (Panke & Stapel, 2018a), which we refer to as regional regime complexity.

Some contributions have argued that regime complexity can bring about benefits and make a positive contribution to regional and global governance. It may generate more discourses and justifications which in turn may improve the legitimacy of regional and global governance (Faude & Große-Kreul, 2020) or their problem-solving capacities (Eilstrup-Sangiovanni & Westerwinter, 2022). In other instances, regime complexity may influence the dynamics and results of international negotiations and help to overcome stalemates (Panke & Friedrichs, 2023).

The majority of contributions, however, maintain that regional regime complexity carries potential pitfalls that can endanger the very effectiveness of ROs (Hofmann, 2019; Yeo, 2018). First, it can be costly for states because the members of overlapping ROs need to invest in financial, administrative, and political capacities for operating in each of the ROs although they might cover the same issues. Second, regional regime complexity can lead to a waste of resources when the concerned ROs duplicate their efforts (Bond, 2010; Brosig, 2011). Third, should policy outputs and norms of two overlapping ROs be incompatible or even mutually exclusive (Gebhard & Galbreath, 2013; Gómez-Mera, 2015), states that are members in both ROs cannot comply with both sets of rules and norms simultaneously, thus fostering non-compliance (Panke & Stapel, 2018b).

To avoid such negative consequences and potentially benefit from regional regime complexity, ROs can turn into external actors and seek to manage overlaps in a stable and reliable manner by concluding inter-organizational cooperation agreements with each other. The agreements allow for the development of functional divisions of labor (Gehring & Faude, 2014) or forms of orchestration (Abbott et al., 2015) between overlapping organizations.

Looking at how ROs in Europe address regional regime complexity reveals considerable variation regarding whether they establish inter-organizational cooperation agreements with overlapping ROs, how many agreements they conclude, and how they design the cooperation (for a list of all European ROs and their abbreviations, see the Supplementary File). The European Union (EU) stands out in comparison to its counterparts. First, it cooperates with all but one RO with which it shares at least one member state and at least one policy competency at the same time. By contrast, others do not cooperate at all with their overlapping counterparts, such as the Central European Free Trade Area (CEFTA), the Organization for Democracy and Economic Development (GUAM), or the European Free Trade Area (EFTA). Second, ROs differ in the number of concluded inter-organizational cooperation agreements. Overall, the Council of Europe (CoE) has the highest number of such agreements (35), followed by the EU (32), the Commonwealth of Independent States (CIS; 18), and the Organization for Security and Cooperation in Europe (OSCE, 14). This suggests that some ROs are active shapers, whereas others remain passive and do not seek to systematically evade negative externalities of regional regime complexity. Third, these inter-organizational cooperation agreements vary with respect to their design in terms of form, scope, and instruments. Generally, the more demanding the inter-organizational cooperation agreements are with respect to these three elements, the better they are suited to comprehensively manage complexity and navigate its consequences. The EU frequently but not always pursues deeper designs of cooperation.

As the EU is one of the most prominent ROs in Europe and subject to considerable regional regime complexity, this article addresses the following research questions:

RQ1: Why does the EU turn into an external actor to cooperate extensively with overlapping ROs?

RQ2: Why does the design of these cooperation agreements vary?

We argue that the EU as an external actor is actively managing regime complexity. The EU's ability to speak with one voice in its external relations, due to its considerable extent of delegation as well as its financial and administrative capacities, influences how extensively it cooperates with other ROs. As the EU is well equipped in these respects, it is in a good position to navigate regional regime complexity and avoid negative externalities by cooperating with many overlapping ROs on the basis of many cooperation agreements. Moreover, analyzing the form of agreements suggests that the design of inter-organizational cooperation is influenced by ideological distances between ROs. When a pair of ROs is ideologically similar, it is more likely to opt for deep forms of cooperation (binding agreements). The closer the EU is to its partner in ideological terms, the more likely will be a deeper design of the cooperation. We conclude that, although regional regime complexity has become more pronounced over time, it does not necessarily need to reduce the effectiveness of regional governance.

To study inter-organizational cooperation under conditions of regional regime complexity, and especially the EU's efforts in this regard, this article draws on novel datasets. In Section 2, we map the emergence and development of regional regime complexity in Europe. On this basis, we examine how the EU cooperates with overlapping ROs and how such cooperation is designed in comparison to other ROs (Section 3). To account for the observed variation, Section 4 draws on approaches of the EU as an external actor and institutional design approaches. We specify theoretical expectations about why the EU concludes many inter-organizational cooperation agreements and why these agreements differ in their design. Empirically, we draw on primary and secondary sources to probe the empirical plausibility of these hypotheses and do so with pair-wise comparisons. The conclusion rounds up the study and situates the findings in a broader context.

2. The Emergence and Development of Regional Regime Complexity

In Europe, regional cooperation through ROs started after the end of the Second World War with the establishment of the NATO and the CoE in 1949. The EU's predecessor, the European Coal and Steel Community, was only created a few years later in 1951. While the EU is neither the oldest RO nor the only RO in Europe, it is

strongly exposed to regional regime complexity. At the same time, we show that it is also the organization that tackles the potentially negative effects of complexity the most comprehensively.

To assess regional regime complexity, we draw on new versions of the Regional Organizations Competencies (ROCO) datasets (Panke & Stapel, 2023a). The datasets cover all 73 ROs between 1945 and 2020 or since their establishment. On the one hand, the ROCO I dataset entails yearly information about the policy competencies with which ROs have been equipped. We distinguish between 11 different policy fields (agriculture, development, economy and trade, energy, environment, finance, good governance, health, migration, security and defense, and technology and infrastructure) in both the internal and external realms. For each policy field, we coded between 14 and 17 policy competencies. In total, ROs can encompass up to 344 different policy competencies. The data were retrieved from RO primary law (founding treaties, treaty changes, protocols, annexes). On the other hand, the ROCO III datasets provide information on membership in ROs. Official RO repositories and secondary literature served as the sources.

The number of ROs increased between 1945 and 2020. Of the 73 different ROs included in the ROCO 2.0 dataset, 16 have headquarters in Europe. These are the Arctic Council (AC), the Benelux Economic Union (BEU), CEFTA, the Central European Initiative (CEI), CIS, CoE, the Collective Security Treaty Organization (CSTO), the Eurasian Economic Union (EAEU), EFTA, EU, GUAM, NATO, the Nordic Council (NC), OSCE, the Western European Union (WEU), and the Warsaw Treaty Organisation (WTO).

European ROs have changed in membership size and policy scope over time (Panke et al., 2020). On the one

hand, ROs have increased their membership. The EU initially brought together the six founding members and has grown to overall 27 members through its various accession rounds. The CoE also gained new members over time and especially when Central and Eastern European countries eventually joined the organization after the end of the Cold War. Several ROs that were founded in the 1990s brought together a substantive number of members from their very beginning, including the CIS and EAEU. The average number of members increased from eight shortly after the end of the Second World War to 12 in 1990 and to 16 in 2020. On the other hand, states equipped ROs with an increasing number of policy competencies over time (Panke, 2020; Stapel, 2022). While the average European RO possessed 8.5 competencies in 1950 and 28 competencies in 1990, this number has increased considerably to 57 by 2020.

With the rise in the numbers of European ROs as well as their membership size and policy scope, overlaps between ROs have become more pronounced. More ROs share at least one member state while at the same time being equipped with at least one identical policy competence (Panke & Stapel, 2018a). These developments culminated in non-hierarchical overlaps between ROs and thus substantive regional regime complexity.

Over time, regional regime complexity in Europe has followed an incremental increase (Panke & Stapel, 2022). This started with a single overlap in 1949 between a pair of European ROs (NATO and CoE) to 16 in 1962 to 24 dyads of European ROs with at least one shared member state and at least one identical policy competency in 1975 (see Figure 1). After the end of the Cold War, the number of overlapping dyads reached a maximum of 58 in 2007. Due to the withdrawal of member states from some ROs (e.g., Austria leaving the CEI in 2018 and

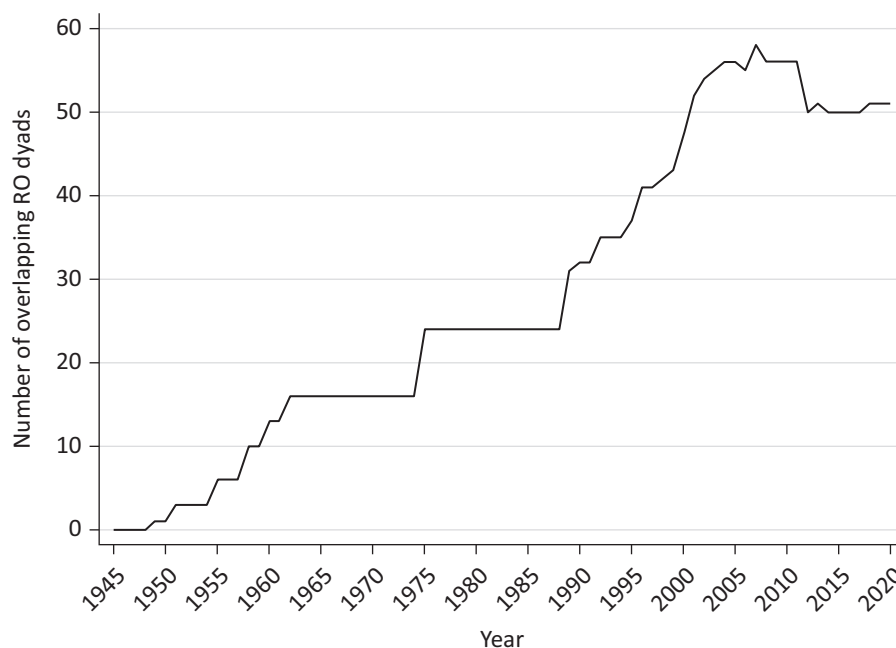


Figure 1. Regional regime complexity in Europe, 1945–2020.

Georgia leaving the CIS in 2009) and the dissolution of the WEU in 2011, regional regime complexity declined slightly by 2020. The potential negative consequences that arise from regional regime complexity can either be reduced or even turned into assets when ROs decide to work together to address overlaps.

3. The European Union and Interregional Cooperation Under Conditions of Regime Complexity

To address and potentially avoid negative externalities from regional regime complexity, ROs can conclude inter-organizational cooperation agreements that detail in which policy fields and how they seek to cooperate to avoid “possible duplication and...maximize the use of the available human and financial resources in the region, ensuring that they are used in the most effective way” (EU, 2006, p. 3).

In our study of inter-organizational cooperation agreements, we draw on the Inter-Organizational Cooperation Agreements (IOCA) dataset (Panke & Stapel, 2023b). We collected information on inter-organizational cooperation agreements of all overlapping ROs between 1945 and 2020 from primary sources, such as treaties, agreements, joint statements, press releases, or other official documentation. We speak of an agreement when two ROs specified how they seek to collaborate with each other (e.g., a treaty), clarified the policy fields (e.g., trade promotion or human rights), and/or detailed an instrument (e.g., information-sharing). The primary sources were subject to computer-assisted double-blind coding with 84% inter-coder reliability and discrepancies were arbitrated by a single senior researcher.

The IOCA dataset takes a dyadic format and entails information on a total of 436 different overlapping pairs of ROs between 1945 and 2020. Taking into account only those ROs with a headquarter in Europe, there are 66 pairs of ROs (58 of which existed at the same time in 2007) and 18 of them have established cooperation agreements. The EU has established formal cooperation agreements with seven overlapping ROs (AC, CoE, CEI, NATO, NC, OSCE, and WEU). However, it has not concluded any formal cooperation agreements with the BEU. In other words, the EU is an outlier as it is more prone to cooperation than the average RO in Europe. It is puzzling why the EU enters into cooperation agreements with almost all of the ROs with which it shares at least one member state and at least one policy competency.

As Figure 2 illustrates, 18 pairs of ROs in Europe have concluded a total of 72 different cooperation agreements. Some European ROs do not share member states and policy competencies at all, such as the AC and BEU (signified by white coloring). Even when ROs overlap with each other, they may not enter any inter-organizational cooperation agreement (zero, light gray). Moreover, ROs differ in the number of cooperation agreements that they have concluded with each other (darker shades of gray depict a higher number of agreements). Overall, the CoE has entered into 35 agreements, followed by the EU (32) and the CIS (18).

Figure 2 also illustrates that ROs vary concerning the number of ROs with which they overlap. At one end of the spectrum, the OSCE (15), CoE (14), and CEI (12) have many overlaps. The WTO (three) as well as BEU and CSTO (five each) are located at the other end of the spectrum. The EU lies in-between. This information

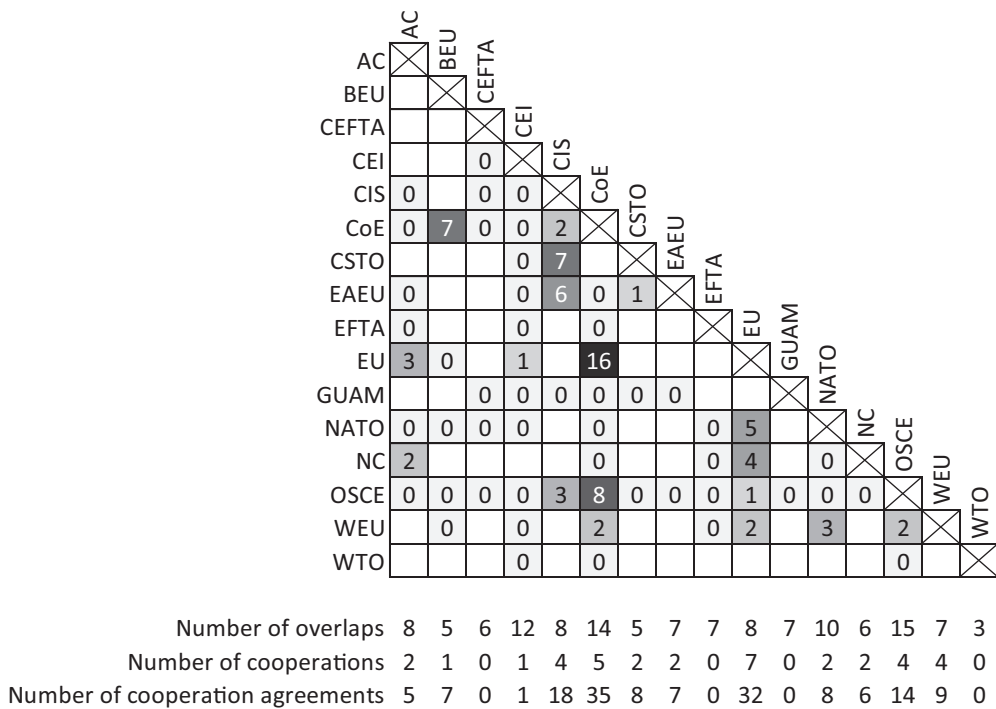


Figure 2. Patterns of inter-organizational cooperation agreements between European ROs.

allows for assessing the relative coverage of cooperation agreements, i.e., the number of established cooperation agreements with overlapping ROs measured against the overall number of overlapping ROs. In terms of relative coverage of cooperation, the EU is a remarkable outlier as it concluded inter-organizational cooperation agreements with 87.5% of ROs with which it overlaps (the BEU being the notable exception).

All in all, the high share of cooperation with overlapping ROs together with the high number of individual agreements suggests that the EU is an important actor when it comes to navigating regional regime complexity in Europe and avoiding its negative effects.

Moreover, inter-organizational cooperation agreements do not always look the same. In fact, they vary with respect to form, scope, and instruments. This is potentially important as not all agreements might be equally effective in evading the negative consequences of regional regime complexity. As the legalization and institutional design literatures suggest, those agreements that can credibly reduce future uncertainty in the behavior of participating actors across all policy fields addressed in the agreement are best suited to pursue a broad set of common interests and aims (Abbott et al., 2000; Goodin, 1995; Koremenos et al., 2001). In other words, the literature suggests that binding agreements which cover broad policy scopes and are equipped with intrusive instruments are particularly suited to address the pitfalls emanating from unmanaged regional regime complexity, such as waste of resources, duplication of efforts, non-compliance, and ineffective regional governance.

Regarding the design of inter-organizational cooperation agreements, the IOCA dataset distinguishes between form, scope, and instruments. The form captures the formality of agreements. It ranges from treaties (coded with 3), over declarations of intent/memoranda of understanding (MoU, coded as 2) to simple non-binding arrangements, such as gentlemen's agreements between two ROs (coded as 1). Scope captures how many of the 11 different policy fields coded in the ROCO dataset (see Section 2) are included in the cooperation agreement. Hence, this dimension can conceptually vary between 0 and 11 (all policy fields mentioned: agriculture, development, economy, energy, environment, finance, good governance, health, migration, security and defense, and technology and infrastructure). Finally, the IOCA dataset distinguishes between four types of cooperation instruments and ranks them by the extent to which they limit the ability of an IO to act unilaterally (Panke & Stapel, 2023b). Instruments include joint implementation and/or dispute settlement (4), joint decision-making (3), consultation (2), and information-sharing (1). If an inter-organizational cooperation agreement does not specify any instrument, it is coded as 0. In case a cooperation agreement details more than one instrument, we code the instrument with the highest value. Thus, the institutional designs of inter-organizational cooperation agreements can conceptually

differ between deep (strongly formalized, many policy fields, intrusive instruments) and shallow (not formalized, few policy fields, non-intrusive instruments).

In total, the EU has concluded 32 different inter-organizational cooperation agreements. A declaration of intent/MoU is the most frequent form (14 instances), followed by formal treaties (10 instances) and simple non-binding arrangements (eight instances). The average scope entails 2.6 policy fields (ranging between one and 10 policy competencies). In terms of instruments, agreements mostly feature joint implementation and/or dispute settlement (11 instances), followed by consultation (nine instances), joint decision-making (seven instances), and information-sharing (five instances). Thus, the EU's preferred institutional design for cooperation agreements tends to be deep with respect to form and instruments, but shallow concerning the policy scope.

As becomes evident from Figure 3, the EU's inter-organizational cooperation agreements vary with respect to form, scope, and instruments. The EU–CEI Joint Communiqué CEI Troika Meeting with the Austrian EU Presidency and EC (Zagreb, 21 November 1998) is a declaration of intent about cooperation in the areas of energy, environment, security/defense, and technology/infrastructure and entails information-sharing. By contrast, the 1951 Protocol concerning relations between the EU's predecessor (European Coal and Steel Community) and the CoE is a non-binding arrangement with an unspecified policy scope where both organizations agreed to share information and consult each other. In the 2003 Agreement on the Security of Information, the EU and NATO agreed on a binding treaty to cooperate in the policy field of security and defense and to include two instruments (information sharing and consultation). Finally, declarations of intent are the form chosen for the 2012 MoU between the European Commission and NordForsk (of the NC), the 2003 EU–OSCE Co-Operation in Conflict Prevention, Crisis Management, and Post-Conflict Rehabilitation, and the 1992 EU–WEU Petersberg Declaration of the WEU Council of Ministers. Yet, they differ considerably with respect to scope and instruments.

Although the EU on average tends to opt for institutional cooperation designs with deep form and instruments but shallow scope, zooming into individual cooperation agreements shows that the EU does not pursue a one-size-fits-all approach when it comes to designing inter-organizational cooperation agreements with overlapping ROs. In other words, why the EU's cooperation agreements differ in their institutional designs between ROs is an empirical puzzle. However, due to limitations in the scope of this article, we subsequently focus on the dimension treaty form, which according to the legalization literature plays a crucial role for the effectiveness of agreements (e.g., Abbott et al., 2000), and we omit scope and instruments from the subsequent theoretical and empirical discussion.

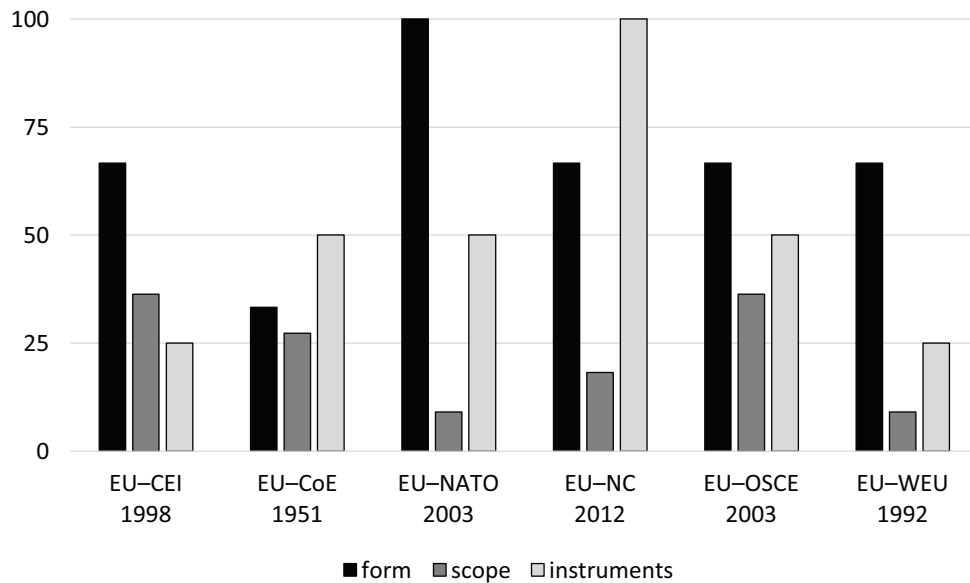


Figure 3. The EU and selected inter-organizational cooperation agreements (in percentage of conceptual maximum possible).

4. Accounting for Variation in European Union Cooperation with Overlapping Regional Organizations

Why does the EU turn into an external actor to cooperate extensively with overlapping ROs? Why does the design of these cooperation agreements vary? To answer these questions, we draw on approaches of the EU as an external actor as well as institutional design approaches to develop hypotheses.

4.1. Extensive Cooperation with Overlapping Regional Organizations

A rich body of scholarship examines the EU as an actor in international negotiations (Blavoukos & Bourantonis, 2010; Delreux, 2013; Laatikainen, 2010; Smith, 2006). We use insights from these contributions to develop expectations about why the EU as an external actor enters into more inter-organizational cooperation agreements with different partner ROs compared to other European ROs. As this literature stresses, in order to engage in external activities, such as concluding inter-organizational cooperation agreements, the RO needs to have the autonomy to do so (Jupille & Caporaso, 1998) as well as the capacity to negotiate and enact agreements.

Autonomy—defined as supranational agents being designated to speak on behalf of the RO, for instance, the European Commission or RO secretariats—enables the RO to act coherently vis-à-vis third parties (Blavoukos & Bourantonis, 2011; Delreux, 2013; Drieskens & van Schaik, 2014; Smith, 2006). ROs differ in the extent to which they delegate the ability to negotiate and conclude inter-organizational agreements with their international partners to RO agents. The more pronounced the design of an RO, the easier it is for this RO to not only develop a position to be brought to the negotiation table

with the other RO when negotiating a cooperation agreement but also to speak with one voice throughout these negotiations and conclude the agreement subsequently. Based on these considerations, we expect that the higher the level of autonomy and extent of delegation in an RO, the more likely it is that this RO can speak with one voice and that it cooperates extensively with other ROs (Hypothesis 1).

In addition to autonomy, RO capacities—defined as the financial and administrative resources of ROs—are also important for the external activities of ROs (Ginsberg, 1999; Panke et al., 2018). ROs that are well equipped with financial and administrative resources are in a better position to navigate regional regime complexity. They can take the initiative for inter-organizational cooperation negotiations, provide additional policy and legal expertise, and are in a good position to support the implementation of the agreement. Hence, we expect that ROs cooperate extensively with other ROs, the better equipped they are with capacities (Hypothesis 2).

To probe the empirical plausibility of these two expectations, we rely on pair-wise comparisons and contrast the EU with other ROs that systematically differ with respect to the explanatory variables at stake. In our assessment, we draw on primary and secondary sources. For the first explanatory factor, autonomy, we compare the EU to the CEI as they differ in autonomy and the delegation of tasks to RO agents.

The EU is characterized by high levels of autonomy in general (Hooghe & Marks, 2015). Even its external affairs are characterized by elements of delegation of authority. The European Commission (concerning external trade and economic policies) as well as the High Representative for European Foreign and Security Policy (external foreign, defense, and security issues) serve as agents to the member states and have competencies to

represent EU interests in the external realm (Tocci, 2016). In addition, whenever needed, coordination between the EU member states takes place to swiftly develop collective positions that can subsequently be articulated by the designated agent. As a consequence of this setup, the EU is in a position to speak with one voice, articulated by the Commission or the High Representative for European Foreign and Security Policy, and to act coherently vis-à-vis third parties, as various case studies have illustrated (Smith, 2006). This in turn also places the EU in a good position to negotiate and conclude a high number of inter-organizational cooperation agreements (a total of 32) with a high number of different ROs (seven out of eight overlapping ROs).

By contrast, ROs with limited autonomy, such as the CEI, do not delegate the external representation of common positions to an agent (Potyka, 2019). In fact, the CEI's primary rules would allow the RO to engage in external affairs with "European organizations and institutions, especially with the European Union and the Council of Europe as well as other regional groupings" (CEI, 1995, Art. 4). Yet, these institutional possibilities are not frequently used. In its day-to-day activities, the CEI operates on a project-based and ad-hoc nature of operation in its internal affairs (Potyka, 2019), while its member states rather cooperate externally in formats such as the Visegrád cooperation (Cabada, 2018). Thus, unlike the EU, case studies have not established that the CEI is a vocal external actor. Consequently, it is not surprising that the CEI has only one inter-organizational agreement with a single RO (namely the EU), despite overlapping with a total of 12 different ROs (see Figure 2). Taken together, the EU-CEI comparison lends plausibility to Hypothesis 1.

Hypothesis 2 argues that financial and administrative capacities influence whether an RO cooperates extensively with other ROs. In order to investigate this expectation, we compare the EU and the EAEU. Both ROs entail supranational features and elements of delegation in their institutional setup but they differ with respect to capacities.

The EU maintains sufficient capacities to set up inter-organizational cooperation agreements. It is a well-funded organization. The annual budget encompasses more than a trillion euros, with 100 billion euros designated for external action (EU, 2021). In addition, the EU stands out as an RO well equipped to act externally not least due to its external action service created with the Treaty of Lisbon (Spence & Batora, 2015). Finally, the European Commission has considerably more personnel and in-house expertise than secretariats of other European ROs (Nugent & Rhinard, 2015). Thus, case study insights suggest that, rather than capacity limitations, the EU does not act externally when there is a lack of political will or when there is a conflict regarding its role as a civilian power, as the Libyan conflict illustrated (Koenig, 2014). When discussing inter-organizational cooperation between the EU on the one

side and the CoE or OSCE on the other, Burchill (2010, p. 60) notes:

The EU has a greater amount of financial resources in comparison to other regional organizations, resources that are used to support various regional projects and which may be used to facilitate the pursuit of various objectives. The EU also possesses an extensive permanent staff allowing it to project a greater presence than the other regional organizations.

This indicates that, in the EU's case, being well-resourced adds to the ability to engage with other ROs and to conclude inter-organizational cooperation agreements.

The EAEU has evolved into an RO with strong supranational features, even if the supranational setup does not quite match the EU's model (Likhacheva, 2018). It maintains supranational bodies, including a Commission and a court (Blockmans et al., 2012). They are designated to speak on behalf of the organization, for instance, the Eurasian Economic Commission has the mandate to conduct trade negotiations with external partners (Likhacheva, 2018). The EAEU also has the resources to act externally according to a representative survey (Libman, 2011; Vinokurov, 2010). In stark contrast to the EU, the EAEU's capacities in the form of financial and administrative resources nevertheless remain limited (Likhacheva, 2018). This severely undermines the EAEU's ability to conclude cooperation agreements. For instance, the EAEU has received:

More than 40 applications to establish an FTA...but the current seven negotiations, at this stage, are the organizational ceiling of the Commission...and there are simply no more human resources for the Commission to open similar new negotiations, let alone negotiate a more complex level. (Likhacheva, 2018, pp. 785–786)

Thus, when the EAEU engages externally, it opts for bilateral negotiations with countries instead of pursuing more complex cooperation with other ROs (Likhacheva, 2018). In sum, the plausibility probe of the EU and EAEU shows that financial and administrative capacities matter for cooperation with overlapping ROs—as expected by Hypothesis 2.

4.2. Design of Inter-Organizational Cooperation Agreements

Drawing on institutional design approaches, we focus on why ROs opt for deep cooperation with respect to treaty forms with some overlapping ROs and for shallow inter-organizational cooperation agreements with others. We probe whether Hypothesis 3 is plausible by qualitatively assessing specific agreements of different RO dyads in which the EU is one partner while the other

partner varies with respect to the independent variable at stake.

Cooperation agreements can differ as to whether they are formally binding on the contracting parties. Theories of institutional design assume that actors are risk-averse and design organizations or agreements accordingly (Goodin, 1995; Koremenos et al., 2001). Ideological differences between actors—defined as differences in the orientation towards liberal democratic values, as they matter for cooperation (Risse-Kappen, 1995; Russett, 1993)—risk the failure of cooperation in the long run due to diverging preferences and problem perceptions (Clark, 2021). Thus, an RO that seeks to cooperate with an overlapping but ideologically diverging RO funnels potential future defections into the equation. It therefore opts for simple, unbinding agreements rather than binding treaties. Hence, we expect that ideologically diverging RO pairs opt for shallower cooperation agreements with respect to form (Hypothesis 3).

To probe the plausibility of this hypothesis, we examine two different dyads. First, the EU and the AC overlap, cooperate with each other, and are characterized by almost all members being liberal democratic and market-oriented. Second, since the EU does not ideologically diverge strongly from other European ROs, we contrast the EU–AC 2003 cooperation case with the Black Sea Economic Cooperation (BSEC) cooperation from 2016, although the BSEC headquarter is located in Istanbul.

In 2003, the EU and the AC shared three members (Denmark, Finland, and Sweden) and seven policy fields (agriculture, development, economy, environment, good governance, health, and technology and infrastructure). By that time, the EU and the AC were mainly composed of liberal market economies (with Russia being the exception). Considering the average democracy values for each RO in the V-Dem Liberal Democracy Indicator (Coppedge et al., 2020), the EU and AC differed by 0.07 points (on a scale from 0 to 1). In order to address regional regime complexity and avoid negative externalities, the ROs concluded the Declaration Concerning the Establishment of a Northern Dimension Partnership in Public Health and Social Wellbeing in 2003. This formal treaty resembles a strong commitment. It even outlines that future cooperation can be deepened:

The partnership is an evolving process. Based on the experience gained during an initial period, the possible further development of the partnership will be considered by the partners before the end of 2005. The CSR [Committee of Senior Representatives] will make recommendations to the PAC [Partnership Annual Conference] on those structural or operational changes it considers necessary in order to develop the full potential of the partnership. (AC & EU, 2003, p. 6)

The second dyad of this comparison, the EU and the BSEC, also shared three member states in 2016 (Bulgaria,

Greece, and Romania). The two ROs overlap in nine policy fields (agriculture, economy, energy, environment, finance, health, migration, security and defense, and technology and infrastructure). However, they differ more strongly in ideological terms than the EU and the AC. The BSEC included states that scored lower on most democracy indicators than the EU member states, such as Azerbaijan and Russia. The difference between both ROs was 0.37 in the V-Dem Liberal Democracy Indicator in 2016 (Coppedge et al., 2020). As expected by Hypothesis 3, the 2016 meeting of the BSEC PERMIS Secretary General with the European Commissioner for Environment, Maritime Affairs, and Fisheries resembled a gentleman's agreement as “both sides agreed to continue and develop their exchange of views on concrete issues of cooperation, with the view of enhancing BSEC–EU interaction in a project-orientated direction” (BSEC, n.d., p. 1). The wording of the non-binding agreement *de facto* allows each RO to act upon its own preferences, should they at any point diverge from each other.

The comparison of the two dyads indicates that ideological fit matters for the form of the agreement. In line with Hypothesis 3, pairs of ROs opt for binding cooperation when the ideological differences are limited, and for less binding agreements when the ideological distance is higher.

4.3. Scope and Limitations of the Findings

The plausibility probes suggest that autonomy, capacities, and ideological differences matter for the conclusion of inter-organizational cooperation agreements and their designs. It remains to be seen whether more detailed empirical scrutiny beyond a plausibility probe yields similar results. Nevertheless, these initial findings can be generalized to ROs outside of Europe, thereby again underlining the remarkable position of the EU as an external actor because it possesses autonomy and capacities to act coherently in its external affairs. Moreover, the findings also potentially travel to global IOs.

On the one hand, we can generalize the findings from the European context to regional regime complexity found in Africa, the Americas, and Asia. Regarding autonomy, the EU is characterized by a high level of delegation while other European ROs rank below that level (Hooghe & Marks, 2015). A similar situation can be found in Africa and the Americas, as ROs show diverse levels of delegation. However, the situation is somewhat different in Asia, where most ROs rarely feature elements of delegation. Hence, we expect a similar inclination to cope with regional regime complexity through cooperation agreements in Africa and the Americas, while Asian ROs will be less likely to establish inter-organizational cooperation agreements. Second, ROs around the world showcase different levels of capacities, i.e., political and administrative resources. European and American ROs are frequently considered to have higher levels of capacities. By contrast, research has shown that the political

and administrative resources of African and Asian ROs are more limited (Engel & Mattheis, 2020), and ROs in these regions frequently rely on external funding and administrative support from donors (Stapel et al., 2023; Stapel & Söderbaum, 2020). Considering that the capacities of ROs matter for establishing cooperation agreements, it is likely that, all else being equal, more cooperation agreements will be concluded by European and American ROs compared to African and Asian ROs. Third, we can find ideological differences in all parts of the world as democratic, mixed, and autocratic ROs exist next to each other. Hence, the effect of ideological differences between ROs on the design of inter-organizational cooperation agreements found in the European context likely plays out similarly in Africa, the Americas, and Asia.

On the other hand, the findings on whether and how European ROs address regional regime complexity may also extend to global IOs with almost universal membership and international regime complexity. First, the delegation of the ability to negotiate and conclude to institutional bodies is generally higher for ROs than IOs (Hooghe & Marks, 2015). As the plausibility probe showed that ROs more often conclude inter-organizational cooperation agreements because they can act autonomously, we can expect that the number of cooperation agreements will be lower for IOs as their agents frequently lack such autonomy. Second, at the same time, we do not expect that the capacities differ systematically between ROs and global IOs and to find systematic differences between ROs and IOs for the probability of concluding cooperation agreements. Finally, IOs bring together more member states than ROs. Due to the large membership basis, internal heterogeneity is likely to be higher in IOs than in ROs. At the same time, the ideological differences are likely to be smaller between IOs than between ROs. Following from the insights for the explanatory factor of ideological differences in the European context, we expect that IOs are more likely to pursue deeper forms in their inter-organizational cooperation agreements.

5. Conclusions

The article has started from the premise that regional regime complexity in Europe has increased over time as ROs increasingly overlap with regard to member states and mandates. This bears the risk of reduced effectiveness. In order to manage complexity, tackle potential negative consequences, and potentially even benefit from overlaps, the concerned ROs can initiate cooperation agreements with each other and choose a particular design for their cooperation. Empirically, the article shows that inter-organizational cooperation between ROs is a widespread yet not ubiquitous phenomenon. The EU stands out in comparison to other ROs in Europe because it has established cooperation agreements with almost all ROs with which it overlaps and these agreements often follow a rather deep design, especially with

regard to the form and the instruments envisaged in these agreements.

We argue that the EU is especially well-suited to navigate regional regime complexity compared to other European ROs. Due to the EU's autonomy and sufficient capacities, the EU can speak with one voice in its external affairs. Other ROs cannot engage in equally extensive inter-regional cooperation because their autonomy and capacities are more limited. Moreover, the relation between ROs influences the design of inter-regional cooperation agreements. They design more demanding agreements, i.e., a binding form of agreement, when they are ideologically closer.

In sum, our study suggests that the rise of regional regime complexity does not pose an insurmountable obstacle to effective governance beyond the nation-state. ROs can counteract negative side effects arising from complexity through inter-organizational cooperation. As overlaps increased, so did the number of cooperating ROs and the number of cooperation agreements. Because the EU turned into a proactive actor navigating regional regime complexity through cooperation agreements, it is in lesser danger to suffer from duplication of efforts, waste of resources, non-compliance, and ineffective governance than other European ROs.

Our findings provide important insights and pose new questions for debates on regime complexity. First, regional regime complexity in Europe is likely to stay. Following these developments, many ROs in Europe have established inter-organizational cooperation agreements. The number of additional cooperating RO pairs has likely reached or will soon reach the ceiling. Yet, the design of inter-organizational cooperation agreements may be further changed over time if the right conditions are in place. How the EU as an external actor further deepens such agreements is an important question.

Second, while this article shows that inter-organizational cooperation agreements differ in their design, we currently lack empirical studies that systematically investigate which design elements are especially effective in avoiding negative implications of regime complexity on the regional and international levels. Future research can examine whether the form, scope, or instruments entailed in agreements or whether specific configurations of these three features are better suited to address negative externalities.

Third, beyond the regional level, international politics is also characterized by regime complexity in a variety of policy fields. Here again, it is more likely that inter-organizational cooperation takes place and will be extensive when the (collective) actors can operate autonomously and are equipped with sufficient capacities. The designs of cooperation between IOs will also differ. Given the vast number of international institutions, organizations, and regimes, a complex web of relationships and variable geometries of inter-organizational cooperation likely emerges. As our analysis suggests, the EU is well-positioned to actively further and shape

inter-organizational cooperation in international politics also in comparison to other organizations.

Acknowledgments

We gratefully acknowledge funding from the German Research Foundation (Grants Nos. PA 1257/7–1 and 421167407). For comments on earlier versions of the article at the workshop “The European Union and International Regime Complexes” at the University of Louvain and the 2022 EUSA Conference in Miami, we thank the editors of this thematic issue Tom Delreux and Joseph Earsom as well as Sandra Lavenex, Thomas Risse, and Oliver Westerwinter. Olesia Andersen, Fenna Kreuz, Morgan Osterling, Hanne Oldenhof, Harry Parfitt, Dorothea Schiewer, Emma Tries, and Lukas Weißenberger provided valuable research support.

Conflict of Interests

The authors declare no conflict of interests.

Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

References

- Abbott, K. W., Genschel, P., Snidal, D., & Zangl, B. (Eds.). (2015). *International organizations as orchestrators*. Cambridge University Press.
- Abbott, K. W., Keohane, R. O., Moravcsik, A., Slaughter, A. M., & Snidal, D. (2000). The concept of legalization. *International Organization*, 54(3), 401–419.
- Arctic Council, & European Union. (2003). *Declaration concerning the establishment of a Northern Dimension Partnership in Public Health and Social Wellbeing*.
- Black Sea Economic Cooperation. (n.d.). *Press release on the meeting of the BSEC PERMIS Secretary General with the European Commissioner for Environment, Maritime Affairs and Fisheries* [Press release]. <http://www.bsec-organization.org/UploadedDocuments/PressReleases/20160425%20%20Press%20Release%20on%20meeting%20of%20SG%20with%20Commissioner%20Karmenu%20Vella.pdf>
- Blavoukos, S., & Bourantonis, D. (2010). *The EU presence in international organizations*. Routledge.
- Blavoukos, S., & Bourantonis, D. (2011). The EU’s performance in the United Nations Security Council. *Journal of European Intergration*, 33(6), 731–742.
- Blockmans, S., Kostanyan, H., & Vorobiov, I. (2012). *Towards a Eurasian Economic Union: The challenge of integration and unity* (CEPS Special Report No. 75/2012). Centre for European Policy Studies.
- Bond, M. (2010). The EU and the Council of Europe: Difference, duplication or delegation? In C. Gebhard & D. J. Galbreath (Eds.), *Cooperation or conflict? Problematizing organizational overlap in Europe* (pp. 25–42). Ashgate Publishing.
- Börzel, T. A., & Risse, T. (Eds.). (2016). *The Oxford handbook of comparative regionalism*. Oxford University Press.
- Brosig, M. (2011). Overlap and interplay between international organisations: theories and approaches. *South African Journal of International Affairs*, 18(2), 147–167.
- Burchill, R. (2010). Cooperation and conflict in the promotion and protection of democracy by European regional organizations. In C. Gebhard & D. J. Galbreath (Eds.), *Cooperation or conflict? Problematizing organizational overlap in Europe* (pp. 59–77). Ashgate Publishing.
- Cabada, L. (2018). The Visegrád cooperation in the context of other Central European cooperation formats. *Politics in Central Europe*, 14(2), 165–179.
- Central European Initiative. (1995). *Warsaw guidelines*.
- Clark, R. (2021). Pool or duel? Cooperation and competition among international organizations. *International Organization*, 75(4), 1133–1153.
- Coppedge, M., Gerring, J., Henrik, K. C., Lindberg, S. I., Teorell, J., . . . Ziblatt, D. (2020). *V-Dem country-year dataset v10.1* [Dataset]. V-Dem. <https://doi.org/10.23696/vdemds20>
- Delreux, T. (2013). *The EU as international environmental negotiator*. Ashgate Publishing.
- Drieskens, E., & van Schaik, L. G. (Eds.). (2014). *The EU and effective multilateralism: Internal and external reform practices*. Routledge.
- Eilstrup-Sangiovanni, M., & Westerwinter, O. (2022). The global governance complexity cube: Varieties of institutional complexity in global governance. *The Review of International Organizations*, 17(2), 233–262.
- Engel, U., & Mattheis, F. (Eds.). (2020). *The finances of regional organisations in the Global South: Follow the money*. Routledge.
- European Union. (2006). *Northern Dimension Policy Framework document*.
- European Union. (2021). *Multiannual financial framework 2021–2027*.
- Faude, B., & Große-Kreul, F. (2020). Let’s justify! How regime complexes enhance the normative legitimacy of global governance. *International Studies Quarterly*, 64(2), 431–439.
- Gebhard, C., & Galbreath, D. J. (2013). *Cooperation or conflict? Problematizing organizational overlap in Europe*. Ashgate Publishing.
- Gehring, T., & Faude, B. (2014). A theory of emerging order within institutional complexes: How competition among regulatory international institutions leads to institutional adaptation and division of labor. *The Review of International Organizations*, 9(4), 471–498.
- Ginsberg, R. H. (1999). Conceptualizing the European Union as an international actor: Narrowing the the-

- oretical capability-expectations gap. *Journal of Common Market Studies*, 37(3), 429–454.
- Gómez-Mera, L. (2015). International regime complexity and regional governance: Evidence from the Americas. *Global Governance*, 21(1), 19–43.
- Goodin, R. E. (Ed.). (1995). *The theory of institutional design*. Cambridge University Press.
- Hofmann, S. C. (2019). The politics of overlapping organizations: Hostage-taking, forum-shopping and brokering. *Journal of European Public Policy*, 26(6), 883–905.
- Hooghe, L., & Marks, G. (2015). Delegation and pooling in international organizations. *The Review of International Organizations*, 10(3), 305–328.
- Jetschke, A., Münch, S., Cardozo-Silva, A. R., & Theiner, P. (2021). Patterns of (dis)similarity in the design of regional organizations: The regional organizations similarity index (ROSI). *International Studies Perspectives*, 22(2), 181–200.
- Jupille, J., & Caporaso, J. A. (1998). States, agency, and rules: The European Union in global environmental politics. In C. Rhodes (Ed.), *The European Union in the world community* (pp. 213–229). Lynne Rienner.
- Koenig, N. (2014). Between conflict management and role conflict: The EU in the Libyan crisis. *European Security*, 23(3), 250–269.
- Koremenos, B., Lipson, C., & Snidal, D. (2001). The rational design of international institutions. *International Organization*, 55(4), 761–799.
- Laatikainen, K. V. (2010). Multilateral leadership at the UN after the Lisbon Treaty. *European Foreign Affairs Review*, 15(4), 475–493.
- Libman, A. (2011). *Commonwealth of Independent States and Eurasian Economic Community*. International Democracy Watch.
- Likhacheva, A. (2018). The Eurasian Economic Union and the integration process in the Asia Pacific. *Asian Politics & Policy*, 10(4), 772–790.
- Nugent, N., & Rhinard, M. (2015). *The European Commission*. Palgrave Macmillan.
- Panke, D. (2020). Regional cooperation through the lenses of states: Why do states nurture regional integration? *The Review of International Organizations*, 15(2), 475–504.
- Panke, D., & Friedrichs, G. M. (2023). Regime complexity as an asset? The negotiations of the Arms Trade Treaty. *Journal of Global Security Studies*, 8(1). <https://doi.org/10.1093/jogss/ogac039>
- Panke, D., Lang, S., & Wiedemann, A. (2018). *Regional actors in multilateral negotiations: Active and successful?* ECPR Press.
- Panke, D., & Stapel, S. (2018a). Exploring overlapping regionalism. *Journal of International Relations and Development*, 21(3), 635–662.
- Panke, D., & Stapel, S. (2018b). Overlapping regionalism in Europe: Patterns and effects. *The British Journal of Politics and International Relations*, 20(1), 239–258.
- Panke, D., & Stapel, S. (2022). Architects of complexity: European states and competencies of regional organizations. *Journal of Contemporary European Studies*, 30(3), 387–404.
- Panke, D., & Stapel, S. (2023a). Towards increasing regime complexity? Why member states drive overlaps between international organisations. *The British Journal of Politics and International Relations*. Advance online publication. <https://doi.org/10.1177/13691481221115937>
- Panke, D., & Stapel, S. (2023b). *Cooperation between international organizations: Demand, supply, and restraint*. Unpublished manuscript.
- Panke, D., Stapel, S., & Starkmann, A. (2020). *Comparing regional organizations: Global dynamics and regional particularities*. Bristol University Press.
- Potyka, G. (2019). *The Central European Initiative*. Routledge.
- Risse-Kappen, T. (1995). Democratic peace—Warlike democracies? A social constructivist interpretation of the liberal argument. *European Journal of International Relations*, 1(4), 491–517.
- Russett, B. (1993). *Grasping the democratic peace*. Princeton University Press.
- Smith, K. E. (2006). Speaking with one voice? European Union co-ordination on human rights issues at the United Nations. *Journal of Common Market Studies*, 44(1), 113–137.
- Spence, D., & Batora, J. (Eds.). (2015). *The European external action service: European diplomacy post-Westphalia*. Springer.
- Stapel, S. (2022). *Regional organizations and democracy, human rights, and the rule of law: The African Union, Organization of Americas States, and the diffusion of institutions*. Palgrave Macmillan.
- Stapel, S., Panke, D., & Söderbaum, F. (2023). Regional international organizations in Africa as recipients of foreign aid: Why are some more attractive to donors than others? *Cooperation and Conflict*. Advance online publication. <https://journals.sagepub.com/doi/abs/10.1177/00108367221147791>
- Stapel, S., & Söderbaum, F. (2020). Mapping and problematising external funding to the African Union and the Regional Economic Communities. In U. Engel & F. Mattheis (Eds.), *The finances of regional organizations in the Global South: Follow the money* (pp. 112–125). Routledge.
- Tocci, N. (2016). The making of the EU global strategy. *Contemporary Security Policy*, 37(3), 461–472.
- Vinokurov, E. (2010). *System of indicators of Eurasian integration*. Eurasian Development Bank.
- Yeo, A. (2018). Overlapping regionalism in East-Asia: Determinants and potential effects. *International Relations of the Asia-Pacific*, 18(2), 161–191.

About the Authors



Diana Panke is professor of political science and holds the chair in multi-level governance at the University of Freiburg. Among her current research interests are comparative regionalism, international organizations, international norms, international negotiations, and small states in international politics. Her recent publications include *Comparing Regional Organizations: Global Dynamics and Regional Particularities* (Bristol University Press, 2020, with Sören Stapel and Anna Starkmann) and *Research Design and Method Selection* (SAGE, 2018).



Sören Stapel is post-doctoral researcher at the University of Freiburg. His research interests include global and regional governance, norm and policy diffusion, human rights, and overlapping regionalism. He recently published *Regional Organizations and Democracy, Human Rights, and the Rule of Law: The African Union, Organization of Americas States, and the Diffusion of Institutions* (Palgrave Macmillan, 2022) and *Comparing Regional Organizations: Global Dynamics and Regional Particularities* (Bristol University Press, 2020, with Diana Panke and Anna Starkmann).