

The Limits of the Law of the Least Ambitious Program

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1. Introduction

This article considers the frequently made claim that international collaboration tends to be restricted by the least enthusiastic party. Following Underdal,¹ we refer to this claim as the Law of the Least Ambitious Program (LLAP), although it can be found under other names as well.² Some authors see the LLAP as identical to related conceptions, namely the veto-player concept and the Joint Decision Trap (JDT), both of which claim that decision-making in international organizations is characterized by a strong bias in favor of the status quo.³ We argue that these three constructs are only partially overlapping, and that the domain of the LLAP is more limited than is often assumed in the literature.

In section two, we provide an outline of the basic assumptions underlying the LLAP and give a summary of how Underdal derives the LLAP from these assumptions. In section three, we briefly compare and contrast the LLAP with two related theoretical constructs—the theory of veto players and the JDT. In section four, we elaborate on four observations which suggest that the LLAP has a more restricted domain than is often alleged. First, while the law applies to decision-making under unanimity, a number of international bodies make decisions by some kind of majority voting. Second, the law assumes that the alternative to agreement (the “reversion rule”) is individual decision-making, but, in practice, the alternative is often the continuation of some pre-existing collaborative arrangement. Third, whereas the LLAP assumes that the unanimity rule invariably favors the least ambitious program, there are interesting cases where this assumption does not hold. Finally, the law does not take into account that the

* We are indebted to three anonymous reviewers for helpful comments.

1. Underdal 1980, 1998.
2. For example, it has motivated the use of metaphors such as “the politics of the least common denominator” (Peters 1997), and “the slowest ship sets the pace of the entire convoy” (German general and former chairman of NATO’s military committee, Klaus Naumann, cited in *Fokus Europa* 3 (2): 12). A related metaphor, “marching at the pace of the slowest,” is used by Ward, Grundig, and Zorick (2001), even though the underlying logic of their model is somewhat different from that found in Underdal’s work.
3. Scharpf 1988.

outcome of international decision-making not only depends on the decision rule and the reversion rule, but also on the voting sequence.

2. The Law of the Least Ambitious Program

The LLAP is based on three fundamental assumptions. First, because “most international decisions are agreements, achieved through some kind of negotiation,”⁴ the decision rule in international politics is typically that of *unanimity* (or consensus). In other words, a decision usually requires the consent of all states to which the decision is intended to apply.

Second, state behavior is assumed to be “essentially purposive and *intentionally rational*,” meaning that the parties’ bargaining positions are “based upon their evaluations of the expected consequences of the alternatives in question.”⁵

Finally, states are assumed to be *individualistically motivated*, i.e., concerned only with their own payoffs. In the language of the so-called neo-neo-debate, this means that states are assumed to maximize absolute gains, i.e., they derive neither positive nor negative utility from benefits obtained by others.⁶

On the basis of these assumptions Underdal arrives at the LLAP:

Where international management can be established only through agreement among all significant parties involved, and where such a regulation is considered only on its own merits, collective action will be limited to those measures acceptable to the least enthusiastic party.⁷

Underdal acknowledges that a reluctant party can sometimes be persuaded to modify its position through arguments, side-payments, or various kinds of political pressure. Nevertheless, “the dynamics of international decision-making favor those being opposed to new collective actions.” Moreover, “in most cases the international political system places the burden of proof on those parties who favor international management, and gives a veto to most of those who are opposed.”⁸

In more recent work, Underdal adds the qualification that only *pivotal* parties have a *de facto* veto.⁹ Even if a state refuses to be part of a given program, it may not be able to block *other* states from adopting the program. Only states that are indispensable to an agreement can command such impact.¹⁰

Both formulations of the LLAP beg the question of what exactly it means

4. Underdal 1980, 34.

5. Underdal 1980, 17.

6. Underdal 1980, 26, explicitly recognizes that these assumptions are theoretically helpful simplifications—not ontological truths.

7. Underdal 1980, 36.

8. Underdal 1980, 36.

9. Underdal 1998, 5–6.

10. What counts as a pivotal party depends on the context. Even a superpower may not always be pivotal, as illustrated by the entry into force of the Kyoto protocol despite the United States’ repudiation of the treaty.

Figure 1.



when a program is said to be more—or less—“ambitious” than another. There are two main alternatives. First, program *a* may be called more ambitious than program *b* if *a* proposes a more radical departure from the *status quo*. Second, *a* may be termed more ambitious than *b* if *a* entails “more cooperation” than *b*, i.e., *a* involves more parties, a larger number of issues, stricter regulations, or more supranational authority (other things being equal). We adopt the second interpretation throughout this article. It goes without saying that it might be very difficult in practice to decide which one of two real world programs is more ambitious according to this definition.¹¹ For example, if *a* involves a larger number of issues than *b*, while *b* imposes stricter regulations than *a*, then it may be far from clear which program entails “more cooperation.” For the purposes of this paper, however, we need not worry about these practical problems.

The difference between the two definitions can be seen in Figure 1, which places three different programs on an interval scale measuring the “amount of cooperation.” In Figure 1, program *sq* proposes to leave the status quo unchanged. By contrast, program *a* suggests to add some further regulation to the current regime, while, finally, program *b* undertakes to abolish some (equal amount of) regulation. The three programs are identical in all other respects. According to the first definition, *a* and *b* are equally ambitious, since the distance from each of these programs to the status quo is the same. The second definition, by contrast, implies that *a* is more ambitious than *sq*, which in turn is more ambitious than *b*.¹²

3. Comparison to Related Concepts

3.1 Veto Players

The theory of “veto players” is, in many ways, similar to the LLAP. Introduced into the comparative politics literature as a research program by George Tsebelis, it defines veto players as “individual or collective players whose agreement is necessary for a change of the status quo. It follows that a change in the status quo requires a unanimous decision of all veto players.”¹³

In parallel with Underdal’s original version of the LLAP,¹⁴ the concept of

11. Note, however, that this is also the case if we use the first definition mentioned above.

12. Note that, if we have knowledge only of the nature of *a* and *b*, but not of *sq*, then according to the first definition we would be unable to decide whether *a* is more ambitious than *b* or vice versa.

13. Tsebelis 2002, 19.

14. Underdal 1980.

veto players assumes that each actor is indispensable to collective decision-making. However, the reference points are somewhat different: The LLAP assumes that countries negotiate a common agreement where none exists before, whereas the theory of veto players assumes that some institutional structure already exists and tries to make propositions about potential changes from the status quo.¹⁵ In particular, the veto player concept assumes that actors, such as countries, hold ideal points in a two-dimensional space, that win-sets for joint deviations from the status quo may or may not exist, and that the set of Pareto-optimal solutions constitutes an “unanimity core” (or “Pareto set”). If various countries agree on a solution in the unanimity core, no proposal for change will achieve unanimous support, because it would leave at least one actor worse off. Hence, each country commands “veto power.”¹⁶

Some differences between the two concepts are noteworthy. First, while the LLAP does not elaborate on the effect of the number of players, the veto player concept suggests that the addition of veto players will either increase policy stability or leave it constant. The reason for this is that the addition of players decreases the size of the win-set of the status quo or increases the unanimity core.¹⁷ Second, Tsebelis suggests that the greater the distance between the actors’ ideal points, the smaller the win set. In contrast, the LLAP makes no statement about the spatial distribution of positions and its potential effect on the win-set. Third, the veto player concept implies that a veto player with agenda-setting power can capitalize on its first-mover advantage and influence distributional outcomes by choosing a particular point in the win set.¹⁸ By contrast, the LLAP does not make predictions about specific types of actors but suggests that the position of the least ambitious actor prevails. Finally, the perhaps greatest difference is that the veto player concept does not suggest that the least ambitious program prevails. Instead, it focuses on the chances of policy change relative to a status quo in a two- or higher-dimensional space. In contrast, the LLAP is a one-dimensional voting concept that suggests that the minimum position prevails.¹⁹ The LLAP is silent on the issue of dimensionality, yet requires at least the possibility of ordinal ordering of alternative proposals in light of the definition of “ambitiousness” that we use in this article. This ultimately suggests a unidimensional interpretation of the LLAP, i.e., scores on multiple dimensions can be aggregated into index scores.

While the 1998 refinement of the LLAP essentially takes recourse to the definition of veto players as suggested by Tsebelis, it does not share many of the implications suggested above. On the other hand, applications of the veto player concept have hitherto largely been restricted to comparative politics,

15. Proponents of the LLAP might suggest that it assumes both a distribution of positions and that prior to negotiations some policy position prevails by default. The latter could be defined as the status quo. If this particular interpretation is chosen, then the reference points are the same as in the veto player concept, but the predictions will still differ (see below).

16. Tsebelis 2002, 21.

17. Tsebelis 2002, 25–29.

18. Tsebelis 2002, 33–37.

19. Please note our clarification above about the two possibilities to interpret the term “ambitious.”

whereas the LLAP has been created as a prediction of negotiation outcomes in international relations settings—where institutions are normally much weaker than in the comparative politics field.

3.2 *The Joint Decision Trap*

As in the LLAP and the veto player concept, the unanimity requirement also plays a significant role in Scharpf's formulation of what he calls the Joint Decision Trap (JDT). Focusing on problems in the European Community in the 1980s and drawing upon lessons from studies of joint decision-making in West Germany between the federal government and its *Länder* (German provinces), Scharpf infers that institutional similarities were creating similar problems in both cases:

The contributions of institutional arrangements to the substantive deficiencies of joint policy making in West Germany and in the European Community are related to two simple and powerful conditions:

- central government decisions are directly dependent upon the agreement of constituent governments; and
- the agreement of constituent governments must be unanimous or nearly unanimous.

The German experience further suggests that the first condition may imply the second one, and that unanimity will evolve even in the absence of formal requirements.²⁰

The requirement for unanimity may, for example, stem from exclusive constitutional rights reserved by the *Länder*, while the federal government is the main agent in European-level decision-making. As a consequence of constitutional provisions, the least enthusiastic Land may determine the German national position on a particular issue in European negotiations.

While public choice theorists have pointed to a clear link between unanimous decision-making rules and Pareto-optimal outcomes,²¹ and a similar result holds for veto players, Scharpf argues that this only holds in a one-shot context. In a dynamic context, it matters what happens if no new agreement is formed. This is captured by the "reversion rule," which specifies what will happen if a decision-making body fails to reach a collective choice. There are two major options. The first (which we will refer to as reversion rule I) is that the status quo ante continues. Scharpf argues that in a dynamic environment, where circumstances change, "existing policies are likely to become sub-optimal."²² Yet, if the unanimity rule is combined with reversion rule I, existing policies "cannot be abolished or changed as long as they are still preferred by

20. Scharpf 1988, 254.

21. Buchanan and Tullock 1962.

22. Scharpf 1988, 257.

even a single member."²³ The second option (reversion rule II) is that the countries revert to individual decision-making. The latter is assumed by the LLAP. This conclusion echoes our earlier suggestion in the context of the discussion of veto players that the LLAP is partially different both from the veto player concept and from the JDT.

Scharpf concludes that "joint decision systems are doubly vulnerable to the consequences of non-agreement: they may be incapable of reaching effective agreement, and they may lose the independent capabilities for action of their member governments."²⁴ Thus, while the LLAP claims that the advantage rests with the least ambitious program, both the JDT and the theory of veto players suggest that the advantage rests with the status quo, regardless of whether the status quo is less ambitious than the alternatives or vice versa.

But unanimity does not automatically imply that the status quo prevails. While the JDT was developed during a period of pessimism about the stagnation of European politics in the mid-1980s, it is noteworthy that the increasing role of European environmental policy was in fact achieved under the unanimity rule.²⁵ This is at variance with the JDT. Two examples may illustrate this point. First, the Large Combustion Plant Directive of the EU was negotiated under the unanimity rule in the 1980s with the UK serving as the least ambitious actor. Over time, the UK was isolated by other member countries in Council negotiations by way of compensating former coalition partners of the UK. In an institutionalized setting like the EU it is crucially important whether an isolated country has the will to continue to insist on its ideal point, rather than make concessions. Ultimately, the isolated UK government decided in favor of concessions and agreement on the Directive. Second, by contrast, the introduction of catalytic converters in the EU for cars was originally negotiated under the unanimity rule and negotiations stalled over the regulation of small cars in the late 1980s. In this case, the coalition of laggard countries was sufficiently large, yet as the decision-making rule changed from unanimity to majority decision-making, agreement on an ambitious policy goal became possible.²⁶ Thus, both the JDP and LLAP were caught off guard.

Moreover, side-payments may play an important role for moving actor positions even under the unanimity rule by allowing resourceful actors to modify the positions of otherwise less ambitious actors.²⁷

4. The Limits of the LLAP

Few would deny that the logic of the LLAP is inherent in many cases of international cooperation. The LLAP has a strong intuitive appeal in that it explains, in

23. Scharpf 1988, 257.

24. Scharpf 1988, 258.

25. Knill 2003, 73–77.

26. Additional factors account for this favorable outcome. For details as well as more background material on both cases, see Knill 2003, 141–153.

27. Scharpf 1997, 143–145; and Grundig et al. 2001, 167–177.

an elegant and parsimonious way, why international environmental regimes are incapable of solving many problems of pollution and resource depletion. According to the LLAP, the main reason is that the unanimity rule places the final word with the party most likely to be dragging its feet. Hence, ambitious new regulation becomes unlikely.

However, despite its initial appeal, the LLAP does not *always* apply to international cooperation. This section discusses four reasons for this, and why we may sometimes have reasons to be more optimistic than the LLAP implies.

4.1 *The Decision Rule is not always Unanimity*

We have already seen that the LLAP—and, to a smaller extent, the JDT—presuppose that the relevant decision rule is unanimity. It is true that many international regimes and organizations use this rule. However, other decision rules are also commonly in use. In the EU Council of Ministers, for example, use of the unanimity rule is restricted to particular types of decisions and to certain issue areas, such as treaty amendments, admittance of new members and foreign affairs. In most other contexts the Single European Act and the Amsterdam Treaty authorize the Council to rely heavily on qualified majority voting,²⁸ where the votes of the member countries are being weighed roughly according to size.

Various types of majority voting are also used in the United Nations. The Economic and Social Council (ECOSOC) makes decisions by simple majority voting. The General Assembly also uses simple majority voting, except in particularly important matters (such as approving the UN budget), where a two-thirds majority is required. Finally, in the Security Council decisions are made by qualified majority voting, subject to the condition that no permanent member uses its veto.

These simple examples illustrate that various forms of majority voting are used in some of the world's most important and powerful organizations. However, it might be objected that the law of the least ambitious program is primarily intended for applications to international environmental regimes and that the above examples are therefore not right on target. Is this response justified?

It is certainly true that in a number of environmental regimes, decisions are primarily made by consensus or unanimity.²⁹ Breitmeier, Young and Zürn note that under the Antarctic Treaty, measures dealing with matters of common interest pertaining to Antarctica require approval by all Contracting Parties to become effective. Similarly, amendments to the Geneva Convention on transboundary air pollution in Europe must be adopted by consensus. Table 1 confirms that unanimity and consensus are indeed the most common decision rules in international environmental regimes. This is particularly striking for

28. Knill 2003, 113–116.

29. The remainder of section 4.1 draws extensively on Breitmeier, Young, and Zürn 2006, chapter 4.

Table 1.1

Decisions Rules in International Environmental Governance: Results from the International Regimes Database

<i>Decision Rule</i>	<i>Formal Decision Rule</i>		<i>Decision Rule in Practice</i>	
	<i>N</i>	<i>% of total</i>	<i>N</i>	<i>% of total</i>
No Decision Rules	233	14	43	3
Unanimity	443	27	275	21
Consensus	330	20	754	58
Weighted/Unweighted Voting	47	3	5	0
Qualified Majority	360	22	104	8
Simple Majority	55	3	15	1
Right to Opt-Out, File Objection	166	10	95	7
Total	1,634	100*	1,291	100*

Adapted from tables 4.1 and 4.2 in Helmut Breitmeier, Oran R. Young, and Michael Zürn (2006). Reprinted with permission by the authors and MIT Press.

*Differences due to rounding. For each regime element, more than one decision rule may apply.

rules that are actually used in practice (unanimity or consensus is used in 79% of the cases). As for the formal decision rules specified in treaties or conventions, unanimity or consensus are found in 47% of the cases.

However, Table 1 also demonstrates that not *all* environmental regimes use the unanimity or consensus rules. A case in point is the International Whaling Commission (IWC), where amendments to what is known as the Schedule requires a three-fourths majority of those members voting, whereas other IWC decisions only requires a simple majority among the members voting. Similarly, amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) requires a two-thirds majority of Parties present and voting. Finally, the Vienna Convention for the Protection of the Ozone Layer states that, if efforts to reach consensus on a proposed amendment fail, the amendment may as a last resort be adopted by a three-fourths majority of the Parties present and voting. In short, even in the realm of international environmental regimes, it is clear that other decision rules coexist with unanimity and consensus.

4.2 *The Alternative to Agreement is not always Individual Decision-Making*

Reversion rule I often makes it easier—sometimes dramatically easier—to retain a measure once it has been introduced, than to have it introduced in the first place.³⁰ This effect of reversion rule I is extreme under decision-making by una-

30. With reversion rule II, by contrast, this is not the case.

nimity. The reason is that each party is able to veto any proposal to introduce new regulations. In keeping with the LLAP, this leaves the final word with the least enthusiastic party. However, once a regulation has already been approved, the situation changes dramatically. The party that *most* wanted to have the measure introduced now has it in its power to prevent it from being abolished. Thus, the final word has been transferred from the *least* enthusiastic to the *most* enthusiastic party—such as continued French support for farming subsidies.

Similar effects may arise even if the decision rule is not strictly unanimity. Consider the United Nations' Security Council, where a decision requires a majority of 9 votes (out of 15), while each of the five permanent members has a veto.³¹ Combined with reversion rule I, this decision rule entails a strong asymmetry between introducing a measure and abolishing it. Consider the economic sanctions against Iraq which were introduced after Saddam's invasion of Kuwait in 1990. Any permanent member of the Security Council could—at least in principle—have prevented these sanctions from being *imposed* by using its veto. However, no single member of the Security Council had it in its power to get the sanctions *lifted*. Once sanctions had been imposed, it was the *lifting* of sanctions that required support from at least 9 Council members, plus no veto from any of the veto powers. In effect, each of the permanent members had it in its power to ensure the *continuation* of the sanctions. Hence, the imposition of sanctions effectively shifted the final word from the skeptics to the proponents of sanctions.

A second example is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), where a two-thirds majority is required to impose a complete ban on trade by adding the species to Appendix I. Since a two-thirds majority is also required to *remove* a species from Appendix I (meaning that reversion rule I is being used), it takes only one-third of the votes (plus one) to ensure that a species is *retained* in Appendix I, assuming that it is already on the list. Because a proposal to *remove* a species from Appendix I is less ambitious than one aiming at *retaining* a species there, this is another case where the decision rule does not always favor the least ambitious program.

The LLAP implicitly assumes that the alternative to agreement is individual decision-making. The reason is probably that the primary focus of the LLAP is the adoption of new institutions. This is no doubt an important aspect of the politics of international cooperation, to which the LLAP applies. Once established, however, international organizations and regimes routinely consider proposals to amend or abolish previously introduced regulation. In cases of the latter category, the no-agreement point is often reversion to the status quo,

31. A second example is the International Monetary Fund, where certain types of decision require an 85% majority. Because votes are weighted according to the size of each member's quota (deposit) in the fund, this system gives the United States—which has 17% of the votes—an effective veto. The same is true for the European Union, which, acting as a block, has 31% of the votes (Gerster 1993, 123).

rather than individual decision-making. In particular, this is true if the exit option is foreclosed in practice.³²

4.3 The Unanimity Rule does not always Favor the Least Ambitious Program

It goes without saying that the least ambitious program does not necessarily come out the victor in organizations and regimes where decisions are made by some kind of majority voting, since the least ambitious program may then simply be rejected—provided, of course, that more ambitious countries control a sufficient number of votes. However, the least ambitious program does not necessarily prevail in contexts where the unanimity rule applies either. The LLAP implicitly assumes that moving away from the status quo invariably is more ambitious (i.e., entails more cooperation) than the status quo itself. While this is no doubt true in many contexts, there are certainly exceptions. A case in point concerns treaty amendments in the European Union. Jonas Tallberg explains how the European Court of Justice (ECJ) and the EU Commission in the late 1980s were able to take decisive steps to reinforce the structure of decentralized enforcement. Through a series of decisions, the ECJ strengthened the hand of individuals wanting to enforce their EC rights in national courts. At the same time, the Commission launched a number of policy initiatives in order to ameliorate weaknesses in the existing structure of decentralized enforcement.³³ In reaction to these developments, some member countries wanted to clip the wings of the EU institutions. For example, at the 1996/97 inter-governmental conference, “a group of governments led by the UK openly proposed a revision of the Court’s competences, including measures that were directed at limiting the effects of the . . . decision on state liability.”³⁴ Specifically, the UK proposed that the conference should decide (i) to limit member state liability for breaches of EC law to cases of grave and manifest disregard of a Community obligation, (ii) to explicitly state the Court’s power to limit the retrospective effect of judgments, and (iii) to extend governments’ capacity to apply national time limits to cases based on EC law.³⁵ Clearly, these proposals constituted a program that was *less* ambitious than doing nothing, since they would have imposed certain limitations on the ECJ’s discretionary powers. The situation is illustrated in Figure 2, where *uk* represents the program proposed by the United Kingdom. Neither of the British proposals was in fact adopted by the inter-governmental conference. It proved impossible to muster anything near unanimous support from all member governments. In this case, therefore, the least ambitious program did *not* prevail. It is worth noting that this outcome did not materialize *in spite of* the

32. Scharpf 1988. Notice, however, that exit from an environmental treaty might be less costly than exit from a complex organization such as the European Union.

33. Tallberg 1999, 193.

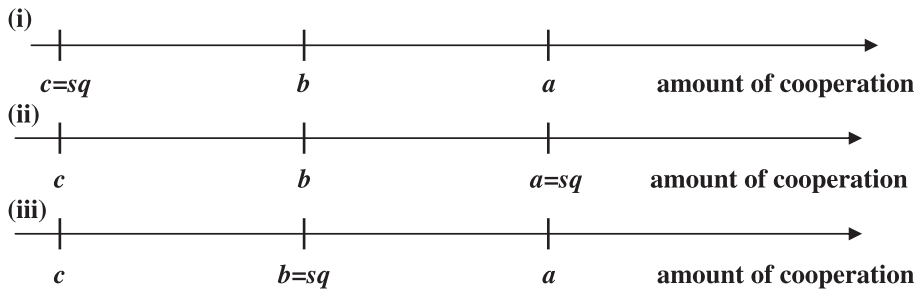
34. Tallberg, 1999, 233.

35. Tallberg 1999, 235.

Figure 2.



Figure 3.



unanimity requirement, but rather *because of* it. Hence, the unanimity rule does not always favor the least ambitious program.

By contrast, both the UK and other countries supporting these proposals for reform (such as France and Germany) have it in their power to block a future attempt to provide the ECJ with *additional* supranational powers (by way of treaty amendments). In other words, the effect of the unanimity rule in the European Union is not so much that it favors the least ambitious program, as that it introduces a strong conservative element. It is true that the unanimity rule can be a barrier against deepening or widening cooperation. However, it can also obstruct movement in the opposite direction.

There is reason to believe that this example is far from unique. To see why, we introduce a simple model. Consider an international decision-making body with three members—A, B and C. Assume that the unanimity rule applies and that each member has proposed a program for reform. Denote these programs *a*, *b*, and *c*, and assume that *a* is more ambitious than *b*, which in turn is more ambitious than *c*. Finally, assume that reversion rule I applies, so that the status quo prevails if the parties are unable to reach an agreement.

There are two main categories of cases. In the first, one party proposes a program of no reform (i.e. to preserve the status quo). This leads to three possibilities, as shown in Figure 3. In case (i), the status quo is the least ambitious program (*c*), and state C can achieve its most preferred outcome simply by vetoing each of the other two proposals. Program *c* is therefore the likely outcome, which is in keeping with the LLAP. In case (ii), however, the status quo is the *most* ambitious program (*a*). Here the advantage rests with the most ambitious party (state A), which is in a position to ensure that *a* prevails by blocking the

Figure 4.

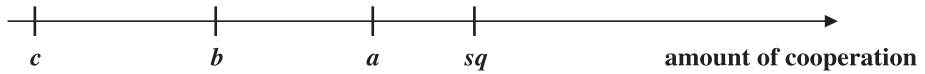
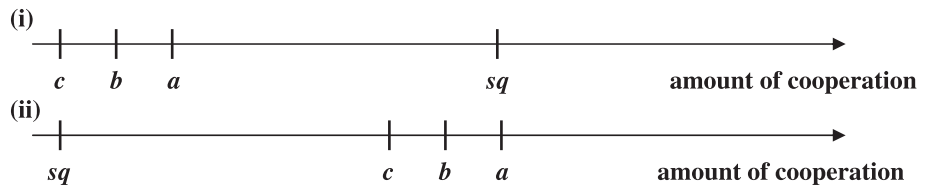


Figure 5.



other two proposals. Similarly, in case (iii) the *status quo* is the middle program (b), which is therefore the likely outcome.³⁶ In short, if one of the proposed programs is one of no reform, then this program is also likely to be the collective decision. This is in keeping with the JDT and the veto player concept, but not necessarily with the LLAP, since the status quo might be the least ambitious program, the most ambitious program, or neither.

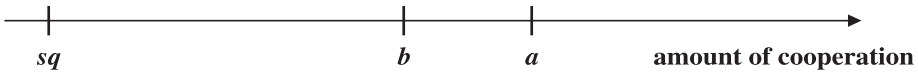
The second main category consists of cases where all three programs differ from the status quo. Here the outcome depends on a number of more specific aspects of the situation. Thus, to predict what the collective decision will be, we need to make more detailed assumptions. One possibility, shown in Figure 4, is that one and only one program (a) is preferred to the status quo by all parties. Because A prefers the status quo to b and c , it will rationally veto both of the latter programs. The real choice for B and C is therefore one between a and sq . Since they both prefer a , this is arguably the most likely outcome—even though it is far from the least ambitious program.

A second possibility is that more than one program is preferred to the status quo by all parties. Two situations of this type are shown in figure 5. In both of the cases shown in Figure 5, all three proposals for reform are preferred to the status quo by all parties. Which proposal will prevail depends, inter alia, on whether any of the parties is in a position to make a take-it-or-leave-it offer. However, we know from a number of sources—including Underdal's own work—that the parties might also fail to reach an agreement.³⁷ If no agreement is reached, the status quo will prevail regardless of whether it is more or less am-

36. The debate surrounding the future of the Kyoto Protocol for the period after 2012 may be an interesting case in point. As unanimity is the prevailing rule within the UN Framework Convention of Climate Change, there appears to be no way to remove the climate change issue from the international agenda—not even by a powerful actor such as the USA.

37. For example, see Iida 1993; Schneider and Cederman 1994; and Underdal 1983.

Figure 6.



bitious than the proposed programs. But even if the parties manage to agree on one of the reform programs, it is by no means clear that they will settle for the least ambitious program (*c*).

4.4 The Outcome might Depend on the Voting Sequence

We have seen that the unanimity requirement in combination with reversion rule I tends to create a strong bias in favor of the status quo, but that this does not always favor the least ambitious program. However, it should be noted that combining the unanimity rule with reversion rule I does not *guarantee* a status quo result. In fact, it does not even rule out victory for the most ambitious program. One reason for this is that the success of a given proposal depends not only on the *decision rule* (unanimity or otherwise), but also on the *voting sequence*. In Figure 6, *a* and *b* are alternative proposals for reform that reflect the ideal points of an organization's two members (or groups of members), A and B. As before, the status quo is labeled *sq*. Note that both states prefer both reform programs over the status quo. Assume that reversion rule I applies, so that the status quo is also the no agreement point, and that neither A nor B is in a position to make a (credible) take-it-or-leave-it offer. Suppose for a minute that the voting order is *ab*, meaning that the parties first decide whether to adopt program *a*. If vetoed, *a* is rejected and the parties proceed to vote on program *b*. If *b* is rejected as well, then the outcome is *sq*. Under these assumptions, the likely outcome is *b*. Although B prefers *a* to *sq*, it knows that if *a* is rejected, then A can do no better than vote in favor of *b*. Hence, the result is that B vetoes *a*, after which *b* is unanimously adopted. In other words, with the voting order *ab*, the outcome is in keeping with the LLAP (unless *sq* is also considered a program).

However, suppose that the voting sequence is reversed, so that *b* is put up for adoption first. Knowing that B prefers *a* to *sq*, A can now safely veto *b*, foreseeing that once *b* has been rejected, *a* will obtain unanimous support. Thus, with the voting order *ba* the outcome will be the *most* ambitious rather than the *least* ambitious program.

5. Conclusion

Arild Underdal's work on the LLAP is a significant contribution to our understanding of the logic of international cooperation. However, in this article we

have pointed out that the LLAP applies only under particular conditions. This paper has discussed four limitations of the LLAP. First, the LLAP presupposes that the decision rule used in international regimes and organizations is typically that of unanimity. While it is true that this rule is widely used, in a sizeable proportion of international bodies (including the EU and the UN), decisions are being made by some kind of majority voting. Second, the LLAP presupposes that the no-agreement point is individual decision-making (reversion rule II), rather than some pre-existing collective arrangement (reversion rule I). However, many organizations do in fact use reversion rule I, which tends to favor the status quo *regardless* of whether the status quo is more or less ambitious than the proposed reform program(s). Third, the LLAP assumes that the unanimity rule favors the least ambitious program. Whereas this is often true, there are also interesting cases that do not fit this description. Finally, the LLAP overlooks the fact that the outcome of international decision-making not only depends on the decision rule and the reversion rule, but also on the voting sequence. Thus, regardless what the reversion rule is, use of the unanimity rule provides no *guarantee* that the least ambitious program will prevail. Thus, we hope to have shed some light on why we sometimes may be more optimistic than the LLAP implies.

References

- Barrett, Scott. 2003. *Environment & Statecraft. The Strategy of Environmental Treaty-Making*. Oxford: Oxford University Press.
- Breitmeier, Helmut, Oran R. Young, and Michael Zürn. 2006. *Analyzing International Environmental Regimes: From Case Study to Database*; Cambridge, MA: The MIT Press.
- Buchanan, James M., and Gordon Tullock. 1962. *The Calculus of Consent. Logical Foundations of Constitutional Democracy*. Ann Arbor, MI: University of Michigan Press.
- Gerster, R. 1993. Proposals for Voting Reform within the International Monetary Fund. *Journal of World Trade* 27: 121–136.
- Grundig, Frank, Hugh Ward, and Ethan P. Zorik. 2001. Modeling Global Climate Negotiations. In *International Relations and Global Climate Change*, edited by Urs Luterbacher and Detlef F. Sprinz, 153–181. Cambridge, MA: The MIT Press.
- Iida, Keisuke. 1993. Analytic Uncertainty and International Cooperation: Theory and Application to International Economic Policy Coordination. *International Studies Quarterly* 37:431–457.
- Knill, Christoph. 2003. *Europäische Umweltpolitik: Steuerungsprobleme und Regulierungsmuster im Mehrebenensystem* [European Environmental Policy]. Opladen: Leske + Budrich.
- Mattila, Mikko, and Jan-Erik Lane. 2001. Why Unanimity in the Council? A Roll Call Analysis of Council Voting. *European Union Politics* 2 (1): 31–52.
- Peters, B. Guy. 1997. Escaping the Joint-Decision Trap: Repetition and Sectoral Politics in the European Union. *West European Politics* 20 (2): 22–36.
- Scharpf, Fritz. 1988. The Joint-Decision Trap: Lessons from German Federalism and European Integration. *Public Administration* 66: 239–278.

- Scharpf, Fritz W. 1997. *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*. Boulder, CO: Westview Press.
- Schneider, Gerald, and Lars-Erik Cederman. 1994. The Change of Tide in Political Cooperation: A Limited Information Model of European Integration. *International Organization* 48: 633–662.
- Tallberg, Jonas. 1999. *Making States Comply*. Lund Political Studies: 109.
- _____. 2000. Supranational Influence in EU Enforcement: The ECJ and the Principle of State Liability. *Journal of European Public Policy* 7: 104–121.
- Tsebelis, George. 2002. *Veto Players: How Political Institutions Work*. Princeton, NJ: Princeton University Press.
- Underdal, Arild. 1980. *The Politics of International Fisheries Management: The Case of the North-East Atlantic*. Oslo: Scandinavian University Press.
- _____. 1983. Causes of Negotiation Failure. *European Journal of Political Research* 11: 183–195.
- _____. 1998. Introduction. In *The Politics of International Environmental Management*, edited by Arild Underdal, 1–12. Dordrecht: Kluwer.
- Ward, Hugh, Frank Grundig, and Ethan R. Zorick. 2001. Marching at the Pace of the Slowest: a Model of International Climate-Change Negotiations. *Political Studies* 49: 438–461.
- Young, Oran R., ed. 1999. *The Effectiveness of International Environmental Regimes. Causal Connections and Behavioral Mechanisms*. Cambridge, MA: MIT Press.