

Performing Symbolic Politics and International Environmental Regulation: Tracing and Theorizing a Causal Mechanism beyond Regime Theory

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Introduction and Overview

Since the 1990s, regime theory (RT)² has become the major theoretical approach for analyzing transboundary water politics and environmental policy. Transboundary water issues, in particular, have become a prominent policy field for regime theory. Large research programs in Europe and North America started to share their theoretical concepts and empirical findings. This has led not only to theoretical differentiation and sophistication,³ but also to an impressive accumulation of empirical knowledge.⁴

This article applies the sophisticated theoretical apparatus of RT to a very successful early international water protection regime in order to reveal the limits of the functionalist and policy-centered assumptions of regime theory. First, it is demonstrated that existing approaches in RT cannot explain the observed regulatory outcomes. Moving beyond RT, the study emphasizes the symbolic and policy-centered features of transboundary water governance. This study shows political leaders drew up transboundary water regulations to symbolize and legitimize the institutionalization of a new transboundary polity idea. This

1. This article draws heavily on empirical information in an earlier report (Blatter 1994) financed by the European Commission (DG XII) and the Swiss Ministry for Education and Science. More extensive documentation of sources can be found in that document. I want to thank the 20 people at Lake Constance with whom I conducted interviews (for a full list see Blatter 1994, 84) and the anonymous reviewers for *Global Environmental Politics*. Finally, I would like to thank Ronald Mitchell for polishing the language style of the manuscript.
2. Krasner 1983; Zürn 1992; Haggard and Simmons 1987; Rittberger and Mayer 1993; Levy, Young, and Zürn 1995; Hasenclever, Mayer, and Rittberger 1996; and Zürn 1998.
3. Hasenclever, Mayer, and Rittberger 1996; and Young 1999.
4. Breitmeier, Young, and Zürn 2006.

article develops the conceptual logic and scope conditions for this causal mechanism, which simultaneously complements and challenges RT.

The article starts by reviewing the impressive record of environmental achievements on Lake Constance, the third largest lake in Western Europe, bordered by Germany, Switzerland and Austria. Next, it focuses on motorboat regulation, a field of regulation in which Lake Constance has been the initiator and frontrunner. The theoretical and methodological reason for analyzing motorboat regulation is that it allows isolation of a new causal mechanism. To do this, the article demonstrates the inability of existing theories to explain the international agreement on very strict emission norms for motorboats. International environmental regime theory provides a spectrum of explanatory approaches and is clearly the place to look for explanatory frameworks. Nevertheless, different rationalist explanations would not lead us to expect any transboundary agreement on strict norms. Neither the facilitating structures nor the fundamental preconditions on which these approaches concentrate exist at Lake Constance. The normative-cognitive approaches within RT fare somewhat better with the predictions derived from these theories being fairly consistent with the empirical processes. The “epistemic community” approach seems particularly able to explain transboundary agenda-setting and institution-building. Yet, the “advocacy coalition framework” developed outside RT provides a conceptual lens that reveals a much fuller picture of the transboundary structures and processes at Lake Constance. However, this conceptual lens, which—like all RT approaches—also focuses on the policy field, does not capture the specific mechanism which led to the breakthroughs in transboundary motorboat regulation, since the breakthroughs can only be understood if we look outside the field of water governance.

Having exhausted all established explanatory theories, the analysis shifts from a deductive to an inductive approach. First, I recapitulate the timing of motorboat regulation on Lake Constance. This narrative concentrates on demonstrating that the transboundary breakthroughs took place when European integration on the continental level stimulated formation of transnational political communities and institutions in the borderlands—in this case the emergence of a Euregio Bodensee (Euroregion Lake Constance), and not when the environmental debates on motorboats peaked. The historical account concentrates on revealing the temporal congruence between Euregio development and motorboat regulation and the non-congruence between policy discourse and regulation because theoretically I want to emphasize the importance of polity-in contrast to policy-contexts. Methodologically, this corresponds to George and Benett’s “congruence method.”⁵ It complements the ruling out of rival explanations in the first sections of the article. To fulfill the demands of a “congruence analysis” as characterized by Blatter and Blume,⁶ I provide empirical evidence, which indicates the motivations that led from Euregio develop-

5. George and Bennett 2005, 181–185.

6. Blatter and Blume 2008, 326.

ment to motorboat regulation. In a second step, the causal mechanism and scope conditions are specified and formulated in more abstract terms to make them generalizable beyond the specific case. The concept of “performance” from cultural sociology is introduced as an appropriate theoretical causal mechanism.

In the concluding section, I look at the potential for generalizations from the case study. Examples from other transnational watercourses indicate that this causal mechanism applies beyond Lake Constance. I conclude by arguing that although pragmatic researchers in the field of international environmental regulation may use the findings to complement established approaches and identified mechanisms in international environmental regime theory, for theory oriented researchers they have to be seen as a fundamental challenge to such a policy-centered approach.

Lake Constance—A Frontrunner in International Water Governance

With a volume of 50 km³, Lake Constance is the third-largest lake in Western and Central Europe. Its entire watershed encompasses 11,500 km² and most inflow comes from the Alpine Rhine on the Swiss and Austrian side of the lake.⁷ Lake Constance serves as an important reservoir of drinking water and as a tourist destination—functions that are especially important for the German side of the lake. Germany, Switzerland and Austria have never agreed on a fixed boundary on the lake. Austria and Germany consider the lake to be a condominium, an area over which littoral states should exercise sovereign rights jointly without dividing it up into “national” zones. Switzerland’s rejection of this view has prevented the boundary issue from ever being settled.⁸

The cooperation of these states in water conservation is one of the earliest international environmental conservation regimes.⁹ In 1960, the German Länder Baden-Württemberg and Bavaria, the Republic of Austria, the Swiss Confederation and the Swiss Cantons of St. Gall and Thurgau signed an international agreement on water conservation and established a joint commission, the International Water Conservation Commission for Lake Constance (Internationale Gewässerschutzkommission für den Bodensee—IGKB).

It is not only one of the first, but also one of the most successful international environmental regimes.¹⁰ In the 1960s, there was considerable concern about the potential biological collapse of the lake¹¹ but by the end of the 1990s the waterworks at Lake Constance began selling its water as high quality table water.¹² Two fields of cooperation stand out. First, through a joint construction and investment program, the littoral states and cities have invested about

7. IGKB 2004.

8. Graf-Schelling 1978.

9. Strübel 1992, 42.

10. Müller 1991.

11. IGKB 2004, 1.

12. *Südkurier*, 8 August 1997, p. 12.

€4 billion in wastewater treatment plants since the 1960s. This program preceded and stimulated similar policies within the involved states. It led to a full turnaround with regard to eutrophication—the level of phosphorus in the lake has now reached 1950 levels after being 10 times as high in the 1970s. This turnaround had very positive consequences for fish stocks in the lake. Extinct or almost extinct species returned.¹³ Second, the IGKB introduced a full-fledged ecosystem approach to cross-border water governance in 1987, requiring that the entire range of factors, which influence the Lake Constance ecosystem be taken into account. Strict regulations for agriculture in the catchment area led to a significant reduction of pesticide levels in the lake during the 1990s. Strong restrictions have been placed on new (harbor) facilities on the shoreline, and about 25 km of shoreline has been renaturalized on the German side of the lake alone. Regional plans, which aim to discourage urban settlement from the environmentally sensitive shoreline were initially implemented on the German side and since have been adopted by Austria and Switzerland. In this respect, the transboundary Lake Constance regime has not only been a leader in comparison to other international regimes, but also in comparison to national policies.¹⁴

The Lake Constance region was not only a frontrunner in raising public investment for environmental conservation and in programmatic innovation, but also in regulatory policies. By 1973, two-cylinder motors over ten horsepower were banned for reasons of water conservation. Although this measure was early and unique, it was not particularly consequential. But in 1991, strict emissions standards for new motorboats were negotiated. A first stage of regulations went into effect on January 1st, 1993, followed by a second with even higher standards in 1997. At the time, these standards were unique in the world and were heavily contested by the motorboat users and boat builders of Lake Constance. The boat construction industry claimed that motorboat sales dropped 60 percent after adoption of the regulations.¹⁵ As detailed below, the most important consequence of the regulations has been to curb the steady rise in new boats on the lake. This reduces the pressure on the ecologically sensitive shore lines and shallow water zones. Even more important, the regulations stimulated similar regulations in the Swiss Confederation and the European Union.¹⁶ Although the Swiss adopted the restrictive norms from Lake Constance, the EU adopted less strict regulations.¹⁷

In sum, the environmental results of international water governance at Lake Constance are quite impressive and support the conclusion that international action precedes and prompts environmental regulations within the na-

13. IGKB 2004, 1, 19, and 32.

14. IGKB 2004, 4, 26, and 41.

15. Commission of the European Communities 2000.

16. Schweizerische Eidgenossenschaft 2006, 15; and Commission of the European Communities 2000.

17. Horn et al. 2005, 23–23.

tional domain.¹⁸ Yet, the successful transboundary investments and regulations cannot easily be explained. In the next sections of this article, I demonstrate that all major rationalist approaches in regime theory fail to explain the agreement on strict emission norms. Even the established normative-cognitive accounts do not capture the decisive momentum for the breakthroughs in the international negotiations.

I evaluate the ability of rationalist and normative-cognitivist approaches of RT to explain the strict emission regulations by concentrating on core elements of these approaches. I briefly sketch these core elements at the beginning of each section and then present the empirical evidence. These “barebones” descriptions of major explanatory approaches might be perceived with suspicion by those who have further developed these approaches by complementing the presented core elements with further assumptions and specifications in order to gain an integrated and comprehensive explanatory approach. Nevertheless, it should appeal to those who acknowledge the importance of the focusing and framing function of theories for research and practice.¹⁹

Limited Evidence for Interest-Based Explanations

As Hasenclever, Mayer and Rittberger²⁰ point out, rationalist or interest-based approaches to regime analysis are based on a functionalist argument. In contrast to simple functionalism in which international cooperation is explained by “problem pressure,”²¹ for rationalists, the need for joint regulation is a necessary but not sufficient precondition for an international regime to arise. Rationalists assume that cooperation is difficult to realize and takes place only in situations where interdependencies create common interests. Such “problematic situations” are characterized by the fact that the rational pursuit of individual interests can lead not only to collectively irrational results, but also to sub-optimal results from the viewpoint of the individual actor compared with the results that could be achieved through cooperation.²² For liberal contractualists, international regimes are key instruments for overcoming collective action problems and achieving joint gains by reducing transaction costs, while enhancing the costs of cheating. For rational actors, participation in an international regime without experiencing “problematic situations” does not make sense. It would limit their autonomy of action in the absence of urgent reasons, and it leads to transaction costs without additional profits. Therefore, the first question to be examined is whether there exists a) an environmental problem (“problem pressure”) and b) transboundary interdependency (a “problematic situation”) with regard to motorboats on the lake. I will show that for each envi-

18. Meyer et al. 1997.

19. Blatter and Blume 2008, 344.

20. Hasenclever, Mayer, and Rittberger 1996, 186.

21. List 1991, 9–10.

22. Zürn 1992, 154–155.

ronmental issue at Lake Constance one of these two preconditions is missing. This provides a first blow to rationalist explanatory approaches. In a second step, I turn to the main explanatory factors put forth by the three dominant strands of rationalist RT. Once again, we detect little congruence with what these approaches presume to be necessary for creating a strict international environmental norm.

A Functional Need for Transborder Regulation of Motorboats?

Environmental agencies differentiate between two types of environmental harm to the lake caused by the 55,000 ships and boats which have permission to use the lake: a) ecosystemic destruction and b) chemical-toxicological pollution.²³

Ships and boats cause ecosystemic damage by destroying wildlife habitat. Particularly important is the use of shallow water areas for harbors, docks, and buoy fields. All these facilities lie in important shallow water zones (Flachwasserzonen), and cause damage to their ecological functioning. Since they are contact zones between land and water, shallow water areas near shore constitute particularly varied and species-rich biospheres. Boats harm the ecosystem not only through the physical use of these facilities, but also by driving away water birds. Lake Constance fulfills important functions for a specialized community of flora and fauna. It is a resting place for migrating fowl and winter quarters for 300,000 water birds that fly in from Northern and Eastern Europe and Western Siberia. Disturbance of these water fowl can prevent them from recovering sufficiently for their annual migratory flights.²⁴

Hydrocarbons introduced by boat motors are the primary toxic pollutants. These are toxic for water organisms even in relatively small concentrations. According to disputed calculations in one IGKB report,²⁵ emissions from ships and boats in 1980 added 1,120 tons of light hydrocarbons and 42 tons of heavy hydrocarbons. In addition, in 1980 the following additional pollutants were released: 2,860 tons of carbon monoxide, 335 tons of nitrous oxide, 38 tons of sulfur dioxide and 1.3 tons of lead compounds (which were released into the water and the atmosphere).²⁶

Does this pollution of Lake Constance constitute a collective action problem that requires the creation of transborder regulations? At first glance, it would seem to, since the boats cross water that does not belong to any one state. On closer examination, however, it becomes less clear since there is only considerable transborder interdependency with regard to the toxic pollution of the water. The interdependency with regard to toxic pollution is due to the fact that the water in the lake is a truly common good. Because of the flow of the water and the lack of an agreed boundary, the littoral states depend on each other to main-

23. Umweltministerium Baden-Württemberg 1992.

24. Deutsche Umwelthilfe 1991.

25. IGKB 1982, 16.

26. IGKB 1982, 18.

tain water quality at a level that does not endanger its use as drinking water. With uncoordinated regulation, each side must fear that the other side will profit as a free-rider from its protective measures without having to limit its own use of boats. As a consequence, we can conclude that a “problematic situation” in the sense of functional interdependence exists.

Nevertheless, there exists considerable evidence that the situation is not as problematic in terms of environmental harm. Critics of the regulation could point to the Lake Constance waterworks which strongly opposed motorboats on the lake even as it stressed the high quality of the water and that no toxic contamination had ever been measured in the lake.²⁷ Thus, there was never strong “problem pressure” in the sense of clear-cut evidence of toxic impact from motorboats. It will be shown later why it has been perceived as a threat anyway and why it has motivated and legitimized emission regulation. Further evidence for the claim that the first precondition for necessary joint regulation (“problem pressure”) is not fulfilled comes from an extensive 2005 study commissioned by the German Environmental Ministry. This study found that pollutant contamination from standard motorboats “lies below the previously known insignificance threshold values of health risk,” and declared that (regulation induced) improved technology “would be primarily an improvement in air quality; the assessment of the pollutants entering the water clearly shows that the current situation is already to be classed as less critical.”²⁸ This external study challenged the conclusions of the earlier IGKB report. In sum, for toxic pollution, there was a “problematic situation” in terms of interdependencies, but no real “problem pressure” in terms of clear evidence that environmental harm was being caused by motorboat emissions.

In contrast to toxic pollution, there is strong evidence that boats and boating facilities produce considerable damage to the lake ecosystem. For example, already by the 1980s, boating facilities had a much larger share of the German shoreline than the remaining natural habitats.²⁹ Yet, the transnational interdependency is quite limited in this respect, and there is no pressing need for joint regulation. In this case, the littoral states face the “same problem,” but not a “shared problem.” This assessment rests on the following considerations. First, all ecologically important zones on the lake’s shore are clearly assigned to a specific jurisdiction, and national and local administrations have the sovereignty to regulate development in these zones. All sides agree that the shallow water zones do not fall under the condominium rule. Furthermore, there exist no strong interdependencies across the lake with regard to damage or ecosystems. Damage to flora and fauna arise primarily from boat berths, buoy fields and the transport of people and boats to the lake. German shallow water zones, for instance, are only marginally damaged by Swiss boats. There is a problem of

27. IBMV-Inside 1992, 2

28. Horn et al. 2005, 96–97.

29. Blatter 1994, 20.

ecological damage caused by boats for all states, but the damages occur almost exclusively through activities of their own nationals and can be addressed autonomously. Furthermore, the main international ecosystemic interdependency is not between the habitats of the littoral states (the function of habitats on one side are not significantly affected by destruction of similar habitats on the other side). Instead, the primary ecosystemic interdependency exists between specific parts of Lake Constance and habitats in Northern Europe because of the lake's role as an important stopover for migratory birds.

Strong evidence exists that one or the other of the two fundamental assumptions of rationalist approaches for explaining international regimes—problem pressure in the form of clear evidence of environmental harm and a problematic situation in terms of transboundary interdependence—cannot be found at Lake Constance for the problems caused by motorboats. With regard to toxic pollution, there is interdependence but no evidence for environmental harm. With regard to damage to ecosystems, boats and boat facilities do harm habitats, but it is questionable whether a need for joint action exists. One could claim that rationalist explanations do not require such an objective need for international cooperation—all that is necessary is a perceived need and a political preference for joint regulation. Nevertheless, for those who advocate clear-cut and falsifiable theories, the existence of objective functional interdependencies is an important distinction from cognitive approaches that—in contrast to rationalist accounts—concentrate on the creation of problem perceptions and preferences. We will take up these issues again when we evaluate cognitivist approaches for explaining the regulations for Lake Constance. To evaluate the explanatory power of rationalist approaches, we now turn to the central explanatory factors within specific strands of rational RT.³⁰

Facilitating Situation-, Two-Level- or Power-Structures?

A “situation structuralist” account focuses on the interest constellation of the involved states and assumes that the situation in a specific policy field determines the constellation of state interests, the likelihood of regime formation, the obstacles to cooperation and the form of the regime.³¹ The likelihood of regime formation increases if the situation requires solely coordination, but not collaboration. This is the case when the states only have to agree on a joint standard, but have no incentive to free-ride or cheat afterwards. The likelihood of regulation decreases if the situation involves a “Rambo game”—an interest constellation in which one side has much less interest in joint regulation than the other(s).

30. The discussion of a fourth rationalist approach—the “problem structuralist” approach which focuses on the nature of the interests involved and the nature of the conflict at hand (Hasenclever, Mayer, and Rittberger 1996, 190–193) is not included here due to space restrictions.

31. Hasenclever, Mayer, and Rittberger 1996, 187–190; Zürn 1992; and Young 1989

What kind of situation characterizes Lake Constance? A look at the strength and the distribution of user and conservation interests in the littoral states reveals considerable asymmetry: First, user interests are stronger in Switzerland than in other countries. We cannot distinguish among different countries' motorboat users, since there were many boats and high growth rates in boat use on all sides of the lake. However, we can distinguish if we consider motorboat producers. Producer interests (i.e. boat builders and wharves) are primarily located in Switzerland, especially in the Canton of Thurgau.³² Second, conservation interests are much stronger in Germany than in other countries. The German Land of Baden-Württemberg's four million inhabitants depend on Lake Constance for drinking water. Conversely, Austria's Vorarlberg draws no drinking water from Lake Constance. The bordering Swiss Cantons draw considerable water from, but are less dependent on, Lake Constance than Baden-Württemberg. This external, "quasi-objective" viewpoint suggests the littoral states have quite asymmetric interests, with strong interests in water conservation in Baden-Württemberg, but much less interest in Switzerland and Austria. In conclusion, the situation structure is not only characterized by the fact that motorboat regulations require collaboration, not just coordination, since the norms are not self-enforcing. The situation is further complicated by an asymmetry of interests between the littoral states.

This "objective" characterization of interests based on user and conservation interests is reinforced by examining the revealed preferences of the littoral states. Although public opinion, politicians and the negotiating authorities in Germany and Austria advocated restrictive regulation of boats, the government of Switzerland and of the Canton of Thurgau were against limiting boat usage, and therefore blocked agreement on transborder regulation for an extended period.³³ Overall, we can conclude that the "situation structure" created by the constellation of interests among the littoral states was not symmetric, and therefore agreement on strict norms is not consistent with the predictions of this approach.

Some rationalist approaches relax the unified actor assumption and take the interests of a variety of actors within involved states into account.³⁴ In the Lake Constance case, a possible explanation for the strict regulations would be that state executives used their "gate-keeper" position between domestic and international politics strategically to break domestic resistance against a preferred policy. Indeed, there is much evidence that the representatives of water conservation authorities used their membership in the IGKB to ally themselves across borders to increase their ability to resist the powerful boating lobby. We address this in more detail when we discuss the epistemic community approach. In evaluating the explanatory power of the strategic two-level game approach, re-

32. Blatter 1994, 30–32.

33. Blatter 1994, 45 and 57.

34. Young and Levy 1999, 26–28; and Zangl 1994.

call that the strategic use of the “gate-keeper-position” by state executives has two preconditions. First, there must be only one international negotiation arena. Second, national delegations must share a unified policy preference. If one of these preconditions is not met, strategic use of the “gate-keeper-position” is not possible. Neither precondition can be found in the Lake Constance case. First, there are three transnational negotiation arenas across the lake. In addition to the water conservation commission (IGKB), which draws members from specialized departments of the participating states, Länder and Cantons, there is an International Commission of Navigation for Lake Constance (Internationale Schifffahrtskommission für den Bodensee—ISKB), which is formally responsible for regulating boats on the lake. The members of this commission are drawn from different departments within their respective governments and represent different interests, goals and tasks than those in the IGKB. Furthermore, the German federal government, not the Länder, signed the treaty that created the ISKB. Therefore, we have different functional departments and different governmental levels involved in the two commissions. Finally, the International Lake Constance Conference (Internationale Bodenseekonferenz—IBK), which brings together the heads of the governments from all littoral Länder and Cantons, played an important role in the negotiations. This diversity of relevant international commissions and networks with members from various levels and departments led to a situation that exhibits neither a unified policy preference among littoral states nor a single transnational negotiation arena. In particular, the preferences of the national leader of the German delegation within the shipping commission and the Cantonal delegations within the water conservation commissions did not line up with the “national” preferences voiced by governmental leaders in the IBK (Blatter 1994: 46, 47). Therefore, evidence from the case is inconsistent with this explanatory approach.

A final rationalist approach draws on Realism and focuses on the power structure among the involved states.³⁵ This kind of reasoning could explain the strict norms if there was a hegemon with the capacity and willingness to lead or if a powerful state used threats and promises to make other states agree to its preferred policies and norms. Indeed, the Land of Baden-Württemberg, which has by far the strongest interest in unpolluted water, exhibits some features of a hegemon. With strong research capacities in marine systems, Baden-Württemberg provided most of the scientific capacity that identified the environmental problems of the lake.³⁶ Furthermore, this Land was a leader in limiting boats on the lake by regulating berths and buoy fields. Nevertheless, this was not enough to produce an agreement. Baden-Württemberg did not possess any formal power to force the resistant Swiss government. Interviews produced no evidence that Baden-Württemberg threatened the Canton of Thurgau with negative consequences.³⁷ Nor did Baden-Württemberg use its strong financial capacities to

35. Hasenclever, Mayer, and Rittberger 1996, 199–205.

36. Blatter 1994, 26 and 46.

37. Blatter 1994.

offer financial compensation or create issue linkages. Finding no evidence for the use of asymmetric power is not enough to reject the realist explanation since structural power (based on asymmetric economic interdependencies or administrative capacities) could work in more subtle ways. The main argument against a realist approach is that it cannot explain why the Canton of Thurgau and the Swiss government accepted the joint regulation at the end of the 1980s after an extended period of resistance. The constellation with regard to structural factors at Lake Constance did not change over time. Summing up in methodological terms,³⁸ neither the search for empirical traces of causal mechanisms nor co-variation provides much support for a Realist explanation.

Necessary but Not Sufficient: Informational and Normative-Cognitive Approaches

In RT, cognitive and normative factors have gained increased attention since the mid-1990s.³⁹ These theories emphasize that scientific information, credible expert knowledge and institutionalized norms can contribute decisively to bringing about international cooperation.⁴⁰ This section shows that these approaches help explain transborder agenda setting and institution building, but are insufficient to explain the breakthroughs in the regulation of boats on Lake Constance.

Knowledge of Causes and Consequences as Driving Forces?

Dimitrov⁴¹ has recently developed an analytic approach to regime formation that focuses on the role of scientific information. In contrast to the more prominent epistemic community approach, it explains regime formation “with science and not with scientists.”⁴² Dimitrov claims that the state of knowledge on the extent and causes of a problem do not critically affect regime formation. Instead, the state of knowledge on the shared socio-economic consequences is decisive.⁴³ This approach proves quite consistent with evidence from the Lake Constance case. Yet it cannot identify the causal mechanisms by which information shapes international cooperation, nor can it explain the agreement between the littoral states and cantons. As laid out in the previous section, there was not strong scientific evidence that the boats on Lake Constance had a toxic impact on the lake. There was not even a widely accepted account of the number of boats on the lake.⁴⁴ Nevertheless, the transboundary negotiations ended with

38. Blatter and Blume 2008.

39. Hasenclever, Mayer, and Rittberger 1996, 205–217; Zürn 1998, 619; Young and Levy 1999, 23–26; and Dimitrov 2003.

40. Grundmann 1999.

41. Dimitrov 2003.

42. Dimitrov 2003, 127.

43. Dimitrov 2003, 124.

44. Blatter 1994, 48–50.

a strict emission standard. In consequence, this case supports those who claim that reliable information is not a necessary condition for collective action in the field of the international environment.⁴⁵ In contrast to the uncertainty regarding the extent of the problem, the potential socio-economic consequences of a toxically polluted lake were obvious and undisputed: strong toxic contamination of the lake would endanger drinking water for more than four million people. Yet, these socio-economic impacts were never laid out in detail or translated into monetary terms. In fact, socio-economic impacts were not part of the intensive scientific-technical research conducted on the issue of motorboats, nor was it an explicit part of the negotiations. This is due to the fact that the socio-economic consequences were obvious but so was their unequal distribution. More than 80 percent of the drinking water taken from the lake flows to Baden-Württemberg.⁴⁶ The socio-economic value of the water of Lake Constance and the interest in protecting it certainly contributed to placing motorboats on the political agenda. However, it did not create the motivation for joint regulation.

Epistemic Communities as Transborder Agenda-Setters

Stronger cognitivist approaches focus on the process of preference formation of the involved states. In regime theory, epistemic communities have played an especially prominent role within this kind of reasoning.⁴⁷ Epistemic communities are defined as “network(s) of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain.”⁴⁸ The causal impact of an epistemic community rests not only on its ability to create a dominant transborder framing of the problem, but also on its influence within the bureaucracies of the states involved.

At Lake Constance such a transborder, expert-based epistemic community has developed since the 1960s. At the center of this epistemic community is the IGKB, founded in 1960. The commission consists of representatives of the environmental departments of the involved states. The actual work is done by an expert board consisting of bureaucrats and scientists.⁴⁹ Within the IGKB, an intense feeling of community developed among the members based on a shared view of the problem, a common language and a very cooperative atmosphere.⁵⁰ The IGKB worked intensively with the research institutes for marine biology and limnology in Germany and Switzerland, and developed a series of scientific reports on the various problems of water conservation in Lake Constance. While the IGKB certainly has a high degree of authority due to its legal status and the integration of scientists, it is not the only transboundary network within the

45. Dimitrov 2003, 126.

46. Blatter 1994, 29.

47. Hasenclever, Mayer, and Rittberger 1996, 206–210.

48. Haas 1992, 3.

49. Blatter 1994, 37–38.

50. Blatter 1994, 38.

epistemic community. The Working Group of the Waterworks at Lake Constance and the Rhine (Arbeitsgemeinschaft der Wasserwerke Bodensee-Rhein—AWBR) is no less important and complements the work of the IGKB. The AWBR, initiated by the waterworks around Lake Constance, has influence due to the central function performed by its members, their political linkage with local level municipalities (as owners of the waterworks) and their monitoring and organizational capacities. Its linkages to local politics allows for a rapid flow of information and massive political mobilization. The environmental groups which have formed the Study Group for Nature Conservation at Lake Constance (Arbeitsgemeinschaft Naturschutz Bodensee—ANU) are the third and oldest, but with regard to the influence on experts, the least important pillar of the water-conservation-oriented epistemic community. The scientific reputation of this group rests mainly on its inclusion of several well-known ornithologists who publicized and gained acceptance of the international importance of Lake Constance for migratory birds and the threats that boating passed to these birds. All members of this epistemic community are held together by environmental values, as well as the belief that motorboats endanger water quality and the Lake Constance ecosystem. The scientific dominance of this epistemic community and its clear ties to political decision-makers thus help explain why a strong international environmental regime exists and why the call for transborder regulation of motorboats was so strong. Within the IGKB and the AWBR, the differences of interests between the littoral states were pushed into the background and a critical view on motorized boating on Lake Constance prevailed.

The epistemic community approach also offers a plausible explanation for why the debate shifted to toxic pollution by boats and away from the ecosystemic damages that were the central concern of environmentalists in the 1950s and 1960s. The focus of the high-capacity “knowledge producers” of the IGKB and AWBR was primarily oriented to water quality in a narrow sense. In comparison, issues of ecosystem health were of secondary relevance. Thus, the specific orientation of the technical experts within the environmental epistemic community reframed the problem of motorboats from one that might have focused on threats to the flora, fauna and ecosystems on all sides of the lake to one involving water quality. By doing so, they created an international need for the regulation of boat emissions.

However, the *epistemic community* approach provides an incomplete picture of the transboundary communities and institutions at Lake Constance. The transborder institutional system at Lake Constance was already functionally differentiated in the 1970s, and the regulation of boats occurred at the intersection between a transnational water conservation regime and an emerging transnational navigation and shipping regime. In 1973, a “Convention on Navigation on Lake Constance” was signed and the ISKB was officially created. On the basis of this agreement in 1976, the “Lake Constance Navigation Ordinance” (Bodensee-Schiffahrtsordnung—BSO) went into effect. Since the legal competence for regulating boats was given to the ISKB, the water conservation regime did not achieve its objectives for some time. In the 1960s and 1970s, there was a

broad transnational consensus within the water conservation community, and a strong preference among the public for strict measures against motorboats. The ISKB defended the interests of boat owners and opposed restrictive measures. This can be explained by the close contact between regulators and the regulated, and through the specific functional goals of the shipping authorities.

Overall, this means that the existence of a strong epistemic community of water conservationists was sufficient to get the issue of motorboats on the political agenda, to exert pressure for transborder regulation, to reframe the issue as a "shared problem" and to overcome the differences in interest among the littoral states and cantons. The institutional differentiation of the transborder regulatory structures at Lake Constance had the consequence, however, that the restrictive regulatory proposals preferred by water conservationists were not adopted.

The Fuller Picture: Antagonistic Transnational Advocacy Coalitions, Their Belief Systems and a Policy Broker

In a transboundary space with a diverse set of intergovernmental institutions, the epistemic community approach is less satisfactory than in contexts where institutional density is low (which is still the assumption in most IR approaches) and we therefore turn to the advocacy coalition approach for analyzing transboundary water governance within this context. Sabatier⁵¹ developed the advocacy coalition approach to analyze (domestic) policy-making, stability and change. This approach starts with the assumption that antagonistic advocacy coalitions compete in specific policy fields and attempt to foster political decisions in line with their belief systems. Advocacy coalitions consist of "people from various governmental and private organizations who share a set of normative and causal beliefs and who often act in concert."⁵² Belief systems are defined as a "set of fundamental value priorities and causal assumptions about how to realize them."⁵³ Besides these coalitions, there are also so-called policy brokers who act as mediators. Change usually takes place gradually when changing socio-economic contexts stimulate learning processes. Change can also take place more rapidly through new governing coalitions and policy-spillovers from other policy fields.⁵⁴

Within such an analytical framework, the epistemic community of environmental and water conservationists and their transborder institutions form the first advocacy coalition pressing for policy change. Their belief system consisted of giving priority to environmental and water protection, defining the problem as arising from the steady increase of boats and boating facilities and assuming that the boats and ships on Lake Constance endangered the water

51. Sabatier 1993.

52. Sabatier 1993, 16.

53. Sabatier 1993, 14.

54. Sabatier 1993, 18–23.

quality water and ecosystem of Lake Constance. This coalition emerged during the 1960s.

The second advocacy coalition consists of motorboat users. Their belief system sees Lake Constance primarily as an attractive region for tourism and leisure activities. This position has been dominant since the beginning of the 20th century. The use of the lake for water sports or tourism was stimulated by a "Lake Constance Week" held in 1908, modeled after the already famous "Kiel Week." Nevertheless, a *transboundary* advocacy coalition only emerged in reaction to the regulatory demands of the environmentalist coalition. Boat users formed the International Lake Constance Motorboat Association and the International Watersport Association during the 1960s. When the national agencies responsible for shipping and navigation created the ISKB, this intergovernmental commission became part of this advocacy coalition.

Actors within this coalition opposed the problem definition put forth by the water conservation coalition, and tried to buttress their beliefs by their own studies. First, they argued that the calculated toxic pollution loads from boats were largely statistical artifacts, since the licensing regulations on the German side "artificially" exaggerated the number of boats on the lake. On the German side, boats must be registered for Lake Constance even if they are located on shore or at other lakes if their owners might use them on Lake Constance. Second, they questioned the causal connection between boat emissions and water pollution, and pointed to the fact that no impact on the quality of the water had ever been measured.⁵⁵

The formation of transnational lobbying organizations is not unusual in the context of international regimes. The difference here lies in the fact that the transborder regulation of boats took place at the intersection of two functional regimes. The intergovernmental commissions and the water conservation commission on the one hand, and the shipping commission on the other, were not the target of societal interest groups. It is more appropriate to see them as parts of the advocacy coalitions. The climate between the IGKB and the ISKB was characterized by rivalry and mutual mistrust. According to interviews with members of the commissions, the negotiations over the rules of the "Convention concerning navigation on Lake Constance" were a "hard fight" between the IGKB and the ISKB.⁵⁶

Overall we can conclude that the formation of transborder coalitions and institutions with a shared belief system can overcome interest conflicts between the involved states, Länder and Cantons. Nevertheless, transborder coalition formation leads also to an intensification of functional cleavages between different coalitions with fully incompatible belief systems. Hence, this situation is quite consistent with the expectations of an advocacy coalition approach. However, the policy change towards stronger restrictions of boats cannot be ex-

55. Blatter 1994, 48–50.

56. Blatter 2001, 18.

plained by general socio-economic changes and incremental learning. First, although environmental concern had risen in all societies around the lake, the same was true for tourism and leisure activities. Second, as shown in the next section, the timing of transboundary breakthroughs in regulating motorboats does not exhibit an incremental policy learning curve, but rather a process of “punctuated equilibria” in which long periods of stability were interrupted by two windows of opportunity where agreements became possible. Third, with the IBK we can identify a typical policy broker, which indeed served as a mediator between the two coalitions. Yet, we have to go beyond the policy-oriented advocacy coalition approach in order to gain an adequate understanding of the causal mechanism that triggered international agreement. As shown in the next section, it is not developments, negotiations, arguments and learning within the fields of water conservation and shipping, but the polity-idea of the Euregio Bodensee and its institutional formation processes that provided the discursive contexts in which inter-territorial and inter-functional cleavages were overcome to create unique standards in the highly symbolic field of water policy.

The Idea of an Euregio Bodensee: Externally Induced Integration Discourse, Institutional Competition for Profile and the Pressure for Agreement in Boat Regulation

The idea of a transborder Euregio Bodensee (Euroregion Lake Constance) created the discursive context in the early 1970s and at the turn of the 1990s for successfully concluding negotiations on the regulation of boats on the lake. The negotiations were blocked before by inter-territorial interests, but especially by inter-functional normative-cognitive cleavages. During periods when waves of “micro-integration” washed over European borderlands, competing cross-border communities and intergovernmental networks were looking to make a name for themselves as successful problem solvers, and all of them turned to the highly symbolic field of water policy to do so. Evidence that strengthens the argument that the general political integration discourse (the polity dimension) played a central causal role in reaching agreement in a functionally specific policy field is the fact that in periods of low enthusiasm for European and Euro-regional integration, no agreement was reached, even though the debate about environmental damage caused by motorized boating on the lake peaked during these times.

From the First Peak of Environmental Discourse to the First Wave of Institutionalization of the Euregio Bodensee: Breakthrough for the Shipping Regulation

The first peak in the debate on regulation of motorboats occurred in the mid-1960s. In all littoral states there were community and parliamentary initiatives to limit the damage caused by boats and ships. At this time, environmentalists

were still largely organized on a local or national basis and not a transborder one. In addition, the Lake Constance region experienced the peak of the state sovereignty doctrine in the 1960s. Proposed in 1961 and initiated in 1966, negotiations for the revision of the International Navigation and Harbor Regulation immediately became deadlocked. The participating states disagreed on sovereignty over the lake and on whether the harbors should be regulated internationally.

In the early 1970s, the discursive context for transborder cooperation on Lake Constance changed fundamentally. The initiatives of the European Council served as starting points. The first initiative was to proclaim 1970 the "European Nature Conservation Year." This produced a considerable push to institutionalize transborder cooperation among environmental groups. The Association for Nature Conservation at Lake Constance was founded, combining 33 private nature conservation associations and citizens' organizations with 18,000 members from all sides of Lake Constance. The highly controversial, but previously only nationally discussed issue, of ecological damage to the lake by motorboats became central to this transborder network of environmentalists. The cooperation of these environmentalists developed as early as the common fight against plans to make the Upper Rhine navigable. However, a push "from outside" was still needed to formally institutionalize the cooperation. Since at this time the issue that had unified them had largely been "settled," (efforts at making the river navigable were not pursued further), the environmentalists sought an issue which would legitimate their transborder institutionalization.

Still more significant, however, was a second initiative of the European Council, which made transborder cooperation relevant to governments. At the first meeting of the European Planning Ministers Conference, a proposal to form transborder planning commissions in all European border areas was passed in 1970. This led to a competitive race among governments at various levels to occupy the new political space. Municipal politicians attempted to found a transborder planning association with the name *Euregio Bodensee*. This failed because sub-national governments countered by creating the International Lake Constance Conference (IBK). These sub-national actors justified their transborder activities with the argument that the national governments had ignored their concerns. National governments also reacted and founded the bi-national land-use planning commission (DSRK).

The idea of the *Euregio Bodensee*, and the efforts by all levels of government to institutionalize it, affected the issue of navigation and motorboat regulation. All of the newly created transborder institutions claimed competencies in the area of nature and environmental protection, and therefore constituted potential competitors for the negotiating state agencies. For the national agencies concerned with regulating navigation, it was high time to secure their domain of responsibility with the passage of a regulatory ordinance, and institutionally occupy the field by setting up the ISKB. This explains why national delegations were suddenly able to find a compromise on questions of sover-

eignty. The fact that this compromise was a complex regulation that sidestepped the major question of which principle should be used to assign sovereignty rights to the lake,⁵⁷ shows that neither “social learning” nor a “compromise” in a strict sense can be identified. Instead, the negotiators simply avoided a clear-cut decision in order to reach agreement.

With the momentum of the first “wave” of micro-integration, the water conservation coalition was able to motivate the littoral states to regulate motor-boats. This did not mean that they were able to achieve their goal substantively, since final regulations were left to the navigation administrations. The ban on two-cycle motors of more than 10 HP was a mainly symbolic concession to water conservationists since it affected only a few larger boats.⁵⁸ It seems not accidental that during the class-conscious early 1970s, smaller boats were excluded and only a few owners of big yachts were affected.

From the Second Peak of the Environmental Policy Discourse to the Second Wave of Institutionalization: Breakthrough on Emissions Standards

The topic of boat regulation remained highly controversial, however, since the conservationists were not content with their symbolic success, and in particular because all the newly created institutions were looking for fields of activity and all made boats a central topic on their agendas. Already in the early 1980s, the environmental policy debate on boats on the lake reached a new peak. The IGKB prepared a report on the “Limnological effects of motorized boating on Lake Constance.”⁵⁹ This report focused on the harm caused by pollutants, and confirmed a threat to water quality. Although the report made large political waves at Lake Constance, and governmental representatives in the IBK immediately responded by proposing restrictive regulations, at this time a transborder agreement was not reached. During a time when there was much talk about “Euro-sclerosis,” the idea of the Euregio Bodensee had also lost its appeal to politicians, and in 1984 the government of the Canton of Thurgau could afford to withdraw its agreement on strict regulation of boats at the last moment within the IBK.⁶⁰ Blocked by the veto of the Canton of Thurgau, the IBK then set up a sub-commission on motorboat emissions. Members of both the IGKB and the ISKB were represented in the sub-commission of the IBK. This sub-commission ordered scientific-technical studies on the possibilities for technological reductions of boat emissions. For years the situation was characterized by very technical debates about the levels of acceptable emissions, and the technical feasibility of reaching the proposed emission standards. Although the intensive collaboration and negotiations between members of the involved com-

57. Graf-Schelling 1978, 22–24.

58. Drexler 1980, 155.

59. IGKB 1982.

60. Blatter 1994, 49.

missions led to some convergence, a final decision was not reached until the end of the 1980s.

Only when a new wave of transborder institution building reached the Lake Constance region in the late 1980s did a further political breakthrough to transborder regulation of boats on the lake occur. The European Community launched an initiative to promote border regions and cross-border cooperation (INTERREG) in 1990. This stimulated another round of competition for institutional dominance within the Euregio Bodensee. Various actors, including parliamentarians of the littoral states and the cantons and municipalities around the lake, founded and institutionalized new transborder networks and associations. The foremost issue by which all these new associations legitimized their existence was the goal of protecting the water and environmental quality of Lake Constance.⁶¹

The IBK was challenged in particular by the second attempt to create a more local transborder institution, the Lake Constance Council. The Lake Constance Council brought together regionally important politicians, scholars and business representatives. They proclaimed themselves to be “the voice of the people” of the Lake Constance region, with the goal of improving representation of this region in Europe.⁶² In reaction to this, the IBK stepped up its activities markedly. The government heads tried to make it clear that the IBK was the central institution for the Euregio Bodensee. The symbolic issue of boats on the lake was seen as a helpful tool to defend this reputation and to raise the IBK’s profile. Introducing an internationally unprecedented standard for boat emissions took a central position in IBK’s public relation campaigns. After Swiss representatives to the ISKB refused to agree to the proposed emission standard, arguing for national harmonization, the IBK in October 1990 appealed to the Swiss government to do everything possible so that emission regulations for Lake Constance could go into effect in January 1992. This time the Canton of Thurgau did not resist. With united forces, the sub-national governments around Lake Constance could pressure the Swiss government to agree to strict standards for Lake Constance. Conservative politicians in the Canton of Thurgau saw the Euro-region as an appropriate way to react to the pressure towards European integration, which was strong at that time in Switzerland, without having to give up their anti-centralist stance.⁶³

In the fall of 1991, the leaders of sub-national governments around the lake used their annual meeting to announce agreement on the regulation of motorboat emissions and presented a comprehensive report on the issue. This is remarkable since the formal authority lies within the ISKB, and the binding agreement was signed by national representatives within that commission. The IBK’s chairman announced at the meeting that this issue was especially suitable

61. Blatter 1994, 41.

62. *Südkurier*, 25 November 1991.

63. Blatter 1994.

for the IBK's public relations work. The emission standards were called "pioneering work" by the IBK, showing that "regions are of special importance in Europe, they give important impulses and can also offer solutions."⁶⁴ These observations and statements indicate how crucial the broader symbolic dimension of this regulation was for the politicians.

This time, symbolic politics were by no means without effect. The emission norms contributed to the fact that the increase in the numbers of boats was curbed, probably because the norms made motor boats more expensive.⁶⁵ Thus, indirectly, the norms helped prevent further harm to the highly valuable ecosystem. Thus, whereas usually we are confronted with environmental damage as an unintended side-effect of human activities, here environmental protection emerged as a side-effect of international regulations which were motivated and directed towards other goals.

A second effect has been—as already mentioned—that the regulations on Lake Constance triggered creation of motorboat emission standards in Switzerland and in the European Union. This shows that symbolic politics can have substantial effects and can contribute to environmental progress even if the prime motivation of the politicians was not problem-solving and even though the positive environmental benefits of the regulations primarily result from side-effects and spill-over into other regulatory arenas. Furthermore, in evaluating environmental effects, it is important to recognize that it is very likely that the identified causal mechanism—regulation in order to get attention and reputation for competing transboundary networks in the process of institutionalizing the polity-idea of a Euregion—was also helpful in the other fields of transboundary water management (like the joint investment program to fight eutrophication, see above)—fields where "problem pressure" (environmental harm) and a "problematic situation" (transboundary interdependencies) did exist. The analysis here focused on motorboat regulation because this case provides strong evidence that established explanations are insufficient. For motorboat regulation, this mechanism was a necessary causal factor, whereas in other fields it was almost certainly one among several contributing factors to successful transboundary water management.

The Abstract Formulation of the Causal Mechanism and its Scope Conditions

The preceding historical narrative provides evidence that the idea of a new political entity—the Euregio Bodensee—played a major role in forging international agreements that regulate motorboat emissions. I now argue that, although the causal stimulus for transboundary regulation did not come from within the policy field, this does not preclude systematic theorizing about this factor. First,

64. IBK 1991, 8–9; translation by author.

65. *Südkurier*, 25 June 1997, 14

“performance” as a generic social interaction theory will be introduced as providing a useful micro-foundation for the identified causal mechanism that led to transboundary regulations on Lake Constance. Second, scope conditions are formulated in which the delineated causal mechanism works as a facilitator of transboundary environmental regulation.

“Performance” as a Theoretical Fundament of the Causal Mechanism

Within sociology and cultural studies, new conceptualizations of the basic features of “social interaction” have become prominent during the last decade. “Homo sociologicus” was classically characterized as a role-taker guided by institutionalized and internalized norms and identities, following a logic of appropriateness.⁶⁶ More and more, structuralist, holistic and static features have been renounced for more situationalist, elementarist and transformative conceptualizations. Having grown out of the micro-sociological traditions of symbolic interactionism, the concept of “performance” has gained influence in sociology and cultural studies.⁶⁷ Social actors are seen not so much as norm-conforming role-takers whose social orientation depends on the internalization of established community values. Instead, they are conceptualized as creative role-makers, who strive for an attractive image connecting her/him to current cultural and communicative trends in the social environment. Since meanings and identities are not stable structures (but instead have to be permanently reproduced and re-presented), rituals, symbolic actions and projects, staging, branding and other theatrical performances are increasingly important to make meanings and identities visible. A performance is an “event,” an activity through which presence is created.⁶⁸ Social interaction as performance does not follow the logic of appropriateness, but the logic of gaining attention. Attracting attention by symbolic performances is a precondition for communicating substantial norms and facts. In consequence, the ability to produce impressive aesthetic images and not the opportunity to express authentic identities is the motivational core of performances. Furthermore, perceptions of current trends in the external environment, rather than internalized past experiences, provide the normative, cognitive and affective background which create motivation and orientation. Therefore, this micro-foundation is especially relevant in contexts characterized by structural transformation and flux.⁶⁹

In regime theory, this kind of alternative to the classic conceptualization of homo sociologicus has not been adopted. Instead, policy-centered concepts like “social learning,”⁷⁰ “discourses” and “habits”⁷¹ are discussed as additional

66. Dahrendorf 1977.

67. Alexander, Giessen, and Mast 2006; Soeffner and Tänzler 2002; and Turner 2003, 343–441.

68. Szerszynski, Heim, and Waterton 2003, 3.

69. Blatter 2007, 82–92.

70. Young and Levy 1999, 24–25.

71. Breitmeier, Young, and Zürn 2006, 235.

“behavioral pathways” or “behavioral sources,” which contribute to explaining the formation and functioning of regimes. As demonstrated, we do not detect much social learning at Lake Constance since neither advocacy coalition changed their belief system. Furthermore, it is not policy-specific discourses within the transboundary region, but externally induced discourses on European macro- and micro-integration that provided the discursive context which opened up the window of opportunity for international agreements. These agreements should be seen not so much as adequate solutions to a specific environmental problem, but rather as means to gain attention and recognition for the emerging cross-border community. The creation or embodiment of norms and regulations within political institutions and the commitment of the members of this political community to these norms should be seen as side-effects of political performances primarily motivated by a search for attention and recognition.

The proposed causal mechanism also has little in common with traditional rationalist approaches for taking the symbolic value of environmental issues into account. Within a rationalist perspective, symbolic values affect the formation of preferences or the calculation of interest. Such an approach can explain why water protection played such an important role on the transboundary political agenda at Lake Constance. Yet, it does not capture the momentum which led to the agreements because it was not the recognition of the symbolic value of water that led to recalculation of policy preferences by the hesitant governments on the Swiss side of the lake. It was the different discursive context with respect to integration and the symbolic value of an agreement in itself as part of Euregio-building which led the members of the shipping commission at the beginning of the 1970s and the government of the Canton of Thurgau at the beginning of the 1990s to remove their resistance to the regulation of motorboats.

The concept of “performance” has much similarity to Murray Edelman’s “symbolic politics,” since it stresses the non-policy-specific motivations for policy-making.⁷² Nevertheless, it does not conceptualize “symbolic politics” or “political performances” primarily as “as if”-politics, which only simulates policy-making or distracts the audience from the “real” policy-making behind the scenes. A “performance” approach stresses the political imperative for gaining attention and recognition not only for policy issues, but also for political actors and political communities. The less established actors and communities are, the more important, even “existential,” this is. Especially in international relations, a purely instrumental view of transboundary norm-creation and institution-building seems to be too narrow-minded. The “performance” perspective points to the mutually constitutive processes of policy-making (issue-specific regulation) and polity-building (symbolic representation of a political community).

Stressing the fact that symbolic performances should be recognized as a

72. Edelman 1964.

motivational trigger which can generate normative regulations does not mean that such a connection between symbolic form and substantial norm always exists. Nevertheless, it tries to balance the dominant and one-sided view of “symbolic politics,” which assumes that there is no such link, and even worse, that symbolic politics is mainly used in order to avoid any substantial regulation.⁷³ At least for reaching regulatory agreements, symbolic performances seem to play a much more productive role—under specific circumstances.

Scope Conditions

The most important condition that makes the identified causal mechanism a productive force for cross-border environmental regulation is a discursive context in which integrative ideas dominate. If this condition is not fulfilled, it may have the opposite effect. Based on the empirical case and on the theoretical concept of “performance,” we can further specify that this mechanism should be expected to induce cross-border regulation during periods of transformation in which integrative ideas and discourses are emerging that challenge established ideas and identities. While this reduces the time span in which we can expect the mechanism to work, it expands its potential scope. From this perspective, we do not need a high level of political integration or a strong dominance of integrative ideas in political discourse. All that is necessary is the perception by political actors that they can raise their profile and claim to be innovative by proposing or accepting international regulatory agreements.

A second condition is that the issue at stake be eligible to be filled with symbolic value. It seems to be no accident that all the actors who started to create new transboundary political communities, networks and institutions at Lake Constance turned to the issue of water protection (there has been much less cooperation and success in other fields of environmental policy).⁷⁴ The foregoing analysis shows that the political discourses and measures to protect the lake reflect and represent general socio-political paradigms, cleavages and struggles. Water does not have some intrinsic meaning or value that stimulates the creation of particular political activities and regulations. Rather, water seems to be especially attractive to reflect and represent general socio-political contexts. As a basic element and precondition of life, water creates fundamental associations and attachments which are the bases for its symbolic power. Furthermore, wa-

73. Recently, Dimitrov (2005) has pointed to the fact that international environmental institutions (in his case, the United Nations Forum on Forests) are not always created in order to govern/regulate but sometimes because they fulfill some general norm. Nevertheless, there are major differences between his analysis and mine. Not only does he stick to the classic negative interpretation of “symbolic politics”—deliberate activities designed to avoid doing something substantial. Furthermore, by arguing that it was the general norm of “environmental multilateralism” which caused the establishment of the United Nations Forum on Forests through the mechanism of socialization he hews to a policy-field centred perspective and a classic micro-level mechanism.

74. Scherer and Müller 1994.

ter's fluidity constitutes another natural feature which makes it especially attractive for representing transnational identities and communities. Many watercourses cross the territorial boundaries of nation states.⁷⁵ They can be interpreted as "spaces of flows" and associated with connectivity and dynamics, which in turn are seen as the preconditions for innovation and creativity within a transnational network society.⁷⁶

Conclusions: The Broader Empirical and Theoretical Relevance of the Causal Mechanism

The Broader Empirical Relevance

It could be argued that the situation at Lake Constance is unique and that we cannot expect to see this mechanism working in other contexts. Indeed, the density of social associations and political institutions across the border are strong compared to most parts of the world. By 1995, there were 262 cross-border civil society associations and cooperative intergovernmental institutions.⁷⁷ From a static perspective, we might conclude that the symbolic value of water is an important causal factor only in places where transnational society is strongly developed. Yet, the analysis here has shown that it was not the existence of strong cross-border communities, identities and networks, but the externally stimulated attempts to create and transform such communities, identities and networks that provided the momentum for institution-building and regulation. All transboundary spaces—independent of their existing level of social density—are open to such transformational moments and the regulatory momentum they inhibit.

What about the specific issue of regulation? It could be argued that the use of motorboats is a leisure activity which represents a "postmodern" issue where cultural factors and symbols are more important than in more traditional areas of regulation like fisheries or chemical production. Nevertheless, the transformation towards a post-industrial society will make such activities more important, and it is already obvious that the tourism industry and sport and leisure associations play a major role—both in creating environmental problems but also as socio-political bearers of protection interests.⁷⁸

In addition to these arguments, which point to the broad and growing potential of the identified causal mechanism, I want to provide some empirical evidence that indicates the extant importance of the mechanism. First, it seems reasonable to assume that the factor identified as crucial to international agreement on motorboats was also helpful in making the wider water conservation regime on Lake Constance innovative and successful. For example, the agree-

75. Wolf et al. 1999; and Conca, Wu, and Mei 2006.

76. Blatter, Ingram, and Levesque 2001.

77. Regio-Büro Bodensee 1996.

78. Blatter, Ingram, and Levesque 2001, 37.

ment on a joint investment program for wastewater treatment plants is also not easy to explain. With regard to the problem of eutrophication there was an obvious functional need and transnational interdependency which created a demand for a transboundary regime. Nevertheless, the strong asymmetry of interests makes it quite difficult for rationalist approaches to explain the early agreement and successful implementation. Baden-Württemberg is strongly dependent on Lake Constance water, whereas the Austrian Land of Vorarlberg does not draw any drinking water from the lake.

Examples beyond Lake Constance confirm that the symbolic value of water can be an important causal mechanism. In the American Pacific Northwest, it was exactly the same context of continental integration which led to the creation of regional transboundary institutions focusing on the protection of joint waters. In 1992, stimulated by other activities to create transboundary institutions in response to NAFTA, the Prime Minister of British Columbia and the Governor of Washington State signed an environmental cooperation agreement and installed an environmental cooperation council and a marine science panel.⁷⁹ This panel later discovered that few transboundary interdependencies with regard to water pollution exist.⁸⁰ Yet, the regional integration discourse and the transboundary institutions revealed weaker Canadian wastewater treatment policies that helped Canadian environmentalists develop a stronger policy.⁸¹

Other examples point out that these mechanisms work on larger scales. After applying all major approaches within RT to explain the River Rhine and Elbe water regimes, Lindemann⁸² concludes that “context-based arguments have the highest explanatory power.” In the Elbe case, it is precisely our polity-centered mechanism that he identifies as crucial. The prospect of accession to the European Union motivated the up-stream country, the Czech Republic, to cooperate—which was the precondition for the fast progress made within this regime. The symbolic value of water is even relevant in explaining East-West environmental cooperation during the Cold War. List’s analysis of the Baltic Sea regime shows how much cooperation within the field of water protection depended on the general relationship between East and West, especially the recognition of East Germany by West Germany. But more revealing is how much the involved states perceived the water regime as reflecting and transforming the inter-systemic relationship and how strongly they used it for symbolic purposes. Many states saw the water regime as a means to a security regime. In the context of our line of argument, it is especially important to realize that the water regime was used to create trust between East and West and as a signal to the rest of the world. And again, the primarily symbolic motivation was not without normative consequences. The Baltic Marine Environment Convention in 1974 triggered the UNEP Regional Seas Program.⁸³

79. Blatter 2000, 222–225.

80. Alley 1998, 21.

81. Blatter 2000, 233–234.

82. Lindemann 2006, 36.

83. List 1991, 161–165.

The arguments and empirical evidence presented here suggest that research in water governance should pay more attention to the symbolic value of water that makes it prone to being used as a tool for the representation of general identities and relationships between the involved actors. Since this factor does not have a systematic place in RT yet, often existing empirical studies do not provide any (systematic) information about the general contexts and the non-policy-field-specific relationship between the involved actors. In social science, theoretical lenses determine a large part of the empirical findings, and the empirical importance of this factor can only be judged when researchers pay more attention to it.

Broader Theoretical Relevance: Complementing or Challenging Regime Theory?

The insights gained into the symbolic value of water for representing and reconstituting socio-political identities and polity-relationships can complement the cognitivist strand in RT. Such a complementary perspective would stress additional behavioral mechanisms for normative-cognitive approaches to explain the creation and the influence of international regimes (in line with Young⁸⁴). Until now, only specific applications of the classic role-enactor ("habits") perspective and application of Habermasian communicative rationality (discourses, legitimacy) have made inroads into RT.⁸⁵ This case study indicates the usefulness of the culturalist concept of "performance," which stresses the behavioral motive of gaining attention and recognition for political action and transnational institution-building. Since the concept of performances combines actors seeking to expand their institutional interests and power with ideational context factors, it may represent the kind of specific but comprehensive causal mechanisms that Breitmeier, Young and Zürn seek.⁸⁶

A more radical conclusion from these findings involves challenging the claim that RT is the appropriate theoretical lens for analyzing transboundary water governance. In contrast to Conca⁸⁷ and Dimitrov,⁸⁸ the present findings do not question the practical importance and usefulness of international regimes for addressing environmental problems. On the contrary, the case study shows how an international regime can also be helpful in addressing environmental problems that do not have a direct transboundary impact but which represent examples of "local environmental problems that take a cumulative toll on the health of the planet."⁸⁹ The challenge is a theoretical one and focuses on the functionalist foundations and policy orientation of RT. The case and examples presented here show that the field of transboundary water policy cannot be iso-

84. Young 1999.

85. Breitmeier, Young, and Zürn 2006, 235.

86. Breitmeier, Young, and Zürn 2006, 248.

87. Conca 2006.

88. Dimitrov 2003.

89. Conca 2006, 7.

lated from the general relationship between the relevant political entities. Non-policy-specific ideas and identities play such an important role in transboundary water governance, that it is doubtful whether the study of transboundary water governance should be based on a policy-centered approach.

Indeed, an approach that embeds transnational environmental and water problems in a wider field of international relations has gained momentum recently. The scarcity and transnational nature of water serve as arguments to embed water politics in the field of security policy and to thereby elevate it to the sphere of "high politics." Within such a framework, water is a potential source of conflict and war.⁹⁰ Some scholars have mounted many normative arguments and much empirical evidence against such a "securitization" of transnational water and environmental politics.⁹¹ The evidence presented here points to a different role of water problems and water governance in international relations. The symbolic value and the trans-territorial fluidity of water make it a likely candidate not for interstate war, but rather for fostering transnational coalition, community and institution building. To evaluate the empirical and practical relevance of water as an integrative symbol, the theoretical approaches used to analyze transboundary water governance have to overcome the constraints of modern understandings of water which dominate regime theory.⁹² The present case study clarifies that such an interpretative and constructivist approach does not preclude causal analysis.

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