



# **DELIBERATION IN INTERNATIONAL INSTITUTIONS**

**ANALYSING DELIBERATIVE DYNAMICS IN THE  
INTERNATIONAL MARITIME ORGANIZATION**

Seebal Aboudounya



# Deliberation in International Institutions

This book studies the deliberative dynamics in the International Maritime Organization (IMO), the United Nations' specialised agency for regulating international shipping. The importance of international shipping becomes clear when we realise that almost everything is transported through this mode of transportation; indeed 90% of world trade is carried by those vessels we call ships. The study takes a two-step approach whereby it firstly assesses the extent to which the IMO meets the requirements for an ideal deliberative setting and then proceeds to analysing the determinants of variation in deliberative quality within the IMO. Original empirical evidence and findings are used in both stages of the study.

Significantly, within the International Relations discipline, it is unknown what are the factors that can determine the quality of deliberations in international organisations, an important question given the great potential that deliberation holds for improving global governance. It also remains unknown what are the determinants of deliberative quality across state delegations. Those questions are directly answered in this book. This book will be of great interest to scholars and researchers of International Relations and International Politics as well as international public policy practitioners and interested readers worldwide.

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Analysing Deliberative Dynamics in the International Maritime Organization

Seebal Aboudounya

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# Abbreviations

<b>CINC:</b>	Composite Index of National Capability
<b>DA:</b>	Deliberative Action
<b>DQI:</b>	Discourse quality index
<b>DR:</b>	Deliberative Reaction
<b>EWPP:</b>	Expected words per person
<b>IGO:</b>	Inter-Governmental Organisation
<b>IMO:</b>	International Maritime Organization
<b>IO:</b>	International organisations
<b>I/NGO:</b>	an IGO or an NGO
<b>IR:</b>	International Relations
<b>LSCI:</b>	Liner Shipping Connectivity Index
<b>MSC:</b>	Maritime Safety Committee
<b>NGO:</b>	Non-Governmental Organisation
<b>SDC:</b>	Ship Design and Construction sub-committee
<b>SIDS:</b>	Small Island Developing State
<b>SRH:</b>	State-related hypotheses
<b>TCA:</b>	Theory of communicative action
<b>TDD:</b>	Theory of deliberative democracy
<b>UN:</b>	United Nations
<b>UNCTAD:</b>	United Nations Conference on Trade and Development

# Introduction

## Deliberation and the IMO

Deliberation happens in places such as universities, but the question remains whether it can also be found in international organisations (IOs) such as the International Maritime Organization (IMO). Deliberation in International Relations (IR) likely differs from daily deliberations in that it is generally more formal and directed towards decision-making. It is this more formal type of deliberation that is the subject of this study.

The IMO is the United Nations' specialised agency for the regulation of international shipping. The importance of international shipping becomes clear when we realise that almost *everything* is transported through this mode of transportation; indeed 90% of world trade is carried by those vessels we call ships. Shipping is therefore an activity that we all need to function properly so that we can continue buying the goods we need every day. Without international shipping, there will be no world trade; the two go hand in hand and need one another. It is the deliberation over this mode of transportation that is the focus of this study's analysis.

Within the IR literature, some studies have highlighted the importance of deliberation and the benefits it could bring to international decision-making (Beste 2013; Steffek 2003; Carpini et al. 2004; Milewicz and Goodin 2018). However, it still remains unknown what are the factors that can determine the quality of deliberations in IOs. Moreover, it also remains unknown what are the determinants of deliberative quality across state delegates. Furthermore, within studies of deliberation, there exist debates over the possibility of having a common lifeworld at the international level, and thus fulfilling Jürgen Habermas' (1993, 56, 1984, 1990) precondition for the 'ideal speech situation', the setting that is most conducive to rational deliberation (Lose 2001; Müller 2001; Johnstone 2003). Studying whether a common lifeworld exists in an international institution like the IMO would thus help settle this debate. Scholars and practitioners of International Relations, the secretariat of International Organisations and the delegations sent to them, as well as interested readers worldwide, would find the engagement with those issues and other deliberation-related questions important, especially when deliberation holds great potential for improving global governance.

## 2 Introduction

### The overarching research question and its components

This book studies the deliberative dynamics in the IMO. The overarching research question of the book is as follows:

**Does the IMO meet the requirements for establishing an ideal deliberative setting with institutional features conducive to deliberation, and if so, what are the determinants of variation in deliberative quality within the IMO?**

In order to answer this research question, there is a need to firstly establish if the conditions for deliberation are met in the IMO. Having established that they are met, the study can then assess and analyse variation in deliberative quality within the IMO. Thus, the book aims to firstly establish the extent to which the IMO meets the requirements needed for establishing an ideal deliberative setting, specifically Jürgen Habermas' (1993, 56, 1984, 1990) requirement for a 'common lifeworld', his conditions of the 'ideal speech situation' as well as certain institutional design features that are conducive to deliberation. Having established that the conditions for deliberation are met in the IMO, the study proceeds to analyse the determinants of variation in the deliberative quality within the IMO meetings.

To answer this overarching question, the study is composed of two stages of research, each composed of four research questions (RQ). The first stage relating to the conditions of deliberation focuses on the following questions:

- 1) Does an international common lifeworld exist in the IMO?
- 2) Does the IMO fulfil the deliberative criteria of the 'Ideal speech situation'?
- 3) Are there any institutional features within the IMO that facilitate the deliberative process between the participants?
- 4) What are the views of the IMO member state and NGO delegates regarding the state of equality, access and inclusion during the IMO deliberation?

The second stage focusing on the determinants of deliberative quality of the IMO meetings focuses on the remaining four questions below:

- 5) What are the determinants of deliberative quality across the IMO's participants and institutional bodies?
- 6) What are the determinants of deliberative quality across the member states?
- 7) Is there a contagion effect taking place during the IMO deliberations?
- 8) What are the views of the IMO delegates on the other 'relational' aspects of the deliberative process?

### The relationship between stage 1 and stage 2

As shown above, this study takes a two-step approach that is concerned with firstly analysing the extent to which the IMO meets the condition for

establishing an ideal deliberative setting and then identifying the determinants of variation in deliberative quality across the IMO's meetings. Both stages directly correspond to the two dimensions of the overarching research question and are also linked together as the second stage *depends on* the completion of the first stage. Indeed, stage 2 can only commence once stage 1 has been completed given that the move to identifying the determinants of deliberative quality logically requires having a deliberative setting in the first place. It is for this reason that the study commences with identifying whether or not the IMO is home to a 'common lifeworld' (RQ 1) that is required for creating an 'ideal speech situation', and then analyses the extent to which the conditions for the 'ideal speech situation' are met in the IMO institutionally (RQ 2 and 3) and according to the views of the delegates themselves (RQ 4). All those four questions are addressed *before* moving to the analysis of stage 2.

It is important to note that the analysis of the IMO's institutional design is a key component of stage 1 (RQs 2 and 3) as it is through institutional rules that deliberative conditions are formally established and codified into the rules and regulations of international institutions. Studying and analysing the institutional features of the IMO (RQ 3) is also significant for identifying the institutional practices and actors whose presence and role affect the extent to which a healthy deliberative environment is established in the IMO. Furthermore, the inclusion of the views of the delegates is another significant component of stage 1 as it is they who participate in the IMO deliberations. Thus, including the opinions of the delegates on key themes relating to the fulfilment of deliberative conditions is important for illustrating the deliberative environment of the IMO *in practice*. With the views of the delegates gathered and the deliberative (ideational and institutional) environment of the IMO analysed, the book fully addresses the first dimension of the overarching research question. With this task completed, the study focuses on the variation in the deliberative quality of the IMO's meetings.

It is during stage 2 that the study addresses the second dimension of the overarching research question concerned with deliberative *quality* and its determinants. The ability to move to the analysis of deliberative quality and thus study deliberation as a matter of degree is ultimately gained from the findings of stage 1 which reveal that the IMO does indeed fulfil the deliberative conditions of the 'ideal speech situation' to a great extent (see the last section of the introduction). To identify the determinants of deliberative quality across the IMO, the study considers a range of different variables: institutional, actor-related, state-related and relational ones. The institutional and actor-related variables are analysed when answering RQ 5, while the focus on the state-related characteristics takes place when answering RQ 6. Finally, the contagion effect hypothesis and the broader discussion on the 'relational' aspect of deliberation are focused on when responding to the two final research questions (RQ 7 and RQ 8).

### **Structure of the book**

Following the analysis of the IMO's deliberative environment in the first stage of this study, the focus shifts to the original hypotheses relating to all the speakers as well as to the member states specifically. The state-related hypotheses (SRH) are presented in Chapter 1 where the factors that can determine the deliberative quality of the member states' speeches during international deliberations are discussed. The SRH are also accompanied by other theoretical propositions that are tested across all the IMO speeches relating to the member states and the non-governmental organisations (NGOs) observing the IMO meetings. For example, one of those propositions proposes the existence of a 'contagion effect' between the participants during the deliberations. After discussing the theory of deliberative democracy (TDD) and hypotheses, Chapter 1 outlines the main research questions forming the two stages of research that the study will go through. Following this, the chapter presents an overview of all the methodological techniques used in the analysis, which include both quantitative and qualitative methods. The use of the amended discourse quality index (DQI) and the analysis of its results through regression models constitute the quantitative dimension of the research, while document analysis and the use of interviews with IMO delegates constitute the qualitative one. A total of 18 interviews were conducted with the member state and NGO delegates, the findings of which are mostly presented in Chapters 4 and 7.

Following the methodology discussion, Chapters 2 and 3 analyse the ideational and institutional contexts of the IMO respectively. Chapter 2 travels back in time to visit the history of the IMO and the story of international shipping, a story that can also be named the 'story of human history', for it is through shipping that humans across different locations were able to communicate with one another and establish their own civilisation. Chapter 2 then demonstrates that the IMO delegates are aware of this history and share a common 'international lifeworld' with one another. With the establishment of the lifeworld demonstrated in the case of the IMO, the study proceeds to analysing the deliberative institutional design of the IMO. Here, the emphasis is on how the IMO is designed and whether its institutional structure supports the establishment of Habermas' criteria for the ideal speech situation. The IMO's rules and regulations are carefully analysed in this chapter as well as its institutional features that are pivotal for the smooth functioning of its international deliberations. The main method used here is that of 'document analysis', but in some sections, interview data are also included to illustrate the points being raised.

Chapter 4 titled 'Democracy in the IMO' concentrates on the 'democratic' dimension of deliberation that is exemplified by the theoretical emphasis on freedom of access and equality in Habermas' theory of communicative action (TCA). Like Chapter 3, it gives attention to the conditions necessary for establishing a deliberative environment in the IMO but complements that chapter

by providing a detailed account of the views of the delegates themselves. The views of the IMO delegates gathered from the interviews are analysed in this chapter with special attention being devoted to the themes of equality, access and inclusion. Significantly, the interview responses vividly illustrate the state of deliberation in the IMO and raise important points relating to issues such as the factors influencing participation during the deliberations. Moreover, the controversy over undue business influence in the IMO is also discussed in this chapter with reference to the existing reports over this issue as well as the opinions of the IMO delegates, including commercially oriented NGOs.

Starting with Chapter 5, the study moves to the second stage of the analysis on the deliberative quality of the IMO discussions. Chapter 5 further elaborates on the study's methodology, specifically its coding scheme that is used to measure and analyse the deliberative quality of the IMO discussions. This coding scheme is based on Jürg Steiner et al.'s (2004) DQI, but it is amended in this study to make it more suitable for an international institutional setting like that of the IMO. Chapter 6 then presents the statistical findings relating to the SRH and the other hypotheses that are based on the coding of 1131 speeches. The chapter starts by the descriptive statistics relating to the DQI components and then presents the results of the regression analyses. Significantly, the SRHs discussed in Chapter 1 achieve statistically significant results which demonstrate that bureaucratic quality and hard power do indeed matter for the deliberative quality of the IMO's member states.<sup>1</sup> The results further demonstrate that actor-related and institutional characteristics also determine deliberative quality and matter during the deliberations.

Chapter 7 then explores and examines the 'relational' aspect of deliberation, an aspect that is essential for deliberation to take place but is nevertheless neglected in the literature. The chapter starts by presenting the findings relating to the 'contagion effect' hypothesis, the proposition that previous speakers' deliberative quality will influence the deliberative quality of the current speaker. The results reveal that previous speakers do indeed affect the deliberative performance of the current speaker and thus the hypothesis is supported. The discussion then moves to the interviews which also reveal the existence of other social signals travelling across the meeting room during the deliberations. After discussing other deliberative dynamics taking place in the IMO, the chapter ends by analysing the views of the delegates on the effects of the deliberative process on them. A variety of different effects are discussed, all of which uncover the richness of the deliberative process and its far-reaching effects after the meetings formally end.

The conclusion of this study then follows on from Chapter 7 with a summary of the research findings relating to the overarching research question as well as each of the eight research questions of stages 1 and 2. A discussion over the contribution of this book, the research implications of this study's findings along with its practical implications are also included in the conclusion. The practical implications are based on the recommendations and proposals of the IMO delegates on the improvement and enhancement of their

## 6 Introduction

deliberative experience in this fascinating international institution regulating the world's most indispensable activity.

### The findings at a glance

This study on the deliberative dynamics in the IMO brings with it a number of significant findings that advance the study on deliberation, international institutions and the International Relations discipline more broadly. Starting with the findings relating to stage 1, the results of the analysis reveal that the IMO does indeed meet the requirements for the establishment of an 'ideal speech situation' that are supported by a 'common lifeworld' and a number of institutional features conducive to deliberation.

Beginning with the findings of RQ 1, the analysis of a variety of documents and discussions in the IMO emphasises that the IMO is home to an international maritime lifeworld that was brought about following a key dramatic event. The findings relating to RQ 2 on the deliberative criteria of the 'ideal speech situation' demonstrate that the IMO establishes Habermas' 'ideal speech situation' conditions to a great extent. Indeed, participants in the IMO discussions are able to access the meeting discussions and are generally given equal rights to participate in those discussions, and coercion is absent from those discussions.

The findings relating to RQ 3 also highlight that the IMO's institutional design is highly in line with Diana Panke et al.'s (2021) identified institutional features fostering deliberation during agenda-setting and negotiations. The findings of this RQ also reveal that two institutional actors (the chairs of the meetings and the IMO secretariat) play a pivotal role during the IMO deliberations and that institutional practices such as translating and visualising the discussions also facilitate the deliberative process in the IMO.

The views of the delegates gathered from the interviews to answer RQ 4 further support that the IMO meets the deliberative conditions of the 'ideal speech situation' to a great extent. Overall, the delegates agreed that they are able to access the IMO meetings and that they are treated equally during the meetings, despite a few of them raising some concerns. On the state of inclusion during the IMO meetings, the interviewed delegates also agreed that they do feel included overall during the discussions. With the analysis of the delegates' views on the deliberative conditions completed, as well as having demonstrated that the IMO meets Habermas' deliberative conditions for the 'ideal speech situation', the study moves to discussing the results of stage 2 of the analysis.

The second stage of the study places the spotlight on deliberative quality to identify the determinants of variation in the deliberative quality of the IMO meetings. After having coded the IMO speeches using the amended version of the DQI, the regression models conducted on those coded IMO speeches are then analysed in relation to the proposed hypotheses guiding stage 2 of the analysis.

In response to RQ 5 searching for the determinants of deliberative quality across the IMO's participant and institutional bodies, the regression results demonstrate that NGOs are better deliberators than the IMO's member states to some extent,<sup>2</sup> technical bodies are better hosts of deliberation compared with more political bodies and that having at least one continuing delegate across the sessions is associated with an increase in the deliberative quality of the speaker's delegation. The results obtained relating to RQ 6 on the determinants of deliberative quality across the IMO's member states demonstrate that the quality of a state's bureaucracy and the presence of permanent representatives at the headquarters of an international institution do matter for the deliberative performance of that state. Furthermore, they show that an increase in a state's hard power capabilities is associated with an *increase*, rather than a decrease, in its deliberative performance.

The results responding to RQ 7 demonstrate that a contagion effect does indeed take place during the IMO deliberations. The quantitative findings demonstrate that the first speaker prior to the current speaker is more contagious in terms of deliberative quality than the second and third speakers.<sup>3</sup> Moreover, the qualitative findings of the interview data also support the existence of a 'contagion effect'. Furthermore, the results for the last research question (RQ8) bring with them significant findings as the interviewed delegates share their views on the other 'relational' aspects of deliberation. Firstly, their responses demonstrate that there is great utility in referencing other speakers. Secondly, their responses reveal that there exists empathy between the speakers in the IMO. Finally, the delegates explain a variety of effects that the IMO deliberations have on them as they exit the meetings.

Together, the findings of the eight RQs fully address the overarching research question on deliberation within the IMO. The answers to RQs 1 to 4 address the first dimension of the main RQ and emphasise that the IMO does indeed meet the requirements for the establishment of a common lifeworld between the delegates as well as the conditions of the 'ideal speech situation'. The analysis of the institutional design of the IMO provides strong evidence for those findings and also uncovers the important role that certain institutional actors and practices play in the smooth functioning of the IMO deliberations. The findings of RQs 5 to 8 then cover the second dimension of the main RQ by arriving at the determinants of variation in the deliberative quality of the IMO meetings. Those determinants are found to be actor-related (NGOs and MS; continuity of delegation), institutional (deliberative body hosting deliberations), state-related (bureaucratic quality, permanent representation and hard power) and relational (contagion effect).

## Notes

- 1 Note that for the hard power findings, the results demonstrate that more powerful states are actually more deliberative than weaker states, which is contrary to theoretical expectations; Chapter 6 explains the results in more detail.

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- 2 Their better performance is specifically with regard to 'Deliberative Action', but when it comes to 'Deliberative Reaction', the IMO's member states are better performers than the NGOs. See Chapter 6 for more detail.
- 3 With the second speaker being the speaker prior to speaker 1 and the third speaker being the speaker prior to speaker 2.

# 1 The theory of deliberative democracy and international institutions

## Theory, hypotheses and methods

The International Relations (IR) discipline has experienced a ‘deliberative turn’, whereby it has seen an ‘explosion in debate’ over the applicability of the theory of deliberative democracy (TDD) to international institutions of global governance (Chambers 2003, 313). The inspirational starting point for much of the theorising over the TDD has been Jürgen Habermas’ theory of communicative action (TCA) (Habermas 1993, 1990, 1984, 1987). Habermas’ TCA has gained attraction from the field of IR not only due to its theoretical elegance but also because it alerts us to the importance of communication when analysing discussions involving different actors. It thus ‘forces us to look for actors made of flesh and blood’ rather than treating the state as a ‘black box’ when analysing inter-state interactions (Lose 2001, 182).

This chapter joins the deliberative debates in IR while examining the TDD and its relevance for analysing inter-state interactions. The chapter is divided into four main sections. The first section, ‘Deliberation and international relations’, focuses on the principles of the TDD and the benefits deliberation brings to international decision-making. The second section, ‘Sources of variation in deliberative quality’, focuses on the determinants of high-quality deliberation. It provides an overview on the causes of high-quality deliberations that have been advanced in the literature (especially within a parliamentary context) and then discusses the hypotheses that will be tested on the International Maritime Organization (IMO) deliberations. The hypotheses discussed also include a number of state-related hypotheses (SRH) that are composed of original propositions focusing specifically on ‘state’ characteristics and how they may determine the deliberative quality of the IMO’s member states. The third section, ‘The road map: two stages of research’, then provides a road map that details the journey of this study during its two stages.

The final section of this chapter, ‘Methodology’, explains the methodological techniques and data sources that are used in this book. The study makes use of both quantitative and qualitative methods to answer the research questions. The quantitative dimension is based on the Discourse Quality Index (DQI), while the qualitative dimension is based on interviews and document analysis. The section outlines both approaches and explains the sources of

data used in this study. The amended version of the DQI is also introduced here, but the detailed discussion of it is presented in Chapter 5.

## **Deliberation and international relations**

### *The ‘deliberative turn’ in IR*

Starting from the 1990s, a new approach to international cooperation was born that emphasised the important role of communicative interactions for understanding international diplomacy (Holzscheiter 2014, 146). This ‘deliberative turn’ came amid much debate around the ‘democratic deficit’ of global governance institutions where concerns have been raised regarding the weak democratic accountability and legitimacy of some international organisations (IOs) (Moravcsik 2004, 336–7; Christiano 2012, 71–81; Dahl 1999, 19–22). In response to such concerns, many deliberative democratic theorists adjusted their focus from the national to the international level (Chambers 2003, 313).

### *Theorising at the international level*

The earliest attempts at applying the deliberative democratic framework to IR have been presented in the works of Thomas Risse (2000), Harald Müller (2001), Lars Lose (2001) and John Dryzek (2006). However, scholars like Risse and Müller focused on (not necessarily democratic) deliberation as an existing phenomenon in IR, while other scholars like Dryzek mainly proposed it as a normative model with democratic characteristics. Nevertheless, the basic point made was that deliberation among states is possible and has the ability to solve international problems. Yet before such deliberation can take place, certain conditions should be in place.

Firstly, there needs to exist a problem, at least in the eyes of one of the actors that would provide the rationale for deliberation (Dryzek 1990, 98–100). Secondly, the actors are required to adopt an ‘argumentative rationality’, where the goal is not to achieve one’s fixed goals but to ‘seek a reasoned consensus’ (Risse 2004, 295–8). Thus, here there exists a contrast with the rational choice school that adopts a strategic rationality. The deliberative approach however is concerned with speaking and argumentation that is oriented towards reaching understanding between the parties.

Thirdly, the communicative experience is sought to be as close as possible to Habermas’ ‘ideal speech situation’ where discussions between the parties are based on principles of equality, particularly equal rights to participation, openness, respect and the absence of coercion (Lose 2001, 184; Deitelhoff and Müller 2005, 168–9). In the IR context, this would mean that each actor should have equal access to the discussions and not face restrictions when wanting to speak in meetings. Furthermore, the negotiating parties are expected to recognise each other as equals, regardless of power imbalances (Müller 2001, 166). Thus, the decisions taken are to be determined by the

strength of their supporting arguments rather than by the material capabilities of the member states.

One of the important requirements needed to facilitate deliberation is that the participants must be open to changing their minds as a result of reflecting on a certain debate. It is this ability of self-reflection that enables deliberative theorists to contrast strategic action with communicative action (Risse and Kleine 2010, 710; Dryzek 2006, 6). Finally, the deliberations are expected to be oriented towards delivering an outcome that is tangible and has significant effects (Dryzek 1990, 100). This outcome is usually understood as a 'reasoned consensus' where the parties reach an agreement by consensus (Risse 2004, 295; Lose 2001, 183–4).

The reason why the act of deliberating has gained significance in IR is because of its potential for becoming a valuable tool for global governance. Indeed, Smith and Brassett (2008, 69) speak of 'an emerging nexus between deliberation and global governance', especially with regard to reforming international institutions by 'making them more deliberative' and democratic. Thomas Risse (2004, 304) adds that 'the emphasis on arguing, learning and persuasion holds quite some promise in improving the quality of international negotiations outcomes'. Thus, the deliberative approach clearly holds great potential for improving both the process and the outcomes of decision-making at the international institutional level. Various views on the benefits of deliberation will be discussed shortly in this chapter.

### *Habermas and the theory of communicative action*

Jürgen Habermas' theory of communicative action (TCA) serves as the foundation for much of the theorising over the TDD. At the heart of Habermas' (1984, 18) theory is the act of argumentation where participants contest validity claims and aim to arrive at sound and convincing arguments. All this argumentation should take place within a shared background among the participants, in what he calls the common 'lifeworld'. Habermas (1987, 131) puts special emphasis on this concept as he explains that it 'forms the indirect context of what is said, discussed and addressed in a situation'.

#### *A common lifeworld*

In defining it, Habermas (1987, 124) clarifies that the lifeworld is beyond a background for it also serves another purpose for being 'a reservoir of taken-for-granted, of unshaken convictions that participants in communication draw upon in cooperative processes of interpretation'. The point that Habermas emphasises is that this common lifeworld is central for allowing parties to reach understanding. Indeed, it facilitates the interpretive process among the participants by providing the very resources that they draw upon to support their arguments and their interpretive efforts (Habermas 1990, 136).

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This concept of the lifeworld need not be treated as a philosophical creation that is foreign to the realities of IR. Indeed, Harald Müller (2001) clarifies that a common lifeworld is ubiquitous in many international regimes that have come about immediately after dramatic events. The significance of such dramatic events or ‘dramas’ is that they are ‘specific, intense, shared experiences’ (Müller 2001, 170). An example Müller (2001, 170) gives is that of the world economic regime whose founders ‘derived the ideology of “embedded liberalism” from their experience of the depression after 1929’. Similarly, Lars Lose (2001, 198) adds that the common lifeworld may have different forms within the world of diplomacy such as shared common experiences, shared diplomatic assumptions and generally a collective language. Thus, finding the existence of a common lifeworld in IR is very possible. The next chapter takes a closer look at this concept and applies it to the case of the IMO.

### *The ‘ideal speech situation’*

The strength of Habermas’ TCA is that it carefully provides the preliminary conditions enabling the realisation of rational discourse among participants. He describes them as conditions for achieving the ‘ideal speech situation’, and they include ‘freedom of access, equal right to participate, truthfulness on the part of the participants [and] absence of coercion in taking positions’ (Habermas 1993, 56). Moreover, the participants would have to show respect for their counterparts and adopt this respectful attitude prior to and during the communications (Habermas 1993, 66–7).

Participation is a central condition in the ‘ideal speech situation’. Habermas (1990, 89) clarifies that the potential participants in a deliberative discussion should be ‘all subjects without exception who have the capacity to participate’. More importantly, it is not enough that participants be physically present in a meeting. In fact, they should have equal opportunities to participate, enshrined in a rule that ‘guarantees all participants’ the chance to contribute to argumentation and put forth an argument (Habermas 1990, 89).

Furthermore, Habermas (1990, 88–9) strongly stresses that communication should rule out both internal and external coercion, for the only force that is allowed is ‘the force of the better argument’. Indeed, he emphasises that a valid agreement is the one that is not imposed or brought about through the manipulation of the participants using external pressure. In short, the agreement needs to arise through the ‘generation of convictions’, which can be empirically analysed through the affirmative positions taken by the participants (Habermas 1990, 134).

Thus, after reviewing Habermas’ theory, it is clear that he offers a clear and attractive account of how different actors united by a desire to take a decision on an issue can arrive at positive results, free from the use of power and manipulation. It is specifically those ideas that have provided the greatest inspiration for many deliberative theorists who have engaged with the

TDD (Thompson 2008; Steenbergen et al. 2003; Fishkin 1991; Gutmann and Thompson 2004).

### *The 'democratic' element*

Theorising about deliberation is usually situated within discussions about democratic governance, hence the name the theory of deliberative *democracy*. Thus, a democratic element naturally accompanies the TDD. Nanz and Steffek (2005, 371) highlight that this 'democratic' label is directly linked to the participation dimension, particularly 'the broad variety of voices' included in the deliberative process. They therefore give special attention to the participation of civil society when analysing the deliberative qualities of IOs. Similarly, Gutmann and Thompson (2004, 9–19) add that 'what makes deliberative democracy democratic is an expansive definition of who is included in the process of deliberation', particularly regarding who has the right to deliberate and to whom the deliberators owe their justification. Thus, the key point is that the deliberative decision-making process should be open to all the relevant stakeholders. The democratic component of the TDD would therefore mean that the deliberative process should not restrict access to certain members in any given organisation.

### *The benefits of deliberation: why deliberate?*

#### *Legitimate decisions*

Adopting a deliberative model, especially within IOs, has several potential benefits. Firstly, decision-making through deliberation is seen to produce legitimate decisions. Dennis Thompson (2008, 498) explains that this is 'one of the most important' benefits ascribed to deliberation. Thus, here deliberation can be understood as intrinsically desirable because decisions taken through it 'respect the moral agency of the participants' (Thompson 2008, 498). Moreover, deliberation can also be seen as instrumentally desirable as it increases the 'perceived input legitimacy' of decisions and hence the voluntary compliance with those decisions (Beste 2013, 12).

Furthermore, the argument relating to legitimacy is also important for supporting the democratic element of deliberation. As James Fishkin (1991, 29) explains:

Without deliberation, democratic choices are not exercised in a meaningful way. If the preferences that determine the results of democratic procedures are unreflective or ignorant, then they lose their claim to political authority over us. Deliberation is necessary if the claims of democracy are not to be de-legitimated.

In the specific context of the IR discipline, Jens Steffek (2003, 262-4) explains that a deliberative approach is highly significant for legitimising international

governance. He firstly clarifies that ‘while legitimacy in pre-modern times was mainly derived from divine authority, specifically modern legitimacy is derived from the authority of reason’, where ‘giving reasons’ and exchanging arguments is now considered ‘the communicative process that legitimates governance’ (Steffek 2003, 263). Steffek (2003, 265) then argues that deliberative forums that allow ‘the widest possible participation in the debate’, such as the UNGA, produce rules and decisions that are ‘more legitimate than rules created on the club level of, for instance, the G-8’.

The above point has important implications for issues of global governance. Firstly, it addresses questions such as ‘is democratic legitimacy possible for International Institutions?’ (Christiano 2012, 69). The deliberative democratic model could certainly offer an affirmative answer. Through the principles of equal and inclusive participation, the application of the deliberative model within IOs offers to fulfil a difficult task that Thomas Christiano (2012, 81) hopes to be fulfilled in international negotiations; making negotiations ‘fair’ among materially unequal states.

Secondly, given that deliberation is also expected to proceed along democratic lines, the presence of deliberation within IOs could also signify a big step in the direction of a ‘Global Democracy’ (Archibugi, Koenig-Archibugi and Marchetti 2012). The possible realisation of the deliberative democratic principles at the international institutional level could provide empirical support for the realisation of democracy at the inter-state level (Koenig-Archibugi 2012, 176–9). Indeed, Mathias Koenig-Archibugi (2012, 162–74) effectively shows that the task of bringing democracy to the global level is not as difficult as it seems since currently no necessary conditions, such as ‘cultural and ethnic homogeneity’, are required for fulfilling this task. In this current study, a deliberative and *democratic* IO can certainly give some support for the possibility of creating a ‘global parliamentary assembly’ at the UN level (Koenig-Archibugi 2012, 177). Evidence showing the presence of equality and wide participation within an IO governing a specific policy domain can certainly offer some hope that this is also possible across all policy domains at a *global* level.

### *Better decisions*

The second reason why deliberation matters is because it is seen as a valuable process for delivering better outcomes and decisions. Not only is the deliberative process expected to result in decisions being taken in the first place and breaking deadlocks through consensus, the deliberative process is also seen as a generator of higher quality decisions (Carpini et al. 2004, 321; Beste 2013, 7). Such decisions taken deliberatively are seen to be more valuable than those taken without a discussion. The reason behind this is that political decisions that are taken collectively are likely to be more informed, owing to the reasoning process that they went through (Carpini et al. 2004, 320). Therefore, collective decisions will generally be sounder

overall than non-collective ones. Even in instances where prior decisions have been misguided, the deliberative process can offer to 'correct these mistakes' in such instances (Gutmann and Thompson 2004, 12). This is mainly done through the information-sharing dimension of deliberation that allows learning processes to take place and therefore correct prior policies using new knowledge. It is this epistemic dimension of deliberation that makes Simon Best (2013, 7) emphasise the 'superiority' of decisions taken discursively.

Applying this to the international level, Milewicz and Goodin (2018) emphasise that deliberation is useful here too, especially within IOs. They similarly endorse the view that deliberation offers better solutions whereby 'the 'free give and take of discussions' encourages the discovery of creative, novel solutions to shared problems' (Milewicz and Goodin 2018, 515). It is precisely this contribution to problem-solving that makes deliberative theory especially valuable to the IR discipline.

Moreover, Ulrich Sedelmeier's (2017) research indicates that deliberation can help in preventing 'democratic backsliding' of some of the European Union's (EU) member states and thus may contribute to addressing a significant challenge that this IO faces. He starts by explaining that the EU's capacity to respond to democratic backsliding by using the material sanctions codified in the Treaty on European Union's Article 7 is limited 'owing to a combination of voting rules, member state preferences and party politics' (Sedelmeier, 2017, 338). However, he then explains that 'in view of the constraints on using the material sanctions of Article 7 effectively, we need to devote greater attention to alternative political safeguards that rely on persuasion (Checkel 2001; Risse 2000) and social influence (Johnston 2001)' (Sedelmeier, 2017, 343). Significantly, Sedelmeier (2017, 375) then notes that one of the ways to increase the chances of successful social pressure is through having 'a depoliticized setting and a deliberative quality of interactions' as these 'are necessary for persuasion'. Thus, the process of deliberation has the capacity to support and enable IOs to effectively respond to contemporary challenges they may face.

### **Sources of variation in deliberative quality**

Many political scientists have taken great interest in searching for the determinants of deliberation and specifically the factors that are conducive to high-quality deliberative meetings. Here, deliberation is reasonably understood as a matter of degree, and thus the search is for factors that can increase the levels of deliberation in the meetings under analysis. The first of such studies was produced by Jürg Steiner et al. (2004) who studied the causes of high deliberation in several western parliaments. Since then, several scholars have followed in their footsteps to test for the causes of high-quality deliberations. Nonetheless, the vast majority of the studies have remained within a national parliamentary context. Nevertheless, several of the causes identified in the

parliamentary studies are relevant for IOs, and thus the relevant ones will be selected for this study on the IMO.

*Steiner et al.'s determinants of deliberation and other studies*

Steiner et al.'s (2004, 74) starting point was that the quality of deliberation within a parliament is 'not randomly determined', but rather contingent on its institutional design and the nature of the issue under discussion. Their selected causes therefore followed on from those two factors. With regard to the institutional factors, Steiner et al.'s (2004, 80–9) five determinants for high-quality deliberations were: a consensus democratic system rather than a competitive one; the presence of many veto-players whose consent is required for a decision to move forward; a presidential rather than a parliamentary system; the conduct of deliberations in second as opposed to first chambers; and deliberation being conducted in non-public as opposed to public arenas. With regard to the 'issue characteristic' being a determinant of deliberation, Steiner et al. (2004, 89) hypothesise that non-polarised issues are more conducive to deliberation than polarised ones.

Significantly, Steiner et al.'s (2004) study has inspired other studies on the causes of variation in deliberative quality across other parliamentary meetings. Many of the scholars who apply Steiner et al.'s insights to their research have often introduced other causes of variation to be tested in their case studies. For example, Bächtiger and Hangartner (2010, 616–9) when analysing German and Swiss parliamentary sessions introduce causes centred on actor characteristics such as gender. Here the authors test Jane Mansbridge's (1996, 123–4) argument that females are more inclined to deliberation than males because this consultative and participatory mode of communication suits females better. Similarly, Seraina Pedrini (2014, 268) in her comparative study on Swiss parliamentary and citizenry deliberations elaborates on other actor characteristics by adding 'language' and 'partisan affiliation' as determinants of deliberation. Moving beyond Western Europe, Kuhar and Petrovčič (2017) apply Steiner et al.'s framework to the Slovenian parliament. Similar to Steiner et al.'s (2004) study, they focus on the type of parliamentary body but specifically whether the discussions occur in the National Assembly, National council or a committee.

Lord and Tamvaki's (2013) empirical study on the deliberative quality of the European Parliament (EP) departs from the above studies as it considers deliberation among representatives from across the European Union (EU). The authors' selected causes are grouped under three familiar headings: institutional factors, issue attributes and personal characteristics (Lord and Tamvaki 2013, 28). The strength of their study is that it adjusts some of the previous causes to make them more suited for application within a regional institutional setting. With regard to empirical research beyond the EU level, no studies exist that have aimed at identifying the determinants of variation in deliberative quality at an international level or among international

delegates. Thus, a wide gap clearly exists in the literature which is what this study aims to fill in.

*Actor-related and institutional factors*

The first three hypotheses that will be tested in the case of the IMO build upon the determinants of deliberative quality identified in the previous parliamentary studies but also differ from them to some extent in their focus and application.

*NGOs vs. member states*

The role identity of the participants will be tested as a determinant of deliberative quality, but this time, the focus will specifically be on the distinction between NGOs and member states. The NGOs can be seen as a reflection of the ‘civil society’ category in Kuhar and Petrovčič’s (2017) study, but they can also be treated as information providers, especially when this is largely expected from them given their ‘consultative status’.<sup>1</sup> Indeed, on the role of NGOs as providers of information, Jonas Tallberg et al.’s (2013, 163) research indicates that some IOs cannot rely solely on what their member states provide in terms of information, and thus, the information provided by NGOs becomes essential for the functioning of such IOs. Significantly, Thomas Risse (2006, 190) writes that ‘compared to states, IOs, and MNCs, NGOs lack material resources. All they have to wield influence in world politics is moral authority and expert knowledge in their respective “issue-areas” of concern’. Similarly, Roger Payne (1996, 132–3) also highlights the knowledge provision of NGOs when he writes that ‘these relatively independent actors can generate and/or provide potentially overlooked information’ to states within international institutions, which may then help them in identifying their shared interests during the deliberation. The benefits of having NGOs participate in international deliberations is further emphasised by Martin Daniel Niemetz (2014, 70) in his research on NGOs and the UN Security Council where he writes that:

In principle, NGO input into the deliberations of the Council benefits both its effectiveness and its legitimacy in that these organizations add valuable information and perspectives from the ground and, since they are not obliged to represent particular populations, they are free to judge issues in a more subject-oriented manner.

In addition to providing their own expertise and being useful sources of information, deliberation scholars also note how NGOs can ‘act as intermediaries between partisan and unaffiliated experts and citizens’ and thus ‘create channels of input from citizens to experts on the nature of the problems to be solved’ (Mansbridge et al. 2012, 17). It is useful to note that within the NGO literature, some studies are quite critical of NGOs’ impact at the

international level as well as their representativeness of civil society (Nelson 1997; Brühl 2010). However, when it comes to deliberation, the overall view, particularly in the deliberative democracy literature, is that deliberations with NGO involvement are generally better than those without them. Measuring and testing NGO's deliberative quality in relation to the IMO's MS will then provide solid evidence for why their inclusion is not only useful for increasing the democratic legitimacy of IOs, but also for improving the deliberative quality of their meetings. The results from this hypothesis can then be extended to other IOs and UN agencies who also grant NGOs 'consultative status', such as the UN's Food and Agriculture Organization (Liese 2010). This study will therefore test the following hypothesis:

*H.1:* NGOs have higher deliberative quality scores than the member states of the IMO.

#### *Type of deliberative body*

Building on the earlier distinctions between different parliamentary bodies (Steiner et al. 2004; Kuhar and Petrovčič 2017), this study will also give attention to the types of forums hosting the deliberations. Significantly, several studies applying Habermas' deliberative ideas to the inter-state level have indicated that deliberation is affected by the type of body holding the discussions.

Arne Niemann's (2006, 487) study on the European Union's trade negotiations reveals how the 'negotiating environment' affects whether or not genuine debate takes place among the participants. His analysis shows that more technical bodies such as the 'Services Committee' had more prevalence of genuine debate than other more politicised bodies such as Article 113's full-members committee and the Commission. His explanation for this is based on the fact that technical bodies such as the Services Committee tend to be concerned with 'cognitively complex' issues that require expertise (Niemann 2006, 478–9). Niemann (2006, 479) then notes that this fosters communicative action as it necessitates 'discursive inquiry in the search for "right" action'. The key insight from Niemann's (2006, 479) study is that this expert-led environment tends to be an 'insulated' setting, away from the 'politicization pressures' that often characterise political bodies.

Significantly, this distinction between deliberations in technical as opposed to political bodies is further highlighted in Deitelhoff's (2009, 53–4) study when she comments on the International Law Commission (ILC). She explains that this expert forum 'seems particularly conducive to rational discourse because it decouples political decision making (with its potential distributive implications) from the creative part of finding new solutions to the problem at hand, (problem-solving) which it delegates to experts' (Deitelhoff 2009, 54). Thus, what can be induced from Deitelhoff's study is that the institutional setting may already be playing a great role in

determining deliberative quality, something that can be tested in the case of the IMO.

The difference that an institutional setting can make to the prospects of deliberation is further emphasised in Risse and Kleine's (2010, 713) study that provides a different take on why expert-led forums are more conducive to deliberation. When commenting on the EU's Comitology Committees, they argue that this setting is likely to foster argumentation. This is because such institutions introduce uncertainty about the identities of the participants, making the actors unable to precisely know the interests of their counterparts. Consequently, if a participant simply acts as a *national* representative, only pursuing the 'national interest', 'this is likely to be seen as behaving inappropriately in light of common expert knowledge' (Risse and Kleine 2010, 713).

Taking the above into consideration, it is clear that the type of deliberative body can affect deliberative quality at the international institutional level and not just at the parliamentary level. In the IMO, meetings occur in different places such as in committees, sub-committees and in the Assembly (IMO 2019e). Building on the findings of Niemann, Deitelhoff, Risse and Kleine, one can predict that the sub-committee and committee deliberations will have a higher deliberative quality score than that of the Assembly. Given the technical and therefore expert-led nature of the sub-committees and the committees (IMO 2016a), it is likely that their environment will give rise to stronger levels of deliberation than the more high-level and less expert-led bodies such as the Assembly. Deliberative quality is thus expected to fall as one moves from expert-led bodies to more political bodies. Thus, the second hypothesis is as follows:

*H.2: Deliberative quality decreases moving from more technical bodies to more political plenary bodies.*

### *Continuity of presence*

The third hypothesis tested is actor-related but takes an original approach in that the focus is not so much on who the speaker is but whether there is continuity of presence in the delegations. Thus, the emphasis here is on whether there is at least one person present across the committee meetings rather than having a completely new delegation attending each meeting. It will be theorised that having continuity of presence is conducive to high deliberative quality given that the delegation with a continuing member will benefit from the advice and experience of that member from the earlier sessions. The two main committee sessions analysed here to determine whether a specific delegation has a continuing member will be MSC's 97th and 100th sessions, which are almost two years apart. The MSC is chosen as it is the main deliberative body in the IMO. The hypothesis relating to the continuity of delegations is as follows:

*H.3:* Having continuity in attendance by at least one delegate increases deliberative quality.

### *Gender*

Given that gender has been identified as a potential determinant of deliberative quality in some of the studies discussed previously, it will be useful to also include this variable in the analysis, but as a control variable. It will be interesting to see whether female participants are better deliberators overall or whether the gender of the speaker has no effect on the quality of the speeches made.

### *State-related hypotheses*

As was shown previously, much of the theorising on the determinants of deliberative quality in the literature has occurred at a parliamentary level with the focus being almost exclusively on the institutional determinants of deliberative quality. To the extent that other types of determinants are considered, this exercise is usually quite limited to considering the influence of certain characteristics of the speakers or the issues under discussion. Significantly, no studies have been conducted to measure the determinants of deliberative quality while considering how the characteristics of states can influence their deliberative behaviour internationally. Indeed, it is still unknown what determines deliberative quality among international delegates when they meet and discuss issues within IOs. This research on deliberation within the International Maritime Organization (IMO) will take on this task of formulating and testing a number of state-related hypotheses (SRH) on the determinants of deliberative quality at the inter-state level.

### *Bringing back the 'state'*

The international relations discipline takes the state as its central unit of analysis for much of the theorising and empirical research on inter-state interactions. The SRH, which focus on the determinants of deliberative quality among international delegates, give special attention to the state and particularly to the characteristics of the state that can influence deliberative quality. Theorising in this area will certainly involve treading on untrodden paths since no studies have theorised in this area before. Nonetheless, research that has drawn the link between the TDD and IOs will be considered for inspiration as some of the findings of those studies provide hints to the possible determinants of deliberative quality among state representatives within international institutions. Although they are limited in number, the few studies showing the relevance of Habermas' ideas to IOs such as the World Trade Organization (WTO) and the UN Security Council (UNSC) will be referred

to for providing evidence that the theoretical foundations of the SRH recognise existing empirical evidence.

The fundamental starting point for the SRH is that certain state-related features directly influence the deliberative quality scores of the countries participating in international negotiations. Two features are chosen as the main causes of variation in deliberative quality: bureaucratic quality and hard power. However, this study recognises that other state characteristics may have an impact on their deliberative performance, and thus those potential characteristics will be included in the analysis as control variables. The SRH are firstly explained below and are then followed by the discussion on the control variable that may also determine the deliberative performance of the IMO's member states.

#### *Bureaucratic quality and permanent representation*

The first state feature tested in this study focuses on whether the quality of a state's bureaucracy determines its deliberative performance in international meetings. The idea behind this proposition is that countries with a stronger, more skilled bureaucracy are likely to be better deliberators than states with weaker bureaucracies. The potential significance of this determinant is hinted at in Nicole Deitelhoff's (2009, 43–53) study on the International Criminal Court (ICC) where she argues that this IO came to life in its current form thanks to deliberative dynamics. When commenting on 'the lack of effective participation by developing and transitional countries from Africa, Latin America, and Central and Eastern Europe', her answer is based on the quality of representation within the ICC. She explains that 'given the complex nature of the issues, their delegations were hardly able to cover the entire gamut of negotiations' (Deitelhoff 2009, 55). Further information reveals that wealthy countries were able to send larger delegations composed of ten or more members who were able to focus on all the issues. In contrast, developing countries were only able to send one or two members. From the above, it seems that the competency of the delegation and possibly its size may influence a state's deliberative capacity.

The importance of having a competent national bureaucracy supporting delegates stationed at the Headquarters of IOs is emphasised in Ademola Oyejide's (2000) study on the WTO negotiations. Indeed, Oyejide (2000, 23) writes that 'a country's resident delegation in Geneva, skilled in negotiation and diplomacy, serves as the arrowhead. Key staff in home capitals, with analytical and policy-making skills, provide direct operational support and guidance to the resident delegation'. Nonetheless, a problem Oyejide notes is that this institutional capacity is often lacking in low-income and developing countries who often suffer from coordination problems among their ministries and bureaucracies. As for representation abroad, 'most of the least-developed countries are either not represented at all or inadequately represented in Geneva' (Oyejide 2000, 24). This is highly significant

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as it obstructs these countries' ability to participate in the WTO's daily meetings.

The above studies provide important insights and indicate that the quality of the bureaucracy at home as well as that of the delegation at the IOs play a direct role in influencing a state's participation in multilateral deliberations. Thus, this study proposes that a state's bureaucratic quality influences its deliberative quality score in that the higher the quality, the higher the score. A country with a strong bureaucracy is likely to have competent civil servants that support their delegations abroad. Significantly, the results from this hypothesis would complement existing studies on 'international' bureaucratic power, such as Andrea Liese et al.'s (2021) research on the expert authority of international bureaucracies (IOs' secretariats) and the variation in the recognition of this authority among national ministries. The results of this hypothesis would highlight whether one can also say that 'national' bureaucratic power is authoritative during deliberation, and thus a key determinant of deliberative quality. The findings relating to the quality of national bureaucracies will thus be particularly relevant for the literature drawing the link between public administration and IR (e.g. Ege and Bauer 2013; Busch and Liese 2017; Busch et al. 2020). This study will therefore hypothesise that:

**H4:** States with higher bureaucratic quality have higher deliberative quality scores.

Secondly, states having permanent representation at the IMO will likely be better deliberators than those with non-permanent missions. This is mainly because having permanent presence will increase the skills and knowledge of permanent representatives, which will likely make them better speakers than those who visit the IMO temporarily and are thus not as familiar with the way it works. Thus, it will be hypothesised that:

**H5:** States with permanent representation are more deliberative than states lacking permanent representatives.

The size of the delegation can potentially be a significant indicator of deliberative quality where larger delegations are better deliberators than smaller ones. However, this may not necessarily be the case, since it is the quality of the delegations that is argued to be the key explanation, rather than its size. Nonetheless, the size of the delegation will still be controlled for in this study during the testing of the SRH.

### *Hard power*

The study of International Relations is largely characterised by a focus on power and power dynamics. In the case of the TDD, the presence of hard or coercive power is largely seen as problematic and something that must

be tamed to give way to the power of the better argument. Almost all the studies that observe deliberative dynamics within IOs present power and the power asymmetries between states as a malign force that endangers the prospect of deliberation occurring within IOs (Higgot and Erman 2010, 467; Kapoor 2004, 532–7). This is a rather common theme across several studies, as shown below.

In Ian Johnstone's (2003, 461) study on deliberation within the United Nations Security Council (UNSC), he presents the presence of 'relationships of power and coercion' in the UNSC as a feature of this institution that works against Habermas' equal status precondition for deliberation. This problematic relationship between power and the establishment of the ideal speech situation has been noted in other studies that often present material power as an alternative explanation for why a specific argument is favoured or ignored (Deitelhoff and Müller 2005, 177; Deitelhoff 2009, 38–40).

Investigating closely why there seems to be an incompatibility between power and deliberation yields to the result that this may be due to the effect of power on its possessor. Indeed, Ilan Kapoor (2004, 537) notes how 'coercive negotiating tactics' tend to be used by 'powerful trading members' in the WTO. Similarly, Deitelhoff (2009, 59) comments on the tendency of powerful states to use 'classical bargaining resources such as threats and promises' when they realise that they are losing an argument. This was the case during the formation of the ICC when 'smaller states were threatened with a withdrawal of military aid if they did not support the U.S. position' (Deitelhoff 2009, 59). Significantly, Deitelhoff (2009, 44) then contrasts this situation when she notes how small and middle powers tend to lack such 'bargaining resources', which ultimately makes them more inclined to deliberate since they mostly possess 'discursive resources'.

From the above studies, it is clear that a state's power capabilities seem to be playing an important role in influencing its tendency to deliberate. Indeed, it appears as though powerful states are attracted to deploying threats and other coercive techniques whenever they feel that they are losing an argument. Thus, here an expectation arises whereby more powerful states can be expected to be weaker deliberators than less powerful countries since they have the capability to deploy other forces if their stated argument fails to convince.

It is important to clarify that this study does not propose that ridding a state of all its power capabilities is the way to go. Rather, the theoretical argument is that states that have the strongest material capabilities will probably be the weakest deliberators since their power capabilities significantly outweigh those of the smaller and medium powers of the world. Thus, it is the unequal distribution of power in the hands of great powers that poses a problem, rather than the existence of hard power itself.

With this information in mind, the third state-related hypothesis can be proposed. This hypothesis tests whether deliberative quality is informed by a

state's power capabilities and whether guns can really have an influence on tongues!

H6: As a state's hard power increases, its deliberative performance decreases.

#### *Control variables*

In addition to the size of the delegation, other state characteristics will be controlled for while testing the SRH. Those will be a state's level of development, national deliberative performance, maritime importance and membership years. The indicators used for them are outlined shortly in the methods discussion.

#### *Contagion effect*

This study will propose that there is a contagion effect taking place during the IMO deliberation between the participants in the sense that the previous speakers will influence the deliberative quality of the current speaker. This is an original hypothesis that has not been previously proposed in the literature. It is surprising that this is the case in the deliberation literature despite the fact that deliberation by definition takes place between more than one participant and thus, there will always be a 'relational' aspect involved. The uniqueness of this contagion effect hypothesis is that it focuses on the *implicit* social dynamics happening at the IMO whereby current speakers are affected by the signals sent from the previous speakers through the quality of their deliberative statements.

It is important to note that a few studies on deliberation do recognise the importance of being attentive to certain social dynamics, particularly cases where some speakers reference other speakers (Himmelroos 2017, Ugarriza and Nussio 2016). It is for this reason that those studies also include a 'reciprocity' dimension in their deliberative coding schemes when coding deliberations. Thus, there exists work on deliberative interactions and particularly on accounting for it during the coding process. However, so far, there has been no recognition of or theorisation on the deliberative performance of previous speakers being a *determinant* of the deliberative quality of the next speaker. Thus, theorising about this 'relational' aspect of deliberation in this study fills in an important gap in the literature. If the results support the existence of a contagion effect, then this would reveal that participants in international deliberations are senders and recipients of hidden social signals that determine deliberative quality. Such results would also reveal that international delegates are influenced by their social surroundings, which would remind us that deliberation is a *human* activity subject to social dynamics. Given the importance of this potential contagion effect, this study will test the following hypothesis:

H.7: Previous speakers will influence the deliberative quality of the current speaker.

### **The road map: two stages of research**

After having discussed the main hypotheses guiding this study, it is important to clarify how this study on the IMO will proceed. The analysis of the deliberative interactions and discussions in the IMO will progress through two stages to answer the overarching research question of this study. Stage 1 focuses on the first dimension of the main research question relating to the conditions for enabling deliberation to take place, while stage 2 focuses on the determinants of deliberative quality as shown below.

**Does the IMO meet the requirements for establishing an ideal deliberative setting with institutional features conducive to deliberation [stage 1], and if so, what are the determinants of variation in deliberative quality within the IMO [stage 2]?**

#### *Stage 1*

Habermas' TCA places a lot of emphasis on the 'ideal speech situation'. Thus, it will be important to analyse whether its principles as well as its precondition (the common lifeworld) are established in the case of the IMO. The common lifeworld can be treated as the 'ideational' context of deliberation, and thus, it will be important to see whether there is evidence for its existence in the IMO. Following this, it will be important to study the institutional structure of the IMO to see whether its design is conducive to deliberation and the 'ideal speech situation'. The design will be particularly significant since the 'ideal speech situation' needs certain institutional rules that would embed principles such as equality within the deliberative process. The focus here will thus be on the 'institutional' context of the IMO that is central for facilitating deliberation and establishing the 'ideal speech situation' in the IMO meetings. It will also be useful to take a broader approach and look for any institutional features within the IMO that have an impact on the deliberations and the way they function.

In order to give a chance for the IMO delegates to voice their views about the deliberative situation in the IMO, this stage of the study will also involve interviewing the IMO delegates themselves to ask them about their deliberative experience in this international institution. The focus here will be on the views of the delegates on key themes relating to democracy, equality, inclusion and business influence in the IMO. All of these themes strongly relate to Habermas' principles for establishing an 'ideal speech situation' and further relate to the 'democratic' dimension of the theory of deliberative democracy that already intersects with Habermas' deliberative principles.

Based on the above, the four main questions guiding this stage will be:

- 1) Does an international common lifeworld exist in the IMO?
- 2) Does the IMO fulfil the deliberative criteria of the 'Ideal speech situation'?

- 3) Are there any institutional features within the IMO that facilitate the deliberative process between the participants?
- 4) What are the views of the IMO member state and NGO delegates regarding the state of equality, access and inclusion during the IMO deliberation?

These four questions guiding the first stage of the research are characterised by fact-finding, analysing the organisation's rules and procedures, and also reflecting on the IMO's meeting discussions. Data gathered from the interviews are also analysed and included in this stage to further illustrate the state of deliberation within the IMO.

### *Stage 2*

The second stage of research will be concerned with measuring the deliberative quality of the IMO meetings and determining the causes of variation in deliberative quality. It will thus be concerned with firstly testing hypotheses 1 to 3 on the actor-related and institutional factors that can affect deliberative quality, followed by hypotheses 4 to 6 (the SRH) relating specifically to the member states of the IMO, and finally hypothesis 7 on the contagion effect.

Thus, the second stage of research will be concerned with the following research questions:

- 5) What are the determinants of deliberative quality across the IMO's participants and institutional bodies?
- 6) What are the determinants of deliberative quality across the member states?
- 7) Is there a contagion effect taking place during the IMO deliberations?
- 8) What are the views of the IMO delegates on the other 'relational' aspects of the deliberative process?

To answer those questions, the speeches of the IMO deliberations will be coded using the DQI (see Chapter 5), and the results will be recorded and then analysed quantitatively. The findings for hypotheses 1 to 6 will be presented and explained in Chapter 6, while Chapter 7 will focus on the findings of the 'contagion effect' hypothesis as well as the final question on the 'relational' aspects of deliberation. For the contagion effect, the quantitative findings relating to its hypothesis will be presented followed by the views of the delegates (gathered from the interviews) on whether previous speakers have an effect on the next speakers. Thus, the analysis relating to question 7, in addition to that of question 8, will make use of the interviews conducted with the IMO delegates to illustrate the discussion on the 'relational' aspect of deliberation, which includes the contagion effect and the effect of the deliberative process on the delegates. Now that the main questions guiding this study have been presented, the next section explains the methodology that

will guide this study, particularly the quantitative and qualitative methods that will be used to analyse the IMO deliberations.

## Methodology

### *Stage 1: document analysis*

Given the significance of the common ‘lifeworld’ concept for the deliberative process and the ideal speech situation, stage 1 of the research devotes attention to identifying whether a common lifeworld exists in the case of the IMO. Similarly, given the importance of the ‘ideal speech situation’ for being a strong indicator for the establishment of a healthy deliberative setting, this study also gives attention to identifying whether the IMO’s institutional structure is conducive to the ‘ideal speech situation’. The search for the lifeworld and the ideal speech situation both constitute the focus of stage 1 of the research. Moreover, stage 1 is also interested in identifying the institutional features of the IMO that facilitate the deliberative process between the participants during the meetings, with possible examples being the roles of the chair and the Secretariat.<sup>2</sup> The main methodological technique that is used to answer the research questions of this first stage is that of ‘document analysis’.

With regard to the lifeworld question, a significant proportion of the evidence used in Chapter 2 is based on the analysis of primary documents and meeting transcripts from IMO debates and discussions. Similarly, the analysis of the institutional design of the IMO is conducted through the engagement with the IMO’s rules and regulations as outlined in its official documents and then relating them to Habermas’ criteria. Conveniently, the IMO has codified how its committees are supposed to operate in several documents and guidelines, and therefore these rich documents are carefully analysed (e.g. Rules and Guidelines, 2019; MSC-MEPC.1/Circ.5 2016) in Chapter 3. Those documents are also analysed through the methodological technique of ‘document analysis’ (Altheide et al. 2008, 128). This analytical method is mainly concerned with extracting data from the text contained in documents in order ‘to gain understanding and develop empirical knowledge’ (Bowen 2009, 27–8).

For some criteria, such as the ‘absence of coercion in taking positions’, it is difficult to find specific documents confirming their fulfilment (Habermas 1993, 56). Thus, in such cases, the focus is on the interactions in the actual discussions to assess whether the use of threat is at all present during the negotiations. The analysis of the documents along with the debates is thus useful for indicating whether the different Habermasian criteria can be ‘ticked’ as fulfilled in the IMO meetings. Significantly, the criteria-oriented approach has been utilised in several studies that search for the fulfilment of deliberative pre-conditions within other IOs. For example, Higgott and Erman (2010, 464–7) focus on the rules and procedures of the WTO as well as its voting structures while assessing its deliberative quality. This approach

that relies on documents to determine an IO's position regarding Habermas' criteria has been applied in other studies on the WTO, the World Bank and the UN Security Council (Kapoor 2004, 526–9; Payne and Samhat 2004, 99–199; Johnstone 2003, 466–70). All this emphasises the appropriateness of analysing reports and primary sources to capture the state of the deliberative conditions within this study's institution of interest; the IMO.

It is important to note that stage 1 also makes use of data gathered from interviews with the IMO delegates. Those interviews are useful for answering research question four on the views of the delegates on the state of equality, inclusion as well as questions 7 and 8 of stage 2 on the contagion effect and the relational aspect of deliberation respectively. Given that this methodological technique is present in both stages, the discussion on the use of interviews is presented later in this chapter after having discussed the quantitative method used in stage 2.

### *Stage 2: quantitative analysis for identifying the determinants of deliberative quality*

Stage 2 of this study focuses on identifying the determinants of deliberative quality both across different actors (Member states and I/NGOs) and across the member states. The latter is the focus of the state-related hypotheses (SRH) previously discussed. The DQI is used to measure deliberative quality through the coding of the speeches. However, the original DQI presented in Steiner et al.'s (2004) study is amended to make it more suitable for an IO context as explained in Chapter 5. This section explains the reason behind the focus on deliberative *quality*, outlines the amended DQI categories that are applied during the coding of the speeches and then moves to the data sources that are used in the quantitative analysis.

### *The importance of deliberative 'quality'*

When Habermas (1990, 89) was formulating his TCA, his main focus was on the fulfilment of the deliberative preconditions which would then allow the establishment of the 'ideal speech situation'. What can be understood here is that the establishment of rules allowing for equal participation and the absence of coercion is the main task for anyone seeking to make deliberation the norm in a given institution. Thus, Habermas' ideal speech situation can be seen as coming to life mainly due to the rules and regulation; if the rules of an institution are tailored around deliberative preconditions, then we need not look any further; rational discourse is almost guaranteed to take place.

Nonetheless, in practice, this may not always be the case, and thus there is a need to adjust one's thinking in terms of deliberative *quality*. Indeed, the establishment of preconditions is not a guarantee that deliberation would reach 'ideal' levels, especially when focusing on inter-state interactions in IR. It is here where Dennis Thompson's (2008, 501) distinction between

conceptual criteria, evaluative standards and empirical conditions for deliberation becomes especially useful, as explained below.

The conceptual criteria, which is another name for the preconditions of deliberation, are important for outlining the necessary conditions for a practice to count as deliberation (Thompson 2008, 501–5). The evaluative standards are the tools that allow researchers to judge the quality or *evaluate* the quality of a deliberation. Here, the DQI is an example of those tools (Steiner et al. 2004). The empirical conditions, which are better thought of as the determinants of deliberation, are the very factors that determine the quality of the deliberation (Thompson 2008, 509–11). Focusing only on Habermas' theory could make one overlook the causes of variation in deliberative quality between different speakers. Nonetheless, the fulfilment of the preconditions is still important and necessary to give a full picture of the deliberative environment. Thus, it will still be necessary to reflect on the 'ideal speech situation' and whether it is fulfilled in the case of the IMO. However, this should be done in addition to measuring deliberative quality rather than as a replacement to it.

#### *Coding and units of analysis*

This study applies the DQI, a quantitative coding scheme, but amends some of its coding categories to make it more suitable for an international organisational context. Each speech is coded according to the following categories of this study's revised DQI<sup>3</sup>:

- *Level of justification*: refers to the quality of the justifications for the demands.
- *Content of justification*: refers to the extent to which the demands are justified in the interest of the international community.
- *Reciprocity*: refers to whether other speakers are referenced in the speeches.
- *Indications of shifts*: refers to whether there is explicit evidence for a shift in the speaker's position.
- *Deliberative behaviour*: refers to whether a speaker asks/answers questions or makes a proposal, either in a submitted document or 'on the spot'.

It is useful to clarify what exactly is coded in each speech. Steenbergen et al. (2003, 27) clarify that they distinguished between irrelevant and relevant parts for each speech. They add that 'a relevant part is one that contains a demand, that is, a proposal on what decision should or should not be made. Irrelevant parts make no demands; these could be clarifying questions or remarks unrelated to the debate' (Steenbergen et al. 2003, 27). Such demarcation provides guidance for studies that then apply the DQI in other contexts (Maia et al. 2017, 11).

Nonetheless, in this study, each speech made by a member state or I/NGO is coded in its entirety, or rather read in its entirety before highlighting its relevant parts with regard to each coding category. This is mainly because there is a need to engage with parts of a speech that may seem irrelevant at first sight. Indeed, such parts may indeed be connected to the debate and have deliberative value even though they might have not been articulated clearly enough by the speaker. Moreover, in cases where states pose questions, this is actually treated as significant deliberative behaviour as it is part of the coding scheme. Thus, it would not be useful for this study's analysis to disregard such parts from a speech just because they are not directly related to stating a demand.

It is important to clarify that the above does not mean that irrelevant text is coded. Rather, it means that the speeches are read charitably without deleting certain sections *a priori* before the coding procedure. In this way, the study codes as many parts of the speeches as possible to get an accurate understanding of the deliberative quality of the debates and of the speakers. Thus, there is still attentiveness to demands during the coding; nonetheless, the interpretation of the nature of a demand is done 'in broad terms' to allow the DQI coding to be triggered 'as much as possible' as in situations where a demand may be 'implicit' (Davidson et al. 2017, 191).

Moreover, the parts of a debate that are not coded in this study are those made by the chairperson and the IMO secretariat. This is because those two actors mostly act as mediators and information providers for the member states and the observer organisations during the debates. Thus, their DQI scores are not of direct interest here. However, their role in facilitating the deliberative process is highly significant and will therefore be analysed in this study (see Chapter 3 on the institutional context of the IMO).

During the coding stage, the unit of analysis is the individual speech. The individual speech is the most basic unit of analysis and has been treated as such in Steiner et al.'s (2004, 55) study and in studies that follow in its footsteps (Pedrini 2014, 272; Maia et al. 2017, 10). Nonetheless, the unit of analysis in this study changes during the analysis of the speeches at the debate level. Here, the focus is on the DQI scores of the participants (MS or I/NGO) at each debate.

### *Debate level analyses*

The debate level scores for the participants (MS or I/NGO) per debate are calculated as follows: a participant takes the highest value from each DQI indicator per debate, so that a state or I/NGO who had the following DQI sub-component scores (0, 0, 1, 0, 1) for its first speech and then (2, 0, 1, 1, 0) for its second speech in the same debates (if it spoke more than once) would then ultimately have this configuration for its DQI score at the debate level: 2, 0, 1, 1, 1.

The justification for moving to a debate level of analysis has been provided by some scholars for the potential benefits this level can bring. This is best captured when Marlène Gerber et al. (2018, 1102) state that:

To date, the quality of deliberation had only been checked at the level of individual speeches. But this is problematic: in order to achieve an overall maximum score, every speaker would not only have to justify their demands and arguments thoroughly in every single speech, they would also have to be simultaneously orientated towards the common good and be respectful at all times. Even staunch advocates of deliberation might agree that this is conceptually impossible, ignoring ‘economies of speech’ and the fact that in good conversations, arguments are not repeated all the time. Therefore, we have applied a holistic approach which analyses the overall deliberative performance of each speaker in an entire discussion.

Thus, some scholars recommend this level as they see it as more appropriate than the raw level. This is mainly because one can’t expect participants to be deliberative across all DQI components in *every* single speech. In this study, the quantitative analyses are conducted at the debate level. However, the results using the ‘raw level’ speeches are also reported as extra information.

A great advantage of the DQI is that it allows researchers to conduct regression analyses for testing hypotheses relating to the determinants of deliberative quality. Previous studies have used the DQI specifically because it allows the production of regression tables capable of producing significant results (Pedrini 2014, 277; Kuhar and Petrovčič 2017, 10). To identify the determinants of deliberative quality and test the hypotheses of this study, Ordinary Least Square (OLS) regression analyses are conducted on the DQI results gathered from coding the speeches. The DQI results serve as the dependent variable, while the potential determinants of deliberative quality identified in the previous chapter serve as the independent variables. To see whether the DQI components can be combined into one index, or more than one, a factor analysis is conducted on the speeches, the results of which are presented in Chapter 6 on the quantitative findings of this study.<sup>4</sup> The IMO meetings used and data sources for the dependent variable and the independent variables are presented below.

### *The selected IMO meetings*

In terms of the types of IMO meetings analysed, the focus is on the committee meetings of the IMO as opposed to the meetings in other IMO bodies such as the Assembly and the sub-committees. This is mainly because the committees are the ‘policy-making’ arenas of the IMO where most of the inter-state deliberations take place (IMO 2016a, 51). Studying only deliberative interactions of the sub-committees or the Assembly would not be providing the whole ‘deliberative’ picture as the former are largely technical bodies while the latter occurs infrequently to discuss issues such as the budget and the work programme of the IMO. With regard to the type of the committees analysed, the focus is on the Maritime Safety Committee (MSC). The MSC

is the most important committee at the IMO where countries extensively discuss maritime, safety and security-related issues. The speeches of two complete MSC sessions are coded in this study: the MSC's 100th session and the MSC's 97th Session. However, to increase the sample size, other debates from other MSC sessions are included. The rest of the speeches analysed come from debates at the Ship Design and Construction (SDC) sub-committee and the IMO Assembly, all of which occurred during a very similar time range between 2016 and 2018. In total, 30 debates have been coded, with 24 debates coming from the MSC, 3 debates coming from the SDC and the other 3 coming from the Assembly.

It is important to note that this study largely departs from the 'theoretical sampling' technique for debate selection that was adopted by Steiner et al. (2004, 99–100) in their study. During their selection of the parliamentary debates, the scholars chose to select specific types of debates such as ones relating to 'social and economic policies' (Steiner et al. 2004, 100). They thus departed from random sampling, although this was not a matter of choice as they did not have an exhaustive list of debates that would have allowed random sampling to happen. One potential issue with using theoretical sampling is that it limits the variation in the discourse quality as the researcher to some extent interferes in the case selection before the analysis is conducted. This might result in producing results that may be harder to generalise for the institution under consideration. For this reason, all<sup>5</sup> of the MS and I/NGO speeches in the two selected MSC committees are coded, without selecting specific types of agenda items that may affect the results of the analysis. As for the other MSC, SDC and Assembly debates, the choice is quite random, but the preference is for those debates that have a substantial number of speakers involved in the debates (to avoid coding a very short debate composed of, e.g., two speakers).

### *Independent variables*

The independent variables that are tested in this study are the ones outlined in Section 'Sources of variation in deliberative quality' of this chapter. As was shown, some of them relate to all the speakers and the type of institutional body while others relate to the characteristics of the member states of the IMO. The data sources of the independent variables are explained below.

### *Internally sourced variables*

For some of the independent variables, the data is already available from the IMO's meetings and the meeting documents. This is the case for the gender, continuity, institutional body, type of actor (MS/I/NGO), average delegation size, membership years, contagion effect and permanent representation variables. Documents such as the 'list of participants' are used to supply the information needed here for the regression analyses (e.g. MSC97/INF.1 2016; MSC 100/INF.1 2018). For the continuity variable, the list of participants for

MSC's 97th session and MSC's 100th session is compared. If there is at least one<sup>6</sup> delegate who is present on both lists, then the speech made by this entity (Member state/NGO/IGO) is given a value of 1. If this is not the case, or there was no delegation sent in the first place to one of those committee sessions, then the entity receives a value of 0. However, for the other variables, particularly those relating to the SRH, external data sources are used.

*SRH independent variables and controls*

HARD POWER

To measure hard power, this study applies the most widely used indicator of national capability, the Composite Index of National Capability (CINC) whose components are collected under the Correlates of War project (COW, 2018; Singer et al. 1972). Significantly, this index is composed of six separate indicators for measuring power, and they include 'military expenditure, military personnel, energy consumption, iron and steel production, urban population and total population' (Singer et al. 1972, 25–6; COW 2018).

BUREAUCRATIC QUALITY

To measure bureaucratic quality, V-Dem's (Varieties of democracy) 'Criteria for appointment decisions in the state administration' is used (V-Dem 2021). This measure is particularly interested in the extent to which 'appointment decisions in the state administration [are] based on personal and political connections, as opposed to skills and merit' (V-Dem 2021). It is measured on a scale from 0 to 4 with 4 being the best score indicating that appointments in country's administration are based on merit rather than connections. The permanent representation variable is also used as an indicator of bureaucratic quality but, as mentioned above, the information for this variable is gathered from the list of participants.

CONTROL VARIABLES DATA

For the control variables relating to the SRH, two of them are also sourced from the V-Dem database. These are the 'electoral democracy' and 'deliberative component' variables (V-Dem 2017; Coppedge et al. 2016). Michael Coppedge et al. (2016, 583) explain that the deliberative component scores of this database are composed of five indicators that together give a measure of the degree to which 'political elites offer public justifications for their positions on matters of public policy, justify their positions in terms of the public good, acknowledge and respect counter-arguments; and how wide the range of consultation is at elite levels'. Thus, clearly the indicators mirror the principles of the TDD making this V-Dem's indicator appropriate as a control variable. However, given that democracy is also characterised by an

‘electoral’ dimension, the ‘electoral democracy’ indicator is also controlled for in this study.

It is important to note that the V-Dem database focuses more on the political elites rather than on the citizens of the states. To capture possible deliberative dynamics at the latter level, the World Press Freedom Index (WPF) is used as a measure of public sphere openness across the IMO member states (RSF 2018). Together, the WPF rankings across the globe and the V-Dem scores give an accurate level of the state of deliberation within the member states of the IMO.

To control for maritime importance, the study uses the Liner Shipping Connectivity Index (LSCI) as an indicator of a country’s maritime integration into the world’s liner shipping networks. The LSCI is generated from five components:

- (a) the number of ships; (b) the total annual container-carrying capacity of those ships; (c) the maximum vessel size; (d) the number of services; and (e) the number of companies that deploy container ships on services from and to a country’s ports.

(UNCTAD 2018)

This index is an important control variable and is useful for showing whether there is a relationship between the level of integration of member states in the maritime world and their deliberative quality.

In addition to maritime integration, the study will also control for two maritime related dimensions: fleet ownership and maritime intensity of preferences for maritime regulation. Fleet ownership will be included as a control variable in the regression analyses to ensure that alternative explanations to hard power are recognised in the analysis. Maritime intensity for preferences will be included for the same reason and will be treated as an indicator for bargaining power. The measure used will be the Liner Shipping Connectivity Index (LSCI) divided by each country’s Gross Domestic Product (GDP) (UNCTAD 2018). A state for which the maritime sector takes up a larger proportion of GDP has a higher stake in the outcome of negotiations; it has a higher intensity of interest and a weaker bargaining power compared with another state with the opposite characteristics.

Data on the merchant fleet by country of beneficial ownership are obtained from the data resources of the United Nations Conference on Trade and Development (UNCTAD 2018). The other control variable of LSCI/GDP of course uses UNCTAD’s data for the LSCI calculation but divides the LSCI value by each country’s GDP value, with the GDP values obtained from the online data provided by the United Nations.

For controlling for the impact of development on inter-state deliberations, data from the United Nations’ Development Programme (UNDP) is utilised. The UNDP’s ‘Human Development Index’ (HDI) is a very useful measure as it measures each state’s development level based on several dimensions

such as life expectancy, years of schooling and Gross National Income (GNI) per capita (UNDP 2018). Thus, the index does not just focus on economic performance but also includes an education and a health dimension in the assessment of state development.

### *Stages 1 and 2: interviewing IMO delegates*

This study makes use of interviews with IMO delegates to answer research questions relating to both stage 1 and 2. Semi-structured ‘elite interviews’ have been conducted with members of the state delegations as well as NGO delegates to obtain their views on the committee deliberations (Harvey 2011, 432–3). Significantly, the use of interviews in studies of deliberation is quite common as it allows researchers to directly capture the opinions of the participants regarding their experience during deliberation (Black et al. 2010, 332; Dutwin 2003, 248). This study has obtained a diverse sample of the IMO member states and NGOs so that the voices of the different continents and NGO types are included in the analysis.

One key benefit of interviews is that it allows researchers to gather information about the issues that they were unable to obtain quantitatively. Indeed, Steiner et al. (2004, 166) recommend the use of interviewing for gathering information about variables that are difficult to empirically observe, such as Habermas’ truthfulness criteria. Interviews are also useful for asking the participants about their overall deliberative experience in the IMO and whether they feel that they have an equal chance to participate in the meetings. Indeed, interviews are particularly useful for asking the participants themselves about how the deliberations happen *in practice* and whether they face any challenges during the deliberations. They are thus a very useful research tool that ‘can supply data that help to justify the assumptions upon which a study is based’, as Greenstein and Mosley (2021, 5) highlight. The results of the interviews are presented in Chapters 4 and 7 on democracy and ‘relational’ deliberation, respectively.

### *The sampling process*

To get a diverse sample, interview invitation letters have been sent to member state delegates located in each continent of the world (Goldstein, 2002). As for the NGOs, the IMO’s (2021) list of NGOs with ‘consultative status’ indicates that there are four main classifications here: maritime industry NGOs, environmental NGOs, labour NGOs and expert NGOs; the first of which tend to be commercially oriented while the remaining are usually non-commercial. The interview invitations have been sent to all four categories. The study has ensured that at least one NGO delegate has been interviewed from each category and that at least one member state delegate comes from Africa, Asia, Europe, North America, South America, the Pacific Ocean region and the Arab world. Interview invitations have also been sent to small island developing states (SIDS) so that at least one interview from their delegations

is included in this study's sample. At least five invitations have been sent to the delegates relating to each region or category. However, if no response has been received from any of those five delegates, then more invitations were sent until at least one response has been received. Below is the full list of interviews conducted. The member states' delegates are referenced with the abbreviation C, denoting country, while the Non-Governmental Organisations' delegates are referenced with the abbreviation N. Each interview is given a number.

Interviews with member state delegates:

- Int. C1: African delegate
- Int. C2: Eurasian delegate
- Int. C3: Delegate from the Pacific region
- Int. C4: South American delegate
- Int. C5: Island state delegate
- Int. C6: European state
- Int. C7: Delegate from the Pacific region
- Int. C8: North American delegate
- Int. C9: Delegate from the Pacific region
- Int. C10: Asian delegate
- Int. C11: Arab delegate

Interviews with NGO delegates:

- Int. N1: Non-commercial NGO delegate
- Int. N2: Industry NGO delegate
- Int. N3: Non-commercial NGO delegate
- Int. N4: Industry NGO delegate
- Int. N5: Non-commercial NGO delegate
- Int. N6: Industry NGO delegate
- Int. N7: Environmental NGO delegate

The interviews have taken place online for approximately 30 minutes, although when the delegates had more time, the interviews were extended to 60 minutes. Because of the nature of the interviews as semi-structured, a list of essential questions has been prepared to guide the interviews (see Chapters 4 and 7 for their discussion), but enough space has also been left for follow-up questions relating to what the delegates say during the interviews. Moreover, the interviewees have been given the chance to provide any other thoughts and reflections relating to deliberations in the IMO more generally. The flexibility of this type of interview along with its planned structure is essentially the essence of semi-structured interviews (Brinkmann and Kvale 2018, 2).

The semi-structured life-world interview seeks to obtain descriptions of the life-world of the interviewee with respect to interpreting the meaning

of the described phenomenon; it will have a sequence of themes to be covered, as well as some suggested questions. Yet at the same time there is openness to changes of sequence and forms of questions in order to follow up the specific answers given and the stories told by the subjects.

The interviews with the IMO delegates have indeed been structured by theme, and within each theme, a number of questions were included. The main themes discussed were access, equality, democracy, relational deliberation, Habermasian criteria and empathy. The overarching theme has of course been deliberation, and thus the interviewees have been encouraged during the interviews to add any other thoughts they have relating to this encompassing theme.

### *Generalisability of the IMO's findings*

Before ending this Methodology section, it is important to note that the findings from this study on the IMO are applicable to and comparable with other international organisations worldwide. This is based on the following reasons. Firstly, the IMO, like many other IOs, such as the ILO, is a specialised agency of the United Nations and part of the UN family. Thus, its findings are comparable with future findings relating to those IOs. Secondly, the way the IMO is designed is very similar to how other IOs are designed. Indeed, having institutional bodies like committees, sub-committees and an Assembly hosting deliberation and having international delegates sent to them to participate in those deliberations is very common across a large number of IOs as it is the typical way IOs are designed to host inter-state discussions. Thus, similarities can easily be drawn between the IMO and any other IO with a similar institutional set-up. Thirdly, the results obtained from this study are generalisable given that almost all countries of the world are members of the IMO. Thus, the large membership of the IMO provides further evidence that the results of this study are comparable with other IOs with near-universal membership.

### Notes

- 1 See Chapter 3 under the 'freedom of access' discussion for more detail on the 'consultative status' of the NGOs in the IMO.
- 2 The findings of this institutional analysis are then presented in Chapter 3 on the 'deliberative' institutional design of the IMO.
- 3 Refer to Chapter 5 for more detail.
- 4 Refer to Chapter 6 for more information on the factor analysis.
- 5 Excluding very short debates where the member states did not make a speech and thus simply noted the information given by the chairmen or the secretariat.
- 6 At least one was chosen as a threshold because some delegations are composed of only one member, so raising this threshold would exclude a number of delegations from the analysis. Moreover, MSC was chosen as it is the main deliberative body in the IMO.

## 2 The ideational context of deliberation

### Common lifeworld in the IMO

This chapter begins by taking a closer look at Habermas' precondition for the establishment of the 'ideal speech situation', the existence of a common lifeworld. Section 'Common lifeworld as theoretical construct' explains the meaning of this concept and then devotes special attention to exploring the main positions in the debate over the existence of an 'international' common lifeworld, particularly with Harald Müller (2001) and Lars Lose (2001) on one side, Ian Johnstone (2003, 2011) and Corneliu Bjola (2005) on another side, and Thomas Risse (2000) taking a middle ground in this debate. The section ends by stating clear criteria for the detection of a common lifeworld at the international institutional level. Those criteria will be important for answering the first research question of this study.

In Section 'Empirical evidence: the International Maritime Organization', the chapter applies the common lifeworld concept to the case study of the International Maritime Organization (IMO), the UN's specialised agency regulating international shipping. Significantly, international shipping is responsible for the transportation of 90% of world trade (ICS 2019). The IMO is therefore a pivotal international organisation (IO) whose work is vital for the international economy and for simply enabling humankind to engage in world trade. This chapter sheds a bright light over the IMO while analysing the ideational context of its deliberations to find whether it is a home to common lifeworld. The search for the lifeworld proceeds along the four criteria or 'creation factors' identified in section 'Common lifeworld as theoretical construct'. Each 'creation factor' is discussed with reference to primary documents and empirical material relating to the IMO. Following the 'creation factors', the institutionalisation of the lifeworld and its interactions with the IMO's deliberations are then discussed. The chapter then highlights the relevance of the international lifeworld concept to many IR research agendas.

#### **Common lifeworld as theoretical construct**

States come together in international organisations (IOs) to take decisions. This is a known fact, inspiring the study of interactions within IOs, such as the United Nations and the World Trade Organization among scholars of

International Relations (IR). However, for decision-making to really kick off, countries need to share some basic principles within such IOs so that the decisions can then be taken. Thus, an initial step is required whereby states come to share something *first* before moving on to the other critical step of actual decision-making. For some IR scholars, such as those working from a rational-choice framework, the presence of ‘shared interests’ between actors is a sufficient foundation for joint decision-making. Nonetheless, from a deliberative perspective, such a foundation would need to be more substantial and hence the focus on the common ‘lifeworld’ that the participants would need to share first. Nonetheless, despite the importance and relevance of the lifeworld for deliberation and decision-making, very little attention has been devoted to this shared world that countries must come to acquire *before* deliberation and decision-making.

### *A common lifeworld*

Within the works of Jürgen Habermas, there resides the concept of the ‘common lifeworld’. It is important to clarify that the term ‘lifeworld’ had first been used by the philosopher Edmund Husserl and thus there exist earlier origins of the term (Finlayson 2005, 51). Nonetheless, this chapter focuses on Habermas’ conception of the lifeworld given its relationship with deliberation.

The concept of the common lifeworld was developed in the context of Habermas’ (1984, 18) *Theory of communicative action* that is foundational for studies of deliberative democracy and deliberation. Habermas’ (1993: 56) main goal is to enable participants to reach the ‘ideal speech situation’ whereby the speakers can participate in a respectful discussion that is characterised by an ‘equal right to participate, truthfulness on the part of the participants [and] absence of coercion in taking positions’. After following such principles, the participants are estimated to reach agreement ‘through the generation of convictions’ among them (Habermas 1990, 134). Nevertheless, the concept of the common lifeworld is carefully situated as a *precondition* for deliberation to take place among different participants and the achievement of this ideal speech situation. This common lifeworld is presented as an important background to the discussions of the participants (Habermas 1990, 135).

Significantly, Habermas goes on to describe this lifeworld and how exactly it functions as a background. He explains that ‘the actor is carried or supported from behind [...] by a lifeworld that not only forms the *context* for the process of reaching understanding but also furnishes *resources* for it’ (Habermas 1990, 135). This description is highly significant for it gives the lifeworld a dual function: a contextual function that resides behind the discussions, plus something more active and dynamic; the actual means, tools and references used during discussion.

The contextual function of the lifeworld becomes clearer when Habermas writes how the lifeworld ‘forms the indirect context of what is said,

discussed and addressed in a situation' (Habermas 1987: 131). The lifeworld (*Lebenswelt*) can also be thought of as a shared and inherited experience among the participants that shapes their interpretation and is ultimately reflected through language (Müller 2001, 162). This experience may be historical or cultural and can also take the form of a shared system of rules and norms (Risse 2000, 10).

Analysing the lifeworld further indicates how it also acts as a resource during discussions. Habermas (1987, 124) explains that the lifeworld 'appears as a reservoir of taken-for-granted, of unshaken convictions that participants in communication draw upon in cooperative processes of interpretation'. He also writes that 'the shared lifeworld offers a storehouse of unquestioned cultural givens', allowing the participants to 'draw agreed-upon patterns of interpretation for use in their interpretive efforts' (Habermas 1990, 135). The lifeworld therefore allows speakers to analyse problems using a shared mentality during their interpretation of diverse issues.

#### *Negative side-effects?*

It is important to note that the lifeworld can also potentially be an unwelcome phenomenon. Indeed, as Adrian Blau (2011, 49) effectively explains, there is the possibility that lifeworld norms may be 'repressive' or 'patriarchal'. Blau (2011, 49) adds that 'it is incidental to communicative rationality whether someone who accepts oppressive lifeworld norms has reflected on their legitimacy'. Thus, the lifeworld may not always be a positive force and thus, there exists the possibility that some of its foundations may be illegitimate or harmful.

Blau's point inspires an interesting empirical question regarding the undesirable outcomes that a lifeworld can potentially generate. At the IR level, such repressive norms, if they arise, may be overturned thanks to the efforts of Non-Governmental Organisations (NGOs) who have the potential to ameliorate any lifeworld side-effects. For example, Erin Hannah, James Scott and Rorden Wilkinson's (2017, 429) research on the WTO shows the importance of NGO and civil society engagement. They state how greater engagement of civil society there 'has the capacity to bring about more transformative outcomes – by which we mean a broadening of dialogue and debate; the introduction of alternative ideas, norms, and discourses' as well as 'the inclusion of otherwise marginalized voices' (Hannah, Scott and Wilkinson, 2017, 429).

#### *The benefits: why seek a common lifeworld?*

As has been highlighted above, Habermas places the lifeworld as a precondition to achieving the 'ideal-speech situation', which should ultimately result in consensus among the parties. Thus, if the goal is consensual decision-making through deliberation, the common lifeworld is certainly a *necessary*

ingredient for achieving this outcome. Nonetheless, the common lifeworld is not only about the short-term end-product.

The common lifeworld is also useful from a long-term perspective. As Risse (2000, 11) notes, 'communicative action and its daily practices reproduce the common lifeworld'. The key point here is that the lifeworld is not static and the more deliberation occurs among participants, the greater the vitality of this lifeworld. As James Gordon Finlayson (2005, 53) explains in his analysis of Habermas' concept, after successful instances of communication resulting in consensus, the lifeworld is replenished by this new shared knowledge. Thus, the lifeworld and communicative action support each other.

What the previous point shows is that the longer and deeper the interactions within institutions, the greater the strength of the lifeworld. This of course has important implications from an IR perspective. Indeed, this suggests that older, more established institutions will have a stronger sense of community that is based on a common language and a shared understanding of the world. As such, nascent institutions may suffer from initial fragmentation and the lack of a common language or culture, resulting in communication breakdowns or misunderstandings.

Moreover, the above takes us into the third benefit of having a common lifeworld; the speed by which understanding occurs among participants. This is implied when Habermas (1990, 135–6) explains that it is actually the lifeworld that 'serve[s] as resources for action oriented toward reaching understanding'. Lars Lose (2001, 186) emphasises the importance of having 'some degree of overlap in the lifeworlds of the different actors ... Otherwise communication would not be possible as there would be no common understanding'. Lose (2001, 186) emphasises that this is important for enabling 'coordinated social behaviour'.

Looking at the implications for democratic practice as a whole, the common lifeworld can mean one step closer to realising the possibility of having a 'world parliament' and witnessing *global* democracy. Indeed, as Mathias Koenig-Archibugi (2012, 162–74) effectively shows, the task of bringing democracy to the global level is not as difficult as it seems since currently no necessary conditions, such as 'cultural and ethnic homogeneity', are required for fulfilling this task. Evidence for a common lifeworld among international delegates within the current study could certainly give strong support for the possibility of creating a 'global parliamentary assembly' at the UN level (Koenig-Archibugi 2012, 177).

### *The lifeworld in the IR literature*

In terms of the International Relations literature, there has been acknowledgement and engagement with the Lifeworld concept, especially in the context of studies on deliberation and the Theory of Communicative Action. Some studies have raised important insights about this concept. However, in terms of empirical application, a few studies actually exist.

*History and civilisation*

A key contribution to this concept comes from Herald Müller (2001) in his piece on 'International Relations as communicative action'. Significantly, Müller (2001, 169) starts by questioning how this concept can be identified across international interactions where there exists debate over the presence of 'a world culture' in the first place. Nonetheless, Müller (2001) clarifies that a common lifeworld is present in many international regimes that have come about immediately after dramatic events such as war and crises.

The significance of such dramatic events or 'dramas' is that they are 'specific, intense, shared experiences' (Müller 2001, 170). An example Müller (2001, 170) gives is that of the world economic regime whose founders 'derived the ideology of "embedded liberalism" from their experience of the depression after 1929'; the term 'embedded Liberalism' was of course coined by John Gerard Ruggie (1982). Thus, Müller effectively focuses on *historical* experiences that have the ability to establish a common lifeworld at the international level (Lose 2001, 194). Significantly, Müller notes that there are alternatives to such dramatic events. For example, he explains that 'negotiators are able to fall back upon the invocation of earlier shared experience or suffering', coming from sources such as the exchange of memoirs (Müller 2001, 170).

Lars Lose (2001, 194) also makes a significant contribution to the lifeworld while specifically focusing on the world of diplomacy. He notes that the common lifeworld may have different forms within diplomacy such as shared common experiences, shared diplomatic assumptions and generally a collective language (Lose 2001, 198). Nonetheless, his main contribution is that of a common 'civilisation' that is key for having such a lifeworld.

To develop his argument, Lose starts by comparing an international lifeworld to a lifeworld at the national level. He notes that 'obviously, one cannot expect an overlap in lifeworlds equivalent to that of national political communities, which are cemented by a common cultural history. Nevertheless, some overlap arguably exists' (Lose 2001, 194). Lose (2001, 194) then moves to the regional level where he states that 'a more extensive overlap in lifeworlds must be expected to exist in those regions of the world where not only common historical experiences go far back, but there is also an overlap in traits of civilization'. Lose then moves to the international level as he states that it is possible to find a collective lifeworld at this higher stage.

Lose (2001, 195) emphasises that it is reasonable 'to expect the existence of a basic collective lifeworld in the international realm'. He notes that 'a common historical experience, perhaps combined with shared traits of civilization' can be 'embryonic for a continuous development of intersubjective structures of meaning and coordinating norms and rules' (Lose 2001, 195). Thus, Lose effectively builds upon Müller's attention to history as he emphasises a specific commonality, a civilisational one that is predicted to offer the fabric for this lifeworld. Of course, the means by which this lifeworld can be

strengthened is through communicative action and the deliberative dynamics that are to occur within international settings (Lose 2001, 195).

*Challenging the lifeworld?*

There is an alternative view in the literature that challenges the ease with which this lifeworld can exist at the international level. For Example, Ian Johnstone (2003, 455–6) in his research on deliberation in the UN Security Council (UNSC) starts by acknowledging that the lifeworld is placed as precondition for deliberation in Habermas' philosophy. However, he relaxes this criterion for the UNSC that is 'designed to be as heterogeneous as possible ... with 10 of its 15 members rotating every two years' (Johnstone 2003, 456). Significantly, Johnstone (2003, 456) argues that 'it would seem to be rather far-fetched to suggest that a shared culture and common values inform deliberation in the Security Council, but so demanding a condition is not necessary for reasoned discourse to occur'.

Analysing Johnstone's position does not indicate that he is against the idea of having a common lifeworld, but rather that he sees it as an ideal situation that is difficult to reach in an IR setting. In Johnstone's (2011) later work, *The Power of Deliberation*, he develops his critique of the lifeworld where he notes that 'a common language, history, and culture do not exist' at the transnational level but that they may exist as 'a weaker sort of bond, at least at the European level', hereby indicating a regional rather than an international approach to this concept (Johnstone 2011, 17).

Nonetheless, it appears that Johnstone dismisses the possibility of an international lifeworld too quickly. There might not be a single language that is truly universal; nonetheless, this does not mean the absence of other forms of language that can constitute a common *vocabulary*. Such a shared lexicon of words can then in turn become a language in itself. Thus, a delegate may primarily speak French *and* a maritime language, which differentiates him from another French person who speaks the same primary language but subscribes to a different secondary language, such as that for a lawyer or a businessman. The same argument is also applicable to that of history and culture; they are not *exclusive* entities to the national or regional levels.

To some extent, the national level may be seen as the better performer on average in terms of having a common lifeworld, a point that is not contested in this chapter. Deliberative dynamics may indeed reach higher levels at the national level. As Hans Agné (2011, 159) effectively explains:

While the *trend* of transnational deliberation is expected to be positive in the course of globalisation, transnational debates are still expected to reach a lower *level* of deliberation than national ones. The reason is, of course, that there is by definition no shared nationality or political community to begin with on both sides of a boundary between different nations or political communities and, while a common nationality is

not stipulated as necessary for deliberative democracy by all arguments, other kinds of commonality, such as moral or epistemic communities, are not obviously different in this regard.

Thus, it is plausible to hypothesise that ‘deliberative democracy might be stronger in national than in transnational contexts’ (Agné 2011, 159). Nonetheless, the key point is that the relative expected strength of the lifeworld at the national level cannot serve to *remove* the possibility that a lifeworld can exist at the international level; there is no necessary obstacle preventing it from developing internationally.

#### *An institutional lifeworld?*

Johnstone’s (2011, 18) position is in considerable agreement with Corneliu Bjola’s position on the common lifeworld. Bjola coins the term ‘institutional lifeworld’, which is somewhat a substitute or a variant of Habermas’ original ‘common lifeworld’. Bjola (2005, 278) argues that ‘the existing stock of “common lifeworld” is rather limited’ in world politics. The reason being that in comparison with politics at the domestic level, the international system is seen to lack ‘a dense and stable normative framework’ as moral obligations are formed at the domestic rather than the international level (Bjola 2005, 278–9).

Nonetheless, Bjola still acknowledges that important decisions are taken at the international institutional level, ones, for example relating to the legitimate use of force. As such, he states that IOs such as the EU, the UN and NATO have a ‘relatively rich “common lifeworld”’ that is ‘characterized by a dense and tested network of collective understandings, rules and diplomatic norms’; for this phenomenon, he labels it as an ‘institutional lifeworld’ (Bjola 2005, 279).

It is certainly interesting that Bjola coins this term specifically with regard to institutions, and thus, highlighting their importance as fora for the solidification of lifeworlds. Nonetheless, it is important to remember that Habermas’ lifeworld is a lifeworld of substance and not just of rules and regulations. In other words, it has a sensual part, with a common history and experience. Indeed, it has the essence of journey, a trip that the states have gone through, making it something of an empathic nature, and not only of an instrumental nature about bringing an order to inter-state interactions.

Furthermore, the term ‘institutional lifeworld’ seems to suggest that lifeworlds cannot exist independently of IOs at the international level. It is certainly true that IOs are important locations for fostering international lifeworlds. However, this does not mean that without IOs, international lifeworlds are unachievable. Take an example like the world of international sport and its interaction with diplomacy; even though there are some prominent institutions like FIFA regulating it, it does not mean that diplomatic and social interactions in a field like that of sport cannot also be subject to a

common lifeworld. As J. Simon Rofo (2018, 1) effectively explains ‘sport has a powerful capacity to touch individuals and societies around the world in ways that traditional forms of diplomacy and those traditionally thought of as diplomats rarely can’. It is thus ‘an enduring and ubiquitous part of modern life’ (Rofo 2018, 1). Thus, the above observation highlights that states or individuals can be said to share a common lifeworld even if their interactions are not institutionalised.

*Middle ground and empirical research*

Risse’s (2000) seminal piece *Let’s argue!* makes valuable points about the common lifeworld and can generally be said to take a middle position along the debate’s continuum. Risse (2000, 14) highlights that different degrees of the lifeworld can be found in IR, with the idea of anarchy itself ‘be[ing] considered a limited common lifeworld if this is the shared cultural background against which actors communicate in world politics’. Nonetheless, he clarifies that this would remain a thin form of shared interpretation among the states at one side of the spectrum, since a “‘dog eat dog” world is not particularly conducive to a reasonable debate’ (Risse 2000, 15). Risse’s other side of the spectrum is a lifeworld not categorised by such hostility, but rather one where its actors view room for cooperation with their counterparts. The forum for this would be ‘highly regulated international institutions’ (Risse 2000, 15).

Risse (2000, 15) then stresses the role of identity within the lifeworld. Having a collective identity with common norms and values is presented as constitutive of such a lifeworld. The EU, the transatlantic community and democracies in the ‘democratic peace’ literature are all presented as examples whereby the identity of the participants, as European or democratic states, informs their sense of collective identity to establish a common lifeworld among themselves. Thus, Risse effectively notifies researchers to look at the role of identity in forming international common lifeworlds.

Arne Niemann (2006) research shows support for Risse’s assertions on the lifeworld being a matter of degree in his research on the European Union’s negotiations on a telecommunications agreement. Significantly, Niemann shows that the strength of the lifeworld varied across different forums and phases in the negotiation process. For example, in the pre-negotiations phase taking place in the 113 Services Committee, Neimann (2006, 478) notes that this sub-committee ‘was characterized by a particularly strong shared lifeworld among participants’. This was quite different later on in the Full Members Committee that did share a lifeworld but ‘one that was not quite as tightly’ (Neimann 2006, 487).

The second empirical attention given to the lifeworld concept features in Nicole Deitelhoff and Harald Müller’s (2005) research. Both scholars focus on several multilateral negotiations across different issue areas in IR, such as security and humanitarian issues. Their findings are highly important for

they indicate that ‘there is more of a lifeworld in international politics than conventionally assumed: there exists frames of reference in international law, diplomatic customs, and shared history in which speakers anchor their arguments’ (Deitelhoff and Müller 2005: 172).

*The bigger picture: the creation factors*

Bringing the discussion back to the bigger picture shows that the lifeworld debate is indeed a significant one, but one in need of greater empirical exploration. The common lifeworld concept has attracted interesting commentary from some IR scholars; however, more attention is needed to be exclusively devoted to it beyond a few pages in research on deliberation. In the same way that concepts like power and democracy have been analysed and discussed in the IR literature, the concept of the common lifeworld is equally significant in demanding greater attention. Thus, there is clearly a gap in the literature awaiting to be filled. This gap consists of two dimensions: the first is the identification of clear criteria that can be used for the detection of a lifeworld at an international institutional level,<sup>1</sup> and the second is the detailed empirical application of those criteria to a case study. This chapter will fill in both those gaps.

In terms of what exactly to look for, Figure 2.1 illustrates how the search for a lifeworld in the IMO will be organised. The inspiration for this illustration comes from Habermas’ work and from the information reviewed in the studies reviewed above. The illustration summarises the lifeworld process: its creation, its composition and its effect on deliberation. The main focus of this chapter is on the creation of the lifeworld.

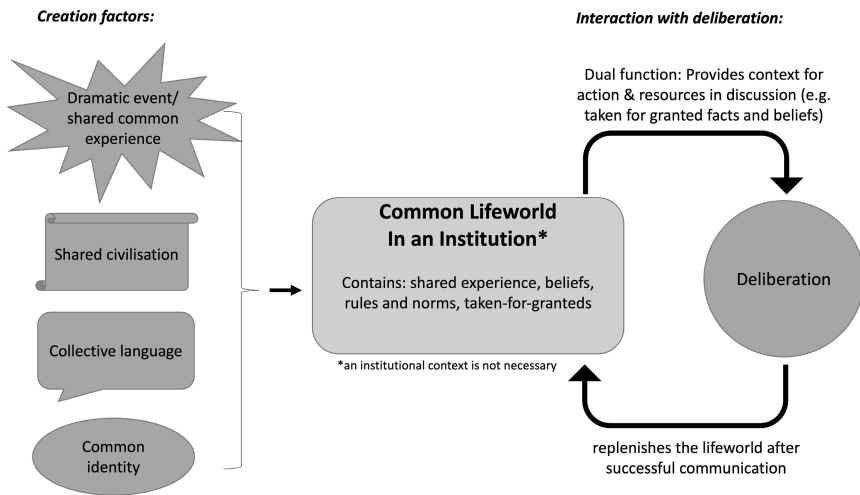


Figure 2.1 The creation of a common lifeworld and its interaction with deliberation

To make a claim that a lifeworld in the IMO exists, it is essential to firstly provide evidence for the creation factors of such a lifeworld. A dramatic historical event giving the rationale behind this IO would certainly be valuable for establishing the foundations of the lifeworld. This dramatic event would need to occur *before* the establishment of the IO to fully fulfil this criterion. Sharing a common civilisation based on shipping would be another key ingredient for the maturity of the lifeworld, while evidence for a common maritime language would raise the confidence in the existence of a common lifeworld in the IMO. Evidence of a shared identity drawing the delegates together would certainly emphasise that this IO is home to an established common lifeworld. This shared identity would need to be maritime related and not any other unrelated identity, given that the IMO regulates international shipping. Having the lifeworld embedded in a suitable institutional structure would highlight that this lifeworld is cemented in a strong institutional framework, although an institutional structure is not strictly necessary for a lifeworld to exist. Finally, finding evidence for the effect of the lifeworld in deliberation would provide strong evidence that the lifeworld is properly interacting with the deliberative process, as envisioned by Habermas. All of those criteria will be searched for in the case of the IMO within this chapter to see whether or not it is home to a common lifeworld. Following this, the study will proceed to the analysis of the institutional structure of the IMO (in Chapter 3) and whether it is conducive to the ‘ideal speech situation’.

### **Empirical evidence: the International Maritime Organization**

The IMO is a highly important international institution as it regulates the world’s most important mode of transportation. Significantly, the International Chamber of Shipping states, ‘without shipping, the import/export of affordable food and goods would not be possible – half of the world would starve and the other half would freeze!’ (ICS 2019). It is therefore accurate to state that shipping is the *lifeblood* of the international economy. However, what needs to be established now is whether it is home to a common lifeworld.

#### ***A dramatic event!***

It is highly remarkable how the history behind the IMO can be traced back to a famous disaster that almost everyone around the world has heard of, the sinking of the Titanic ship. Indeed, this disaster that shook the world in 1912 was the key event that triggered the justification behind having *international* regulation, specifically for shipping. The fact that the ship had weak technical and safety-related standards triggered a need for a global response so that another Titanic can be avoided.

Perhaps among the greatest shortcomings of the Titanic ship was the fact that there were only 20 lifeboats to accommodate the 2,222 people on board at the time (Titanic Facts 2019). Following the death of more than 1,500

on the Titanic, there was an urgent need to create an international shipping regime that had till then been absent. In 1914, several maritime nations met in London to adopt the SOLAS convention, the convention that was to become the foundation for the IMO and its institutional organs (IMO 2019f).

The SOLAS convention stands for Safety of Life at Sea and was specifically aimed to learn from the Titanic disaster. For example, the convention ensures that passenger ships now must carry enough lifeboats and that evacuation chutes should be present to avoid passengers injuring themselves from jumping out of windows, as had happened with the Titanic (IMO 2019f). Due to the outbreak of the First World War, the 1914 text of the convention was not ratified, and different versions were then created until the world leaders settled on the 1974 version that was adopted under the auspices of the IMO (SOLAS 1974; IMO 2019f).

The significance of the SOLAS convention and its *raison d'être* (avoiding another Titanic disaster) is that they became the two founding themes behind the establishment of the IMO. The IMO itself was founded in 1948 after the turmoil of the world wars. Yet despite the fact that its establishment was years after the SOLAS convention, the IMO's founding purpose still remained largely within SOLAS. Indeed, as the IMO states, its 'first task was to adopt a new version of the International Convention for the Safety of Life at Sea (SOLAS), the most important of all treaties dealing with maritime safety' (IMO 2019g). Once this was completed, the IMO was then able to deal with other matters such as facilitation of international trade and pollution prevention. Nonetheless, it was maritime safety that was prioritised, as shown in the IMO's founding convention in article 1(a) that places 'the general adoption of the highest practicable standards in matters concerning maritime safety' before other tasks, such as encouraging 'efficiency of navigation' (IMO convention 1948).

Thus, clearly Müller's (2001, 170) 'dramatic event' criterion has been met; an intense experience had indeed caught the attention of the world in 1912 that led to the birth of the IMO. In fact, the IMO itself emphasised the importance of this historical disaster in its own magazine in 2012. In a special print marking 100 years since the Titanic disaster, the IMO stated that:

Many ships have sunk – too many – but few have had the lasting impact of the seemingly invulnerable *Titanic*, sparking a chain of events that led ultimately to the formation of the International Maritime Organization (IMO), the specialized agency of the United Nations responsible for so many of the improvements to Maritime Safety that make shipping today so much safer than it was at the time of the *Titanic*.

(IMO News 2012, 25)

Clearly, the Titanic has had a lasting effect on the IMO; this dramatic event led to the inception of this international institution. Nonetheless, it is important to acknowledge that another key event has also had an impact on this

organisation, albeit following the IMO's establishment. The Torrey Conyon disaster of 1967 was key in emphasising the problem of pollution from shipping. The BBC described this oil spill as 'the day the sea turned black' given the spillage of more than 100,000 tonnes of crude oil into the English Channel, making it 'the UK's worst environmental accident' (Bell and Cacciottolo 2017).

Significantly, the Torrey Canyon incident led the IMO to devise the International Convention for the Prevention of Pollution from Ships in 1973, commonly known as the MARPOL convention. Therefore, this disaster can be said to have introduced *another* lifeworld into the IMO, one that is based on tackling environmental concerns and pollution-related issues. Indeed, as the IMO states, following this oil disaster and following the realisation in the growth in the number of oil tankers at sea, 'the IMO introduced a series of measures designed to prevent tanker accidents and to minimize their consequences' (IMO News 2012, 26).

As such, the MARPOL regime and its lifeworld can also be analysed. Indeed, the IMO's Marine Environment Protection Committee (MEPC) could be examined as forming the other parallel lifeworld in the IMO that focuses specifically on environmental issues. Nonetheless, to avoid complicating the picture, the focus in this section will remain on the *Titanic* lifeworld, as opposed to the 'pollution prevention' lifeworld. This is also mainly due to the fact that the *Titanic* disaster occurred prior to the formation of the IMO. Thus, the *Titanic* lifeworld is causally clearer to focus on, in comparison with the pollution prevention lifeworld that has had a smaller institutional and historical impact on the IMO.

Significantly, this interesting phenomenon of having two or more lifeworlds within the IMO makes us realise that more than *one* lifeworld can exist within a single international organisation. A lifeworld such as the international shipping lifeworld can have a number of variants within it, simultaneously existing in parallel within a single IO such as the IMO. This is likely to also occur in other IOs with large agendas extending into different issue areas.

### *A maritime language*

Language is the medium of communication used in international negotiations and in human interactions more broadly. Significantly, the IMO delegates speak different languages. Within the IMO sessions, it became clear that any delegate speaking on the microphone has the option of speaking one of the six official languages of the United Nations: English, French, Spanish, Arabic, Russian and Chinese. Instant translation would then ensure that any speaker of those languages can understand his or her counterparts while listening through the headphones connected to the language channel of the relevant language.

Nonetheless, the IMO delegates are not just communicating in the six official UN languages. In fact, they are also communicating using a *maritime*

language, the secondary language that is spoken under their primary language of speech. Thus, the IMO speakers are not just speaking a single primary language such as English. In fact, they are all speaking the *same* maritime language, which can be said to be their secondary language that exists beneath their mother tongue, enabling them to communicate easily with one another.

The IMO delegates come to express similar and shared terms during their deliberations. Some of the maritime-specific words expressed in one of the debates in the Maritime Safety Committee's (MSC) autonomous shipping debate included words like vessels, regulatory scoping exercise, levels of autonomy and conventional ships. All these words have specific meanings and are understood by the delegates of the IMO. As such, they are part of the maritime language that features inside this organisation's discussions. Any state wishing to join the international shipping lifeworld as institutionalised in the IMO would also need to send delegates who are fluent in this maritime language.

Interestingly, the IMO has devised its own *IMO multilingual glossaries* with key maritime terms used across this organisation (IMO-Glossaries 2015). Significantly, the glossaries have each word stated in the six UN languages and then defined in English. These glossaries, or dictionaries, are composed of 26 different documents that are organised by topic. For example, there exists a glossary on 'Ship Recycling', 'Fire Safety' and 'Piracy'. There is also another glossary on 'Basic Maritime Vocabulary'. This glossary is particularly useful for defining important frequently used terms such as 'container ship'. To illustrate how the glossary works, this term is stated in French as 'porte-conteneurs'. It is then defined in English as 'a ship designed exclusively for the carriage of containers in holds and on decks' (IMO 2016b, 24).

The presence of the IMO glossaries provides a vivid materialisation of the existence of a secondary language underneath one's primary language. Indeed, the presence of the maritime lexicon lends strong support to the idea that a common lifeworld is also governed by its own language. Looking beyond IMO publications, it is highly interesting that maritime dictionaries actually exist.

The *Dictionary of Shipping, International Trade Terms and Abbreviations* is another vivid illustration for the presence of a maritime language that is shared among people engaged in this sector (Branch 1986). Significantly, this dictionary with approximately 600 pages resembles an actual language dictionary in terms of its size and its large number of entries. Moreover, the presence of an international shipping lifeworld is also supported by the fact that many words like 'container', 'gross weight' and 'salvage' have a maritime-specific meaning that is known exclusively to international maritime professionals, as exemplified by their shared meaning in Alan E. Branch's (1986, 109; 228; 432) maritime dictionary.

### *A 'shipping' civilisation*

Before analysing whether the IMO delegates share a 'shipping' civilisation, it is important to explore what a 'shipping' civilisation means in the first

place. Understanding what this type of civilisation entails will then help when examining what the IMO delegates say with regard to it.

The degree to which shipping has been vital to humanity is truly extraordinary. Among the most fascinating historical reads is that of C. Erest Fayle, author of *A Short History of the World's Shipping Industry*. Fayle (1933, 21) starts his book by quoting Rudyard Kipling's phrase 'transportation is civilization'. Fayle then goes on to explain how shipping has been central to human civilisation. His starting point is that in order for the people of a country to lead what we may call a civilised life, they would need to be supplied with a range of products that they regard as necessary and which they would not be able to produce themselves (Fayle 1933, 21). He then emphasises the difficulty for any one country to be self-sufficient since the soil or the climate of a given country might deprive it from key resources. Fayle (1933, 22) then effectively highlights that shipping has been central to human civilisation when he writes:

The growth of civilization, on its material side, is bound up with the process by which the resources of the world have been pooled, and the specialized products of every land made available to humanity as a whole. This is the work of transport.

The mode of transport that he focuses on is of course shipping, the subject of his book. He adds that even when roads were available, water-transport was always the cheaper and easier option in comparison with road transport for carrying commodities across large distances (Fayle 1933, 25). However, Fayle does not stop at the material side of civilisation. He also shows that shipping has been absolutely central to its intellectual side too.

Significantly, Fayle (1933, 22) notifies us that along with the trade in goods came the exchange of ideas. He explains that 'the ideas of Roman Lawyers, and English Legislators, and French Philosophers, and German scientist' that are now 'reflected in the institutions and the thoughts of every nation that we can call civilized' have themselves been transmitted thanks to shipping (Fayle 1933, 22). This is best captured when he writes:

Merchants themselves, travelling with their goods, and the crews of ships 'trading foreign' played a very large part in the development of social and intellectual intercourse between the peoples of widely-sundered lands, and when once the traders had shown the way, tourists and emigrants soon followed, to satisfy the curiosity aroused by travellers' tales, or to seek a new opening in countries. Wherever they went, they took with them not merely the products, but the thoughts and fashions and habits of their own country, and when they returned they brought new ideas as well as rare and strange commodities.

(Fayle 1933, 23)

It is for this reason that Fayle (1933, 27) then gives special praise to the ship builders, merchants and ship owners who were central to the story of human

civilisation. He articulately acknowledges that it is those people who, over the course of centuries, gradually turned the sea from ‘the ultimate barrier to human progress into the great highway which has made the whole world one’ (Fayle 1933, 23).

Thus, what Fayle’s work teaches us is that the act of shipping and the first people engaged in shipping were vital for what we now call a human civilisation and for indeed joining the world together into a *common* world. Much ink has been spilt over terms like ‘globalisation’. However, what the ancient story of shipping shows us is that shipping was a force more potent than anything else in terms of connecting the different parts of the world to enable humanity to have its own civilisation.

Fast forwarding a little in time, and there comes the 19th century bringing the steam ship. The rise of the steamship was also a landmark in terms of human civilisation; this revolutionary invention played a key role in bringing the world even closer together. As David M. Williams and John Armstrong (2012, 43) explain, the benefit of the steamship was that it freed shipping from being dependent on the state of the wind or being tied to specific times. As such, it was an innovative invention that increased the speed by which ships were able to traverse the seas. This was beneficial as it speeded up communication, travel and the transport of goods; all of which were a key element in integrating the world economy (Williams and John Armstrong 2012, 43–57).

Thus, what this section shows is that the shipping civilisation is not a peripheral civilisation or one that is of relevance only maritime practitioners worldwide. In fact, this civilisation is also of relevance to the whole of humanity for it is *the* story of our shared human civilisation that developed thanks to the shipping industry. Significantly, this maritime civilisation can also be thought of as synonymous with the nature of the high seas; they themselves are *shared* among all the nations of the world. Indeed, the high seas which ships sail through are physically a *common* property for no one state can own the seas. This specific idea was developed in Hugo Grotius’ (1609) *Mare Liberum*, his famous piece on the ‘the free sea’.

Clearly, Lose’s (2001) civilisation criterion can be said to be well and alive in the case of the international shipping lifeworld. However, the question remains whether the delegates feel that they share a common civilisation and identity.

### *Identity and feeling part of the maritime civilisation*

Deliberations on specific agenda items might be suitable for spotting the identities of the delegates. However, given that agenda items relate to specific topics and delegates are requested to keep their interventions short, finding textual evidence for their shared identities would be a challenging task. Thankfully, within the IMO, delegates are given the chance to speak for a few minutes around anything they may please that relates to shipping. This

opportunity occurs in the IMO's Assembly during what is called the provision of 'General Statements'.<sup>2</sup>

The freedom that the general statement brings is extraordinary as the delegates are able to speak about whatever they wish; some delegates often emphasise specific agenda items that they think are important while some other delegates comment on past achievements or make other demands for the future. However, the common thread that connects all the speeches is that almost all of the delegates start their speeches by commenting and emphasising the maritime dimension of their country. In other words, they express how much their country relates to the maritime world and the extent to which they feel this aspect of their country matters to themselves and to the world at large.

Before proceeding to the textual evidence, it is important to emphasise why those general statements should be taken seriously and subject to empirical analysis. Two initial questions should be addressed before proceeding to the evidence. Firstly, whether such general statements should be dismissed as mere rhetoric and secondly whether it is possible to find IMO members feeling outside of this shared maritime civilisation.

#### *Rhetorical statements?*

A sceptic might start by dismissing such general statements and viewing them as mere rhetoric. In that sense, what is said might be of little empirical value. Nonetheless, such a view would be misled and would result in wasting valuable empirical material. Indeed, the value of the general statements comes first in the fact that they are not compulsory; they are optional. Delegates are the ones that request to make general statements and in order to accommodate this process, the president of the Assembly manages this process in an ordered fashion. Interestingly, so many states actually take this opportunity to speak, which is why the general statements took almost two day's work from the Assembly's eight-day schedule.

Secondly, these general statements are very well designed and well written. The fact that delegates are given only five minutes to communicate their speech to the Assembly enhances the quality of the general statements as it forces the delegates to filter out points that may be irrelevant or unimportant. Much like any scholar or writer knows, sticking to a word or a time limit effectively forces one to select the best points that one wishes to make. Nonetheless, this of course does not eliminate the possibility that certain countries may wish to use those general statements for rhetorical purposes. Nevertheless, even if this occurs, this does not reduce the general statement's empirical value for even such cases would show that the general statements are a useful tool for delivering one's aims.

#### *The necessity of membership*

The second initial challenge relates to the possibility of finding a country that does not share a common maritime identity within the IMO nor recognises

the existence of a common maritime civilisation. This is an interesting point and the simple answer is that yes, it remains a possibility, albeit a small one. This is mainly because it is difficult to be a formal member of an IO, have representatives employed to attend IMO meetings and then resist any sort of synchronisation within the history or civilisation of the sector of that institution. By virtue of profession and expertise, many delegates are maritime professionals, that is in addition to having a significant number of relevant ministers and diplomats accompanying or heading their delegation (A30/INF.1 2017). As such, there is an expected high degree of understanding among the delegates who are already familiar with, if not experts in the field.

Nonetheless, resistance to joining the maritime lifeworld or the act of viewing one's nation as outside the maritime civilisation are both possible. Yet again such possibilities remain miniscule. Indeed, even land-locked countries, which one may think of as having nothing to do with shipping, still participate in the IMO while expressing their maritime-related interests. Arguably, such land-locked nations may even come to value this mode of transportation even more than those coastal nations with unlimited access to the sea, specifically because they are deprived of this privilege.

#### *The general statements*

The IMO's general statements analysed in this chapter occurred during the Assembly's 30th in November 2017. Approximately 80 countries made statements, which is around half of the IMO member states. The statements extended across four sessions as many states delivered their speeches. Looking for evidence of a shared maritime identity would firstly include statements indicating that the delivering state sees itself as a maritime state. Secondly, some acknowledgement of a shared maritime civilisation emanating from a shared history would be important. It is important to note that a number of delegates spoke about contemporary maritime issues and made references to specific agenda items to be discussed in the following assembly session. Nonetheless, the focus of this section will primarily be on the references relating to the shared social identity of the IMO delegates, particularly where statements about history and civilisation intersect.

#### HIGHLIGHTS FROM THE STATEMENTS

Starting with the first general statements session during Monday afternoon, the first to speak is a European state that starts its speech with referencing an event years ago at the UN General Assembly's (UNGA) 22nd session. This state's speech describes what its UNGA representative said back then about the collective responsibility for protecting the oceans as a 'global commons'. The state adds that 'the recognition of the seas as the common heritage of mankind signalled a paradigm shift'. The European state then emphasises that it is an 'island state' and discusses in the rest of its speech the importance

of having international shipping standards particularly relating to issues such as decarbonisation and ship safety.

After a few minutes, a Southeast Asian state makes its statement while emphasising how ‘shipping is indeed the lifeblood that sustains global prosperity’. A Caribbean state’s following statement then describes itself as a ‘maritime state’, while also speaking about issues specifically regarding the Caribbean area. A Eurasian state then speaks to emphasise that ‘from the historical perspective, [this state] has always been a maritime nation’, while adding that because it realises the essentiality of maritime transport for the world economy, there is a need for maritime regulation to be universal.

The Tuesday morning session brings further interesting statements. An Island state chooses to speak about the environmental problems facing this ‘small island maritime state’ while a European state emphasises the international aspect of shipping before putting the emphasis on protecting the wellbeing of the oceans for sustainable development. Shortly afterwards, a South Asian state makes a statement filled with rich historical references when it explains how its ‘ancient trade and cultural ties with Mesopotamia and Mediterranean realm countries, southeast Asia, China, Middle East and Africa are testimonial to our rich maritime heritage’. An island state in the Atlantic then describes itself as a ‘truly maritime nation’ before mentioning how it is ‘surrounded by the sea’. It then chooses to focus on the topic of global warming in its speech given its vulnerability as an island state.

Shortly afterwards, a North African state’s contribution strongly emphasises the recognition of a shared maritime civilisation. This is evident when it states that its ‘history has been linked to the sea [...] 3000 years ago when [it’s] maritime presence was famous throughout the Mediterranean’. It significantly adds that ‘this bond exists today’. The North African state then describes itself as a flag, port and coastal state. Another IMO member state’s statement further highlights how ‘international shipping has a vital role in meeting the demands of each and every human being on the earth’, which ultimately makes it ‘the most international human activity’.

Moving further into the statements, an Island in the Pacific then states that it is ‘an ocean nation’ and urges the new upcoming IMO Council members to be aware of the small vulnerable island developing states during their deliberation. This emphasis on being an island developing state is also presented in another Pacific state’s general statement. Nonetheless, other labels are used by countries apart from being an island nation engaged in maritime activities. For example, an Asian state describes itself as ‘a landlocked developing country’ which seeks the protection of the rights of such countries at the international level and to ensure that they are equally treated by transit countries. Nevertheless, it still maintains that it aims to ‘engage in maritime transport activities’ despite not having direct access to the sea. A sub-Saharan African state then emphasises how shipping continues to play a critical role in linking people together from a variety of places worldwide, which ultimately ‘places

the IMO at the epicentre' to make sure that shipping functions smoothly around the world. Shortly afterwards, this morning session ends.

Tuesday's afternoon session brings remarkable empirical observations. A European state interestingly refers to itself as a 'fishing nation' and places its demand within the context of 'safety at sea' given its concern over the number of fishermen losing their lives. A country in the Pacific then makes an interesting point when it explains how it does not want to see a division between flag and non-flag states given that they all have maritime economic, environmental, security and humanitarian interests. A South American country then describes itself as a flag, coastal and port state and interestingly states that it is speaking 'in front of one of the most important and meaningful organisations in modern times' and one that 'impacts the lives of billions of people around the world'.

Earlier identity classifications come to prominence again as another South American state calls itself a 'maritime nation', and a different state describes itself as a small island and ocean state while raising concerns about its vulnerability 'as sea levels rise'. Nonetheless, an Asian state then includes itself in the land-locked category and emphasises that these countries are still 'equal partners and stakeholders in oceans and seas'. Significantly, the land-locked state emphasises its belief in 'safe, secure, reliable and efficient international shipping' which is important for reducing the cost and time it takes for the delivery of global shipments, something which is 'more important in the case of land-locked developing countries'. Thus, this Asian state's speech responds well to the earlier necessity of membership challenge.

The final few general statements show strong recognition and understanding of the shipping civilisation. For example, a European state's general statement effectively captures how it views its history as being linked to the shipping civilisation. This is best captured when it states that:

Given her geographical position [...] [this country] has developed her history around the seas. In the past [this country], was the cradle of some of the most illustrious sailors [...] who exploited their skills and nautical expertise to conduct bold explorations.

The European state then adds that it is 'working to bring new generations into the profession of seafaring' and emphasises the importance of having appropriately trained seafarers who are vital for this industry. A common request for preserving the ocean is then made and significantly, this state describes the ocean as 'an element of cohesion and harmony among civilisations'.

Following this, an African state describes itself as a port and flag state, while an Asian state calls itself a 'maritime country in the southeast Asia'. The remaining statements expressed at the Wednesday morning session then confirm that member states identify themselves with different maritime dimensions, such as a western African state who emphasises that it is central flag state, with a historically established ship registry.

*Remarks on the general statements*

The general statements offer a vivid illustration of the existence of a common shipping lifeworld within the IMO. Many delegates recognise themselves and describe themselves based on maritime-related aspect: being a flag state (a state that flies its flag on ships), a coastal state and a port state. Nonetheless, this does not mean that other configurations are absent. As shown above, some states identify themselves as land-locked, small island states or bring labels based on their continent. Nonetheless, they still use those labels in the *context* of maritime affairs. Thus, here, their maritime characteristics are central for providing us the reasons, or the context, behind those labels.

Moreover, the common shipping lifeworld is also significant in terms of providing the *resources* for the demands the delegates put forward. For example, when the Eurasian state calls for universal regulation, this is based on its point on how shipping is itself global in nature. Similarly, when one of the European states stresses the importance of seafarer training and seafarers generally, this emanates from their historical contribution to seafaring and also from the contemporary importance of seafarers to the shipping world. Thus, Habermas' ideas on how the lifeworld is both a context and a resource are vivid in the case of the IMO and are supported empirically. Even when 'land-locked' countries spoke, the contextual-given was that they are locked away from the coast and from shipping, and here the resource for their argument became the fact that they need equal rights so that they are not disadvantaged by their geographical position.

The historical-civilisation awareness of shipping was also remarkable in the general statements, with many delegates emphasising the shared human history that connects all the world together. The statements coming from countries in different geographical locations emphasised that this maritime history is *known* in the IMO and alive within their memory. As such, there is strong evidence that the shipping civilisation runs as a continuous theme inside the IMO and acts as a strong adhesive among the delegates, reminding them of their shared human history and this significant mode of transportation that enables all the countries of the world to get to interact with each other despite the distances between them.

Before ending this section, it is important to note that the lifeworld concept can be applied comparatively to compare one lifeworld with another. Indeed, comparisons can be made between the IMO's lifeworld and that of the United Nations' General Assembly (UNGA). The general statements of the UNGA can be compared with the general statements of the IMO. The UNGA's 'General debate' involves the world's heads of state coming together to make important speeches to the world. The Second World War is certainly the dramatic event that justified the inception of the United Nations as a whole. Evidence for the manifestation of the lifeworld and the way it acts as a resource and a context for the discussions are found in statements such as those of a North American country whose head of state stated that:

In the last century socialism and communism killed 100 million people. [...] Those totalitarian ideologies combined with modern technology had the power to exercise new and disturbing forms of suppression and domination. For that reason, the [North American state] is taking steps to better screen foreign technology and investments and to protect our data and our security.

(UNGA 2019a: 14)

Here the North American country references this dramatic event as a justification for its position. Similarly, the reference to the Second World War is repeated in an Arab state's statement on refugees:

Let us ask ourselves why, in the twenty-first century, crises are still displacing millions of people across our world. There are more forced displacements today than at any time since the Second World War. What will tomorrow's world look like if we do not help end those crises and give refugees and hosts alike the support they need to meet the future?

(UNGA 2019a, 39)

Another vivid illustration of how the lifeworld infiltrates into the discussions is seen in a European country's statement:

The Second World War began exactly 80 years ago. What had appeared in 1919 to be a promise, however precarious, had become a hecatomb by 1939. Notwithstanding the differences in time frame and style, it is worth stopping and reflecting for a moment on the lessons of that still recent past now that we are entering the seventy-fifth year of existence of the United Nations.

(UNGA 2019b, 3)

It is directly after this extract that the President of this European country states how 'it is worth fighting for stronger international laws to help steer relations among States and peoples; for international organizations to help solve problems that affect everyone' (UNGA 2019b: 3). Thus, what this comparison illustrates is that the lifeworld concept can be applied comparatively to explain inter-state discussions across multiple international forums. The IMO and the UNGA both share a dramatic event that had a lasting impact on the members of the two organisations. Significantly, this history shapes the demands of the delegates and their justifications, which is highly significant for explaining policy making at the global level.

### *Institutionalisation into an IO*

With the creation factors established, it is time to analyse the institutionalisation of the lifeworld inside the IMO. There remains a question about

the necessity for having an IO regulating the shipping sector. Indeed, even if the shipping sector and its regulative IO are important, why is there a need for regulating this sector specifically through an *international organisation*, rather than on an ad hoc basis. The answer is effectively presented by the IMO (2019a) itself when it states that ‘shipping is a truly international industry, and it can only operate effectively if the regulations and standards are themselves agreed, adopted and implemented on an international basis’, hence why ‘the IMO is the forum at which this process takes place’. The IMO (2019b) further illustrates the necessity for having an IO looking after shipping when it warns about the alternative scenario that might occur in its absence:

If each nation developed its own safety legislation the result would be a maze of differing, often conflicting national laws. One nation for example, might insist on lifeboats being made of steel and another of glass-reinforced plastic. Some nations might insist on very high safety standards while others might be more lax, acting as havens for sub-standard shipping.

Today, the IMO has 174 member states and three associate members (IMO 2019c). In terms of membership, it is clearly almost exhaustive since almost all the countries are IMO members. Nonetheless, despite its strategic importance and membership size, the IMO is absent from the International Relations (IR) literature and from IO studies. In fact, it is very rare to even find it mentioned within any IR study, despite its importance that puts it at the top of the list when it comes to the world’s most strategic IOs. Thus, this study is the *first of its kind* to discuss this vital yet neglected International Organisation.

What is highly significant is that the IMO is the embodiment of shipping’s ‘institutional’ lifeworld and is thus a strong example that fits well with Bjola (2005) and Risse’s (2000) emphasis on the institutionalisation of lifeworlds. The IMO was established in 1948 as a ‘permanent forum for the discussion of shipping issues and the adoption and amendment of shipping standards’ (Harrison 2011, 155–6). The IMO is home to over 50 international conventions, all of which are now constitutive of the body of international maritime law that regulates shipping activities around the world (IMO 2019d). As such, many rules governing international shipping have already been institutionalised and codified, while future upcoming rules are designed to emanate from within the IMO’s deliberative organs.

The vitality of the political interactions occurring in the IMO is best exemplified by the numerous meetings occurring throughout the year with almost every month having either a sub-committee, committee or council session. As for the meeting of the ‘highest governing body’ of the IMO, those Assembly meetings occur bi-annually and consist of all IMO member states (IMO 2019e). Nonetheless, despite their less frequent occurrences, they have

been shown to hold the essence of the identity creation factor of the IMO's lifeworld.

### *Institutional features*

The IMO structure has interesting features that support establishing an institutional lifeworld. Most of the work of this international institution is conducted within its five specialised committees: the Maritime Safety Committee (MSC), the Marine Environment Protection Committee (MEPC), the Legal Committee (LEG), the Facilitation Committee (FAL) and the Technical Cooperation Committee (TCC) (IMO 2019e). Nonetheless, the MSC and to a great extent the MEPC are the main committees and thus have the biggest agendas. These committees are open to all the member states of the IMO and they are usually concerned with amending and creating maritime-related conventions (Oberthür 2003, 194).

In addition to the committees, the IMO has seven sub-committees that assist the committees in their work. The sub-committees are also open to all the IMO members (Harrison 2011, 156). Thus, clearly any state can participate within the discussions at those IMO bodies. Perhaps the only place that is restrictive in membership is the IMO Council. However, this Council should not be thought of like the United Nations' Security Council, for the IMO Council membership is not based on hard power politics, but rather relates to meeting certain maritime criteria, such as having the 'largest interest in providing international shipping services' (IMO 2019e). As such, the IMO is non-hierarchical to a large extent, a key feature that Risse (2000, 15) emphasised in his analysis.

In terms of Risse's (2000, 15) condition of having 'a high density of mostly informal interactions' within the IO, the IMO can be said to have such interactions to a considerable extent. Apart from the formal discussions in the committee's plenary sessions, it is notable how a significant portion of the work is usually completed in small 'working groups' consisting of a smaller number of delegates working on a specific agenda item. After the committees authorise the formation of these working groups and provide them with instructions, the delegates willing to form the working group are then allocated a room to carry out their discussions. As such, the interactions in the working groups may be seen as less formal in comparison with the discussions in the full-member's plenary sessions where the speakers speak in turn, through a microphone.

In addition, the greatest density of informal interactions may be observed at the delegate's lounge and IMO restaurant, especially during the coffee and lunch breaks in between the meeting sessions. It is highly interesting how the delegates then interact with each other during those breaks, and it is highly likely that those interactions also support the formation of the institutional lifeworld of the IMO. In fact, there is strong evidence that those breaks matter, at least from the perspective of the IMO member states. Indeed, it

is common practice that state often take turns in sponsoring coffee breaks, breakfasts and dinners at the IMO. In fact, some missions even hold their national days at the IMO. Such acts can be interpreted as strengthening the common lifeworld while also bringing other benefits to the sponsors, such as reputational gains or prestige. Thus, in terms of having an institutionalised shipping lifeworld, this can be said to exist with high degrees of confidence given the IMO's structure.

### *Lifeworld interactions with deliberation*

The IMO in its publications and releases recognises that the Titanic has had a lasting effect on this international organisation and has been behind its birth. Nonetheless, how does this event impact on the negotiations and deliberations within the IMO, from the perspective of the state participants? In other words, does the SOLAS convention and the history of the IMO have any resonance within the inter-state negotiations inside the IMO?

Significantly, the Titanic and SOLAS offer an important contextual function inside the IMO deliberations and can indeed be said to serve as 'the indirect context of what is said, discussed and addressed in a situation' (Habermas 1987, 131). This statement can be tested by analysing discussions at the IMO's Maritime Safety Committee. The MSC consists of all the member states of the IMO and it is 'the highest technical body of the Organization' (IMO 2019e). It has a large agenda and deals with a variety of matters affecting maritime safety and security.

One important debate at the MSC's 100th session was agenda item 5 that focused on the topic of Autonomous Ships.<sup>3</sup> The full title of this item was 'the Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)' (MSC100/1 2018). This is a significant debate at the IMO and gets discussed frequently there given the timeliness of its topic. At its 100th session in 2018, this topic preoccupied the delegates at the MSC and the discussions extended over several sessions. This specific debate offers strong evidence in showing how the *Titanic* lifeworld is present in the discussions and not only forms the 'indirect context' of the discussions but also offers resources for the justifications in the discussions, as Habermas (1987, 131) indicated in his theory.

### *A discussion with an historical touch*

Despite the fact that the autonomous shipping debate is a modern technological debate that transcends the historical issues of the Titanic accident, it is significant how the themes of this disaster still infiltrate into the discussions and form the indirect context of the debate. Indeed, when discussing future regulatory frameworks regarding those MASS ships, an East Asian state makes a point on the necessity of determining 'safety measures for ships ... for smooth and safe introduction [of] such ships'. The state adds that in order to do so, 'it is indispensable to scrutinise the possible consequences

emanating from a new combination of systems and equipment and identify hidden or unrecognised hazards'. This then informs its demand 'to develop new guidelines or recommendations for determining such safety measures'.

Zooming in on this East Asian state's speech raises interesting insights; the focus on safety and the identification of hazards is an offspring of the Titanic. The argument being made here is that the safety of shipping is key and that having new international guidelines is therefore a requirement. Thus, this speech serves to show the ubiquity of the security theme and the prioritisation of establishing international regulations, a justification that was also behind the establishment of the IMO.

Following this state's speech, the idea of having uniformity in international regulations is then taken on in different ways by the IMO delegates. For example, a country bordering the Pacific Ocean, while introducing a co-sponsored paper, speaks of the need for 'a collaborative discussion, understanding and standardisation of autonomy in the maritime industry' while another East Asian country then expresses its concern about the presence of different interpretations of a specific term that is causing 'inconsistency' and 'ambiguity'. A South Asian state then emphasises the need for having in place an 'appropriate regulatory framework' so that the shipping industry can use the 'positive contributions of technology'.

The theme of prioritising security is then highly present in another South Asian state's intervention when it states that 'MASS ships will be operating the same environment as other ships are exposed to', and then it gives attention to the 'safety, security and maritime environmental aspects' of these ships. Once again, this state uses this emphasis on safety and security to emphasise the demand that 'great care is required before consideration of the MASS ships'. This example offers a clear illustration of Habermas' dual function of the lifeworld as offering first the context of the discussion; the emphasis on safety and security, as well as the resource for the demand; the taken-for-granted conviction about safety that then becomes the justification behind the demand of exerting more care before considering those autonomous ships.

It is remarkable the frequency by which the safety theme appears in the discussion. For example, despite a South Asian state's positive attitude towards technology, it states that 'it is also obligatory on the member states of this organisation to ensure that safety credentials of the shipping industry in general and IMO in particular are not compromised at any point of time in the process'. The theme of safety is then expressed in different ways by the delegates. For example, an Arab state makes the comparison with cars when it adds that 'the tests operation of cars at the moment have been a failure so far, therefore we think that it is premature to apply this to ships' since 'the impact is more important with regards to safety'. The same rationale appears in a European country's speech that expresses support for certain amendments as 'they make mistakes less likely to occur when performing the exercise'. Thus, this idea of reducing error is common throughout the interventions.

It is important to add that another sub-theme arises from the general desire to establish international regulations, one relating to having *standardised* guidelines. For example, in another European state's speech, there is clear support for the production of 'a single set of guidelines'. Another member state similarly takes on this theme when it expresses its support for 'the development of interim guidelines for MASS trials with the aim of establishing a harmonised international framework to test MASS operations'. This emphasis on conformity can be understood from the historical context. When the IMO was first established, its most immediate task was to create international regulation to ultimately substitute the multiplicity of national regulation that existed back then (IMO News 2012, 26). With this understanding in mind, it becomes clear why an Arab state would raise its card to state that they 'agree with the proposal by [a South Asian state] ... in order to come up with a single document for these guidelines'; this idea of having conformity and avoiding plurality in interpretations is a key feature of the common lifeworld in the IMO.

It is important to note that the SOLAS convention also resides in the background and sometimes even comes to the foreground during the IMO discussions. For example, during the debate, it was noted that SOLAS was considered when devising the framework and methodology associated with this agenda item; special attention was given particularly to SOLAS chapter three. Thus, SOLAS was clearly important to this agenda item. The reference to SOLAS was also implicit in an African state's speech when it stated that it also shared concerns 'relating to ensuring that the guidelines remain within existing international law of the sea and shipping law established principles'. What this reveals is that even in cases where new documents or regulations tend to deviate slightly from established maritime law, of which SOLAS is exemplary, the delegates themselves work to ensure that such deviation is pulled back to established international maritime law.

Before ending this section, there is a need to clarify that the above evidence does not mean that the identified themes and safety-related demands are the only ones in the debate. In fact, the point being made is that the emphasis on safety and international regulation are the *common* themes that feature strongly across the delegates' interventions. Other demands that are not necessarily security-related do still exist. For example, a sub-Saharan state makes a point regarding the 'infrastructure and equipment that will receive this kind of vessels' while it speaks of the difficulty it is facing while trying to upgrade its ports. The theme here is not security related but rather one relating to maritime development, a theme more prominent at the Technical Cooperation Committee.

However, the point being made about the Titanic lifeworld is that it offers the dominant themes that are so ubiquitous in the discussions in the MSC. Thus, this specific lifeworld offers an explanation for most of the speeches despite of course having speeches that are not necessarily rooted in the SOLAS historical context. Nonetheless, what the above textual evidence

shows is the prevalence of the Titanic lifeworld in the language used by the IMO delegates, despite the fact that the sinking of the Titanic occurred 106 years prior to the 2018 discussions on the autonomous ships. This dramatic event and its subsequent lifeworld in the IMO have managed to influence and shape much of the language and justifications used in the IMO speeches.

### *The lifeworld and the IR research agenda*

Given the existence of an international lifeworld at the IMO, the question remains, *what does all this mean?* The perspective in this chapter is that the lifeworld is a strong glue that enables communication and ultimately deliberation within IOs. A common *international* lifeworld is possible to achieve, as has been shown in the case of the IMO. Moreover, the presence of such a lifeworld among participants engaged in deliberation is essential for facilitating the communicative process and for enabling researchers to understand how they think. It is therefore critical for IR scholars to be aware of the history, language, civilisation and self-perception of delegates within IOs for without those lifeworld features, it would be difficult to understand their motivations and much of the reasoning behind their demands. As such, the concept of the lifeworld is useful not only for studies about deliberation but for the IR discipline as a whole.

A wide variety of questions can emanate from the lifeworld concept. For example, one can ask, how does a given IO's history influence its contemporary decisions; what are the justifications behind certain policies and are they carrying historical baggage of previous dramatic events? Moreover, the concept need not be concerned with states only. The concept can be applied domestically within state institutions, across NGOs or across certain regions.

Varied sub-fields within the IR discipline can all potentially benefit from using the common lifeworld concept as a starting point. For example, research on 'epistemic communities' would benefit from considering the idea of an international lifeworld. Work on such 'professional networks' would find the concept of the lifeworld relevant, given that epistemic communities are theorised to share a set of 'normative and principled beliefs, which provide a value-based rationale for the social action of community members' (Haas 1992, 3). Similarly, research on a 'global demos' would find the lifeworld concept useful, especially since it is conceptualised that a group of people belonging to a demos would need to have 'a shared identity' (List and Koenig-Archibugi 2010, 81–82). The resources-context dual relationship can also become an inspiration for a variety of topics within the international politics sphere.

Finally, it is important to clarify that the concept is not only relevant for constructivist and deliberation scholars but also has relevance for other scholars studying different theoretical framework. Indeed, a realist scholar would also find value in engaging with this concept. As mentioned previously, assumptions on 'anarchy' can constitute a form of lifeworld (Risse

2000, 14). Realist scholars' emphasis on self-interest can still operate under assumptions of a lifeworld, for the concept does not assume that actors have suddenly become altruistic. Rather, the concept focuses on the 'glue' that can bring different actors together to cooperate. This would be valuable for realist scholars even if their recognised forms of cooperation are short-lived military alliances (Mearsheimer 1994, 11).

## Notes

- 1 And an international level more broadly, especially if one wants to apply the criteria to other international contexts.
- 2 Henceforth, quotes will be referenced from the Assembly's general statements that occurred at the IMO from the 27th to 29th of November 2017.
- 3 Henceforth, the quotes being referenced are from this debate that took place at the IMO's 100th session of the Maritime Safety Committee on the 3rd –4th December 2018.

# 3 The institutional context of deliberation

## Deliberative design of the IMO

Deliberation does not happen in a vacuum for it is largely shaped by the hosting environment. Significantly, the IMO is designed in a way that facilitates and enables deliberation to take place between its different participants. Indeed, the process of deliberation in the IMO is supported by a number of important institutional features as well as institutional actors and practices without which deliberation would not be possible, or at least would be *very* difficult inside this important international organisation. Those features are discussed in this chapter with reference to IMO's rules and regulations governing the operation of its intergovernmental meetings. The features relating to agenda-setting and the conduct of the negotiations are discussed first before discussing the institutional actors and practices that support the functioning of the IMO's deliberations. The chapter then considers Habermas' criteria for the establishment of the 'Ideal speech situation' and analyses how the institutional design of the IMO supports its establishment during the meetings.

### The institutional rules enabling deliberation

Diana Panke et al. (2021) recently conducted a study on the design features fostering deliberation across 114 IOs. Their research found that there are two types of IOs that foster deliberation through their design. They explained that:

First, there is negotiation-stark type of IOs, which fosters discussion between delegates by including many provisions to this effect in the negotiation stage. Second, there is an agenda-setting-stark type of IOs, which attempts to induce debate between delegates in the agenda-setting stage.

(Panke et al. 2021, 3)

Significantly, the IMO was found to score high for both stages, showing that this international institution fosters deliberation during agenda-setting *and* negotiation. The authors further illustrate the institutional rules that are conducive to deliberation during each of those stages. At the agenda-setting

phase, they identify four rules: the possibility of holding ‘exceptional meetings’, ‘the explicit participation of IO member states in the setting of the negotiation agenda’, the possibility of changing the agenda later and the ability of states to discuss the agenda at the start of meetings (Panke et al. 2021, 5). At the negotiation phases, they identify ten design features: the ability of the chair to grant ‘the right to speak to delegates’, the ability to change the order of speakers during the discussion, ‘the rule that proposals can be made even without secondments by other actors’, ‘the ability of delegates to engage with additional exceptional proposals’, ‘the right of the actors to reintroduce formerly withdrawn proposals’ or ‘reconsider formerly rejected proposals’, the requirement for discussion on an agenda item before closing it as well as the requirement for delegates to ‘engage in a discussion before finally closing the meeting’ (Panke et al. 2021, 5).

Panke et al. (2021) used the formal rules found in treaties and institutional procedural rules to code the different IOs along the two dimensions. This chapter considers the extent to which the IMO involves its delegates in discussion not only through the formal rules but also in practice. The design features identified in Panke et al.’s study are discussed in addition to other features that also induce deliberation in the IMO.

### *Deliberation during agenda-setting*

The IMO’s member states can indeed participate in the setting of the agenda. This is clearly stated in the ‘Rules of procedure’ governing the IMO meetings, such as those of the Maritime Safety Committee (MSC) where it clarifies that ‘the provisional agenda of each sessions of the Committee shall include’, among other things, ‘any item proposed by a Member of the Organization’ (MSC Rules of Procedure 2009, Rule 12). In practice, this also happens and occurs through document submissions relating to the relevant committee sessions where many of the submitted papers are authored by states. An example is MSC’s 100th session where 30 papers submitted were solely authored by the member states (MSC 100/J/2, 2018). Clearly, this contributes to deliberation and allows the member states to discuss the issues which they see are important.

Significantly, the NGOs can also submit documents to the IMO meetings. In fact, the ability to submit documents as well as to receive the documents of the other participants is explicitly stated in the Rules and Guidelines (2019, rule 7) relating to NGOs, whereby those organisations with ‘consultative status’ have ‘the right to receive the provisional agenda and meeting documents’ of the different IMO sessions, as well as ‘the right to submit documents on items of the agenda of the Assembly, the Council’, the committees and ‘other organs of IMO which are of interest’ to the NGOs. Those privileges granted to NGOs are particularly important because they enable them to equally participate in the deliberations and insert their input much like everyone else. During MSC 100, the NGOs made use of this privilege and submitted 27

papers to this session. Those papers were either co-sponsored by the NGOs and other member states or individually authored (MSC 100/J/2, 2018).

It is important to note that the ability granted to NGOs to submit documents also means that they have almost equal ‘agenda-setting’ power in comparison with the member states (Barnett and Duval 2005, 51–2); not only can they insert their views during the discussions on the existing agenda items, but they also have a similar opportunity to contribute to the shape of the agenda through their own submissions. However, it must be noted that there is one requirement that NGOs must fulfil when making a particular type of submission, proposals for new IMO outputs. Indeed, the IMO stipulates that ‘Proposals for the inclusion of outputs submitted to the Committees by non-governmental organizations shall be co-sponsored by Member States’ (MSC-MEPC.1/Circ.5 2016, 6). Thus, this condition means that NGOs have to go an extra step and find a member state in support of their proposal for a new output. This of course means that it may be harder for an NGO to make a proposal for a new output in comparison with a member state; thus, there is room for improvement here.

During the meetings, the participants are indeed given the chance to discuss the agenda or make any changes to it. The first item discussed in the IMO meetings is usually the ‘adoption of the agenda’ where the chair opens the floor for any comments on the provisional agenda. In cases where there are no comments, as happened in MSC 100, the committee then adopts the agenda. Thus, the ability of the delegates to add their input to the final version of the provisional agenda is another institutional feature that encourages deliberation in the IMO. However, the delegates may not choose to do so in practice when they are able to contribute to the agenda from the start, rather than at the last minute.

Finally, the IMO does indeed allow for exceptional meetings or what this international institution calls ‘extraordinary’ sessions. The rules of procedure relating to the different IMO sessions explain when an extraordinary session can be convened. In the case of MSC:

The Committee shall meet at least once a year in regular session. The Committee may meet in extraordinary session upon request made in writing to the Secretary-General by at least fifteen of its Members. Sessions of the Committee shall be held at the Headquarters of the Organization unless convened elsewhere in accordance with a decision of the Committee approved by the Assembly or the Council.

(MSC Rules of procedure 2009, Rule 2)

The IMO has hosted extraordinary sessions previously such as Council’s 29th extraordinary session in 2017, and this allows the member states to deliberate on issues quicker when they feel the need for an unplanned meeting. Overall, the IMO provides a suitable institutional environment for deliberations over the shape of the agenda.

*Deliberation during the negotiations*

The way the IMO negotiations or meetings are organised is also conducive to deliberation. Indeed, there is much evidence for Panke et al.'s (2021) institutional features here in the case of the IMO.

*Deliberating on every agenda item*

In the IMO, all the submitted items have to be deliberated on (except 'Information' papers which may instead be 'noted' for the information they provide). The chair at the start of each agenda item mentions the papers submitted under its title and gives the chance for the submitters to briefly introduce to the committee what the document entails (unless the document is self-explanatory and thus does not require introducing). In the case that a committee runs out of time, the paper will *still* be discussed, but at the next session, as stated in Rule 11 governing the MSC meetings: 'any item of the agenda of a session of the Committee, consideration of which has not been completed at that session, shall be included in the agenda of a subsequent session unless otherwise decided by the Committee' (MSC Rules of Procedure 2009). Thus, Panke et al.'s (2021) requirement for discussion on agenda items before closing them is fulfilled here.

Significantly, the above rule has positive implications for the IMO delegates, and particularly NGOs who need not worry that their papers might be rejected prior to consideration. Submitted papers, regardless of the identity of their submitter, will still be included in the agenda and will receive the same attention as a paper coming from a member state. Similarly, a small member state need not worry that their paper would carry less weight or be ignored because they are a less powerful state; when it comes to deliberation, all are able to contribute to the discussion and have their thoughts heard and proposals considered in the institution's main hall. It is also worth noting that in the IMO, papers are not divided into NGO vs member state papers. In fact, many submitted documents are 'co-sponsored' or co-authored by NGOs *and* member states; the MSC's 100th session had 11 of such papers submitted indicating that NGOs are not being treated as an isolated actor.

The requirement for delegates to participate in discussions before closing a meeting is also fulfilled in practice. Although the participants may not always comment on every agenda item (especially smaller ones where they just 'note' information presented in reports), it is unheard of that a meeting in the IMO had started and then ended without a discussion or a member state saying anything. In fact, usually there is need for more discussion and more time, as is usually realised towards the end of committee sessions when either one of the coffee breaks gets cancelled to extend the discussion time, or the afternoon sessions get extended a little.

*The right to the speak and the order of speaking*

Two of Panke et al.'s design features are directly related to the role of the chair, particularly the ability to grant others the right to speak and the ability to alter the order of delegates taking the floor. In the IMO, both of those design features are present in the IMO deliberations.

All the IMO committees and sub-committees are headed by a chairman or a chairwoman. Similarly, the IMO Assembly is headed by a chair, but is instead referred to as the 'president' during those sessions. It is indeed the chair who grants permission for the speakers to take the floor. The delegate willing to speak will have to firstly raise their card containing the name of their state or organisation. The chair and the members of the secretariat will be noting who wants to speak but the ability to speak will ultimately be granted by the chair when he calls the name of the country who has the floor; this is the *modus operandi* across the IMO's committee and Assembly sessions.

The order of speakers is also determined by the chair, especially during the in-person meetings. Chairs may differ in the way they manage a debate, but as noted by one of the IMO delegates 'there will be times when a chair may alter that list and you'll know on the floor, you'll know because they could take someone's card that could possibly have the answer' (Int. C5). However, the move to online meetings during the Covid-19 pandemic seems to have constrained the chairs in deciding the order of speakers due to the visualisation of the speaker list on screen. This point was noted by one of the delegates from the Pacific region who noted how 'at the moment we're on remote meetings and people can see the order and chairs are reluctant to take [them] out of order [...] It gives the chairs one less tool to get quality deliberation' (Int. C3). The constraints of the online meetings seem to have affected the deliberative institutional design of the IMO meetings. However, if the presence of the list is something that chairs do not wish to be visible, then perhaps the IMO secretariat should take this into consideration for its future virtual or hybrid sessions.

*Proposals: without secondment or rejected*

The four remaining institutional features in Panke et al.'s study all relate to proposals. With regard to proposals made without secondment during the negotiations, any participants in the IMO meetings can make a proposal without someone backing them. In fact, this feature was coded as part of the amended DQI under the 'deliberative behaviour' component (see the codebook in Annex A for more detail). Many proposals were made 'on the spot' (see Chapter 6 for more information) and there are no institutional restrictions preventing this. This ability also brings with it the ability for other participants to engage with those 'on the spot proposals', thereby fulfilling another one of Panke et al.'s institutional features. In this study, this ability was coded as 'reciprocity' and there were numerous cases where other

delegates commented on other ‘on the spot proposals’. For example, in response to an ‘on the spot’ proposal from a North American country during an MSC debate, a few other states then express their support for that new proposal (MSC 97/6, 2016).

When it comes to document submissions, the IMO member states can go solo and submit proposals without co-sponsors, and other participants may submit commenting papers without sponsorship. However, as discussed in the agenda-setting section, NGOs must have secondment or co-sponsorship from at least a member state if they are proposing a new output. However, the door is open for them to submit any other papers, including commenting papers.

The final two institutional features relate to the reintroduction of withdrawn proposals or ones that had been rejected. In the case of the IMO, the reintroduction of rejected proposals may not occur at the same session unless the majority is in favour as explained in the rule below:

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Committee unless the Committee, by a majority of the Members or other Participants present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

(MSC Rules of Procedure 2009, rule 44)

In practice, those who had not had success with a proposal at one session will think of resubmitting it to a different session and possibly to a different committee. This point was made in one of the interviews with an NGO delegate when he stated that after the meetings end, he thinks about how to ‘bring back’ proposals ‘to one of the committees’ if his NGO had not succeeded in pushing forward its proposal (Int. N3). Moreover, in one of the sessions where some co-sponsors submitted a document ‘with some merit’ but was nonetheless not ready for acceptance now, they were then advised to ‘refine the document and resubmit it’ for another MSC session (MSC 97/19, 2016). Thus, given that reintroducing previously rejected proposals happens in practice, the IMO can be said to tick this box.

As for previously withdrawn proposals, there are no institutional restrictions here. In fact, the IMO’s rules of procedures permit withdrawals of proposals:

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member or other Participant.

(MSC Rules of Procedures 2009, rule 43)

Thus, here the IMO ticks this box too in addition to the previous institutional design boxes discussed in this section.

### **Institutional actors and practices facilitating deliberation**

Now that the IMO has been shown to be designed to encourage deliberation, it is now time to zoom in on other institutional features that are particularly important for the functioning of the IMO's deliberative process.

#### *The chair: the maestro of the deliberations*

The chairs play a pivotal role in the IMO deliberations. Not only do they organise the discussions in terms of indicating whose turn it is to speak, but they also structure the discussions in terms of indicating in what order the agenda items will be discussed. This latter function is particularly significant because the agenda items discussed at an earlier point in a given committee session will take more time than the ones at a later point. Time is limited and thus, a chair's decisions regarding the order of the agenda items discussed already determine to a great extent the focus of a given session. The chair's recommendations are taken seriously and are sometimes also issued in document format and circulated to the delegates prior to the sessions (MSC 100/J/5, 2018).

Throughout the debates, the chair exerts *a lot* of energy, constantly listening to the proposals of the speakers, noting their positions, summarising the discussions and making proposals based on those discussions. In addition to this, the chair also plays a mediatory role, especially when positions are polarised on a given agenda item. It is important to also note that a chair of a given session becomes *almost* a 'decision-maker' within the deliberative process. Although chairs are the neutral regulators of the discussions, they may still be considered as semi-decision-makers because they are the ones who ultimately state the shape of the decisions taken on each agenda item and issue discussed. Without doubt, the chairs' decisions are guided by and mirror the overall position of the Committee and Assembly members. Nonetheless, a chair still plays a role in elaborating what such decisions look like. Once they have stated the shape of this decision, he or she then refers back to the committee for their final acceptance or rejection of a given proposal. Thus, the chair's role in the discussions should not be underestimated, especially when the decision-making process is indebted to his or her skills in leading the discussions.

Significantly, the role of the chair in facilitating the discussions has been recognised in other studies. For example, in his study of the WTO meetings, John Odell (2009, 278) explains how the chair, or the 'mediator', played a central role in breaking negotiation deadlocks through 'gathering information privately from all, reducing subjective barriers, making proposals in the common interest, and managing the process'. The pivotal role of the chairperson was also noted in Thomas Risse and Mareike Kleine's (2010, 271)

study when they observed the ‘problem-solving atmosphere the chairman had created’. Reflecting on the above emphasises that the presence of a chair during deliberations is *essential* for without such a neutral mediator, the discussions would literally fall into disharmony.

*A rationalist approach*

The role of chair can be analysed using two main perspectives: a rationalist institutionalist approach or a deliberative approach. Jonas Tallberg (2010) in his work on ‘the power of the Chair’ adopts a rationalist approach which largely implies that the way the chairs behave and their influence on the negotiations is a product of the institutional design of chairmanship and the decision-making rule. He identifies three different types of chairmanship models: a rotational model, an elected model and a supranational model. He then hypothesises that:

Formal leaders operating in a system of rotation will be subject to less extensive control mechanisms, enjoy greater room for maneuver, and be more capable of influencing the distributional dimension of negotiated agreements, than elected or supranational chairs, whose influence will be restricted to the efficiency of the negotiations.

(Tallberg 2010, 246)

As for the decision-making rule, unanimity was identified as the more constraining decision-making rule in comparison with the majority rule that enables chairs ‘to influence the distribution of gains’ (Tallberg 2010, 246). Applying Tallberg’s theory to the case of the IMO would indicate that it fits the elected model given that its chairs are elected from among the member states (MSC Rules of Procedure, 2009, Rule 16). As for the decision-making rule, the IMO convention states that ‘decisions shall be by majority vote’ but in practice, the chair rarely calls a formal vote and goes with the overall majority sensed from the meetings (IMO Convention 1948; Int. N6). Given the elected nature of the chairs, Tallberg’s (2010, 256) findings from his analysis of the elected model of the UN environmental negotiations are applicable to the case of the IMO, especially when he writes how:

Formal leaders positively influenced the efficiency of the negotiations by transforming competing proposals into single texts, encouraging parties to unveil bottom lines in confidential talks, and forging agreement. At the same time, there are no indications of chairs successfully and systematically having biased outcomes in favor of the countries they represented.

Tallberg’s study is thus useful for indicating that the elected model is likely to be efficient and not tainted by biases along national lines. However, his

theory misses out on the importance of the chairing ‘styles’ that differ between different chairs operating in the same institution. In other words, a chair’s deliberative style may be as influential as the institutional environment hosting the deliberations and thus the efficiency of the negotiations may also be a function of chairing style in addition to institutional rules.

*A deliberative approach*

The impact of chairing styles on deliberation was captured in Jane Mansbridge et al.’s (2006) inductive study on what good and bad deliberative moments entail from the perspective of professional facilitators coding deliberations between small groups. Those small groups, who were discussing public issues, were chaired by other facilitators (i.e. chairs) who differed in their styles and approach in that for some groups ‘the facilitator was more active than in others in soliciting comments from those less inclined to speak spontaneously’ (Mansbridge et al. 2006, 10). Significantly, the coders raised important observations on the role of the facilitators in managing the deliberations, particularly in creating an inclusive environment as shown below:

To achieve inclusion, one suggested that ‘facilitators [should] solicit the quieter ones more often’ and others agreed that the facilitator’s ‘attention [should be] devoted to bringing out the views and ideas of each individual in periodic, systematic ways.’ The coders seemed to believe that all people have something useful to say and it is up to the facilitator to ensure that people use their voice to say it. This targeted intervention should include the facilitator asking ‘every one of the...participants individually if they want to make any additional comments’.

(Mansbridge et al. 2006, 27)

Mansbridge et al. (2006, 28) further note that the coders ‘had sharp criticism for facilitators who failed to ensure broad participation’ and praise for those facilitators who ‘intervened to make the power of the participants more equal’. Thus, taking a deliberative approach indicates that a chair’s deliberative style matters and can have a large impact on the extent to which participants participate in the deliberations and feel included.

Significantly, the responses from the interviews with the IMO delegates supported the deliberative approach and revealed the large impact the chair has on the extent to which the delegates participate in the meetings and feel included. The findings are discussed in detail in Chapter 4 under the ‘Equality’ section. Moreover, the style of the chair has a big impact on the way the meetings progress as was illustrated in one of the interviews with an NGO delegate when he stated how ‘the smoothness of the meeting and the absence of frustration is what the good chair can allow to happen and facilitate that’ (Int. N1). When asked ‘how important is the chair for the meeting

discussions', the NGO delegate said 'very important' and then explained the characteristics of a good chair:

If you have a good chair then things become less clotted, in that a good chair is able to unpick the arguments, spot the convergent points [...] so a good chair will find that Golden element of agreement and will start to pull [...] all the differences out based on that agreement and get everybody together and say, well, if we take this, can you agree or move forward like that? And so the chair would suggest a positive resolution which will not solve everything, but at least it will get people talking and will get something to the working group to start discussing the details.

(Int. N1)

The NGO delegate then outlined the characteristics of a bad chair and illustrated the subsequent confusion of the delegates resulting from such a style of chairing:

And not a good, not a skilful chair will simply take the cards on the list, note everybody, this is in favour of this, this is against and just [say] OK, we're sending everything to the working group. [the delegates would say] Everything, what do you mean everything? [chair would indicate] Well all the papers, all the comments [Delegates would say] one said one thing, the other said the complete opposite. So what will the group do? They're going to replay the same thing.

(Int. N1)

For the avoidance of such situations and the resulting delays, the delegate notes how a 'skilful chair will distil and summarize' the discussion so that the delegates can then take what was agreed in plenary and resume their work in the working groups (Int. N1). A specific style for summarising was then explained by the delegate when he clarified what it does and does not entail:

The chair has to summarise, and a summary is not to say that I have 20 papers here. I have 20 papers there, off you go. No, the summary is I hear this, I hear that, I see that, knowing the background, I see that we've done already this. This can be put here. This can be put there. Da dah, My proposal is that ... Can you live with it? I'm just saying, I'm not asking you to agree with it, but can you live with that? [the delegates would say] OK, oh, we can probably live with that [the chair would say] Off you go then.

(Int. N1)

Thus, what this interview shows is that a chair's approach to summarising and managing the discussions is highly important and has significant

repercussions for the conduct of the deliberations and the work conducted in the working groups by the delegates. Taking a rational approach is useful for situating the type of chairmanship in a given institution relative to other institutions, but this is not enough for recognising a chair's impact on the efficiency of the decision-making process as well as the extent to which the delegates participate and feel included in the deliberations. Indeed, just focusing on the formal authority of the chair would mean overlooking the informal features of chairmanship, such as moderation styles, which have a big impact on the facilitation of deliberation and the interactions of speakers. Both the formal and informal characteristics of a chair's role are therefore important and worthy of consideration.

*The staff of the IMO: help when needed*

The IMO secretariat is another important actor, allowing deliberations to take place smoothly and efficiently. The IMO secretariat not only plays the expected administrative role seen in other international organisations, but they also contribute to the content of the agenda discussions. Indeed, a large proportion of the papers discussed by the delegates are actually produced by the IMO secretariat. For example, in MSC 100, out of the 124 papers submitted to this session, over 50 papers were produced by the secretariat. Such documents are usually composed of reports and summaries as well as substantive proposals and 'commenting papers' regarding the submissions coming from the IMO delegates. Such documents are introduced during the sessions in the same way as the submissions of the international delegates.

The delegates frequently express their gratitude to the secretariat for those submissions, especially when such submissions contain useful technical, administrative and legal information. For example, following the submission of the secretariat at MSC 100 providing 'an update on developments on maritime security' and documenting 'the outputs of the IMO's technical assistance on maritime security', the delegates expressed their gratitude to the secretariat (MSC 100/4a, 2018; MSC 100/4b, 2018). An extract from a European state's speech effectively captures this appreciation when its delegate stated that 'we would like to thank the secretariat for the document and for their never-ending efforts in simplifying member states' work' (MSC 100/4a, 2018). Significantly, the practice of the secretariat submitting papers is also observed in other international organisations whose secretariats also produce documents to assist their members (Abbott and Snidal, 1998, 12). Abbott and Snidal (1998, 12) effectively summarise the efforts of the secretariat across IOs when they write that 'IO personnel coordinate and structure agendas, provide background research, and promote successful negotiations'.

The IMO secretariat's role in supporting deliberations may be explained by its limited bureaucratic autonomy compared with other IOs. Bauer and Ege (2016, 1031–2) find in their research on the bureaucratic autonomy of 15 IO secretariats that the IMO is 'at the bottom of the ranking' along with

IOs such as the ILO (International Labour Organization) and ASEAN with regard to its 'autonomy of will' and 'autonomy of action'. By 'autonomy of will', they mean the 'ability of international secretariats to develop autonomous bureaucratic preferences', while 'autonomy of action' relates to the secretariats' 'capacity to transform these preferences into action' (Bauer and Ege 2016, 1020). However, when analysing further the constitutive components for the 'autonomy of will' dimension, they found that the IMO had high administrative cohesion yet low administrative differentiation. The high cohesion score is composed of the IMO's higher performance when it comes to the centralised geographical location of the workplace, the homogeneity of the staff members and the long-term employment contracts. However, the lower differentiation performance was gathered from smaller scores relating to 'the share of secretary-generals (SGs) who previously worked as civil servants in their organization' and the 'capacity of the secretariat to collect and process information independently' (Bauer and Ege 2016, 1027). Significantly, Bauer and Ege (2016, 1033) indicated that there might be a trade-off between cohesion and differentiation and suggested that this may be due to the 'functional requirements' nature of some of the IOs, in that 'Service organizations [...] seem to be in need of less administrative differentiation but greater internal cohesion in order to deliver services to its members and to manage projects successfully'. This comes in contrast with 'programme organizations' whose secretariats 'mostly fulfil norm-setting functions (such as the WHO, ILO or UN)' and thus tend to have high differentiation but low cohesion scores (Bauer and Ege 2016, 1032).

Reflecting on the above findings indicates that the IMO is indeed a service organisation given that it regulates the international shipping sector. It is thus less focused on establishing its own autonomy from its member states and much more focused on providing services, documents and clarifications where needed in order to keep this service moving. Indeed, many of the secretariat submissions are usually submitted to directly respond to the delegates' questions when they are confused or need assistance in certain technical and legal matters, as what happened during the deliberations on the 'process verbale' matter during MSC 97. In this debate, the delegates were confused over an international legal process called 'process verbale' and asked a number of questions directed to the IMO secretariat (MSC 97/3 2016). Eventually the delegates agreed to the proposal of postponing the approval of a specific circular until the next session to give themselves more time to understand the issue and to also use the opportunity to receive advice from the IMO's secretariat at the next session (MSC 97/3 2016). Thus, the submissions of the secretariat are there to assist the participants and enhance the quality of this organisation's deliberations.

The secretariat's importance and centrality to the process of deliberation is also literally visible when one attends any of the (sub-)Committee meetings in the IMO. The member states are all seated in rows by alphabetical order and the seating arrangement has the chair, the vice-chair, and

the relevant members from the IMO secretariat situated at the very front. Their key presence at the front of the meeting hall not only highlights their importance and authoritative position but also highlights another role they have, an educational or rather, an informative role. Much like a teacher in a classroom, the IMO secretariat answers the questions of the delegates as they arise. It is therefore no surprise that a number of questions stated in the meetings tend to also be directed towards the IMO secretariat, as what happened during the MSC 97/3 (2016) debate when a European and an Asian country directed questions to the secretariat. The informative role that the secretariat holds should therefore not be underestimated for there are situations where the deliberative process requires their vital input. Thus, the IMO secretariat plays an essential role in the IMO deliberations for without them, the discussions could easily break down over confusions. Overall, the IMO secretariat positively contributes to the smooth functioning of the deliberations inside the IMO and is there for the delegates when they need help.

*Document-based deliberations, but with some spontaneity!*

IMO deliberations are *document-based*. This means that the speeches made by the participants are made in relation to the documents submitted to the meeting sessions prior to their start. Approximately 70 to 100 documents are submitted prior to the main committee and assembly meetings, making the nature of the deliberative process of the IMO different from other more spontaneous settings such as those in public or virtual environments (Fishkin 2011; Zhang et al. 2013). Indeed, the deliberations of the IMO are ‘readings-based’ and thus require prior engagement and preparation before the delegates can comment on the submitted documents and state their position. The effort taken to produce those documents is already accounted for in the DQI coding scheme, where document submission is included as the highest indicator in the ‘deliberative behaviour’ category (see the codebook in Annex A and Chapter 5 on the amended DQI). However, it is also important to reflect on what this institutionalised practice means in terms of the deliberative process as a whole.

Firstly, those documents determine the content of deliberation. Indeed, all documents submitted must be discussed (as explained earlier in the chapter), even if they end up being rejected by the committee or postponed to another session. This in itself is significant because it provides an equal opportunity for the member states of the IMO that *guarantees* the discussion of issues concerning them. Secondly, the document-submission *modus operandi* also plays a key role in structuring the discussions. The documents serve as the backbone of the discussions; they allow the chair to structure the meetings by grouping documents together in the order in which they will be introduced and discussed. Moreover, they also structure the interventions of the delegates and prepare them for fruitfully participating in the discussions. Thus,

the document-based deliberations of the IMO shape the structure of the discussions and are thus important.

The significance of the submission process can be further appreciated when we imagine a situation whereby *no* documents can be submitted prior to the meetings. This would be particularly challenging for the delegates for they would have to decide their positions instantly during the discussions, something which might not be feasible or beneficial, especially when technical or complicated issues have not been discussed or studied back home. Confusion and uncertainty would certainly reign over the discussions, and decision-making would be hampered. Thus, the document-submission process can be thought of as an essential pillar of the deliberations within the IMO.

It is important to note that there is an important element of spontaneity that occurs in the IMO debates, despite the nature of the document-based discussions. This spontaneity is both useful and essential for the maintenance of a healthy deliberative process. The unplanned interventions usually take the form of ‘on the spot proposals’ where the delegates come up with suggestions that have not been submitted in document format (see Chapter 5 for more on this indicator). Those proposals then initiate a process of reactions to them as the other delegates state their thoughts and responses. Of course, there remains the possibility that a delegate might have thought about an ‘on the spot proposal’ prior to the discussions without having submitted a document. Nonetheless, there is evidence that some of those proposals arise during the actual deliberations and are thus mostly *reflexive*, in response to a particular issue arising during the discussions. An example comes from a North American state’s proposal to have a discussion on the implementation of amendments relating to the STCW convention (The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers). Here, the state said the following:

If I could raise an issue that’s related to the implementation of STCW but not to a paper that was submitted. I think we’re all aware and certainly in [this member state] as we approach, faster approach the full implementation of the 2010 amendments, we’ve been hard pressed in [this member state] to ensure that all of our Mariners have the certificates needed to demonstrate compliance with the Convention, thanks to a lot of hard work from our industry, our training institutions and most important our seafarers, we think we will make the deadline. At the same time, we’re preparing our port state control officers to verify substantial compliance with the new requirements under STCW. And of course, like everyone in this room, we don’t wanna see a large number of vessels detained or seafarers stranded because flag administrations have not been able to get all the certificates issued. And So I feel obligated and would certainly appreciate the opportunity, Mr Chairman, either here or may be under any other items to *just have a discussion so we can all get a sense of how well we’re doing in terms of compliance,*

*by the 1 January 2017 date, and prepare our port state control regimes appropriately.* Thank you, Mr chair

(MSC 97/11 2016, emphasis added)

This then initiated a number of spontaneous reactions from countries from Europe and Africa. For example, a European country then stated that it:

shares the concerns expressed by the distinguished delegate of [the North American state] and others, and we, we can confirm that even if all steps have been put in place to fully implement the Manila amendments, we consider necessary to address or to send a message to port state control officers [...] in order to avoid any delay or any problems to the seafarers and to the complete implementation of the rules.

(MSC 97/11 2016)

Similarly, An African state reacted to the American proposal by stating that ‘like the [North American state] and others that have spoken, we’ve had some concerns raised to us and we would certainly agree that this should receive further attention and discussion’ (MSC 97/11 2016). Thus, clearly, deliberations in the IMO can go beyond the scope of the submitted documents and lead to new conversations and proposals that were not previously anticipated. Indeed, it is unlikely that the European state would have planned on stating a proposal on sending ‘a message to port state control officers’ had the North American state not initiated this discussion in the first place.

Furthermore, the spontaneous element of the IMO discussions should not be merely treated as a characteristic of the deliberations in the IMO’s meeting, but it should also be seen as a *necessary* aspect of the deliberative process. The necessity argument is made because not all speeches and positions can be prepared beforehand or rehearsed, as it is difficult to predict who will speak and what they will say. This also serves as a reminder that deliberation is composed of *human interactions*. Indeed, deliberation is a product of interactions among different speakers and cannot therefore be reduced to pre-prepared speeches. Nonetheless, this does not mean that the prepared dimension of the speeches is unimportant or unhelpful. The deliberative process in the IMO involves free-flowing discussions *in addition* to pre-prepared speeches and positions; an equilibrium is needed between those two elements because going without one of them would knock down the balance of the deliberative process and its smooth functioning; this is particularly the case when deliberating over technical and complicated matters in an international forum.

### *Translations and visualisations*

The institutionalisation of translating documents and speeches is another important enabler of deliberations. The IMO has 174 member states, plus 3

associate members, plus 80 NGOs, plus 63 IGOs (IMO 2019c). With such large gatherings, it becomes clear that not everyone speaks the same language. To address this potential challenge, the IMO provides an interpretation service as shown below:

Simultaneous interpretation is provided in the six IMO official languages (Arabic, Chinese, English, French, Russian and Spanish) for Assembly, Council and Committee meetings and for conferences, and in Chinese, English, French, Russian and Spanish for Sub-Committee meetings.

(IMO 2020)

This service is crucial for allowing non-English speakers to speak in other languages. The six languages provided in most of the meetings cover a significant portion of the world. Nonetheless, some languages are inevitably left out. The EU's Parliament would be the role model in terms of inclusiveness as 'no fewer than 24 official languages are used in the European Parliament' (EP 2021). Indeed, the European Parliament clearly states that:

In the European Parliament, all official languages are equally important: parliamentary documents are published in all the official languages of the European Union (EU) and Members of the European Parliament (MEP) have the right to speak and write in the official language of their choice. It also ensures everyone is able to follow and access the Parliament's work.

(EP 2021)

Unfortunately, this is currently not the case in the IMO as the non-native speakers of those six official UN languages must use one of them to be able to communicate in the IMO. Nonetheless, at least there is a choice to be made, rather than having to adopt one language for discussions. The EP model would be the ultimate goal for the IMO in terms of allowing all countries to speak in their own language, although this would not be an easy task; the EP (2021) admits that this 'is an immense linguistic challenge'; clearly, the situation would be *much* more challenging if we account for all the languages in the IMO.

In terms of the translation process, it operates as follows. The IMO's seats in the main hall are accompanied by an audio system placed directly next to the seats. This audio system comes with headphones whereby the delegates when they place them over their heads can select the appropriate channel number corresponding to their selected language. The selected channel then provides instant and continuous translation to the listeners. Alternatively, if a delegate just wants to listen to the live voices of the speakers, regardless of whether they understand their language, they may simply choose the main hall channel and listen to the conversations through the headphones. This system functions

well and thus enables the listeners to hear each other. Nonetheless, even if the delegates can listen to each other and understand what they are saying through the translation, it remains that the delegates would need to *see* each other.

Significantly, the IMO has institutionalised the visualisation of the meetings while they proceed. As mentioned previously, the delegates are seated in rows. Thus, it is not possible for any delegate to see all the other speakers from their seat. In fact, their vision is restricted to what they can see around them and in front of them; this would be the two delegates seated on both their sides, the back of the delegate in front of them, and finally the chair, vice chair and members of the secretariat at the very front. Though it is not explicitly recognised in the literature, there is a lot of value to be gained from participants actually *seeing* each other in a given meeting. Indeed, seeing the speaker is very important and can be thought of as establishing *rappport* between the speakers. This certainly resonates with many people worldwide who prefer to video-call their family and friends instead of just audio calling them over the telephone. The ‘vision-effect’ is institutionalised in the IMO through the use of cameras and screens positioned across the main hall. Those cameras are able to capture speakers when they take floor. The live image of the speaker is then televised on the big TV screens in the IMO’s main hall so that they can be seen by the attendants. This great benefit that comes with technology should not be underestimated, for without it, the deliberations would be lifeless and feel quite remote.

The usefulness of the video cameras and the TV screens was noted by one of the member state delegates from the Pacific region who has been attending the meetings for many years including the years prior to the introduction of the video camera. During those earlier times, he notes how ‘the hardest bit was actually you knew the country or the NGO that was talking but you didn’t have a face to them’ (Int. C3). However, he then explains how:

When the video cameras came in, that was quite good. You actually saw who was doing the talking, and that meant at tea breaks or lunch breaks, you could actually go and find them. You can find the right person, so that helped an awful lot.

(Int. C3)

The technology of the 21st century has certainly benefited the deliberative process and the institutionalisation of the use of technology has contributed to the facilitation of the deliberations outside the formal meetings. This also brings us to the next institutional feature facilitating deliberation: the coffee and lunch breaks.

#### *The coffee breaks: a break from deliberation?*

The IMO delegates are of course humans. It is therefore unrealistic to expect them to deliberate on the agenda items from 9 am to 6 pm continuously

without a break; such continuous formal discussions would be tiring! The IMO has therefore institutionalised three regular breaks during each day of the meetings. The first coffee break takes approximately 30 minutes and occurs at 11 am, halfway through the morning session. The second break is the lunch break and is therefore much longer; it takes place from 12:30 to 14:30, separating the morning from the afternoon sessions. Finally, the last coffee break occurs half-way through the afternoon session and starts at 16:00 and ends at 16:30. It is important to note that although the IMO delegates are not *formally* deliberating during those breaks, they still informally deliberate while taking a break from the discussions of the main hall. This highlights the fact that deliberation is a natural human activity and not simply an activity confined to formal debates inside the meeting rooms.

Significantly, it can be said that a lot of socialisation happens during those coffee breaks (Johnston 2001). The social environment of the IMO is characterised by friendly interactions happening during those breaks where the IMO delegates interact with each other and ‘chat’ together while eating biscuits and drinking coffee. Though this chatter may not necessarily be on a given agenda item (although this does happen, as when an Island state stated that it discussed an issue with a North American state ‘in the break’ (MSC 98/4, 2017)), it still helps in developing empathy between the different delegates as they share a meal with each other or have a cup of coffee together. Significantly, the interviewed delegates confirmed that such break do indeed contribute to the establishment of empathy (Int. N1-2; N4; C11; see the ‘Empathy and its supporting factors’ section in Chapter 7 for more detail).

Interestingly, the breaks in the IMO are frequently ‘sponsored’ and made use of by the member states as well as the NGOs. For example, many countries take turns in sponsoring coffee breaks, lunches, breakfasts and evening meals during the different sessions of the IMO. In fact, few breaks go unsponsored during those meetings. Some countries even hold their national days in the IMO after the end of the formal deliberations in the evening, as an Island state once did in MSC’s 97th session. Significantly, the IMO itself also holds receptions during the breaks and after the meetings as a form of greeting for the delegates (MSC 100/J/4 2018). The sponsoring of the breaks is taken to a higher level during the Assembly meetings when the member states take turns in hosting evening receptions for the IMO delegates in special places such as embassies and hotels. During those Assembly sessions, the receptions almost turn into competitions, especially when different receptions are hosted on the same evening! The significance of all those receptions is that they create a friendly and healthy deliberative background, strengthening the lifeworld in the IMO and acting as continuous ‘ice-breakers’ between the delegates.

The positive feelings of gratitude and appreciation are usually reflected in the IMO speeches when delegates take turns in warmly thanking other delegates for their sponsored breaks and evening receptions and also congratulating them during their national days. An example for this is an African state’s thanks to a South American state ‘for the wonderful reception’ during the

Assembly's 30th session (A30/7 2017). Not only is the positive relationship between the delegates reflected during those thankful speeches, but they are also evident during expressions of condolences when unfortunate events such as ship-sinking occur to any member of the IMO. The healthy closely knit community of the IMO likely increases engagement in the IMO deliberations and supports interactions in the IMO to reach good deliberative levels, especially when it comes to 'reciprocity' (see Chapter 6's quantitative findings).

It is also particularly notable how the delegates often refer to other delegates as 'distinguished delegate[s]' and 'our friends and colleagues' when commenting on their speeches (whether in agreement or disagreement) (MSC 97/19 2016; MSC 99/5 2018). Though the above references may seem customary or characteristic of the unwritten protocol guiding the interactions, they are still valuable in establishing a comfortable deliberative setting among the delegates. Similarly, the breaks between the discussions are vital in establishing a relaxed deliberative setting during the discussions of the intense and serious agenda items. Their value becomes vivid when we imagine a situation whereby delegates are required to leave the IMO during the breaks between the sessions. In such a scenario, the delegates would certainly feel isolated from the other delegates and might even avoid referencing each other when they are back in the meeting room. The frosty atmosphere would then characterise the meetings. The extent of reciprocity would also likely decrease, and we would certainly not hear phrases used such as 'our friends' or 'colleagues' from country X; 'what someone said' would probably be as good as it gets when referencing another speaker.

A final point to note about the IMO breaks is that they are often very content-rich. Indeed, a number of countries and delegations provide presentations during those sessions, sharing experience and presenting advice to other delegates in maritime-related matters. For example, during MSC 100, there were six different presentations during the lunch breaks provided by member states, NGOs and an IGO and then two other presentations in the evening by member states (MSC 100/J/4 2018). Similarly, during MSC 97, there were six presentations in total provided across the lunch breaks and at the end of the evening sessions (MSC 97/J/3 2016). All those presentations took place in the plenary (the main hall) of the IMO. Those presentations are important in terms of enhancing participation inside this International Institution; participation from the side of the presenter, but also from the side of the attendants who may raise questions and interact with the presenters during the presentation.

Significantly, the presentations also enhance information sharing between the participants in this international institution. Indeed, the presentations offer useful advice and guidance to the listeners and are frequently based on studies and research in different issue areas. For example, An East Asian country's presentation was titled: 'Research on ventilation of a totally enclosed lifeboat', while a European state's presentation was on 'findings from rescue exercise' it had conducted (MSC 97/J/3 2016). It is notable how countries

are willing to share information from their own institutions and experience, such as another East Asian state whose presentations related to its 'Maritime Safety Administration' and its 'practice and experience on ferry safety' (MSC 97/J/3 2016; MSC 100/J/4 2018). As such, the breaks between and after the formal sessions are not *really* breaks from deliberation.

### **Habermas' ideal speech situation and the IMO**

The previous section discussed the institutional features aiding the deliberative process in the IMO. This section analyses in more detail the IMO's rules that directly relate to the establishment of Habermas' criteria of the 'ideal speech situation'. The first part of this section reviews the existing few studies that have noted the presence of deliberative dynamics in the IMO, while the second part looks at the components of the 'ideal speech situation' with regard to the IMO and how the IMO is designed in relation to them.

#### *The IMO in the literature: evidence for deliberation*

Significantly, there is much evidence that the IMO follows a deliberative logic during its committee meetings, as has been noted in some studies. Indeed, a few studies that focus on the IMO's decision-making process more broadly already seem to suggest that the IMO adopts a deliberative model within its committees. For example, Robert Schuda's (1991, 1015–45) study reveals the centrality of deliberation and argumentation in the IMO's Legal committee when he explores the creation of a draft convention on compensatory measures in cases of shipping accidents. Significantly, his analysis reveals that discussions within the committee take the structure of debates where one delegation proposes an argument that is then supported or refuted by counter-arguments. Similarly, Nicholas Gaskell's (2003, 170–1), who was himself an NGO representative at the IMO, alerts us that we should not suppose 'that the size of a state, geographically or geopolitically, reflects its influence within the Legal Committee'. This is because smaller states, such as Vanuatu, Malta and Yemen, 'may have a great influence within negotiations' (Gaskell 2003, 171). Thus, both Schuda's and Gaskell's study already hint that the IMO's legal debates follow a deliberative logic that is not influenced by the geo-political weight of the participants.

As for the absence of coercion during discussion, existing research shows no traces of anything resembling coercion within the IMO committees, even when it comes to controversial topics. Indeed, studies on the Marine Environment Protection Committee (MEPC) show that some difficult topics relating to cutting Greenhouse Gas (GHG) emissions from ships can take 'years of discussion' in cases where states are unable to agree on certain decisions (Miola, Marra, and Ciuffo, 2011, 5492). Thus, the idea of using coercion to force states to change position is likely to be absent in the IMO. Moreover, even if one only focuses on the behaviour of the world's superpower, it is clear that the use of coercion does not appear in its interactions

inside the IMO. When commenting on several environmental conventions, including the IMO's treaties regulating oil pollution from tankers, Peter Haas (1990, 348–9) notes that these treaties 'were concluded without any single state – not even the United States – assuming a leadership role'. He concludes that 'co-operation without such hegemonic guidance (or control) may thus be possible' (Haas 1990, 349).

More importantly, even in cases where the US has a great interest in advancing a position, the use of coercion is not employed to force the consent of other states. For example, in 2002, the US advanced several proposals in the Maritime Safety Committee (MSC) to curb ownership secrecy in the shipping industry (Tan 2005, 35). Nonetheless, the superpower's proposals had an unsuccessful fate as they were rejected by several flag states endorsing the ship-owner's interests (Tan 2005, 35–6). This ultimately shows that even the world's superpower is unable to employ its military weight to force obedience in the IMO.

The signs so far indicate that this international organisation holds great potential for illustrating how Habermas' deliberative ideas may offer a vibrant explanation for contemporary inter-state interaction in the IMO. Significantly, the case study of the IMO holds a lot of potential for enriching the IR discipline and emphasising that deliberation is possible in an international setting, between different international delegations. Demonstrating that the IMO is a fertile ground for deliberation, particularly the 'ideal speech situation' is important especially when very few studies have made the link between deliberation and IOs (Johnstone 2003; 2011; Deitelhoff, 2009).

#### *The IMO's institutional design and the ideal speech situation*

Revisiting Habermas' ideal situation indicates that it is composed of a number of pillars (see Chapter 1). They are best captured in the following quote: 'freedom of access, equal right to participate, truthfulness on the part of the participants [and] absence of coercion in taking positions' (Habermas 1993, 56). Habermas (1993, 66–7) also emphasises that deliberation should happen in a respectful environment where the participants respect each other. Taking each one in turn indicates that the IMO ticks those key criteria to a large extent. A zoom-in on the rules and regulations governing the IMO meetings indicates this.

#### *Freedom of access*

The IMO's constitutive agreement, the *Convention on the International Maritime Organization* (IMO Convention 1948, Art. 4) explicitly states that 'Membership in the Organization shall be open to all States, subject to the provisions of part III' (i.e. the provisions relating to the other articles on 'Membership' in the convention). When it comes to accessing the different IMO meetings, the IMO does not prevent or obstruct any member state from accessing the Committee or the Assembly meetings. Indeed, the Assembly

and the Committees ‘shall consist of all the Members’ (IMO Convention 1948, Articles 12; 27; 32; 37; 42; 47). The main meetings are therefore inclusive in their membership and allow the different participants to freely access them. The only place where access is limited is in the Council, but this is institutionally and democratically determined. Indeed, Article 16 of the convention states that ‘the Council shall be composed of forty members elected by the Assembly’ (IMO Convention 1948). Nonetheless, this does not mean that this meeting is completely closed for the other non-council members since ‘the Council shall invite any Member to participate, without vote, in its deliberations on any matter of particular concern to that Member’ (IMO Convention 1948, article 20). Thus, at least other IMO member states can attend the Council (upon invitation) if the matter directly affects them.

Turning to NGO access, the picture looks a bit different. The IMO does allow NGOs to attend the meetings, but there are certain important conditions that an NGO needs to fulfil before being admitted into the IMO. The ‘Rules and Guidelines for consultative status’ effectively explain how an NGO may be admitted to the IMO. Firstly, the NGO’s work would need to be relevant to the works of the IMO. The IMO states that ‘consultative status should only be granted to a non-governmental international organization if it can reasonably be expected to make a substantial contribution to the work of IMO’ (Rules and Guidelines 2019, 3). The IMO then provides criteria to illustrate what this entails (Rules and Guidelines 2019, 3): Firstly, the interested NGO’s purpose would need to be ‘directly related’ to that of the IMO ‘and fully in harmony with the spirit and functions of IMO’; secondly, the NGO’s activities would need to ‘have a direct bearing on the main purposes of IMO’; thirdly, the NGO would need to demonstrate ‘that it has considerable expertise as well as the capacity to contribute, within its field of competence, to the work of IMO’; finally, any of the NGO’s ‘programmes or projects’ would need to be relevant to the IMO’s work and interests. An NGO would ideally need to fulfil all those four requirements, However, the IMO does note that if an NGO ‘meets most but not all the requirements in these guidelines, the Council when Considering the application may, if it considers that the circumstances so warrant, grant consultative status on a provisional basis’ (Rules and Guidelines 2019, rule 1 guidelines). Thus, clearly the NGOs would need to be of relevance to maritime affairs and fulfil at least the majority of the requirements in the IMO’s guidelines if they want to have a seat and access the meetings.

The relationship between the IMO and NGOs and that between the IMO and its member states is evidently not the same. This mostly comes down to the expectation that NGOs would need to fulfil a ‘consultative’ role, whereas the member states are not required to fulfil such a task. The IMO’s understanding of this role is explained clearly in rule two of the guiding document where it states that:

Decisions to grant consultative status to any non-governmental international organisation shall be based on the principle that the purposes for entering into consultative status shall be:

- a) to enable IMO to obtain information or expert advice from non-governmental international organizations with special knowledge in a particular sector of IMO's activities; and
  - b) to enable such non-governmental international organizations representing large groups whose activities have an important and direct bearing on the work of IMO to express their points of view to it
- (Rules and Guidelines 2019, Rule 2).

Thus, the relationship between the two organisations is one characterised by mutual gain, whereby an NGO gives the IMO (and its member states) the expertise they need, and in return, the NGO will get a chance to express its views inside the organisation. Nonetheless, the fact that there is an expectation from an NGO to provide expertise makes an NGO a different *type* of participant in the IMO in comparison with the member states. This is because an NGO is expected to work harder than a member state; an NGO needs to produce relevant information and give useful advice in return for having a seat at the table. Those demands or expectations are not directed towards the member states who do not need to be particularly interested in maritime affairs in the first place.

Once inside the IMO, an NGO has 'the right to be represented by an observer at plenary meetings of the Assembly and, on the invitation of the Secretary-General, at those meetings during sessions of the Council', the IMO's Committees, and 'and other organs of IMO at which matters of special interest to the non-governmental international organizations concerned are to be considered' (Rules and Guidelines 2019, Rule 7). There are currently 80 NGOs granted consultative status by the IMO (IMO 2021). The NGOs do indeed bring useful and insightful information to the IMO; their presence makes a difference, and their opinions do matter. The member states frequently reference different NGOs in their speeches and engage well with their submitted documents. For example, when discussing different possible options under agenda item 19, two European countries both aligned their positions with a prominent NGO observer. One of them explicitly stated that they 'will take the advice from [the NGO] and support option two' (MSC 100/19 2018). Thus, when they speak, the NGOs' views are valued by the member states of the IMO. Nonetheless, there are important restrictions that an NGO needs to be aware of during the IMO deliberations. Those restrictions are best summarised below:

Normally one observer from each non-governmental international organization shall be admitted to any session or meeting. Such observer shall have no voting rights but may, on the invitation of the Chairman and with the approval of the body concerned, speak on any item of the agenda of special interest to the non-governmental international organization of which the observer is the representative.

(Rules and Guidelines 2019, rule 8)

Thus, NGOs need to be aware that though their comments during the debates are useful, they do not count in terms of votes or during the search for the ‘will of the committee’. NGOs also need to keep an eye on the size of their delegations which will be obviously much smaller compared to the larger delegations of the member states (MSC 100/INF.1 2018). It is also important to note that the ‘consultative status’ granted to NGOs may be *withdrawn* if the IMO deems that they have not fulfilled what is required of them, as discussed in Rule 12 of the guidelines: ‘The council shall review from time to time the list of non-governmental international organizations to which it has granted consultative status, in order to determine whether the continuance of their status in any particular case is necessary and desirable’ (Rules and Guidelines, 2019, Rule 12). Thus, NGOs should not treat their access to the IMO as indefinite since there is always a possibility that this access may be withdrawn if this is justified (for the views of the NGOs on this, refer to Chapter 4 under the ‘Withdrawal of consultative status’ section). The review process takes place every two years and is based on the factors shown below:

In assessing the contribution of an organisation in this regard, particular account should be taken of the following factors:

- (a) attendance by the representatives of the organization concerned at relevant meetings of IMO organs or bodies or at conferences and meetings convened by or in association with IMO;
- (b) participation by the representatives of the organization concerned in the work of meetings and conferences which they may have attended, with particular reference to the number and type of submissions or other information provided in connection with such meetings or conferences;
- (c) meetings or conferences convened by or under the auspices of the organization concerned to which IMO has found it necessary or useful to send representation; and
- (d) dissemination and promotion of the work of IMO (Rules and Guidelines, 2019, 7–9).

This process should not be overlooked, for it has happened that NGOs have had their consultative status withdrawn (A29/Res.1109 2015). Significantly, this process is not applicable to member states who are not at risk of their whole membership being withdrawn. It is important to note that the IMO Convention states that a country’s vote may be withdrawn if it does not fulfil its financial contributions. Nonetheless, only the vote is withheld in such situations, not the whole membership (IMO Convention 1948, Art. 61). There is only one situation whereby a state may be refused membership or have its membership terminated, and that is if the UN General Assembly decides so: ‘No state or Territory may become or remain a Member of the Organization contrary to a resolution of the General Assembly of the United Nations’ (IMO Convention 1948, Art. 10). However, other than that, the member states remain the principals of this international organization and

may in fact decide to withdraw from the IMO themselves, if they wish to do so (IMO Convention 1948, Art. 78).

Reflecting overall on the ‘freedom of access’ dimension in the IMO indicates that this IO’s institutional design supports this criterion to a large extent; the IMO is open to all member states and does allow NGOs into the organisation. However, there is potential room for improvement in terms of NGO access and the conditions they face for admission.

#### *Equal right to participate*

When it comes to ‘equal right to participate’, this Habermasian principle resonates well in the IMO, particularly among its member states. In the IMO’s Assembly and Committees, all member states and attending NGOs are entitled to speak during the sessions. The way this works is that they start by raising their ‘flag’ (the cardboard with the name of their country or organisation printed on it) and when the chair sees this flag, he or she permits them to speak by stating the name of the country or NGO. The delegate then may start speaking and ‘take the floor’ as it is commonly phrased. Thus, in terms of those inside the room, they can participate and have an equal right to do so. However, whether there is equality *in practice* between the member states and NGOs in taking the floor is discussed in Chapter 4. As for the document submission process, it was noted previously in this chapter that member states and NGOs both can make submissions, although NGOs face a restriction when it comes to proposals for new outputs.

#### *Truthfulness*

In terms of truthfulness, this is a difficult criterion to test or fulfil with confidence because it is difficult to know the real intentions of the delegates and to know for sure whether or not they are speaking truthfully. Indeed, the difficulty in empirically testing this truthfulness criterion was highlighted in Steiner et al.’s (2004, 56) study. Nonetheless, given the technical nature of the IMO discussions, much of the discussions are fact-based and document-based. This then makes it very difficult for a delegation to advance ‘lies’ during the meetings. To get further confirmation of this, one of the interviewed member state delegates noted that he hasn’t come across an untruthful intervention or document during his attendance of the IMO meetings (Int. C9). He further added that ‘there are so many experts in the room that credibility is everything’ and if a delegate attempted to present something untruthful, that delegate would ‘get caught out pretty quickly’ (Int. C9). A look at any list of participants in an IMO meeting (e.g. MSC 100/INF./1 2018) confirms the interviewee’s response; many attendees are captains, engineers and highly competent maritime experts who can easily counter a point if its technicalities don’t *sound quite right* or if it is based on incorrect information.

It is also important to note that a significant portion of the submissions include papers that are directly commenting on other submissions; ‘review’ papers, to borrow academic terminology. In many cases those papers are either disagreeing or commenting on the strengths and/or limitations of a given submission that another submitter has made. For example, in MSC 100, there were 19 commenting documents submitted by member states, NGOs as well as the secretariat (MSC 100/J/2, 2018). Thus, even if we assume that one participant attempts to manipulate a specific technical fact or unintentionally advances wrong information, the institutionalised submission process allows for commenting papers to act as a type of ‘screening process’ for the information advanced during deliberation. This makes it very hard for false or inaccurate information to be advanced, especially when all submissions are examined by the delegates before the meetings.

#### *Absence of coercion*

The next key Habermasian criterion is the absence of coercion during the discussions. This is particularly important given that the study of International Relations is primarily concerned with member states who are known to possess different military capabilities, as captured by the realist vision depicting the anarchic international structure (Waltz 2010). Not all states are equal in terms of their power capabilities and thus, the key question introduces itself: *do those differences in capabilities sneak into the debates?* Without doubt, not all states in the IMO have the same capabilities whether in terms of hard power or maritime capabilities. Some countries are landlocked while some have important ports, some are militarily strong, while others are militarily weak. Nonetheless, this should not be of concern to the deliberative setting because all those facts should be completely *irrelevant* according to Habermas’ deliberative vision. As Habermas phrased it, the only force that should prevail is the ‘force of the better argument’ (Habermas 1990, 88–9).

While analysing the numerous debates coded in this study, at no instance did a state threaten to use force or retaliatory measures should an outcome from the debate not serve its interest; there is no evidence for such behaviour. More importantly, powerful countries do not automatically achieve their interests in the IMO. For example, it has happened that a militarily powerful state has had its proposal rejected because it was seen as requiring more clarity and precision as noted by other member states (MSC 100/17 2018). This suggests that it *does* matter what a proposal entails for this will form the basis for acceptance or rejection. Other proposals, regardless of the military strength of their submitters, do also get rejected as happened in one of the MSC debates because some member states thought that the ‘argument’ for them was not convincing, the need for a new output was not sufficiently demonstrated, or because ‘additional technical explanation and clarification’ was required (MSC 100/17 2018).

Significantly, the IMO provides a written guidance to assist the international delegates in their ‘assessment of proposals for outputs’ (MSC-MEPC.1/Circ.5 2016). The document states that ‘before deciding to accept a proposal for a new output, a Committee shall carry out an assessment of the proposal against the following criteria’ and then lists 12 criteria such as: ‘Has a need for the output been justified and documented?’; ‘Has an analysis been provided that justifies and documents the practicality, feasibility and proportionality of the proposed output?’; ‘Has the proposed output been properly specified in SMART terms (specific, measurable, achievable, realistic, time-bound)?’ and ‘Would a decision to reject the proposal pose an unreasonable risk to the Organization’s overall objectives?’ (MSC-MEPC.1/Circ.5 2016). Clearly, proposal acceptance operates according to specific institutionalised criteria in the IMO, not according to the power of the submitter.

Perhaps one reason why Habermas’ ideas are alive when assessing proposals is because ‘wrong’ or misguided decisions in the IMO will be very costly. Indeed, it would firstly cost lives and then money; lives in terms of the crew and passengers on board and money in terms of lost goods and raw material on board, as well the expensive value of the ship (in case it sinks or gets damaged). There would also be another type of cost; the cost to the environment in case of oil spills or collisions at sea due to technically unsound decisions. Thus, employing coercion and ignoring the soundness of an argument would not be in the member states’ interests. That is also why powerful states cannot just say ‘this is how it will be!’ or coerce other members into changing their positions; the interconnected nature of the maritime transportation system makes it important to think twice before decisions are made. It is therefore no surprise that many experts and maritime engineers form a significant part of the different delegations; the technical nature of most of the issues discussed in the IMO necessitates their presence during the deliberation, particularly in the committees and sub-committees (such as the Ship Design and Construction sub-committee (SDC 5/INF.1 2018; SDC 5/9 2018)). Their presence then changes the nature of the deliberative process, making it very focused on the rationality of the debates rather than on its political appeal. A similar observation was noted by Nicole Deitelhoff (2009, 53–4) while commenting on the International Law Commission (ILC) where this expert forum ‘seems particularly conducive to rational discourse because it decouples political decision making (with its potential distributive implications) from the creative part of finding new solutions to the problem at hand, (problem-solving) which it delegates to experts’.

### *Respect*

As for respect within the IMO, this is perhaps the easiest criterion to tick; the delegates are very respectful towards each other and in many cases know each other (Int. C2; C9). There is therefore no need for the IMO to formally institutionalise ‘respect’ rules since the delegates already act respectfully towards

each other according to unwritten diplomatic guidelines. A portion of the attendees are also career diplomats, so they already know how to advance their proposals diplomatically (but so do the other participants). Offensive language towards other delegates is therefore not in operation in the IMO. This was further confirmed by an interviewed NGO delegate who noted the ‘polite and respectful’ attitude between the IMO delegates (Int. N4).

It is important to note that disrespectful language should not be confused with strongly or bluntly worded language which may be used when discussing serious issues in the IMO. Indeed, there are instance in the IMO where strong condemnatory language is used in case a member state is perceived to have breached international law or harmed other states’ interest. For example, following clashes between Russia and a number of Ukrainian Navy ships, some condemnatory statements against Russia were made, with a number of state delegations describing Russia’s actions as ‘aggressive’ and ‘a violation of international law’ (MSC 100/20/Add.1 2018, Annex 16). Nonetheless, such condemnatory statements should be clearly separated from ‘disrespectful’ language since those statements operate at the state-to-state level and are thus not intended to give ‘offence’ to individual speakers. Indeed, those statements should be understood as serious high-level statements that are intended to clarify each country’s position with regard to important or controversial developments.

## 4 Democracy in the IMO

### Access, equality and inclusion in the meetings

Chapter 3 analysed the deliberative institutional structure of the IMO that enables deliberation to take place. Habermas' criteria for the establishment of the 'Ideal speech situation' were also analysed with reference to the IMO's established rules and regulations. This chapter focuses on two of those 'ideal speech situation' conditions: access and equality. Those two key criteria that are central to the establishment of an ideal deliberative setting are at the same time two essential criteria for establishing a *democratic* setting in any deliberative discussion. Indeed, ensuring that those who should be in the meeting are able to access it and then participate equally in it are important conditions for any democratic discussion. Thus, this chapter zooms in on those two conditions to see whether they are established *in practice* within the IMO meetings. The chapter analyses the responses of the IMO delegates that were gathered from the interviews<sup>1</sup> in relation to questions over access and equality. In addition to the focus on those two aspects, the chapter considers the state of 'inclusion' within the IMO as this is important for ensuring that the delegates feel heard and listened to during the deliberations. The discussion also addresses the controversy over 'business interests' in the IMO, a topic that has captured the media's attention and generated criticism towards this international institution. An analysis of the views of the interviewees brings new information to this debate.

#### The views on access

The vast majority of delegates stated that accessing the IMO meetings was easy and that they faced no restrictions (Int. C1–2; C4–5; N1–2; N4–6). This was the case with both the member state and NGO delegates interviewed. For example, when asked whether he can freely access the IMO meetings that he wishes to participate in, an African delegate replied with: 'Yes, 100%, either online, or I go there physically' (Int. C1). Similarly, several NGOs said that they can access the meetings, as stated here by one of them:

Yeah, there are no barriers [...] That's from the top to the bottom, from the very smallest correspondence groups which run inter-sessionally between the main meetings, all the way up to the Assembly and the

Council, which of course is the top of the IMO. We can access all of those meetings as an NGO, which is great.

(Int. N6)

It is important to note that some of the IMO delegates emphasised the need for registration prior to accessing the meetings for this was important for them to be able to access the meetings in the first place (e.g. N.4; C.4). This was noted for example by a Eurasian delegate who said that 'first of all, credentials shall be submitted to the IMO' (Int. C2). Those credentials are prepared by the member state and then sent to the secretariat. Once this step is completed, the IMO secretariat gives access to the relevant delegate. However, for sub-committee meetings, the delegate noted that there may not be a need for such credentials. Nevertheless, being registered as a delegate is a requirement for accessing the IMO meetings, but the whole 'registration [process] is easy' as was noted by an NGO delegate (Int. N5).

### *Some restrictions*

Two delegates noted that there were some meetings that they wanted to attend but were not able to. Starting with an Arab delegate, he explained that for some working group meetings relating to global-based standards, not all delegates are allowed to attend (Int. C11). In fact, only the delegates of the countries 'who contributed to the research' relating to this working group were able to attend. Because the Arab delegate's country was not part of that research group, he was therefore not allowed to join the meeting. However, the Arab respondent stated that as a delegate, he 'can access all discussions in committees and sub-committees'.

The second delegate noting some restrictions in access was an Environmental NGO delegate (Int. N7). The interviewee started by stating that she can access 'the vast majority' of meetings. However, she then explained that:

What we sometimes can't access are informal meetings that take place in the side-lines, or after the day has finished. And quite often those will be restricted to a small group, to either members only, IMO members only that is, or even a smaller group, so even not all IMO members. And often those discussions will specifically exclude those with consultative status, so generally it's not just the environmental groups; generally, it's all people, all organisations with consultative status. But the vast majority, certainly all the official meetings, the main committee, the main subcommittees, we can access.

(Int. N7)

Thus, the delegate here highlights the difficulty in joining informal meetings which are often not open to any NGO member. To find out whether

the delegate would prefer that this situation would change, the delegate responded by saying that:

It is tricky because sometimes, you know, I understand that sometimes there's a need to form a smaller group to move, to maybe to reach consensus, and move a discussion forward. But there are times where I think it is important to have input from environmental NGOs or even from the industry as well, and maybe there needs to be clearer guidance around those informal groups.

(Int. N7)

Thus, the delegate implies here that there is room for improvement so that NGOs can be part of at least some of the side-line discussions, especially in cases where their input would play a significant role.

*Stakeholders: those in and out*

Democratic deliberative interactions should be open to the participation of the relevant stakeholders (see Chapter 1). This goes in parallel with Habermas' (1993, 56) 'freedom of access' criterion for the establishment of the 'ideal speech situation'. The interviewees had views regarding the participation of different stakeholders in the IMO; however, before moving to their responses, it is important to firstly consider what the potential stakeholders at the IMO may be and what it means to be a stakeholder. Hans Agné et al. (2015, 469) explain that 'Stakeholders are persons or groups with significantly affected interests, who may be directly included in political procedures or indirectly represented by NGOs, philanthropic foundations, business associations, labor unions, and even private companies'. The logic behind the inclusion of stakeholders within global governance varies, but generally, their inclusion is associated with the democratic opening-up or the democratisation of an institution, especially given the 'democratic deficit' discourse surrounding international institutions (Bäckstrand 2006). Their inclusion is further supported by normative principles entailing the inclusion of those affected by a given decision during the decision-making process (Agné et al. 2015, 470).

When considering who to include as a potential stakeholder in an organisation, one can take a broad approach and think of all those potentially affected by the decision. In their study relating to private organisations, Richter and Dow (2017, 431) identify a number of entities that might have a stake in corporate policies such as owners, non-owners, those in an actual relationship or a potential relationship with an organisation. Significantly, they explain that this broad approach will bring with it 'diverse groups', such as 'sea creatures and future generations', who would also be considered as stakeholders (Richer and Dow, 2017, 431). The importance of diversity is to a great extent recognised in studies relating especially to global governance

such as Karin Bäckstrand's (2006) study on stakeholder in global environmental governance. Bäckstrand (2006, 472) explains that a key feature of her 'model of stakeholder democracy' is the 'participation of a representative range of major groups (e.g. NGOs, women, business, trade unions, and indigenous peoples) in global summits and intergovernmental organizations'. Thus, her study recognises that within a given area, there may be different groups who can all be viewed as stakeholders. Another approach to identifying stakeholders is through mapping the 'different discourses' relating to a particular space (Zanella et al. 2018). As Matheus Zanella et al. (2018, 6) write, 'all discourses presented in the public space must also be able to infiltrate the empowered space. The most straightforward procedure consists of identifying and characterizing the different discourses that permeate the two spaces'. If the existing discourses are then represented during decision-making by their representative stakeholders, then this approach would view this decision-making process as inclusive.

Within the maritime world, different stakeholders do exist and interact for the smooth functioning of international shipping. Given the importance of the shipping sector, some studies have already identified its stakeholders. Tuuli Parviainen et al. (2018, 64) in their study identify different groups in the maritime sector such as ship owners, employees, unions, government agencies, academia, local communities and indigenous groups, consumers and the media. Significantly, when considering the impact of consumers on corporate practices, they note how 'consumer pressure in the shipping industry has been considered low due to the business-to-business nature of the industry, as well as the low media visibility of the environmental impacts of shipping' (Parviainen et al. 2018, 59). Thus, this may indicate that not all stakeholders make full use of their position or recognise their status as affected groups in the decision-making process. Another study identifies a number of shipping industry stakeholders such as ship builders, classification societies, insurers, the public, sustainable shipping coalitions and other groups (Coady et al. 2013, Appendix A). Clearly the shipping world is home to many different interests and grouping. However, some groups are generally similar to each other, such as ship builders and owners, and may thus be grouped under the term 'industry' given their somewhat converging (but not identical) interests. Figure 4.1 builds upon the previous studies and places the different stakeholders under fewer categories.

Reviewing the NGOs list of the IMO indicates that most of those groups can attend the IMO meetings (IMO 2021). Indeed, the IMO has many NGOs representing industry, a number of environmental groups and labour groups as well as experts-based and research-based NGOs. The different governments are of course present in the IMO, but attend as members, not as observers. As previously explained in the third chapter on methodology, the interviews were conducted with delegates from each of those five categories. Significantly, their use of language or discourses was very much in line with the type of interests that they represent. For example, the interviewees representing labour focused

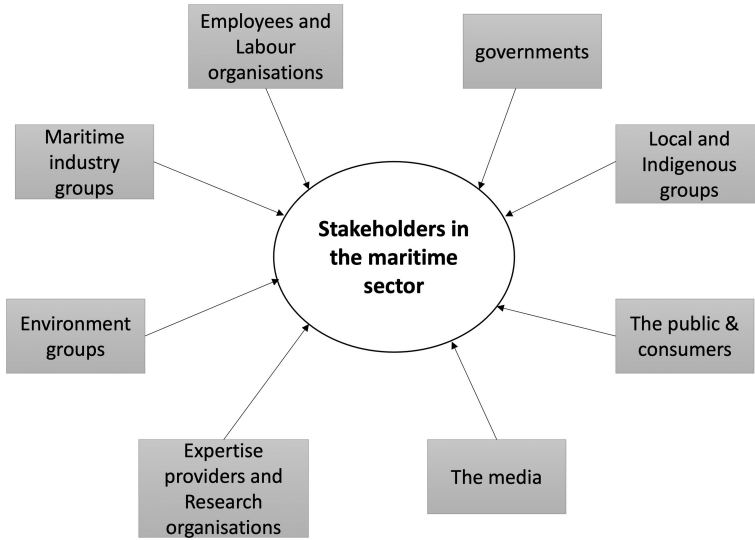


Figure 4.1 Stakeholders in the maritime sector ↵

on the interests of the seafarers and those working on board a ship, whereas the industry representatives tended to emphasise the importance of good quality international legislation to respond to the needs of the industry sector.

Looking further at Figure 4.1, it is important to note that the media are allowed to attend the IMO meetings, subject to certain terms and conditions (IMO 2019h). However, the two groups that are not currently present in the IMO meetings are those on the left of Figure 4.1: local and indigenous groups as well as the public. Thus, those two remain missing at the moment, and this may be due to two main reasons. Firstly, it could be because of the IMO's criteria for granting consultative status that stipulate an 'international' orientation to be admitted in (see Chapter 3 for more detail). In such a case, it would be useful if the IMO reconsiders its criteria for admitting NGOs to its meetings. Secondly, it could be because of little interest in attending the IMO meetings or limited recognition of stakeholder status on the part of the stakeholders themselves. Certainly, the IMO would be able to encompass all the stakeholders if those two groups are included in its future meetings.

#### *The view of the delegates*

To get their views on stakeholder presence in the IMO, the interviewees were asked:

*How open are the IMO meetings to the relevant stakeholders during the deliberations on the agenda items? I.e., are there any groups who you think should be in the meeting but are not included?*

From their responses, the delegates thought that overall, the relevant stakeholders were included in the discussions. For example, when responding to the question, a European delegate stated that:

I don't think so, I think that we have actually too many NGOs. And some of them are not really participating very often. And we try to, if we feel that at some point you need some very specific expertise when you are discussing something, we try to include them in our own delegation so that they will be representing [this European member state]. And I think that many other delegations do that as well.

(Int. C6)

Therefore, the European delegate felt that there was no particular entity excluded from participation. Similarly, one of the delegates of a country bordering the Pacific Ocean stated that 'none come to mind' in terms of those who want to participate but are not included (Int. C9). A number of NGO delegates had similar views, but most of them preferred to speak about their NGO's experience rather than all entities. For example, two of the industry NGOs responded by affirming that they can join the meetings that are of interest to them (Int. N2; N4). When asked about the reverse of the question, i.e. whether or not they thought that there was someone participating in the IMO meetings who shouldn't be there, they noted that this is likely not the case as 'normally It's self-regulating' in that delegates who don't need to attend will not come to the meeting (Int. N2). Moreover, from one of those delegate's experience, all the people he has spoken to at the IMO meetings 'have seemingly had some reason to be there' (Int. N4).

However, an environmental NGO delegate did have different views relating to the stakeholder question, particularly on whether there were some groups who were not included in the meetings (Int. N7). She explained that 'there are groups that are missing [...] decisions are being made about shipping in the Arctic, and the indigenous communities have no access to these decisions at all'. The delegate added that:

Sometimes their government, the country where they're based, will consult with them beforehand. But I think they really, you know, they are on the frontline of shipping in the Arctic and they should be part of the decision-making process because the decisions made at the IMO will affect them on a day to day basis. So I think there are some gaps where there should be elements of society better represented. I mentioned indigenous communities [...] but I think there are other areas as well where civil society is not well represented.

(Int. N7)

Thus, the environmental NGO certainly stressed that there are some groups that are currently not represented in the IMO despite the big impact of the

decisions taken there on their daily lives. When asked what the solution could be to ensure the representation of the indigenous communities, and whether this could involve their organisation into an NGO to access the meetings, the delegate responded by saying:

I think it would be valuable for the whole system to be reviewed and looked at because then I think a number of issues could be addressed like the imbalance with industry, too stronger role of industry probably as well, but that doesn't stop or preclude groups from being organized and applying for consultative status.

(Int. N7)

Significantly, the delegate added that 'there is one indigenous group whose application for consultative status will be considered' by the IMO soon and thus, she stressed that 'there's no reason why they shouldn't organize themselves and apply', but she also emphasised that 'equally I think the whole system could do with an overhaul as well' (Int. N7). Reflecting on the above discussion, the NGOs and the member states overall feel that the IMO discussions are quite open to participation. However, the points raised by the environmental NGO delegate indicate that not all relevant groups are present in the IMO meetings and that more can be done beyond admitting those groups as NGOs. One possible suggestion inspired by the interview with the environmental delegate could be that some seats get reserved for civil society individuals. After getting in touch with the IMO, they can then get allocated to a seat to attend the meetings.

#### *NGO access: the consultative status process*

The NGOs enter the IMO as observers with 'consultative status', as explained in Chapter 3. To get an essence of how easy the process of admission to the IMO was, some NGO delegates were asked:

*Can you describe to me your NGO's experience in gaining 'consultative status' at the IMO? How easy was it for your NGO to gain 'consultative status'?*

For many NGOs, this status was granted a long time ago. Nonetheless, their delegates were still able to answer this question. One of the industry NGOs stated that:

I wasn't involved of course myself with the process, but as I understand it, certainly a case needs to be made for the relevance of the subject matter, you know, that would be [...] IMO subject matter and how it is your NGO might be able to participate in that, and most importantly, contribute to that.

(Int. N4)

This response resonates well with the rules discussed in Chapter 3 on how an NGO in its application needs to demonstrate relevance to the IMO.

However, it was particularly interesting how two NGOs indicated how this process for gaining consultative status is harder nowadays. For example, one of the NGOs stated that ‘it’s very difficult to become an NGO [in the IMO] today’ as there are many NGOs already that are representing many different fields (Int. N6). He then gave the example of an NGO that is somewhat similar to his NGO and how ‘they were told they couldn’t join, they had to join an organisation [that] already represented the industry’ such as the delegate’s NGO (Int. N6). The delegate then explained that this NGO had to become a member of his NGO ‘so they can access the service of IMO through us’; this NGO now sits with his delegation rather than having ‘their own’ delegation in the IMO. The delegate also gave a second example of another NGO that also had to become a member of his NGO ‘because the industry space was already occupied by’ his NGO (Int. N6). Thus, gaining consultative status does not seem to be an easy task today.

An environmental NGO delegate’s response was in line with the above, and this time she stated how she herself was involved in the application of another NGO to gain consultative status years ago and how ‘it was a relatively smooth process’ especially because ‘there were a lot less groups with consultative status anyway and I think they [the IMO] were pretty welcoming of having more environmental input’ (Int. N7). However, she then explains that from discussions with groups that she knows, this process has become more difficult. She added that now ‘there needs to be very clear justification that you have a global role, remit, that you can’t have access by any other group that’s already present to the meetings’ (Int. N7). However, she explained that this latter point is quite problematic because:

Some groups [...] have been invited onto a delegation to gain experience of what the IMO is like and how the discussions go and what happens, and then have tried to seek their own consultative status and have been blocked because they know that they’ve already been present at the meetings.

(Int. N7)

She then added why this situation is particularly difficult:

That is really tricky because I think it makes sense to people to have access to understand what the whole process is about, how it works, before applying for consultative status, ‘cause it [would] be pointless for those people to apply for consultative status, be awarded it and then find it’s not relevant or they [...] [are] then unable to make a contribution to it. So I think there are some rules that that don’t work particularly well, but I’ve not, fortunately I’ve not been subject to those.

(Int. N7)

The delegate highlighted a very important point and one that has significant consequences for NGO delegates attending as guests and then realising

that their attendance with another delegation has eliminated or reduced their chances of gaining their own seat within the IMO. This is certainly something that needs to be considered by the IMO; a possible solution here would be to offer potentially interested NGOs a form of ‘provisional’ pass to see whether the meetings would be of interest. This would exempt them from having to seek attendance through another NGO delegation, and at the same time, it would give an indication to the IMO that this NGO is highly interested in becoming a new observer within its meetings.

#### *Withdrawal of consultative status*

Given the fact that the ‘consultative status’ is not permanent and subject to renewal, it was important to see how the NGO delegates felt towards this. The delegates were therefore asked:

*Does it bother you that the ‘consultative status’ granted to your NGO may be withdrawn if the IMO deems that your NGO has not fulfilled what is required of it?*

It was surprising to see that none of them felt concerned or worried by the possibility of status withdrawal. In fact, they were supportive of it being in place. For example, one of the industry NGOs (Int. N2) responded by saying:

No, they should. They should withdraw you. They should withdraw your right to speak if you’re not playing with the rules. If you’re not making an intervention. If you’re not making a contribution, otherwise, what are you doing there?

A different NGO delegate also expressed that it ‘doesn’t bother us at all’ and that he does not feel ‘intimidated or worried’ by it (Int. N5). In fact, he noted an advantage of having this process and that is: ‘it kind of shows that IMO is keeping things sharp’ (Int. N5). He then said that he knows of one NGO that was expelled and describes how he was very surprised by the news at first. However, he notes how he then became aware that this NGO ‘hadn’t been for years’ to the IMO. Furthermore, when he spoke to that NGO, they said ‘we didn’t have resource to support that and we’re not bothered’ (Int. N5). Thus, from this delegate’s experience, the withdrawal of consultative status from that specific NGO was justified.

The review process that takes place every two years also gained support from the NGOs. For example, one of the delegates described it as ‘a good thing’ and saw it as ‘a continuous auditing process to make sure that the NGO is still fit for purpose’ (Int. N6). Another delegate also did not feel worried about the review process (Int. N4). He explained that ‘we’re routinely participating just because we need to, and it kind of takes care of itself’ (Int. N4). However, it was significant how he also noted that the IMO ‘doesn’t take

lightly the consideration' to withdraw the consultative status of a specific NGO (Int. N4). In fact, he explained that in such situations where the IMO thinks that a particular NGO is not participating well, the IMO would deliberate with the organisation in question to raise its concerns. This was similarly noted by another NGO delegate who stated that before the IMO would consider the withdrawal of the consultative status, they would communicate with the NGO and remind them to attend the meetings; thus, 'they don't take it lightly that [they] can dismiss an NGO' (Int. N1). The delegate also referenced the 'clear criteria' in the 'Basic documents volume one' relating to NGO status, indicating that this process operates by established rules in place (Int. N1). Thus, overall, there is consensus among the NGO delegates that the review process is not concerning and that situations leading to NGO dismissals are handled fairly.

### *Too much access to businesses?*

The question over excessive business access and representation in the IMO was placed under the spotlight, particularly in 2017 when an NGO called Influence Map published a report criticising the way businesses influence the IMO's decision-making process. The report titled *Corporate Capture of the International Maritime Organisation* indicated that businesses and trade associations are directly influencing policymaking over the climate and particularly stressed two ways in which they do so:

Throughout the IMO policymaking process industry figures are provided with seats at the heart of negotiations. Shipping industry figures attend committee meetings both as direct representatives of their corporation (as part of official state delegations) and through industry trade associations. Sovereign states may also be represented by national trade associations and corporate officials from shipping registries head the delegations of some states with open registries. Such access ensures the shipping industry has substantial opportunity to influence the shape of global maritime climate change policy.

(Influence Map 2017, 11)

Thus, the presence of shipping industry representation in member state delegations (in addition to having seats as NGOs) and having cases where registries head state delegations are seen as two worrying signs indicating excessive business access to the IMO discussions, according to Influence Map. Another NGO called Transparency International (2018, 2) was also critical of the position of businesses within the IMO when it stated that 'in practice, industry bodies significantly outnumber other stakeholders'. Furthermore, it also critiqued the role of private registries in representing governments when it stated that:

The employees of private companies who represent member states at meetings can determine their government's position. This typically

happens when states with open registries outsource registry management to private companies.

(Transparency International 2018, 3)

Harilaos Psaraftis and Christos Kontovas (2020) in their study focus on the question over influence and transparency in the IMO. Although they do not agree with all the points raised in the previous NGO reports, they still share some concerns over business representation in the IMO. One of the concerns relates to the issue of business access through multiple channels within the IMO. The authors write that:

A shipping company person can alternatively be included in the roster of a member state as an adviser or as an observer; for instance of the 45 Japanese delegates, 7 were from the Japanese Shipowners Association. Of the 10 Greek delegates, 4 were from the Union of Greek Shipowners [...] In that sense, shipowner interests are very well represented at the IMO, even though there is certainly a lot of fragmentation.

(Psaraftis and Kontovas 2020, 160)

The authors also noted another related concern to do with ‘switching’ between delegations in that a delegate may attend one meeting under one delegation and then switch to another delegation for another meeting. They then argued that ‘this possibility maximizes the benefits of that person’s original affiliation to promote its interests as they see fit’ (Psaraftis and Kontovas 2020, 161). In response to the two issues above, the authors make suggestions for reforming governance in the IMO. Firstly, to prevent organisations from ‘send[ing] delegates to more than one delegations’, and secondly, to prevent the automated switching between delegations, in that such delegates would need to seek approval first from the secretariat of the IMO (Psaraftis and Kontovas 2020, 170).

#### *Critical view on business access*

An environmental NGO delegate was critical of the position of businesses in the IMO and provided a detailed response indicating excessive business access to the IMO meetings. When asked whether or not she agreed that business interests are over-represented in the IMO, she stated that:

I agree that it is the case. You know there are many, many more business industry interest groups with consultative status than there are environmental groups, and many business interests also sit on government delegations. It’s quite unusual for an environmental group to be represented on a governmental delegation. It has happened, but it’s unusual.

(Int. N7)

Thus, her response focused on two issues: firstly, the higher number of industry NGOs present in comparison with, for example, environmental NGOs, and secondly, the presence of industry delegates in member state delegations. She then mentioned a third issue relating to the latter, and that is how there are some member state delegations that have industry representing them rather than by state officials. She explains that this particular phenomenon is present with smaller member state delegations ‘where the shipping registry, which is a business, represents the government or represents that country and not the government officials themselves’ (Int. N7). She further added why she saw the representation of governments through registries as a problem:

I think that is a problem if they’re representing the whole government. [...] if the government is heading the delegation and taking advice from industry or advice from environmental groups, that, I think is acceptable. As I’ve said, there is an imbalance at the moment, but, you know, that is acceptable. But for a business interest to be representing the whole government view, the whole country without having a government view expressed, that is wrong.

(Int. N7)

Thus, having the head of the delegation belonging to industry is certainly something of concern to this NGO delegate as well as to other observers from outside the IMO, whether in academia or the media. The environmental NGO delegate suggested one possible solution to address the issue of industry representatives also sitting with other delegations in addition to their own delegations. She stated that if a delegation already has consultative status, then it should not be allowed to have its members also sitting on member state delegations.

#### *Normal access to businesses*

However, other views did not agree that businesses had excessive access to the IMO meetings. One of the small island developing states (SIDS) delegates stated that ‘due to the nature of shipping there will always be an element of commercial’ within the IMO meetings and added that this element was not excessive (Int. C5). She also stressed the importance of remembering that the IMO:

Is the technical body for shipping, and shipping by virtue is trade. It’s commercial, so without shipping, we would have no commodities anywhere in the world, so if I want to go and buy my new iPhone tomorrow, if we didn’t have trade, I won’t be able to do it, or new trainers or whatever [...] I think we need to be mindful that shipping provides a service, and that we need to keep that service going.

(Int. C5)

Furthermore, with regard to the environment, she further highlighted that there is a need to have this commercial interest taken into consideration during the discussions to respond to the environmental challenges. This is because:

In some ways you're gonna need a commercial interest to enable technologies to move ahead in order to allow the ships to do that, and if you have a commercial element in the sense of in GHG, then you want that commercial interest in a sense because you want Maersk and the big players to say look how green my ship is, we've advanced this technology, we want to make this work.

Thus, her response indicates that there is a benefit in having businesses on board because this would mean that the environmental issues are actually addressed in the shipping world. Thus, this delegate's response not only indicates that businesses are not getting a disproportionate access to the IMO meetings but that giving them access is important for achieving environmental shipping goals. The discussion on business interests continues in the equality discussion when the views on business participation in the meetings are analysed.

### Equality

Moving to the second principle of the 'ideal speech situation', it is useful to start by the word count analysis results. As explained in the next chapter, the word ratio percentage for each state and organisation participating in the IMO debates were calculated in order to calculate the Gini coefficient as an indicator for the state of equality in the IMO debates in terms of words spoken. The results are shown in Table 4.1.

#### *The Gini coefficient*

A Gini coefficient of 0 means complete equality while a value of 1 means complete inequality. Table 4.1 shows that the Gini coefficient is 0.475 which was calculated from 754 debate level observations. It is important to note

*Table 4.1* Gini coefficient and Pyatt's inequality decomposition for the IMO debates ↵

<i>Decomposition</i>	<i>Value</i>
Between	0.285
Overlap	0.184
Within	0.006
Total Gini coefficient	0.475

that the measure of equality becomes even smaller when the Gini value is disaggregated by groups (the 133 clusters composed of member states, NGOs and IGOs) using Pyatt's (1976) decomposition, as shown in Table 4.1. In explaining the components of the decomposition, Graham Pyatt (1976, 243) writes that:

the decomposition can be expressed as involving three terms. The first depends on the Gini measure of inequality within subgroups of the total population. The last depends on differences in the average value of income between groups. In between, there is a term which depends on the extent to which the income distributions for different groups overlap each other.

Of interest in this study is the 'between groups' value. Here the value for the 'between groups' is 0.285, which is quite impressive as it indicates that the word ratio percentage situation is quite equal in the IMO. However, it still remains important to see what the IMO delegates think about the state of equality in the IMO deliberations.

#### *Interview responses*

During the interviews, none of the member state delegates raised any concerns that would indicate that they don't have an equal chance of speaking compared with the other speakers. In fact, they spoke positively about this process. For example, a Eurasian interviewee expressed that the delegates are given the floor in 'a very equal manner' (Int. C2), while an African delegate stated that 'as long as the member state raises a flag, that Member State will always be afforded an opportunity to express [it's] opinion' (Int. C1). A North American delegate also noted that he 'never really noticed any chair of any committee or subcommittee have any type of like a systematic approach of exclusion or deflection' (Int. N8). Thus, if a delegate wants to speak, this delegate is given the opportunity to speak, as was also noted by a South American delegate (Int. C4).

The IMO member states provided other important information relating to participation in the IMO discussions. For example, an Arab delegate highlighted that it is actually in the IMO's interest to provide equal treatment to the countries in order 'to get the best results' from the meetings (Int. C11). His response indicates that not only is equality among delegations intrinsically valuable but also instrumentally valuable too. The delegate also stated that the countries are equally treated in the IMO and that there is willingness in the meetings 'to hear more' from the delegates (Int. C11). Thus, the IMO provides an encouraging atmosphere for the member states. Even in cases when the chair has heard from many delegates and wants to move on and thus requests that those not opposing the way forward can lower their cards, another delegate in the Pacific region noted that if you do lower your

card, that does not mean that you are ‘not being listened to’ (Int. C9). This is because such situations are ‘more about your position in the queue more than anything’ (Int. C9). Thus, clearly the delegates do not feel like they are being prevented from voicing their views. However, a few delegates mentioned some factors that may influence participation, as explained below.

#### *Factors influencing participation*

Starting with an Asian delegate, she indicated that some delegates from other countries are ‘very shy or they are not good in English’ and so may not be willing to speak in the IMO meetings (Int. C10). Nonetheless, she did state that the IMO has six languages and thus ‘it is easy for people to communicate with each other’. Nevertheless, her response reflects that a delegate’s personal confidence may play an important role in determining whether he or she decides to take the floor and participate in the discussions. Moving on to the Pacific region, a delegate highlighted that one’s physical positioning in the room may sometimes mean that they are missed by the chairs when they are calling for cards (Int. C7). This is particularly the case for delegations sat at the sides, at the front or at the back. However, the delegate highlighted that ‘thankfully the secretariat eventually, if we are missed, eventually does pick us up’ (Int. C7). Thus, even if the chair misses a delegate, the members of the secretariat sat at the front would look out and note who wants to speak. Significantly, the delegate noted that this problem did not arise at all with the virtual meetings: ‘as long as you’re on the list and you raise your card on the virtual platform, then you’re seen! So, yeah, you don’t have to sit there waving your card sometimes saying: down here’ (Int. C7).

Other delegates also stressed the role of the chair. For example, a delegate representing one of the SIDS agreed that she has an equal chance to speak ‘for sure’, while stating that ‘a lot of this depends on the chair’ (Int. C5). Her main point was that the chair usually follows the order of the list of cards written by the secretariat as the meeting progresses. However, ‘there will be times when a chair may alter that list and you’ll know on the floor, you’ll know because they could take someone’s card that could possibly have the answer’ (Int. C5). She added that sometimes this card with the answer will be that of ‘an NGO that has a technical base for that subject’, but in such cases, ‘it’s not normally done to deliberately stop a delegate from speaking’ but rather to support the discussion (Int. C5). Thus, the chair certainly plays a pivotal role in being the person who ensures that member states get equal treatment. With the move to online meetings due to Covid-19, one of the delegates from the Pacific region highlighted that the way the order of the delegates is now visible to other delegates constrains the chair and may impact on the quality of the deliberations:

For the chairs the physical meetings, it’s quite good [...] I’m saying in some UN bodies you press the button and there’s a big board, say

ordering who's when. In the IMO, they've resisted that because the chairs actually like to see who wants to talk, and they will pick the order themselves, because then they can, if they think someone's going to be a problem child, they might move them to the end [...], so it gives them much more flexibility. At the moment we're on remote meetings and people can see the order and chairs are reluctant to take [them] out of order [...] It gives the chairs one less tool to get quality deliberation.

(Int. C3)

This is an important point that the delegate raises and highlights an advantage of giving the chair some space in deciding the ordering of who takes the floor. Chairs of meetings may have a certain vision on how the deliberations should proceed, and thus the order of the speakers can be one vital tool they make use of for managing the debates smoothly. The virtual meetings have certainly changed how the deliberations normally proceed and seem to have brought with them some challenges but probably some benefits too.

*The views of the observers: the priority to states?*

The experience of NGO delegations is likely to be different since they enter the IMO as observers, and not as member states. When it came to their views on equality within the meetings, a number of NGO delegates agreed that they have an equal chance to take the floor. One of the NGOs, for example stated that he doesn't 'feel disadvantaged' and 'never felt shut down or ignored' (Int. N5). In fact, he gave an example of when he wanted to introduce an INF (information) paper, which is not common practice in the IMO, but after requesting this, he was able to do so. Another NGO delegate expressed that he does feel he has an equal chance to take the floor and added that 'just because we can't vote, I don't feel that there are any hesitations that NGOs could not speak into any matter that they feel they need to' (Int. N4). A different NGO delegate (Int. N6) agreed that he has an equal chance to speak and that he didn't face problems with that, but he also mentioned that the floor 'tend[s] to go to the maritime nations first', although he did then say that 'it's normally taken in order', the order of the participants raising their cards. He did also add that the submitters of papers will be the first to speak. From this delegate's response, it is clear that he does not feel disadvantaged by being an NGO in an inter-governmental organisation. However, the fact that he noticed a specific trend in giving the floor to maritime nations indicates that maybe the member states do have a priority to speak. This particular point was stressed by another NGO delegate (Int. N3).

In an interview with one of the non-commercially oriented NGO delegates, he expressed his discontent with a 'common practice or tradition'

among some chairs which involves giving the floor last to NGOs (Int. N3). He explained that:

First the governments says what they have to say and then we get the words, which I think is not correct, that's not correct, because we are of the same rights [...] And that's because we could easily say yes, you represent your government only when you speak, [while] I represent many different governments so to speak [...] so maybe we should be prioritized in that sense.

(Int. N3)

The delegate particularly emphasised how his NGO represents interests relating to 'all countries' and that's why it would make sense for NGOs to be prioritised rather than to speak last. The delegate added that 'this was and is still for most of the chairs a common practice, a tradition rather to say, tradition' (Int. N3). Thus, he felt that the priority to speak does indeed rest with the member states and that this is a mistaken approach adopted by some chairs, especially when NGOs have a global reach in their representation. Significantly, the delegate explained the negative effect of this tradition, particularly in terms of minimising the impact of NGOs' interventions:

When you actually have a strong opinion, mainly the reactions are different if you are the last, if someone's already made their statements or opinion without knowing what you have to say [...] then actually they can't shape their views or understanding of the issue sometimes.

(Int. N3)

Therefore, the delegate essentially implied that by speaking last, this prevents other delegations from taking NGO interventions into consideration while they are shaping their positions on the issue. This relates very well to the 'indications of shift' criterion that forms part of the discourse quality index (DQI) (see Chapter 5). Perhaps having more NGOs speaking early on would increase the frequency of such shifts.

Returning to the same delegate, he then stated that it is important for NGOs to be prioritised to speak; he added that they don't have to be the first to speak, but 'some of the first to speak' (Int. N3). Furthermore, regarding requests to speak again, he added that some chairs do treat NGOs differently here as well, in that 'if some government asked for the floor for the second, third or even fourth time, they allowed them'; however, if NGOs did the same, they would be unwelcoming of this, implying that they are 'talking too much'. The delegate ended his response by saying that it is important that this tradition among chairs changes especially when 'many governments [are] actually waiting for us to hear what we have to say' (Int. N3).

Another delegate similarly criticised the order by which the NGOs speak, but this time, the criticism related specifically to the virtual meetings. An environmental NGO delegate similarly commented as the previous delegate that ‘we do get shunted to the end by which point the discussion has been largely finished and decisions have been made, and it’s almost like a footnote what the NGOs think or feel’ (Int. N7). Moreover, when asked whether she has an equal chance to speak in the IMO meetings, she responded by saying:

At the moment, no. During the virtual meetings it has been very difficult [...] time has been very short, so for some agenda items the discussion has been curtailed and has been stopped, and the NGOs, the environmental NGOs particularly, but probably all NGOs actually, have been prevented from taking the floor. During the normal face to face meetings before COVID it wasn’t as bad. It’s definitely got worse.  
(Int. N7)

The delegate then explained that in one of the meetings, ‘the only time I spoke was at the very end of the meeting’ (Int. N7). Moreover, ‘three of the issues I was following got bumped off the agenda because they ran out of time’, while for two other issues of importance to the delegate, the NGOs were either unable to take the floor because the chair just asked the member states for interventions, or the discussion was curtailed due to time constraints. The delegate then summarised how she has ‘sat through a whole meeting and not been able to put our views across’ (Int. N7). However, the delegate then made two additional comments. Firstly, that this ‘also affected a number of countries as well’, and secondly, that ‘these are unusual times and it’s not normally that bad’. In fact, she acknowledged that the IMO performs better than other frameworks that either don’t allow NGOs to speak or stipulate that ‘they group their interventions together’ (Int. N7).

Finally, it is worth noting that one of the industry NGO delegates indicated that the extent to which he feels he has an equal chance to speak ‘depends on the meeting’ and ‘on the environment which you’re in’ (Int. N2). For example, ‘during a political discussion in the plenary of IMO about greenhouse gases, an NGO like ours is gonna have very great difficulty in actually making that intervention, [...] convince people’ (Int. N2). He did emphasise that ‘there’s always the ability to be heard’ but that the actual influence of the intervention was dependent on the place of the meeting. A sub-committee for example can be a better environment for this. Moreover, a working group can be even better. In fact, he added that in the working group ‘your card can go up and down like a fiddler’s elbow, like you’re playing a violin, you know, almost because you know there’s much more equality in that’ (Int. N2). Thus, it seems that as NGOs move downwards from the committee sessions, into the sub-committees and working groups, they get treated much more equally and can speak more frequently.

*On voting: a benefit or a drawback for NGOs?*

The NGOs in the IMO can access the meetings, but they face the important restriction of not being allowed to vote, for only the member states of the IMO are able to do so. Their participation in the decision-making process is therefore limited to some extent. To capture their views on this situation, the NGO delegates were asked:

*Does it bother you that NGOs, like yours, have no voting rights in the IMO?*

Contrary to expectations, the NGOs did not seem bothered by the lack of this privilege. Starting with an environmental NGO delegate, she stated that:

I'm not overly bothered by it. It is frustrating at times, but at the end of the day, it is the countries that will need to implement and deliver the regulations and the decisions that are agreed, so it's not a huge issue from my perspective.

(Int. N7)

Moving to one of the industry NGOs, he stated that he was not bothered at all by not having the right to vote (Int. N2). He added that 'we're there to give advice, there to give guidance'. He also mentioned that 'it's very limited what they [member states] get to vote on anyway' and thus, the delegate implied that NGOs are not missing out on much (Int. N2). Interestingly, he indicated that not having the vote is an advantage because it 'gives the NGOs the freedom to talk in a different way'. Similarly, another industry NGO (Int. N4) delegate saw benefit in not being able to vote, and this benefit was actually related to deliberation: 'I think what that forces NGOs to do is to make sure that there's some level of consensus, maybe not 100%, but there's a level of consensus; consensus among voting members'. He then gave an example of an issue that his NGO thought was prematurely addressed and thus needed the attention of the member states. The delegate explained that his NGO:

Had a conversation with some of the member states and just basically asked the question, hey, do you also have reservations about this issue, and if so, you know, can we work together to make sure we bring them up in a reasonable way?

(Int. N4)

The delegate then explained that this 'resulted in a very positive outcome, which was to further deliberate [with] whoever is interested on the issue so that [...] it gets addressed in a manner that we think is practical, reasonable and adds value' (Int. N4). Significantly, he added that if NGOs had voting rights already, then maybe they wouldn't have made the effort 'to work with

Member States to make kind of a coordinated effort in trying to make a case'. Thus, the delegate indicated that the lack of voting rights acted as an incentive for NGOs to communicate and deliberate with the member states in the way that they currently do.

A different delegate representing a non-commercial NGO also saw benefit in restricting the voting to member states while stating: 'that there needs to be a separation between the interests' (Int. N1). He then explained his position by saying:

I personally as a citizen, I prefer to see where there is a demarcation between the interests which will serve the business, and [the] interest which will serve the public. And I believe at least, I personally believe that the voting rights should sit with the representatives of people as opposed to the representatives of business, without having any criticism to the business because obviously they're all doing different things themselves and some of them are excellent and good and worthy of praise.

(Int. N1)

Thus, this delegate saw that it makes sense to have the voting rights reside with the member states rather than with the NGOs, many of which represent business interests. A different delegate representing another of the non-commercially oriented NGOs also indicated that he was 'not really' bothered by not having the vote, because he is 'aware of the of the fact that the constitution and organization principles are as they are' (Int. N3). Nevertheless, he did indicate that sometimes questions over 'transparency of the decision-making' arise during Assembly and Council elections when NGOs are required to leave during the voting. However, apart from that, he explained that voting was a very rare occurrence in the IMO, happening once or twice across many years. He further explained that this is mainly because there is insistence that decision-making operates by consensus during the meetings.

The rarity of voting was emphasised by a similar NGO delegate who stated that having the right to vote is 'not a relevant issue' because 'we never vote on stuff concerning safety, so it's of no importance to us, really' (Int. N5). The consensual approach of decision-making was highlighted by a different NGO delegate who emphasised that the chair of the committee 'tries to establish a consensus', but when that is not possible, the chair goes with the 'majority feel' arising from the meeting (Int. N6). Thus, clearly the IMO's NGO delegates are not worried about not having the right to vote, especially when voting happens occasionally anyway.

#### *On document submissions*

The document submission process was shown to be vital for how the IMO deliberations proceed. It was therefore useful to ask the delegates what they thought about this process and whether they faced any obstacles or

restrictions when submitting papers to the IMO meetings. Significantly, the delegates were happy with the process and raised no complaints here. Starting with an African delegate, he described the submission process as ‘well-explained’, ‘standardised’ and ‘very fair’ (Int. C1). Moving to North America, one of its delegates praised how the IMO manages this process:

I think actually it’s a model for how organizations might efficiently operate. You know there are very stark and severe deadlines for filing papers and making new proposals and the organization really adheres to those requirements. I think overall it helps to contribute to the efficiency of the organization. I participate in some other international organizations that do not have similar deadlines and, you know, in those meetings you’ll have very complex substantive proposals presented the day before a meeting convenes and there’s just no time to, you know, fully consider something like that.

(Int. C8)

Thus, the way the IMO operates here can certainly inspire other international organisations to do the same. Other delegates in different geographical regions also noted they did not face any challenges when submitting documents (e.g. Int. C2; C4–5; C11). Nonetheless, one of the delegates from the Pacific region raised one issue in that ‘the time between sessions is a bit tight’, particularly for the Maritime Safety Committee (Int. C9). Submitting papers on time can therefore be a challenge during the years where the MSC takes place twice a year. Nonetheless, the delegate still agreed that the ‘process is easy enough to submit a paper’.

Moving on to the NGO delegates, they also thought that the submission process was clear and easy (Int. N1–2; N4–7). The challenge for them was actually getting the documents approved by their own NGO, rather than by the IMO (Int. N2; N7). However, when it came to the requirement that NGOs need co-sponsorship from member states for submitting documents proposing new or unplanned outputs, not all the NGOs agreed with this rule. Indeed, one of the non-commercial NGO delegates described it as ‘maybe one of the major obstacles for all NGOs’ (Int. N3). However, the delegate stated that he did not expect this system to change ‘as long as the IMO is [a] purely governmental organization and all others are observers’ (Int. N3). Moreover, one of the environmental NGO delegates also expressed that she sees ‘no reason why NGOs shouldn’t come forward with proposals’, especially when not having member states supporting a proposal means that ‘it’s not going to be accepted anyway’ (Int. N7). She did acknowledge that having member state co-sponsorship will make a submission stronger, but she also stated that ‘I don’t think it would do any harm to the system in opening that up to NGOs as well’ (Int. N7).

However, other NGO delegates did not indicate that they want this co-sponsorship rule to change. When asked about the consequences of the

co-sponsorship rule for his own organisation, one of the industry NGO delegates said:

Almost nothing, we can always find someone who [can] co-sponsor it, absolutely. I mean, there's quite a few commercially orientated flag states, you know, there [are] member states who are represented by companies, you know, it's never a barrier-

(Int. N2)

A different NGO delegate stated that 'you have to accept that the member states are the members of the IMO, we're just observers' (Int. N6). Thus, his response implied that there is no expectation for anything else given the institutional structure of this organisation. Another NGO delegate highlighted that finding a member state to co-sponsor a document is 'a good discipline', especially in cases requiring change to a convention where 'it has to be sponsored by a flag' (Int. N5). Finally, one of the industry NGO delegates highlighted that having co-sponsors is a common practice that his NGO frequently engages in (Int. N4). Although he recognised that not being able to find a member state to co-sponsor a given issue may pose a problem for NGOs, he then explained that such a situation would then:

Make it incumbent on me or my organization to make sure that whatever issue it is we felt needed to be propagated through the process, that we would not be alone, that we would be able to find at least one or two or more that would feel the same.

(Int. N4)

Towards the end of his response, he indicated how seeking co-sponsorship involves informal communications with other member state delegates, which ultimately helps him reach consensus with those delegates, 'and that's what IMO is about, it's about consensus' (Int. N4).

### *Business interests in the IMO decision-making*

The controversy over business influence in the IMO made its way to the press when *The Economist* in 2018 indicated that the IMO, along with some other UN agencies, does not seem to have learnt 'a lesson straight from undergraduate economics' and that is to 'not give the regulated power over the regulators, unless you want consumers to lose out and producers to game the system'. Significantly, the question over the role of businesses in the IMO further resurfaced recently in a *New York Times* article that criticised the IMO's performance with regard to climate change policies. It specifically stated that it has 'repeatedly delayed and watered down climate regulations, even as emissions from commercial shipping continue to rise' (Apuzzo and Hurtes

2021). It then indicated that one of the causes behind this has been the role of Industry within the IMO:

One reason for the lack of progress is that the I.M.O. is a regulatory body that is run in concert with the industry it regulates. Shipbuilders, oil companies, miners, chemical manufacturers and others with huge financial stakes in commercial shipping are among the delegates appointed by many member nations. They sometimes even speak on behalf of governments, knowing that public records are sparse.

(Apuzzo and Hurtes 2021)

Thus, clearly the role of businesses in the IMO is seen as excessive in some news outlets. Whether or not businesses are truly capturing the IMO process is an empirical question that is subject to empirical analysis. Significantly, Andrea Aakre (2020, 13–4) in her study of the IMO’s sulphur cap concludes that ‘it is somewhat premature to write off IMO as a regulatory institution lost to corporate capture’. In her case study on sulphur emission reductions from shipping, she notes that the ability of corporations to capture the decision-making process was restricted by factors such as the strength of ‘environmental norms’ which meant that those opposing the regulations had to still ‘frame their arguments in terms of net environmental benefit’, not in terms of ‘non-regulation’ (Aakre 2020, 12). She further notes that the businesses did not form a ‘monolithic bloc’ but had diverging interests in this sulphur emissions issue. Thus, her research brings a different perspective to the debate over business interests in the IMO.

Clearly, the influence of businesses on the IMO’s decision-making process has captured a lot of attention and brought with it criticism directed towards this UN agency. However, it remains vital to see what the member states and NGO delegates think about this, especially because it is an issue that has great implications for the equality ideal of deliberation. Indeed, if the decision-making process is captured by the businesses, then this would indicate that the process is skewed in favour of one type of interest versus the others. However, if this is not the case, then the IMO’s decision-making process and deliberative condition would be seen as healthy overall.

#### *Over-represented business interest*

Two of the non-commercially oriented NGO delegates agreed that business interests are over-represented in the IMO discussions. The first one was critical of the way business interests are presented in the IMO and stated that he ‘fully agree[s]’ that business interests are over-represented in the IMO discussions (Int. N3). Interestingly, his response did not just relate to the commercially oriented NGOs, but rather, it also indicated that such interests are over-represented through the governments themselves. He gave the example of how the Human Element in the maritime world was not given enough

attention in comparison with the ‘financial things’ in the IMO’s Strategic Directions (Int. N3). Although recently those Strategic Directions do include the Human Element in them, previously they either did not include it or only had it mentioned in ‘just one sentence’. The delegate also made the distinction between the IMO member states and the secretariat, especially when the latter have been supportive with regard to the Human Element:

I have to say it, with all support from this IMO secretariat. You know, many made mistakes saying that the IMO is secretariat. It’s not a secretariat, they only facilitate the work. IMO is the governments. And the governments only.

(Int. N3)

Thus, his response reflects the nature of the inter-governmental structure of the IMO; the IMO is an institution consisting of member states while the secretariat is there to support and facilitate the work. The delegate then indicated that business interests emanate from the member states in addition to the NGOs. He explained that ‘you could easily recognize what part of the maritime industry is coming from which country’ (Int. N3). For example, if it is ‘something to do with the new shipbuilding, it’s Korea, Japan’. He thus concluded that business interests do not just relate to those NGOs who mainly promote it, but ‘for the governments as well’ (Int. N3).

The second NGO delegate also indicated that business interests are over-represented in ‘some other topics, like equipment manufacturers’ (Int. N5). He gave the example of discussions on lifeboats where:

The lifeboat manufacturers [were] trying to manipulate IMO that only they could service lifeboats, or only their members. And it was like, how do I say, almost a cartel, watching the cartel try and manoeuvre the regulation to favour them.

(Int. N5)

However, the delegate then explained that those manufacturers were ultimately unsuccessful as the ‘chairman and others said [to them] [you] can’t do this’ (Int. N5). Nonetheless, several IMO delegates did not agree that business interests are over-represented in the IMO meetings. Together, their answers can be grouped under three headings, the first of which relates to the openness of the decision-making process.

#### *Openness of the decision-making process*

Under this view, a delegate from a non-commercially oriented NGO expressed that he doesn’t believe that businesses are over-represented. In fact, he thought that such statements are ‘exaggerated’ (Int. N1). He justified this on the basis that out of the 80 NGOs, ‘three NGOs are most active’ based

on document submissions. He thus added that ‘from the point of view of the mass of commentary which [the] governments sitting in the meeting are given to consider, I would say that there’s not a lot from those potentially who could be speaking more’ (Int. N1). Thus, his response indicates that even if there are many industry delegations in the meetings, only a few of them actively try to influence the decision-making process. He further clarified that what one may call ‘influence’ in the IMO rests on knowledge and that if one NGO says something, other NGOs can disagree by providing ‘their own knowledge’ and by influencing ‘against’ another NGO (Int. N1). Thus, this interviewee implies that the decision-making process is open to different parties and allows for the disagreement between delegations based on information or knowledge.

An Arab delegate raised other significant points when he reflected on the nature of the IMO and its relation to businesses. He explained that this international organisation is ‘the only terminal for discussing things relating to [shipping] equipment’, but that this ‘doesn’t mean we should blame the IMO’ (Int. C11). He then highlighted that the decision-making process of the IMO does not guarantee that any proposals will be accepted. Indeed, he stated that ‘any commercial company with a proposal can go as an NGO’ and make a proposal, ‘but not all proposals just get accepted quickly’ (Int. C11). In fact, they are discussed in the sub-committees and then in one of the main committees of the IMO, before being sent to the Assembly. The delegate stated that ‘it is a journey of at least 2–4 years’. As for the criticism directed towards businesses and their interests, he commented that ‘it is natural’ for criticism to arise as ‘this is the democracy of discussion’ (Int. C11).

On the same note relating to the process for proposal acceptance, one of the NGO delegates indicated that the way proposals are carefully discussed in the IMO prevents proposals lacking ‘true substance’ from getting accepted (Int. N4). He also added that ‘the nice thing about IMO, is [that] IMO doesn’t consider any issues lightly, and so there’s much discussion and thought’. Thus, his response implies that the deliberative process in the IMO acts as a filtering device, separating the suitable proposals from the weak or empty ones. He further added that he has not experienced a situation whereby ‘some business influences [...] have usurped otherwise safety concerns’ (Int. N4). In fact, he explained that from his experience, ‘safety, whether it be safety of life or safety of the environment, is the prevailing concern and focus and objective of those sessions’ (Int. N4). Thus, this delegate did not have concerns relating to ‘undue business interests’ in the IMO.

### *The primacy of states*

Other NGOs and member states disagreed that business interests are over-represented in the IMO meetings, while specifically emphasising that the member states are the ultimate decision-makers. For example, a European

delegate stated that ‘at the end of the day, it’s the member states that decide’ while stressing that the environmental NGOs ‘are very active’ in the IMO (Int. C6). Thus, her response did not indicate that the meetings are being overly influenced by business interests. Furthermore, one of the delegates in the Pacific region also indicated that government preferences will ultimately prevail, even if there are other interests on the table (Int. C9). Indeed, when asked about whether businesses interests are over-represented, he stated that:

No, I don’t think so at all. There are some member states that are highly represented by their registries as opposed to the government, but you know, they don’t have any more say than what the other member states have, so they can drive their agenda as much as they want, and even the NGOs and other organisations, as I said, again, they can drive their agenda as much as they like, but you know, it is a consensus, generally the member states will prevail at some point, from a government perspective that is as opposed to a business perspective.

(Int. C9)

His response also covers the issue of registries representing member states, but he indicates that this does not mean that the IMO discussions are driven by them because there are other member states whose voices equally matter. Similarly, one of the NGO delegates gave a similar response and disagreed that business interests are over-represented especially when the NGOs, including the larger ones, have a small voice in the IMO (Int. N6). He stated that in cases where new legislation is going to be costly for the businesses represented by some of the NGOs, then ‘of course they [will] want to know that the benefit of that measure is going to be outweighed by the actual cost of implementing it’. However, he then discussed the criticism directed towards their participation: ‘some have said that they have an unwieldy voice and that they can influence the way things go at the IMO. I don’t think that’s true. ‘cause ultimately the weight is carried by the Member nations’ (Int. N6). In fact, he indicated that sometimes it’s the ‘member nations themselves which object to things’ based on costly regulations. However, he emphasised that this was not the priority goal within this international organisation because ‘the bottom line for the IMO is safety of individuals, and safety of cargoes, and the ships and protection of the environment, and those things must prevail over everything else’ (Int. N6). However, much like the delegates in the ‘necessity of business representation’ discussion, he also stated that:

The IMO can’t achieve anything on its own without working with industry, so there has to be a coming together, a meeting of minds and a balance, a pragmatic approach to what we would like to see in the world. So to cut out all emissions to 0 today, we know is impossible, so there’s always going to be businesses that are objecting to that, but then

find a solution, and the IMO and the businesses are working together [to find a solution].

(Int. N6)

*The necessity of business representation*

Other delegates emphasised the importance of having the views of businesses on board in the IMO while disagreeing that they are over-represented in the IMO discussions. For example, a North American interviewee stated that:

I don't think the IMO could effectively function without shipping interests. My experience is that they don't necessarily dominate the agenda or decisions, they certainly affect the development of decisions and the implementation of decisions. [...] I don't think the organization could function effectively without their participation.

(Int. C8)

Thus, his response stressed that there is a need to have the businesses with their shipping interest present in the IMO meetings to ensure that the IMO operates effectively. To illustrate his response, he gave the example of the low sulphur standard regulations that took effect in 2020. The purpose of this regulation is to gradually reduce the amount of sulphur in ship fuel to give the industry the chance to take the necessary steps for meeting the standards. However, the delegate then indicated that as the time was approaching, 'it was clear that industry had not really taken those steps' to meet the sulphur standards. Eventually, the industry was able to implement the regulations, but that was after a lot of 'back and forth and hemming and hawing' (Int. C8). The delegate used this example to then highlight the importance of having the participation of businesses (industry) in the IMO meetings, for they are important for the functioning of the IMO's regulations. Indeed, his example implies that without the compliance of industry with the IMO standards, the regulations would largely remain ink on paper.

An industry NGO representative gave a similar response, while highlighting how the IMO is different from other international organisations (Int. N2). While noting how NGOs have little influence in UNESCO (see the section on Inclusion below for a more detailed comparison), he explained: 'but that's not regulating an industry, so the IMO is regulating an industry'. He then added:

Speaking as an industry representative, I'd say that the IMO really does, the delegates of IMO, the Member States, really do need to get a clear understanding of the concerns as well as getting the advice from those they are regulating. So is that too much? I don't know.

(Int. N2)

He then indicated that criticism by Green NGOs or the 'Green Lobby' is not justified because he felt that 'they don't work very hard in the room' (Int. N2). He gave the example of a recent debate on 'heavy fuel oil in the Arctic [where] the green lobbies said *nothing* during the debates. Absolutely nothing'. It was only after decisions were made that they then spoke. However, had they spoken before, the delegate explains that 'they could have modified it, they could have done their thing, they could have done the thing, which is what the industry NGO's do' (Int. N2). The delegate later explained that this heavy fuel oil issue was not of concern to industry NGOs, but rather, concerned certain countries which were against its ban. He then noted that the environmental NGOs were more concerned with tweeting about the issue later on following the meetings, rather than dealing with the issue when the decisions were being made:

*But as soon as the debate was done, then they intervene and they say this is terrible, this is catastrophic for the environment, and so on. Then they're putting out the tweets, the press statements, the stuff going on outside the building, and so on. So there was no interest in dealing with the issue, and they could have dealt with the issue, they could have put in simplified papers, sensible papers, get simple messages across.*

(Int. N2)

Thus, the delegate here indicates that some of the environmental NGOs are more concerned with public opinion than they are with providing their input into the decision-making process in the IMO. As such, his response does not support the view that the decision-making process in the IMO is dominated or overly influenced by industry.

Clearly, the question over business interests has brought with it different and diverging views among the IMO delegates. For some delegates, businesses and business interests occupy a large space in the IMO meetings. However, for other delegates, this is not the case. The nature of the IMO and the way that it regulates an industry should be recognised and acknowledged for this explains why there is a larger proportion of commercial NGOs in the IMO meetings compared with other types of NGOs. It was significant that the interviews did not indicate that the IMO meetings are being controlled by the business NGOs. The deliberative process in place operates to prevent businesses from fast-tracking unreasonable proposals. However, this does not mean that the concerns coming from the non-commercial NGOs are insignificant. There remains room for improvement and the IMO could certainly engage in a constructive dialogue with all the relevant parties to address their concerns and introduce any changes to its decision-making process.

**Inclusion**

It is important to find out whether the IMO delegates feel included in the meetings. This is particularly important for ensuring that the deliberative process functions properly. A delegation may have the right to be in the meeting and participate too, but due to a feeling of exclusion, the delegates may stay silent. It is for this reason that the delegates were asked:

*During the meetings, do you feel included in the discussion?*

Overall, almost all the delegates stated that they felt included in the meetings (Int. C1; C3–5; C7–11; N1–2; N4–5). However, as discussed in the section on member state's priority to speak, one of the NGO delegates felt that this 'tradition' among some chairs affected his feelings on inclusion in the meetings (Int. N3). The role of the chair can be interpreted as an institutional factor affecting inclusion (see Chapter 3 for more detail on the role of the chair). However, the responses of the delegates demonstrated that there are other factors affecting inclusion too, some of which are also institutional, while the rest of them go beyond that.

*Institutional factors*

One of the delegates from the Pacific region particularly commented on how the institutional structure of the IMO makes it particularly inclusive, especially for NGOs (Int. C3). This was best captured when he stated:

You can listen, you can partake in any of the working groups. I think for NGOs it is inclusive as well, which is quite a bit different to other UN bodies. I haven't been to other ones, but I talk a lot to our foreign affairs and some of them have come along to our IMO meetings, and they're going: The NGOs, they're speaking? [...] So it is much more in IMO, [it] is much more inclusive [...] and collaborative than the impression I get from a lot of other UN bodies.

(Int. C3)

The different institutional structure of the IMO was also noted by an NGO delegate when he noted that the IMO is different from other United Nations organisations where 'the NGOs get very little say in them' (Int. N2). He gave the example of UNESCO which is 'all driven by the member states, and when an NGO wants to speak, they don't have a seat in the room. There's a portable lectern and they have to queue up for it'. He added that they only speak after all the member states have spoken and they do so 'not from their seat, but from a lectern' (Int. N2). Thus, the different institutional set-up of the IMO includes certain features that support NGO participation compared with other IOs.

*A feeling of one's making*

One of the NGO delegates stated that he does indeed feel included in the discussions and added:

The exclusion from discussion may be felt by some, but I will say that it's more of a feeling of their own making because in order to be included you need to be appreciated, and not necessarily in [the] big sense of the word, but in the sense that you have something to offer. The way you [get] appreciate[d] [is] if you offer a paper.

(Int. N1)

Thus, the delegate highlighted one's individual responsibility for feeling included, and a large part of this involves submitting documents. He also emphasised the importance of making new proposals through documents rather than stating them in the meetings for the first time, especially when most of the delegates rely on 'the experts in the capitals' (Int. N1). Therefore, such non-expert delegates sitting at the meetings are not going to give appreciation if a delegate took the floor to discuss a technical matter 'right now, without giving any warning'. The delegate highlighted that doing so will mean that nobody will understand this technical proposal and may lead to a feeling of exclusion. Thus, submitting documents in advance is one way a delegate can feel included in the discussions.

The importance of actually raising your card to speak was indicated by one of the SIDS delegates who stated: 'you put your flag up you, you'll be heard. if you don't put your flag up, you're not gonna be heard' (Int. C5). In addition to that, two of the delegates highlighted the importance of stating your intervention clearly. Indeed, a Eurasian delegate stated that inclusion 'depends on how you engage yourself [in] discussion' as well as 'how well you articulate your position regarding that or this document or agenda item' (Int. C2). A delegate from the Pacific region also stated that:

It's only if our intervention isn't understood that you probably feel that, you know, you're disregarded from the negotiations, but that is usually down to the delegates, so that's down to the delegation and how they deliver their intervention and, like I said, if it hasn't, if it is not easily interpreted or if it's not easily understood, then you're going to *yourself* push yourself out of the negotiations.

(Int. C7)

Therefore, this response stresses how inclusion is intrinsically linked to how the delegates speak and the way in which they deliver their interventions. An Arab delegate also stressed the importance of speaking clearly, giving examples, and providing justifications for proposals, all of which enable the other delegates to easily understand the interventions (Int. C11). He further added

that it is useful for delegates to request the inclusion of their intervention in the meeting's report, and preferably in both languages. In the Arab delegate's case, it was Arabic and English. He added that including the intervention in written format is particularly useful for avoiding misunderstandings.

### *Attitudes of others*

The way others react and behave towards you was another factor identified by the interviewees regarding inclusion. For example, one of the NGO delegates explained that he felt included in the discussions because:

There are states, member states who would look to us, quite physically, turn and look at us during the debate and say come on, say something, or sometimes they don't like what we say, we have arguments on the floor with them.

(Int. N5)

Therefore, the encouraging environment created by the member states is certainly one aspect that can increase the feelings of inclusion among the NGOs. Another NGO delegate also confirmed that he felt included because he feels 'in no way [...] hesitant or otherwise expected' by other delegations, particularly the member states to 'refrain from commenting on something' which is of interest to his NGO (Int. N4).

Thus, the attitude of the member states towards the NGO is overall very positive. Significantly, this attitude is not exclusive towards the NGOs but is also present between the member states themselves. This was noted by an Asian delegate who stated how 'everybody is so nice' (Int. C10). Thus, the IMO is certainly characterised by a friendly atmosphere between the delegations.

### **Note**

- 1 A total of 18 interviews were conducted; 11 interviews with member state delegates and 7 interviews with NGO delegates (see Chapter 1 Methodology section for the list of interviews). The interview process also gained LSE's Research Ethics approval and followed LSE's (2021) guidelines for conducting primary research online.

## 5 The discourse quality index and its amended version

In this study, the original discourse quality index (DQI) has been amended so that a more tailored version can be applied to the case study of the International Maritime Organization (IMO). This chapter focuses on the original DQI and the literature surrounding its application before explaining the version of the amended DQI used in this study. To illustrate how the amended DQI has been used, extracts from speeches (or interventions as they are commonly referred to in the IMO) are drawn from one of the debates in the Maritime Safety Committee's (MSC) 97th session on the need for an interim solution for the carriage of industrial personnel (MSC 2016). In this IMO meeting, the delegates were considering whether there is a need for a short-term (interim) solution for the issue of 'more than 12 industrial personnel' travelling by ships. It is important to clarify that the examples used here are selected for illustrative purposes and should therefore not be seen as representative of the selected states' (or regions') overall deliberative performance in this debate. Furthermore, for a closer look at how the coding of the IMO speeches has been done in practice, refer to the codebook attached in Annex A.

### The original discourse quality index

The DQI is a quantitative coding scheme that belongs to the content analysis family of techniques for analysing deliberative discussions. The rationale behind its design was to capture the determinants and effects of deliberation through subsequent regression analyses. The DQI takes speech as its unit of analysis, and each sentence concerning a demand is then coded to ultimately arrive at a score for the deliberative quality of a given meeting (Steiner et al. 2004, 55). One of the key characteristics of the DQI is that it was designed according to Habermas' TCA, and thus there is a strong theoretical-fit between the components of the Index and the theory of deliberative democracy. The components of the DQI and their corresponding codes are as follows (Steiner et al. 2004, 56–61):

Participation: 0 is provided whenever a speaker is interrupted while 1 denotes that normal participation is possible.

Level of justification: 0 means that no justification is provided for a given proposal; 1 represents an inferior justification where no linkage is provided between a demand and its justification; 2 denotes a ‘qualified justification’ that includes a linkage between a proposal and a given justification; 3 corresponds to a ‘sophisticated justification’ that includes two or more complete justifications for a given demand.

Content of justification: this component is concerned with whether the speaker includes the interest of other parties in his/her speech. Thus, 0 denotes statements concerning group interest; 1 represents a neutral statement; 2a corresponds to justifications in terms of the common good in utilitarian terms i.e. ‘the greatest good for the greatest number’; 2b is similar to 2a, but here the common good justification is in terms of the difference principle i.e. helping those least advantaged in society.

Respect is broken into three indicators: The first concerns respect for the groups to be helped through the policies. A code of 0 denotes no respect; 1 symbolises neutrality and 2 captures explicit respect. The second dimension corresponds to respect towards the demands of the other speakers; here the same codes apply. The final dimension concerns respect towards counter-arguments. A code of 0 means that counter-arguments are ignored; 1 shows that counter-arguments are included but degraded; 2 denotes their inclusion but with neutrality and finally 3 means that counter-arguments are included and are valued by the speaker.

Constructive politics: This indicator concerns consensus-building among the participants. A code of 0 denotes ‘positional politics’ where the speakers are fixed to their positions while 1 shows that an alternative proposal is provided, although belonging to a different agenda. Finally, 2 denotes that a mediating proposal is provided that fits the current agenda.

Following the coding of a speech, the results from the above indicators can be combined to form a scale that can then perform as an overall measure of discourse quality (Steiner et al., 2004, 60). Nonetheless, in cases where one indicator shows no variation, it may be excluded from the analysis. Moreover, in cases where researchers wish to zoom in on one component, the DQI components may be analysed separately, as some studies have already done (Lord and Tamvaki, 2013, 41–5; Pedrini, 2014, 277–8).

### *Strengths and weaknesses*

An initial glance at the DQI shows that it is quite an attractive coding scheme. It allows one to code all relevant components of a speech to capture its deliberative quality, while at the same time adopting a Habermasian theoretical framework. Significantly, the coding scheme can be used in different contexts and can be applied to analyse deliberation within a single debate or across many (Steenbergen et al. 2003, 44). It thus offers great flexibility in terms of its application. It is important to highlight here some key benefits as well as some potential drawbacks in using the DQI.

### *Strengths*

The DQI manages to translate many of the theoretical foundations of the TDD into a user-friendly empirical coding scheme. Although the ‘truthfulness’ aspect of the ideal speech situation is not captured, the DQI still manages to capture most of Habermas’ theoretical principles into an elegant coding scheme. Indeed, Habermas (2005, 389) himself praises the DQI when he writes: ‘I admire the inventive introduction of a Discourse Quality Index for capturing essential features of proper deliberation’. Thus, this confirms the fact that the DQI is strongly connected to the core of the TDD, serving as a ‘bridge between political theory and empirical scholarship’ (Himmelroos 2017, 8; Steiner et al. 2004, 53).

Moreover, another benefit of the DQI is that it has become widely used among scholars who have sought to capture the deliberative quality of several national parliaments as well as the EU’s European Parliament (Kuhar and Petrovčič 2017, 7–8; Bächtiger and Hangartner 2010, 618–9; Pedrini 2014, 272–3; Lord and Tamvaki 2013, 38–40). Thus, the DQI has certainly become the most utilised coding scheme, especially when compared with other coding schemes (Stromer-Galley 2007; Holzinger 2004; Graham and Witschge 2003). Perhaps some of the reasons that make the DQI such a favourite coding scheme among scholars are due to the relative simplicity of its coding categories and its high reliability scores that increase the confidence in its application (Steiner et al. 2004, 61–73).

### *Weaknesses*

Nonetheless, despite the above benefits, there are some limitations involved in using this coding scheme. On closer inspection, the DQI is more suited for measuring deliberation in parliamentary contexts rather than in international arenas. For example, the interruptions that are used as an indicator for equal rights in participation are more applicable within parliamentary chambers where MPs are capable of interrupting a speaker to prove their point. Nonetheless, within IOs, this practice of interruptions rarely occurs since participation is highly structured, where delegates speak in turns, often through a microphone. Similarly, the respect indicators are more tailored to national parliaments rather than international institutions. Indeed, the chances of having disrespectful behaviour, especially towards other delegates, are very small in most IOs.

Some blind spots in the DQI have also been noted by deliberative theorists, including DQI authors themselves. For example, André Bächtiger et al. (2022, 85) rightly point out that interruptions are insufficient at capturing equality, other forms of communication such as story-telling are not captured in the DQI, and that the respect dimension does not directly ‘capture interactivity or reflexivity’. These blind spots are important as they provide the impetus for amending and updating the DQI where appropriate. Significantly, some deliberative theorists have indeed amended the original DQI to address those

blind spots. For example, Marlène Gerber (2015, 115) includes an indicator for capturing ‘consideration’ (based on the respect for counter-arguments indicator) as she makes the distinction between ‘equality of participation’ and ‘equality of consideration’, with the latter being designed to capture the extent to which participants are recognised as equal discussants in deliberation. Other scholars have also amended the DQI by adding a story-telling dimension to their coding scheme (e.g. Pedrini 2014). The story-telling indicator is particularly useful in citizen-based contexts where personal experiences can inform deliberation (Steiner 2012, 271).

Finally, the DQI is quite a labour-intensive coding scheme. In fairness, this is not a weakness that is exclusive to the DQI, but rather inherent in many manual coding schemes (Black et al. 2010, 329). This task becomes especially burdensome for extensive studies that have long transcripts across numerous meetings. Thus, here the possibility of using semi or fully automated software becomes possibly attractive if it can do the job of the DQI with significantly less time. Significantly, such automated analysis of deliberative quality has recently been developed as exhibited in the works of Eleonore Fournier-Tombs and Giovanna Di Marzo Serugendo (2020) who present a quantitative tool that uses machine learning to analyse discourse quality using a simplified version of the DQI. Nonetheless, despite the above limitations with the original DQI, this coding scheme has certainly inspired many studies that have used it to measure deliberative quality across different settings.

### *The DQI in other works*

Significantly, a number of scholars have also amended the DQI, but for varying reasons. For example, Staffan Himmelroos (2017, 8) amends the original DQI to make it better suited for the ‘particular demands of citizen deliberation’. He also adds a reciprocity indicator that is used to measure how participants react to other opinions. Kuhar and Petrovčič (2017, 7) amend the DQI to operationalise ‘further specific individual dimensions of deliberation’ not present in the original coding scheme. Moreover, while expanding the original DQI to further reflect the ‘ideal speech situation’, Ugarriza and Nussio (2016, 154) include an amendment to the DQI in the form of an indicator named ‘the force of the better argument’, which resembles the ‘constructive politics’ dimension of the original DQI. This addition to the DQI seems better than the original ‘constructive politics’ dimension since it accounts for the possibility of changing position without necessarily providing alternative proposals. This amendment was also made in Steiner’s (2012) version of the DQI designed for deliberative experiments with ordinary citizens.

After reviewing the above studies, it is fair to note that the DQI has had a significant impact on the literature and has inspired many studies to empirically test the theoretical principles of the TDD. Nonetheless, significant changes to the original DQI would have to be performed for it to provide fruitful results for international deliberations. The original DQI was designed

for a national parliamentary context that is unfortunately quite different from an international institutional one where deliberation is imbedded in a different context which then impacts how deliberation takes place. For example, submitting documents to committees is a practice contributing to the deliberations and the deliberative quality of the submitting states. However, this is not captured by the original coding scheme. All changes made to the original DQI are explained below.

## **The amended version of the DQI**

### *Level of Justification*

The amended 'level of justification' indicator includes the following codes:

Level of justification:

0: No justification

1: Inferior justification

2: Complete justification

It is important to note that in Steiner et al.'s (2004, 57) study, the scholars had an indicator for a qualified justification and another for sophisticated justification. Their sophisticated justification was designed for instances when speakers provide at least two complete justifications. Thus, it is the number of justifications that differentiates the 'qualified' justification category from the 'sophisticated' one. Nonetheless, it is not quite clear why the number of justifications given is an indicator of sophistication. Indeed, a speaker that gives two or more justifications is not necessarily *more* sophisticated than a speaker that gives one qualified justification. For this reason, the qualified and sophisticated categories are combined into one category here called 'complete' justification.

### *Examples*

Code 0: no justification

A code of 0 is provided when a state just presents a demand or a position without providing any justification for this demand. Although the East Asian state in the following example is generally an active member in the deliberations, when asked about the necessity of an interim solution, the delegation did not provide a justification. Thus, the following intervention would be coded as 0.

East Asian state: Thank you Mr Chairman. Regarding the necessity of transportation of industrial personnel, this delegation is of the view that the interim solution should be developed. I would like other delegations to touch upon the preferable options later on. Thank you.

Code 1: Inferior justification

An inferior justification is one that lacks a link between the demand (X) and the justification (Y), making the justification incomplete. In other words, the reason provided has no clear relation to the demand and thus the statements provided are disconnected. An example of an inferior justification comes from an Island state's intervention:

Island state: Good morning chair thank you ... To keep it reasonably brief, yes we support the idea of an interim solution, these ships already exist and they are doing this kind of work, but we must be careful that our main concentration is achieving the permanent solution at the end. Thank you.

Here, this member state does provide a justification for the demand; the presence of ships carrying industrial personnel and already operating is the justification. However, the linkage is missing. To qualify for a complete justification, this state could have added the missing linkage, e.g. 'because' or 'since'. Nonetheless, merely stating the existence of those ships was not enough for securing the higher code.

Code 2: complete Justification

In a complete justification, 'a linkage is made why one should expect that X will contribute to Y' (Steiner et al. 2004, 172). An example of a complete justification is made by a Southeast Asian state:

Southeast Asian state: Thank you chairman ... [this state] has shared our views at previous session of maritime safety committee meetings, that the interim solution was urgently needed by the industry to facilitate a uniform, safe, and efficient transfer of personnel serving offshore installations. [this state] is a party of the interim solution, pending the entry into force of a mandatory solution. Thank you, chairman.

The member state in this example provides a justification: the facilitation of the transfer of the personnel. The linkage here is 'to'; all together the demand, the justification and the linkage produce a complete justification.

*Content of justification*

The content of the justification dimension is slightly amended to make it suitable for an IO context. The main aim of this component of the DQI is to 'capture whether appeals are made in terms of narrow group interests, in terms of the common good, or in terms of both' (Steiner et al. 2004, 58).

Significantly, Steiner et al. treat the codes here as not mutually exclusive, whereby more than one code can be granted per speech. Nonetheless, they clarify that if a neutral code is given ‘no other code is logically possible’ (Steiner et al. 2004, 173). However, in this study, one code is ultimately assigned to each speech. Now there is an issue here whereby a state may naturally wish to relate a specific topic first to its own national context, and then to all other states. To resolve this issue, it would be best to assign a specific ‘mid-point’ code for such situations that is the same as that for neutral speeches. It is seen as a mid-point since the reference to both ends of the spectrum somehow ‘cancels out’ the different types of interests present, making the speech resemble a neutral one overall. Thus, if a state makes a speech first in terms of its national interest and then moves on to the benefit of the international community, it would be assigned a code of 1.

The idea of the common good within an IO is likely to present itself in terms of statements relating to all the member states or the UN community. An example would be a justification for a proposal that would benefit ‘all’ seafarers or shipowners across the IMO’s member states. The speaking state or I/NGO does not have to say ‘all’ the member, but it can generalise this by saying ‘other’ member states or ‘the rest of’ the member states; this would be given a code of 2. Nonetheless, there may be cases whereby a state speaks of the interest of ‘seafarers’ or ‘shipowners’ generally, without explicating specific nationalities or identities. In those cases, the justification would be coded as neutral. A neutral code would also be allocated when it is not made explicit whose interests are being advanced within the whole speech.

Content of justification:

- 0: Justification in terms of the speaker’s country (for delegates) or own NGO (for NGO representatives)
- 1: Neutral or mid-point
- 2: Justification in terms of the common good, made using international terminology

### *Examples*

Code 0: Justification in terms of a speaker’s country

Any potential example that is stated in terms of benefiting ‘X country’ or for the benefit of a group within a single nation would be coded as 0. An example here is from a European state’s intervention later on in the debate about the options for an interim solution:

European state: Thank you Mr chairman. [This state] wants to find a solution that is both practically and legally feasible. and we can go along with option one, but we do have a real problem when it come to implementing this option in [this state’s] legal framework, and we think

that the proposal [by a North American state] or suggestions would make it more easy for us to implement this and we would like this to be considered further. Thank you.

Here, the European state is considering only the impact of option one in terms of implementation challenges within its territory. The challenges faced by other countries and their interests are not included here. Thus, this state's speech receives a code of 0.

Code 1: Justification with neutral statements:

The following intervention by another European country would be given a code of 1:

European state: As to whether this delegation supports an interim solution or not, the answer is yes. Moreover, this delegation is of the opinion that efforts should be made to adopt a definition of industrial personnel by making it as tight a fit as possible with the understanding that the broader the scope of application is, the greater the difficulties will be. thank you sir.

The European state here supports the interim solution but has not explicated who the beneficiaries are from such a decision. Thus, it is a neutral intervention. References to specific regions (e.g. sub-Saharan Africa) or groups of states such as 'port states' should also be treated as neutral since such distinctions are likely to come up when discussing issue areas affecting such regions or types of states. Similarly, references to the IMO's institutional bodies should also be treated as neutral as explained later.

Or:

Code 1: Mid-point

A Southeast Asian state's intervention below would be coded as a mid-point justification:

Southeast Asian state: we are certainly following this issue. we have a very keen interest on this because we have a substantial number of workers on board oil rigs and platforms. Thus, our delegation believes that on the basis of what would be the interest of workers on these kinds of platforms, as well as for others, workers of other nationalities, we prefer option 2.

Here, the delegate has a 'very keen interest' in the legal options in the industrial personnel debate given the fact that many of those workers are themselves nationals of his country. A code of 0 would have been assigned to this speech

had the delegate stopped his intervention here. Nonetheless, the delegate adds, while expressing his support for option 2, that this would also be for the benefit of ‘workers of other nationalities’. The inclusion of other nationalities here makes this speech one that relates to code 2, a justification using international terminology. When it comes to noting down the value for this indicator, a code of 1 would be ultimately assigned. Even though the delegate initially explained his justification in terms of national interest, he still considered the interest of other IMO members. It is thus a mid-point justification.

Code 2: Justification using international terminology.

This intervention from a European state would be an example of code 2:

European state: ... [This state] supports the necessity of explicitly defining industrial personnel provided that the definition will not relate industrial personnel with the seafaring profession and business of the ship in general, and any definition will not contradict two existing definitions of crew or seafarers to existing international conventions.

Given that the justification above is made in terms of ensuring consistency with international conventions, then this speech would be given a code of 2.

It is important to note that this code should *not* be given for justifications made in terms of the committee, sub-committee or other IMO bodies. For example, another European state’s justification for supporting the interim solution that ‘may put some principle discussion at ease here in the committee in order to better instruct the SDC sub-committee’ would actually be coded as 1 (neutral). States and NGOs will be frequently referencing the IMO’s institutional bodies and may include them in the justification. The focus here should be on justifications using explicit international terminology. Thus, a speech stating something like ‘for the benefit of the member states of this committee’ would receive a code of 2 since the use of the phrase ‘the member states’ is an explicit statement indicating common international interest.

### *Reciprocity*

It is important to note that the reciprocity dimension that has been added to the DQI in previous studies is actually a good companion to the respect dimension previously discussed (Himmelroos 2017, 25; Ugarriza and Nussio 2016, 154). The strength of the reciprocity dimension is that it also includes a focus on counter-arguments. However, instead of taking quite a narrow focus relating to just respectfulness towards opposing views, the reciprocity dimension takes a broader approach to assess the important *interactive* aspect involved in discussing different proposals. Thus, a reciprocity indicator is added to this version of the DQI whose coding categories are as follows:

*Reciprocity*

0: No reference to documents or statements.

1: Reference present: A participant references a statement or document presented by other participants

2: A participant considers counter-arguments in his/her speech for comparative or evaluative purposes.

*Examples*

Code 0: no reference

A North American state's intervention below would be an example of this category:

North American state: Thank you chair I'll be very short. we do consider that there is a need for an interim solution considering the late entry into force that we can achieve for that. Thank you.

In this extract, this member state does not reference any specific argument made or document submitted by another delegate. The state only expresses its position with the intention of keeping its intervention short. It would therefore be coded as 0 in this particular category.

Code 1: reference present

This coding category is likely to be given to states who have been carefully listening to the deliberations. In this extract, A European state mentions the position of a North American state and expresses its support for it:

European state: Thank you Chairman. [This state] supports the position of the [North American state] and we would like to have something that is mandatory, even if we are in the position to ask something as soon as possible because we need it, but we consider that it is necessary to have something mandatory. Thank you.

This speech would therefore be coded as 1. References to other positions would likely be made to express support for a specific position or to strengthen one's own position by indicating that it is popular. Nevertheless, a state may also reference another state to express its disagreement and thus it would also receive this code. However, cases where references are made to counter-arguments or to points that *differ* from a state's position would be coded using the code below.

Code 2: reference and an evaluation

A code of 2 would be allocated to speeches that reference a counter-argument to engage with it. Himmelroos (2017, 25) explains that this code is to be allocated if a speaker ‘considers a counter-argument in own argumentation or compares/weights different arguments’. Thus, this code is allocated when there is an evaluative dimension in the reference that is made with regard to counter-arguments.

The following speech by an Island state in the Pacific Ocean illustrates this category:

Island state: Thank you Mr chair to respond to your question, [this state] believe that there is indeed a need to have an interim solution which we believe would complement the long term solution as stated in our previous intervention. We heard a few delegations, I mean, [an Asian state] and [a European state] for instance, raising the legal implication. Sir, we believe that legal implications, consequences can be addressed by having a proper definition of industrial personnel, by defining the type of activities, the type of vessels, the type of voyages. And we have, quite a few papers submitted to this session that do provide additional definitions to narrow down and to give a better MSC recommendation.

This speech would be given a code of 2. Here, the delegate references two states’ positions and then evaluates them. He then effectively assesses their argument to show that their concern with the legal implications is quite exaggerated for there are solutions. Had this Island state merely stated its disagreement with the referenced states, it would have received a code of 1. It is its engagement with their arguments that gives it a higher code. Furthermore, had the Island state expressed some agreement with those states, but also stated the limitations to their positions, it would have also been given a code of 2, given its evaluation. Thus, in the language of academia, a statement that shows any signs of ‘critical thinking’ with regard to other arguments would be given a code in this category.

### *Indications of shifts*

The final component of the original DQI was concerned with whether participants sit on their position or propose alternative proposals. As noted earlier, this ‘constructive politics’ dimension is better replaced with a ‘force of better argument’ indicator that captures more effectively this important principle of Habermas’ TCA. The proposal-giving dimension is focused on in the next indicator; however, it is separated from this specific indicator since it is not best-suited for detecting speakers’ reactions during the debates. The issue with the constructive politics indicator is that proposal-giving somehow takes the spotlight when in fact what is more important is actually seeing whether participants indicate changes of positions as they deliberate on different issues.

This specific indicator is important and needs special attention. The Theory of Deliberative Democracy tells us that it is the ability to change one's mind or self-reflection that differentiates between communicative action and strategic action (Risse and Kleine 2010, 710; Dryzek 2006, 6). It is for this reason that the results of this indicator will be important. If there are some cases where delegates do express willingness to change positions, then this would constitute evidence supporting the fact that deliberation plays a constitutive role with regard to the positions and preferences of the member states.

This indicator bears some similarity to the 'force of the better argument' indicators developed by Steiner (2012, 271) and Ugarriza and Nussio (2016, 154) in their studies. Nonetheless, it differs in the fact that it recognises that cases of compromises may occur alongside cases of genuine belief in the value of another participant's position. The latter should therefore be given a higher code.

With this in mind, the categories for this DQI indicator are as follows:  
Indications of shifts:

- 0: A participant expresses unwillingness to change position/sits on position.
- 1: A participant indicates willingness to change position, but without referencing the discussions as the justification.
- 2: A participant expresses willingness to change position, while justifying this change in terms of the arguments heard during the discussion.

### *Examples*

Code 0: unwillingness to change position

This extract from a North American state's intervention would be an example of this code:

North American state: [This state's] position on this has not changed. We do not support spending this Committee's time on developing an interim solution... we urge this committee to abandon the concept of interim solution and get on with the work that we require for a long-term solution.

The member state here is unwilling to change its position that seems to have been previously articulated. Indeed, by requesting the committee to stop the debate on the interim solution, this member state makes it clear that it is unwilling to shift its position or listen to what other delegates want to say on this debate. As such, this is a good example of speakers refusing to change their position. The speech would therefore be coded as 0.

Code 1: willingness to change position, but without a reference to the discussion.

A European state's intervention is a good example of code 1:

European state: An interim solution, OK, if we go for it, that's fine, but the problem is, and I think the paper [by an Asian state] and the distinguished delegate's introduction of his paper very eloquently put the problems which may well arise in those discussions: the legal issues about passengers arising from other instruments and indeed from other organizations...

The European delegate does state that an Interim solution would be 'OK' and then goes on to explain his position against this short-term option. Nonetheless, the delegate does not reference arguments made from his counterparts that explain why this interim solution would be 'fine'. Similarly, another European state's intervention below is also an example of this code:

European state: To that end chairman, we would like rather focus the committee's effort on the long-term and cease work on the interim. However should an interim solution be sought, we would choose option 2. Thank you Chairman.

Here the delegate clarifies the position of this European state on this debate, against the interim solution. Nonetheless, the delegate still concedes that if the committee ends up agreeing on an interim solution, then the preference would be for a specific option relating to the legal shape of the interim solution. Thus, here the willingness to change position, exemplified by the conditional 'should', provides an indication of a willingness to change position. Nonetheless, in this example presented above, no justification is provided with regard to what had already been said in the debates.

Code 2: willingness to change position with justification based on arguments heard

An example for this code comes from a North American state's intervention on the options for the interim solution.

North American state: For the option 2, we completely disagree because they're not working on board and if they happen to be working on board, there is already a solution that exists which is the SPS code. And then option three is not perfect, I understand there's a lot of concern with reference to regulation 1-4 .... So, preference option 3 and if we can't agree with option 3, which listening to previous interventions may be the case, it may be an option 1 amended; instead of saying, they are not passenger, maybe amending the word to say that they are, but. And then we can work on the detail, thank you.

The North American state indicates that it is willing to accept option 1, and thus indicates that it can move away from its first preference, which is option 3. Secondly, and more importantly, it indicates this shift in position within the context of ‘previous interventions’. The member state deduces the likely refusal of option 3 based on the debate. Its consequent preference for option 1 is thus informed by the deliberations. It is for this reason that this North American state would receive a code of 2.

A few quick clarifications here are worth making. Firstly, the intervening state does not have to accept other positions in their entirety. In the above example, the member state amends option 1. This is not of great relevance here since it does not change the fact that it has expressed willingness to accept another position. Thus, a coder’s main concern will be to look for indications of changes in preferences rather than focusing on the shape of the new position that the state explicates.

Secondly, the intervening state does not have to indicate flexibility across *all* points or options within a specific debate. In certain debates, there may be more than one option on the table and thus as long as the state indicates willingness to be more flexible with regard to at least one option, this will be sufficient to trigger the coding for this category. In this extract, the North American state refuses option 2 but shows flexibility with regard to option 1. It is the willingness to also go with option 1 that matters here for it shows that this state has revised its initial position in light of the previous interventions on this option.

Finally, the arguments heard in the previous interventions need not be repeated or rephrased in the intervention. Many states may avoid repeating previous arguments for the sake of brevity. Nonetheless, there needs to be a reference here to previous speeches to qualify for this code. Even if the speaker does not go into great detail, some reference to what has been said in the discussion would have to be present to qualify for this code, even if it is a short one.

### *Deliberative behaviour*

This study also includes a new indicator that has not been previously included in the DQI. The indicator will be named as ‘deliberative behaviour’. This indicator has been partly inspired from other studies that also seek to measure deliberation. In their study, Marc Ziegele et al. (2018, 1423) explain that ‘asking genuine questions and providing relevant additional knowledge is most commonly seen as a “deliberative” behaviour that increases the quality of online discussions’. Their research was focused on online deliberation, but the parallels can easily be drawn between their study and this study on deliberation in IOs.

The importance of this behaviour becomes clear when they highlight how research has shown that comments are likely to generate more responses when they include questions or additional knowledge (beyond the information in

an article) (Ziegele et al. 2018, 1423). Perhaps the secret here is to do with the increase in cognitive involvement that this behaviour generates. It is this increase in cognitive involvement that Ziegele et al. use to explain the increase in participant's willingness to contribute to discussions.

Reflecting on the above study provides strong support for including the 'deliberative behaviour' indicator. Asking questions is indeed a very important dimension of deliberative quality albeit an overlooked one. It not only signals that participants are interested in what other people have to say, but it also stimulates the discussion as information requests are made from other participants. Nonetheless, answering questions is also as important as asking them. In their study of deliberation among clinical professionals, Hylke Jellema et al. (2017, 284) emphasise the importance of answering questions since 'a lack of responses may indicate insufficient critical engagement between participants'. For this reason, it is important to code for answering questions in the amended coding scheme.

Significantly, Ziegele et al. also highlight how bringing new information to the table is likely to increase deliberative quality. Thinking about how this practice could be translated in institutions brings our attention to proposals and document submissions prior to deliberative discussions (Fleuß et al. 2018, 17). Indeed, in the case of the IMO, states often submit documents that include information and proposals on certain agenda items. The delegates also make proposals during the debate itself. Such speakers bringing new information to the table should therefore receive a code for contributing to deliberative quality. With all the above in mind, the final indicator for this study's version of the DQI is as follows:

Deliberative behaviour:

- 0: no evidence of questions, answers or proposal-giving
- 1: Asks a question
- 2: Answers a question/provides a proposal on the spot
- 3: provides a proposal in a document/submits a document.

### *Examples*

Code 0: no evidence of questions, answers or proposals

A South American state's intervention below would be an example of this code:

South American state: Thank you chair, it is not that we are in disagreement, we want to supplement your summary. As we said in other meetings, we understand that if the committee develops an interim solution, then that interim solution must be legally consistent with the final output. That is very important because otherwise we would not be complying with the expected output. Thank you.

The South American state makes a valid intervention, emphasising the importance of legal consistency. Nonetheless, it does not ask any questions, respond to answers or make any proposals. As such, it would be given a code of 0 here.

Code 1: *Asking questions*

In terms of who the question is directed to, it is not of great concern. Participants may have questions specifically for the chair, the secretariat or they may want to relate their questions to all the participants. Moreover, the questions can take the form of a direct question and thus end with a question mark, or they can be a request for clarification. The example below is a question that a European state has raised during the debate:

European state: Thank you Mr chairman. Just a question with regard to the roadmap [...] are you intending to send it to the working group?  
Thank you.

This European state's speech would therefore be given a code of 1 after having raised a question during the debate.

Code 2: *Answering questions*

There were no instances of states answering questions in this debate. Nonetheless, in another debate on autonomous ships, a European country answers a question presented in one of the documents submitted by the participants (MSC 2018):

European State: with regard to the question in paragraph 13.3 of document MSC 105 2, where the two separate guidelines would be required, i.e. one for administrations and one for the industry, we would prefer to have one guideline so that both parties involved have one reference documents describing what can be expected from one stakeholder towards the other.

Thus, this European state would be given a code of 2 in this DQI category.  
Or

Code 2: *Provides a proposal on the spot*

An example of such a proposal generated during the discussions comes from a North American intervention mentioned previously:

North American state: So, preference option 3 and if we can't agree with option 3, which listening to previous interventions may be the

case, it may be an option 1 amended; instead of saying, they are not passenger, maybe amending the word to say that they are, but. And then we can work on the detail, thank you.

This intervention would be coded as 2 in the ‘deliberative behaviour’ indicator. This is because its proposal goes beyond just agreeing or disagreeing with previous proposals made by others. The North American state therefore brings here a new suggestion to the table that comes in the form of amending a previous proposal.

The ‘proposal on the spot’ can also take the form of a new proposal that is not necessarily an amendment but rather a new suggestion. For example, a European state’s proposal below would be such an example:

European state: Thank you Mr Chairman, [this state] supports in principle the proposal by [an NGO] in document 97/6/3, namely, the definition to be limited for industrial personnel carried by ships involved in the offshore energy sector. Furthermore, considering the fact that any direct references to existing STCW training, medical and certification standards might cause implications seems that personnel does not fall currently within the scope of STCW convention, any possible training requirements or equivalent should be forwarded to the competent subcommittee of the organisation for consideration. Thank you.

After having commented on an NGO’s document, the European state then makes a new proposal that relates to forwarding work to a sub-committee. It is this ability to go beyond reacting to other previous proposals that qualifies speakers for this code.

*Code 3: Proposals in documents/submits a document:*

Finally, this coding category also looks at proposals made in submissions. To identify this, a coder can look for when the chair requests the submitters to introduce their papers. The state or organisation then provides a summary of its paper. An example here is a submission by a South Asian state:

Chairman: The next paper to be introduced is MSC [document number] from [a South Asian state] and I invite [the South Asian state] to take the floor please.

South Asian state: Thank you Mr chairman, good morning to you and good morning to distinguished delegates. Mr chairman, [this state] is pleased to introduce document [number] commenting on the documents on this agenda item submitted to the committee ... Sir, a new standard for the carriage of industrial personnel would be beneficial to [this state], but we would like such a standard to be developed within

the existing legal framework and the principle contained in SOLAS and other IMO instruments.

Here, the South Asian state provides an introduction to its document and then presents its proposal: ensuring the legal consistency of the legal output on Industrial personnel with previous IMO conventions. Given the effort that goes into submitting documents, this speech would get a code of 3 in this category.

#### *A note on participation and equality*

As was noted previously, the participation dimension of the DQI with its emphasis on interruptions is not well suited for an IO context. It is notable that other ways of measuring participation exist that may seem to be better measures than the DQI's measure of interruptions. For example, the coding scheme created by David Dutwin (2003, 249–50) has a strong emphasis on the equality dimension of deliberation given his concern with individual citizen deliberations. His coding scheme thus included three measurements to capture speaking time: lines of text, number of utterances and number of thought statements per person. He was then able to calculate average figures and also conduct regression analyses to see how different characteristics of speakers impacted on their equality in participation (Dutwin 2003, 252–3).

Although Dutwin's measures can be very appropriate for measuring deliberation among citizens, some points need to be borne in mind when applying it to IOs. When analysing deliberation amongst citizens, it may be valid to assume that the contributions of all the participants are equally important for epistemic quality. Thus, a quantification of the word limit per sentence may then be appropriate for measuring the equality of speaking time among participants. However, when applying this logic to IOs, one issue might possibly arise; different lengths of speaking time among delegates may derive from special expertise or affectedness. This of course might not reduce their 'participation' in a certain debate.

A look back at Habermas' ideal speech situation indicates that the 'equality' in contributions was not actually specified in his TCA. Indeed, Habermas' (1993, 56) ideal speech situation did not stipulate equal participation but actually specified an 'equal right to participate'. With this important clarification in mind, it becomes clear that demanding equal speaking lengths among participants is not exactly what Habermas envisioned for an ideal deliberative setting. Rather, Habermas sought a situation in which all speakers have the right to make an intervention, no matter how small or large it is. After recognising this, we can understand why Steiner et al. (2004, 56–7) viewed interruptions as reducing the 'ability to participate' among deliberators.

Nonetheless, an important argument can be made that although speakers may have a formal right to participate, this might not be the case in practice since certain speakers may end up speaking for the majority of the

time. As such, it would be important to know from the delegates themselves whether they do have the right to participate and whether they feel that they are treated equally within the deliberations; views on those issues have been gathered through the interviews with the IMO delegates (refer to Chapter 4 for those findings).

Furthermore, it is also useful to get a 'numerical' figure that illustrates the state of equality during the deliberations. To do this, the word count of the speeches has been measured as an indicator of speaking lengths.<sup>1</sup> To avoid the problem of 'unequal stakes in the topic of each debate', all the debates analysed in this study have been included in the word count analysis rather than relying on one or a few debates. Indeed, the problem of 'unequal stakes' appears if one focuses on just a single debate. Nonetheless, if all the different debates and the interventions by states and I/NGOs are taken into consideration, then the affectedness issue is diluted. Indeed, as different debates are included in the analysis it becomes unlikely that a single state is unaffected by many of them and thus the danger of having participation by expertise naturally fades away. The statistical calculation that is used for the word count analysis is the Gini coefficient. The Gini coefficient is a suitable indicator for measuring the inequality of participation across all the debates.

In this study, the word count analysis is conducted using the word ratio percentages of each state and I/NGO at the debate level. To get the word ratio, it is important to firstly calculate the 'expected words per person' (EWPP) per debate as Soo-Hye Han (2015) et al. conducted in their study on citizen deliberations. The EWPP is calculated by dividing the total word count in a debate by the number of participants. To get the word ratio for each state and organisation, the total number of words per state or I/NGO in each debate is divided by the EWPP for that debate. The word ratio obtained is then multiplied by 100 to get it as a percentage figure. The word count results are reported in Chapter 4 on 'Democracy in the IMO'.

### *Second coding*

To ensure the reliability of the amended coding scheme, a second coder was invited to code a sample of the speeches early on in the study so that inter-coder reliability scores can be calculated for this version of the DQI. The justification for second coding is provided in Steiner (2004, 67) et al.'s study where they show how their DQI is a reliable measure given the high inter-coder agreement that they achieved in their study. After conducting some measures of reliability, such as the ratio of coding agreement (RCA), the scholars noted that they achieved strong reliability scores. For example, their RCA was 91.5%, meaning that the two coders agreed 91.5% of the time (Steiner et al. 2004, 68). Steiner et al. (2004, 68) also calculated Cohen's kappa 'which judges inter-coder reliability relative to the agreement in coding decisions that one would expect by chance'.<sup>2</sup> They further calculated Spearman's rank correlation and reported Cronbach's alpha as a further

Table 5.1 Second coding results for the DQI's amended version ◀

<i>Category</i>	<i>RCA</i>	<i>kappa</i>	<i>Spearman's Rank correlation</i>	<i>alpha</i>
Level of justification	0.94	0.91***	0.93***	0.96
Content of justification	0.96	0.84***	0.87***	0.92
Reciprocity	0.96	0.94***	0.91***	0.95
Indications of shifts	0.89	0.71***	0.71***	0.79
Deliberative behaviour	0.94	0.90***	0.91***	0.95
<b>Overall RCA = 0.94</b>				
N= 260 decisions (from 52 speeches)				

\*\*\*statistically significant at the 0.01 level

measure of reliability (Steiner et al. 2004, 68–9). Table 5.1 shows the second-coding results of this study.

The RCA for this study is 94%, which indicates that the amended DQI coding scheme is a reliable measure of deliberative quality. The RCA values for the individual DQI categories are high and so are their Kappa values. Spearman's rank correlation results are also strong, and this is also reflected in the strength of the alpha values which further adds support to the reliability of the amended DQI, emphasising its suitability for coding the IMO speeches in this study.

## Notes

- 1 This is achieved by simply highlighting the text and noting the word count for the participating state or I/NGO.
- 2 The closer the value is to 1, the higher the agreement.

## 6 Regression analysis results on the determinants of deliberative quality

This chapter presents and analyses the regression results of the discourse quality index components. It starts by presenting important descriptive statistics relating to the separate DQI components as well as the two indices used in the regression analyses: Deliberative Action (DA) and Deliberative Reaction (DR). Information about the factor analysis used for arriving at those indices is presented prior to their descriptive statistics. The chapter then moves to the presentation and explanation of the regression results. The results relating to all the participants are presented first, followed by the results relating to the state-related hypotheses (SRH).

### Descriptive statistics per DQI component

It is useful to firstly see the state of deliberation within the IMO through some descriptive statistics for the DQI's individual components. The results here relate to the full sample consisting of 1311 speeches.

#### *Level of justification*

As shown in Figure 6.1 and Table 6.1, most of the speeches had a 'complete' justification (53.7%). Despite there being 355 speeches presented without a justification, the rest of the speeches still contained some form of a justification (956 speeches), either complete (code 2) or inferior (code 1). The results here are quite impressive for the IMO speakers; 73% of all the speeches had some form of justification. The IMO delegates clearly ensure that they provide a reason behind their proposals when they take the floor.

#### *Content of justification*

Approximately 85% of speeches were neutral or mid-point (code of 1) as shown in Table 6.2. However, some participants did speak in terms of the common good (code of 2). Nonetheless, speaking only in terms of individual interest (an I/NGO's or a member state's own interest) is quite rare in the IMO; only 41 speeches did so (3.1% of the speeches). Thus, the vast majority of delegates prefer to take a neutral stance when delivering their speeches.

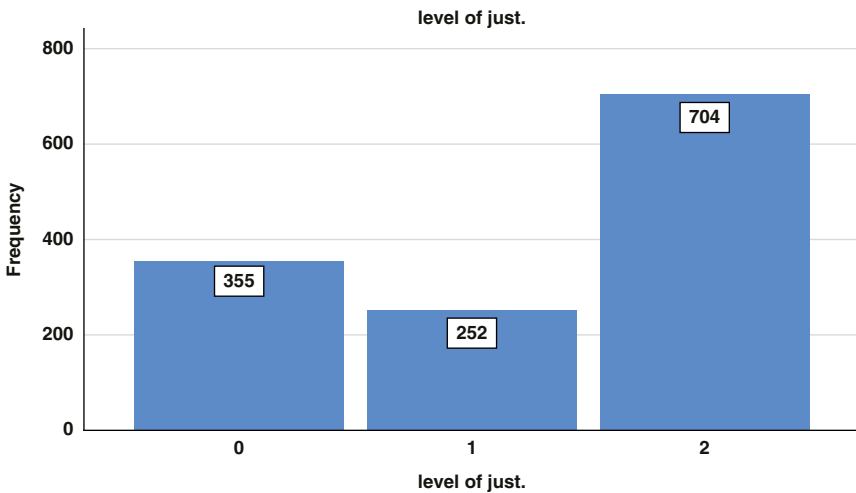


Figure 6.1 Level of justification frequency ↵

Table 6.1 Level of justification frequency and percentage ↵

		Frequency	Percent
Code	0 (No justification)	355	27.1
	1 (inferior justification)	252	19.2
	2 (complete justification)	704	53.7
	Total	1311	100.0

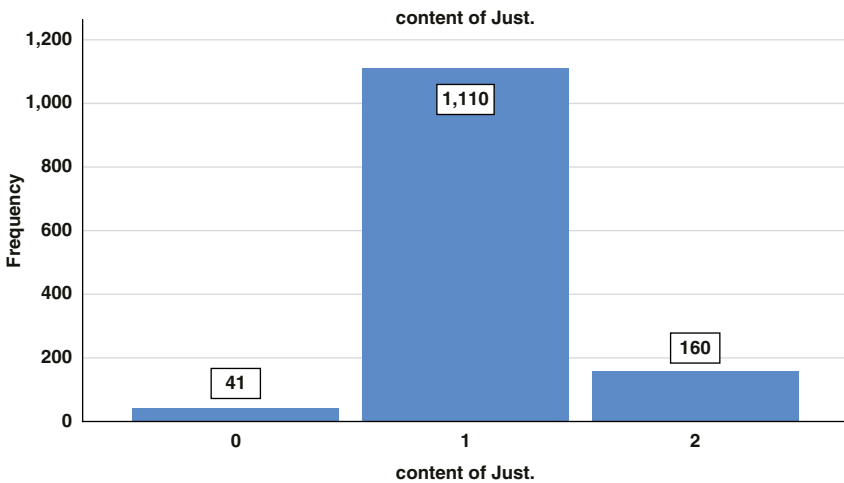


Figure 6.2 Content of justification frequency ↵

Table 6.2 Content of justification frequency and percentage ↵

		<i>Frequency</i>	<i>Percent</i>
Code	0 (individual interest)	41	3.1
	1 (neutral or mid-point)	1110	84.7
	2 (common good)	160	12.2
	Total	1311	100.0

Only 12% of the speeches referred to the common good, yet this was still a larger figure compared with the 3% of speeches promoting individual interest (Figure 6.2).

### *Reciprocity*

Participants in the IMO refer to each other most of the time. Although 37.1% of the speeches made no reference to a previous speaker (code 0), the rest of the speeches did reference other speakers (62.8%) (Figure 6.3, Table 6.3). Most of those references fell in the ‘reference present’ category

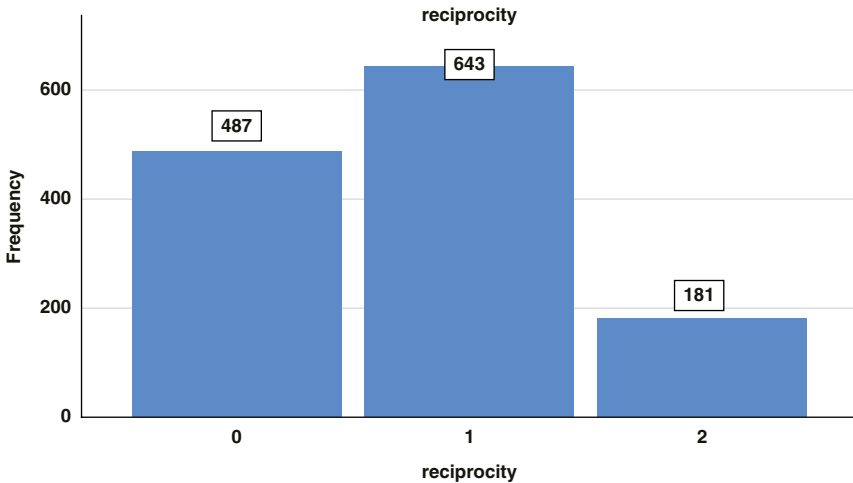


Figure 6.3 Reciprocity frequency ↵

Table 6.3 Reciprocity frequency and percentage ↵

		<i>Frequency</i>	<i>Percent</i>
Code	0 (no reference)	487	37.1
	1 (reference present)	643	49.0
	2 (evaluation)	181	13.8
	Total	1311	100.0

(code 1), while the rest of those speeches critically evaluated previous speeches (13.8%). The fact that more than 60% of the speeches made reference to a different speaker indicates that the IMO discussions are to a great extent interactive and dynamic. Chapter 7 on the ‘relational’ aspect of deliberation gives further evidence that the IMO discussions are vibrant and provides reasons why the delegates reference each other during the deliberations.

### *Indications of shifts*

Almost all the speeches did not indicate a change in position (95.5%). However, a few speeches did indicate willingness to change positions. Forty-three speeches (3.3%) indicated this willingness without referencing the discussion as the reason behind this (code 1), while 16 speeches (1.2%) did reference the discussion when indicating willingness to change position (code 2) (Figure 6.4, Table 6.4). Given the fact that most of the IMO delegates are



Figure 6.4 Indications of shifts frequency ↵

Table 6.4 Indications of shift frequency and percentage ↵

		<i>Frequency</i>	<i>Percent</i>
Code	0 (unwillingness to change position/sits on position)	1252	95.5
	1 (willingness but without reference to discussion)	43	3.3
	2 (willingness, with discussion as the justification)	16	1.2
	Total	1311	100.0

given specific instructions on their positioning on the agenda items, a few of them might be able to change their position during the meetings before gaining permission to do so. Having pre-prepared speeches submitted to the translators prior to the meetings might also act as a further constraint (see Chapter 7 on ‘relational’ deliberation for more details).

### *Deliberative behaviour*

Although 56% of the speeches did not exhibit deliberative behaviour, 44% demonstrated a form of deliberative behaviour during the debates, a figure that is not very high but still substantial (Figure 6.5). Seventy-one speeches asked a question (5.4%), while 316 speeches either contained a proposal on the spot or addressed a question presented by a previous speaker (Table 6.5). Furthermore, 14.5% of the speeches provided proposals from a submitted document.

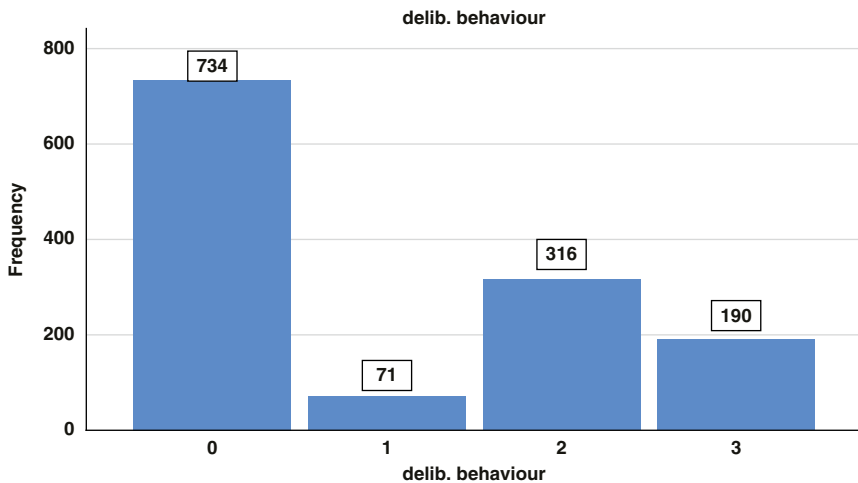


Figure 6.5 Deliberative behaviour frequency ↵

Table 6.5 Deliberative behaviour frequency and percentage ↵

		<i>Frequency</i>	<i>Percent</i>
Code	0 (no evidence)	734	56.0
	1 (asks a question)	71	5.4
	2 (answers a question/provides a proposal ‘on the spot’)	316	24.1
	3 (document submission)	190	14.5
	Total	1311	100.0

**Factor analysis**

To see whether the DQI components can be combined into one index, a factor analysis was conducted on all the raw speeches and also on the member state speeches only. Factor analysis is a useful tool for generating indices out of constitutive indicators and has been applied in politics research for combining ‘multiple survey items’ (e.g. Ansolabehere et al. 2008, 218). Factor analysis has also been used specifically with deliberation in Staffan Himmelroos’ (2017) study on ‘deliberative mini-publics’. His analysis found that his indicators loaded on two different dimensions rather than on a single one. He therefore conducted his regression analyses on two separate DQI indicators, one for deliberative output relating to ‘the quality of contributions’ (composed of content and level of justification) and the other for deliberative uptake relating to the quality of ‘considerations’ (composed of reciprocity and respect) (Himmelroos 2017, 9). The additive indices were generated by adding their constitutive components and dividing by their totals to get a value between 0 and 1 (Himmelroos 2017, appendix B).

Significantly, the factor analysis conducted for this study also had the DQI components loading on two dimensions and not on one. The results are shown in the two tables below; Table 6.6 relates to the factor analysis conducted on all ‘raw’ speeches and Table 6.7 shows the results at the

*Table 6.6* Factor analysis on all raw speeches ↵

	<i>Component</i>	
	<i>1</i>	<i>2</i>
delib. behaviour	.767	-.147
level of just.	.710	.376
content of Just.	.497	-.083
reciprocity	-.145	.795
Indications of shifts	.046	.599

Extraction Method: Principal Component Analysis.  
Rotation Method: Varimax with Kaiser Normalization.

*Table 6.7* Factor analysis on debate level speeches ↵

	<i>Component</i>	
	<i>1</i>	<i>2</i>
delib. behaviour	.726	.185
level of just.	.699	.300
content of Just.	.674	-.285
reciprocity	.090	.759
Indications of shifts	.048	.678

Extraction Method: Principal Component Analysis.  
Rotation Method: Varimax with Kaiser Normalization.

‘debate’ level. Factor analysis results relating to the speeches for testing the state-related hypotheses (SRH) were very similar to the results in both tables.

As shown above, the first dimension that can be treated as an index consists of the ‘level of justification’, ‘content of justification’ and ‘deliberative behaviour’ indicators, while the second dimension is composed of ‘reciprocity’ and ‘indications of shifts’. Significantly, there is a common thread that connects the components of each indicator. On the one hand, ‘deliberative behaviour’ as well as ‘level’ and ‘content of justification’ are all composed of deliberative actions that a speaker may engage in. Indeed, all three components involve *doing* deliberative actions: giving reasons, speaking in terms of the common good and engaging in questions, answers or proposal giving.

On the other hand, reciprocity and indications of shifts are both essentially reactive in that they measure how the participants interact and respond to the other speakers. For example, ‘reciprocity’ involves referencing other speakers or their documents, which involve *reacting* to what others have said or provided. Similarly, the ‘indications of shifts’ component relates to how other speakers are willing to change positions during the discussions, which naturally occurs *in reaction* to what they have heard. Thus, both of those indicators can be grouped under the title ‘Deliberative Reaction’ (DR). The table below summarises the components and aggregation of the two indices.

The third column in Table 6.8 shows how the DA and DR indices are calculated. As shown here, the component scores are averaged and then multiplied by 100 to arrive at percentage scores. An alternative method could have been the calculation of ‘factor scores’ for DA and DR indices based on the weightings of the factor loadings. However, as DiStefano, Zhu and Mîndrilă (2009, 3) note, ‘to simply weight items based on factor loadings might not result in a significant improvement over the previous methods’ such as sum scores. In fact, the sum scores methods, such as the averaging method, have a number of advantages such as being easier to interpret and enabling ‘comparisons across factors when there are differing numbers of items per factor’ (DiStefano, Zhu and Mîndrilă, 2009, 2). Thus, in this study, the average scores were used.

Table 6.8 Deliberative action and deliberative reaction components ◀

<i>Indicator</i>	<i>Components</i>	<i>Aggregation</i>
<b>Deliberative Action (DA)</b>	Level of justification + Content of Justification + Deliberative Behaviour	Adding components then divide by 7, then multiply by 100 to obtain %
<b>Deliberative Reaction (DR)</b>	Reciprocity + indications of shifts	Adding components then divide by 4, then multiply by 100 to obtain %

**DA and DR descriptive statistics**

Before presenting the regression analysis results, it is useful to show some descriptive statistics relating to the DA and DR indices. Starting with the full sample relating to all the participants, Table 6.9 presents the key summary statistics relating to the raw and debate levels.

Firstly, it is interesting how the DA scores are overall better than the DR scores, especially when looking at the mean and median values across both levels. Indeed, the DA scores for both of those measures are twice as that of the DR scores in almost all the cases. The question over the possibility of comparing those two indicators in the first place may arise especially when they are measuring different indicators of the DQI. However, in this study they are compared since all the indicators are ultimately part of one theoretical whole relating to deliberation, and particularly the ‘ideal speech situation’.

The above descriptive statistics relate to all the speakers, and thus, they include the speeches of the NGOs as well as the members states. Although most of the speeches were made by states, a significant proportion by them were made by NGOs as shown in Table 6.10. IGOs also made a few speeches, but less so than the NGOs and the member states. Thus, it is important to also see how well the member states (*only*) performed across the DQI indicators since the other participants may have boosted or reduced the previous descriptive results. Table 6.11 shows the descriptive statistics for the member states’ speeches.

The results here are overall very similar to the complete sample results. However, the DA average scores are slightly lower here compared with those reported in Table 6.9 by more than 1%. Nevertheless, the DR scores here are slightly better, but the difference appears in decimals. Thus, so far, it appears that the NGOs have contributed to a higher DA score, but have not had the

*Table 6.9* DA and DR descriptive statistics for all the participants ↵

<i>Index &amp; Level</i>	<i>N</i>	<i>Mean</i>	<i>Median</i>	<i>Standard Deviation</i>	<i>Minimum</i>	<i>Maximum</i>
DA-debate	754	55.38	57.14	26.76	14.29	100
DR-debate	754	25	25	20.33	0	100
DA-raw	1311	47.54	42.86	24.81	14.29	100
DR-raw	1311	20.59	25	18.87	0	100

*Table 6.10* Distribution of IMO speeches by speaker at the raw and debate levels ↵

<i>Level</i>	<i>Total N</i>	<i>Member State Speeches</i>	<i>NGO Speeches</i>	<i>IGO Speeches</i>
Debate	754	659	80	15
Raw	1311	1175	119	17

Table 6.11 DA and DR descriptive statistics for the member states only ↵

<i>Index &amp; Level</i>	<i>N</i>	<i>Mean</i>	<i>Median</i>	<i>Standard Deviation</i>	<i>Minimum</i>	<i>Maximum</i>
DA-debate	659	53.98	57.14	26.61	14.29	100
DR-debate	659	25.46	25	20.53	0	100
DA-raw	1175	46.31	42.86	24.47	14.29	100
DR-raw	1175	20.85	25	18.84	0	100

same effect when it comes to DR. The effect of the NGOs on deliberative quality becomes more vivid in the regression results presented below.

Looking further at those descriptive values, it is clear that the DR scores are once again lower than the DA scores. Thus, the IMO member states perform better when it comes to giving proposals and providing justifications in comparison with changing positions and referencing others. Indeed, it seems that engaging in reactive behaviour is much harder than the provision of well-reasoned justifications and proposals.

Now that the key features of the samples have been described, it is now time to analyse the regression results relating to the hypotheses discussed in Chapter 1. The results relating to all the speakers are discussed first before moving to the SRH results.

## Regression results

Chapter 1 focused on three important hypotheses relating to all the participants. As a recap, they are presented below:

- H.1:* NGOs have higher deliberative quality scores than the member states of the IMO.
- H.2:* Deliberative quality decreases moving from more technical bodies to more political plenary bodies.
- H.3:* Having continuity in attendance by at least one delegate increases deliberative quality.

The discussion in Chapter 1 also recognised that there may be a difference between the deliberative quality of males and females. Thus, ‘gender’ was placed as a control variable. The methodology discussion in Chapter 1 also recognised two levels of analysis for the IMO speeches but explained that the primary level for analysis will be the debate level, while the raw level will be reported as extra information.<sup>1</sup>

The regression analyses are conducted separately on Deliberative Action and on Deliberative Reaction. The type of multiple regression used is the Ordinary Least Square (OLS) regression and the standard errors provided here are the clustered standards errors. These standard errors are clustered by ‘actor ID’ for the full sample analyses or ‘country ID’ for the SRH analyses.

Table 6.12 Full sample regression results at the debate and raw levels ↵

VARIABLES	(1) Debate DA Deliberative Action	(2) Raw DA Deliberative Action	(3) Debate DR Deliberative Reaction	(4) Raw DR Deliberative Reaction
BODY 1 (MSC)	13.344*** (2.775)	5.494** (2.604)	19.29*** (1.903)	13.822*** (1.642)
BODY 2 (SDC)	13.962*** (4.388)	9.425** (4.33)	13.625*** (3.223)	11.428*** (2.718)
NGO	11.442*** (4.051)	11.388*** (2.428)	-4.855* (2.791)	-3.037 (3.39)
IGO	8.861 (7.704)	11.304* (7.724)	-1.456 (4.247)	1.198 (3.213)
% FEMALES (DEBATE) OR GENDER (RAW)	0.027 (0.035)	-0.277 (1.647)	0.036* (0.021)	1.76 (1.583)
CONTINUITY	7.301** (3.27)	2.893 (3.077)	3.565* (1.816)	0.677 (1.897)
Constant	35.033*** (3.385)	38.353*** (3.482)	4.786** (1.938)	6.934*** (2.015)
observations	754	1311	754	1311

\*\*\*significant at  $\leq 0.01$  level; \*\*significant at  $\leq 0.05$  level; \*significant at  $\leq 0.1$  level  
Robust clustered standard errors in parentheses

### Full sample results

Table 6.12 presents the regression results for the DA and DR indicators at the debate and raw levels relating to the full-sample analyses. Table 6.13 then lists the significant independent variables found at the debate level.

### Debate level DA results

The results in model 1 in Table 6.12 demonstrate that the institutional body hypothesis is supported at the debate level. Firstly, the type of body and the DA scores are related, and secondly, the MSC and SDC are more deliberative bodies than the Assembly. Indeed, a move from Assembly (the reference group) to MSC is associated with an increase in the expected DA score by approximately 13% (statistically significant at the  $p < 0.01$  level), while holding all the other variables constant. Similarly, a move from Assembly to SDC is expected to increase the DA score by approximately 14%.

Significantly, the NGOs performed better on average compared with the member states. In fact, an NGO's DA score is expected to be 11.4% higher than that of a member state (significant at  $p < 0.01$ ). Thus, high deliberative performance and NGO presence are related, and this adds support to the case for including NGOs in inter-governmental deliberations; they do improve the deliberative quality of the meetings. As for the IGOs, their DA scores are

Table 6.13 Significant independent variables for the full-sample regression analysis at the debate level

<i>DA (Deliberative Action)</i>	<i>DR (Deliberative Reaction)</i>
NGOs: NGOs more deliberative than member states.	NGOs (-): Member states more deliberative than NGOs.
Institutional Body (MSC and SDC more deliberative than the Assembly)	Institutional Body (MSC and SDC more deliberative than the Assembly)
Continuity (delegations with a continuing delegate more deliberative than those without such a delegate)	Continuity (delegations with a continuing delegate more deliberative than those without such a delegate)

(-) negative relationship

overall higher than those of the member states; however, their results did not reach statistical significance.

The regression results further indicate that there is a statistically significant association between the continuity of presence of a given delegation and its DA score. With a regression coefficient of 7.3%, a move from a delegation lacking at least one continuing delegate between the two MSC sessions to a delegation having at least one continuing delegate is expected to increase the DA score of the members of that delegation by 7.3% (significant at the  $p < 0.05$ ). The evidence for this hypothesis indicates that delegations are better off retaining at least one delegate for each meeting, rather than only sending new delegates for every meeting.

It is important to note that the gender control variable did not yield statistically significant results; a male vs female hypothesis is therefore not supported here as there seems to be no association between gender and the DA performance of the speakers.

#### *Raw level DA results*

The raw level results presented in model 2 are very similar to the results in model 1. At this level, the institutional body hypothesis is supported, although the regression coefficients are smaller. The member state vs NGO hypothesis is also supported, but this time, the IGOs are significantly better performers than the member states (significant at the  $p < 0.1$  level). However, the 'continuity' regression coefficient did not reach levels of statistical significance.

#### *Debate level DR results*

The institutional body hypothesis is also supported in the case of the DR index. As shown in model 3, Deliberative Reaction increases from Assembly

to MSC and from Assembly to SDC (significant at the  $p < 0.01$  level). For example, a move from Assembly to MSC is expected to increase the DR score by almost 20%. Thus, the type of institutional body and the DR score of the speakers are clearly related.

Interestingly, member states are overall more reactive than the NGOs (significant at the  $p < 0.1$  level). NGOs' DR scores are on average lower than member states' scores by approximately 5%. One possible explanation for the weaker performance by the NGOs here is perhaps due to the roles of the NGOs vis a vis the member states and the institution. The NGOs enter the IMO as observers, with 'consultative status' (see Chapters 5 and 8 for the discussion on NGO's status and their views on this). The NGOs provide their advice and knowledge relating to the agenda items whenever they get a chance to; however, it is the member states who are the decision-makers at the end of the day. Thus, given that the NGOs do not vote, or their positions do not count to forming the majority view, they might not find a need to announce that they have changed position because of what another delegate has said. However, with regard to referencing other speakers generally, there is room for improvement on the side of the NGOs. Indeed, if NGOs can have their impact by influencing the views of the member states, then it would be important for them to be more responsive to what the state delegates say.

Significantly, the continuity hypothesis is supported with the DR scores as well. Having the same delegate across the MSC sessions is expected to increase the DR score by almost 4% (significant at the  $p < 0.1$  level). This adds further support that having the same delegate across sessions is highly relevant for explaining deliberative performance.

The results of the gender variable indicate that having more females in a delegation increases the DR score (significant at the  $p < 0.1$  level). However, the regression coefficient is quite small here (0.04%), and thus, the effect of gender on Deliberative Reaction is not very substantial.

#### *Raw level DR results*

At the raw level, the association between institutional body and DR continues to be statistically significant, as shown in model 4. However, the regression coefficients are slightly smaller here. As for the rest of the independent variables, the coefficients are not significant at this level.

#### *State-related hypotheses results*

Now that the results relating to all the speakers have been presented, it is now time to see how the member states performed with regard to the SRH. As a recap from Chapter 1, the SRH focus on two main state characteristics: the quality of bureaucracy and hard power capabilities. The hypotheses are presented below:

H.4: States with higher bureaucratic quality have higher deliberative quality scores. H.5: States with permanent representation are more deliberative than states lacking permanent representatives. H.6: As a state's hard power increases, its deliberative performance decreases. Hypotheses 4 and 5 relate to the bureaucratic dimension of a state while hypothesis 6 relates to its hard power. Bureaucratic quality is measured through V-Dem's 'criteria for appointment decisions in the state administration' indicator while permanent representation for the member states is identified from the IMO's 'list of participants' for the meetings. As for hard power, the Composite Index of National Capabilities (CINC) is used as its measure.

In addition to testing these hypotheses in the multiple linear regression models, the study adds a number of control variables that may also be associated with a state's deliberative performance. These were stated in Chapter 1 and are also listed below:

- Development level of countries: measured through the Human Development Index (HDI).
- Size of the delegation: the average number of people for a given delegation attending the IMO sessions.
- Membership years: number of years a state has been an IMO member.
- National deliberative performance of member states: 'Deliberative component' index and 'electoral democracy' index. For public sphere openness: World Press Freedom index (WPF).
- Integration of countries in the maritime world: The Liner Shipping Connectivity Index (LSCI).
- Fleet ownership: Merchant fleet by country of beneficial ownership.
- LSCI divided by GDP: indicator of stakes/vulnerability or intensity of interests in maritime regulation.
- Institutional Body: Assembly, MSC and SDC sub-committee. Assembly is the reference group (= 0), MSC= 1, SDC=2.
- Gender: In Raw level (Variables: Male (=0) or Female (=1)), in debate level (Variable= percentage of female speakers).

Table 6.14 presents all the regression results relating to the SRH for the DA and DR indices at the debate and raw levels. Table 6.15 lists all the independent variables that are significantly associated with the DA and DR indices at the debate level.

#### *Debate level DA results*

The results in model 1 in Table 6.14 give strong support for the SRH relating to bureaucracy. There is indeed a statistically significant association between bureaucratic quality and countries' DA scores, as well as an association between permanent representation and DA performance. For example, an

Table 6.14 Regression results for the SRH at the debate and raw levels ↵

VARIABLES	(1) Debate DA Deliberative Action	(2) Raw DA Deliberative Action	(3) Debate DR Deliberative Reaction	(4) Raw DR Deliberative Reaction
HDI PERCENT	0.0742 (0.126)	-0.158 (0.106)	0.113 (0.0860)	0.0571 (0.0704)
CRITERIA FOR APPOINTMENT	7.167** (2.870)	4.491** (1.898)	2.242 (1.694)	-0.145 (1.554)
AVERAGE DELEGATION SIZE	0.296 (0.221)	0.0268 (0.142)	0.148 (0.136)	-0.0619 (0.0917)
LSCI	-0.0206 (0.0448)	0.0165 (0.0239)	-0.0741*** (0.0263)	-0.0421** (0.0197)
HARD POWER CINC PERCENT	1.283*** (0.313)	0.515* (0.260)	0.819*** (0.158)	0.173 (0.155)
WPF	0.0808 (0.166)	0.188 (0.160)	-0.0795 (0.117)	-0.00220 (0.0796)
FLEET OWNERSHIP	4.93e-06 (1.96e-05)	4.40e-06 (2.08e-05)	-2.76e-06 (1.25e-05)	-1.71e-05** (8.32e-06)
MEMBERSHIP YEARS	-0.0345 (0.0932)	-0.124* (0.0722)	0.225*** (0.0795)	0.158** (0.0678)
LSCI OVER GDP VALUE	-178.0 (285.2)	-327.3 (312.9)	198.5 (331.7)	57.42 (234.8)
1.GENDER (FEMALE)		0.573 (2.032)		0.231 (1.058)
1.BODY (MSC)	11.69*** (2.539)	5.206** (2.548)	17.40*** (1.850)	12.58*** (1.730)
2.BODY (SDC)	9.516* (4.914)	10.19** (4.679)	8.322** (3.621)	9.165*** (3.139)
1.PERMANENT REPRESENTATION	5.511**	1.216	2.981**	-0.0622

Table 6.14 (Continued)

VARIABLES	<i>(1) Debate</i> <i>DA Deliberative Action</i>	<i>(2) Raw</i> <i>DA Deliberative Action</i>	<i>(3) Debate</i> <i>DR Deliberative Reaction</i>	<i>(4) Raw</i> <i>DR Deliberative Reaction</i>
ELECTORAL DEMOCRACY	(2.194) 0.0160 (0.115)	(2.182) 0.116 (0.104)	(1.476) -0.00604 (0.0747)	(1.058) 0.00125 (0.0544)
DELEBRATIVE COMPONENT	0.0513 (0.0919)	0.0436 (0.0833)	-0.00929 (0.0615)	0.0661 (0.0534)
FEMALE SPEAKERS PERCENT	0.0201 (0.0291)		0.0218 (0.0185)	
Constant	6.706 (12.96)	29.95* (15.47)	-13.98 (10.99)	-5.556 (8.428)
Observations	659	1,175	659	1,175

Robust clustered standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

*Table 6.15* Significant independent variables relating to the regression analyses of the SRH at the debate level

<i>DA (Deliberative Action)</i>	<i>DR (Deliberative Reaction)</i>
Criteria for appointment Hard Power Permanent representation Institutional body	LSCI (-) Hard power Permanent representation Institutional body Membership years

(-) negative relationship

increase in a country's 'criteria for appointment' score by 1 unit (on a scale from 0 to 4) is expected to raise its DA score by more than 7% (significant at the  $p < 0.05$  level). Similarly, including a permanent representative on a country's delegation is expected to raise its DA score by more than 5.5% (with  $p < 0.05$ ). Thus, having a robust bureaucracy reflects well on a country internationally.

The hard power hypothesis yielded significant but surprising results. Contrary to theoretical expectations, more powerful countries are better deliberators overall than weaker states. In fact, an increase in a country's CINC score by 10% is associated with an increase in its DA score by approximately 13% (significant at the  $p < 0.01$  level). This is a particularly interesting finding and defies critical views over the process of deliberation as being 'cheap talk' or talking as a characteristic of the weak. The results indicate that it is actually the more powerful that pay more attention to the way they speak internationally, which further indicates that they are particularly cognisant of the importance of high-quality deliberation. With regard to the control variables, they were mostly not statistically significant, except for the institutional body variable where once again the more technical bodies (MSC and SDC) were shown to be more deliberative than the more political body (Assembly).

#### *Raw level DA results*

At the raw level, the results are similar, as shown in model 2. For example, both the 'criteria of appointment' and CINC indicators remain statistically significant, although the regression coefficients are slightly smaller. However, the permanent representation variable does not reach levels of significance at this level.

#### *Debate level DR results*

The DR debate level results also support the association between permanent representation and deliberative quality, as shown in model 3 of Table 6.14.

Indeed, the presence of a permanent representative on a state's delegation is expected to increase its DR score by approximately 3% (with  $p < 0.05$ ). Hard Power's CINC measure also provides significant results and further shows that hard power is very useful for explaining deliberative quality. Here, the more powerful countries are more reactive than the weaker states where an increase in a country's CINC score by 10% is expected to increase its DR score by more than 8%.

Some of the control variables yielded significant results. Starting with the LSCI index, the regression coefficient was statistically significant (with  $p < 0.01$ ) but had a negative value, indicating that less integrated countries are more willing to engage in reactive deliberation. This is probably because such states have less to lose and so their delegates may receive more vague instructions from their home ministries on the agenda items. Such delegates may thus have more leeway and be able to change positions as well as more frequently engage in reciprocity compared with the other delegates. Membership years also had a significant result indicating that older IMO member states are more likely to engage in reactive behaviour compared with younger ones. Lastly, the institutional body variable was also associated with DR performance whereby both MSC and SDC were shown to be better hosts of reactive behaviour compared with the Assembly.

#### *Raw level DR results*

The raw level results in model 4 generally diluted the debate results. At this level, membership years, the LSCI indicator and the institutional body indicator retain their significance. However, permanent representation and the CINC indicator are not statistically significant here. The Fleet ownership indicator becomes significant at this level, however, its regression coefficient is very small.

#### **Discussion of results**

The regression analyses revealed interesting results. Starting with the full-sample analyses, it is very significant to see that the NGOs performed better than the member states in terms of Deliberative Action. This accentuates the benefit of including NGOs in international meetings; not only does their inclusion add to the democratisation of the deliberations, but it also improves the deliberative quality of the meetings. However, when it comes to reactive behaviour, the member states were much more reactive than the NGOs overall. In fact, a negative regression coefficient was obtained for the NGOs for the DR index. One reason for the better performance of the member states here is likely due to their status as the decision-makers in the IMO, whereas the NGOs enter the IMO as observers. Thus, for the member states it is expected that they voice their views and position, preferably with reference to other speakers, in cases where they change their mind since their position

counts in the decision-making process. However, this still does not exempt NGOs from engaging in reciprocity, and thus there is room for improvement here.

The institutional hypothesis was well supported by both the DA and DR indices. Both the MSC and SDC meetings were better deliberative fora than the Assembly. This is likely due to how committees and the sub-committees naturally foster more deliberation as they are designed with a greater emphasis on deliberating technical issues where experts take the lead. Thus, the environment of a given meeting is indeed related to the deliberative quality of that meeting.

The final hypothesis relating to the full sample also yielded significant results. The ‘continuity’ hypothesis was supported by the regression models; delegations with continuing delegates are better deliberators than those with completely new entrants. Those results suggest that experienced delegates who have already been previously in a meeting are more likely to be better deliberators and thus increase the deliberative performance of their delegations.

Moving to the SRH results, statistically significant results were obtained here for those hypotheses. Starting with the bureaucracy-related hypotheses, the results supported that a bureaucracy composed of skilled appointees rather than politically well-connected appointees is highly relevant for explaining deliberative performance internationally. Thus, member states seeking to improve their deliberative performance in international organisations should start by improving the way their offices are administered internally; recruiting based on talent and skill is their ticket to improving their deliberative skills in international meetings.

Moreover, the results suggest that it matters to have permanent representation in the IMO rather than being represented solely by new or temporary delegates. Permanent delegates sent to the IMO’s headquarters will be much more skilled at speaking in the IMO because their frequent interactions at this international institution, made possible by their ‘permanent’ appointment, will have trained them into deliberating more effectively than new delegates. Even in cases when a permanent representative finishes his or her post to hand it over to another delegate, it is highly likely that the expertise gained will be passed forward from the exiting representative to the new one. Thus, having a permanent mission at the IMO does matter from a deliberative perspective and adds further support to the bureaucratic hypotheses; an office abroad that is also supported by competent offices ‘back home’ will both work together to strengthen the deliberative performance of their state during international meetings.

Significantly, hard power was also shown to be an important for explaining variation in deliberative performance, yet the direction of the relationship was very surprising as this determinant had the opposite effect from the one hypothesised. Contrary to theoretical expectation, more powerful countries were *better* deliberators than weaker ones. This suggests that deliberation is

the behaviour of the powerful! The CINC values were shown to be significant determinants for both the DA and DR indices. Those results suggest that the powerful countries do not perceive international deliberations as ‘empty talk’, but rather, that they recognise the value of deliberation and its importance for decision-making. Especially for a forum like the IMO, ‘consensus’ and not ‘voting’ is the *modus operandi* and thus what is said matters for what will be done (see Chapter 4, specifically the ‘voting’ discussions for more detail). The fact that the powerful states put more effort into the way they speak at the IMO suggests that hard power should not be seen as conflictual with ‘soft’ or ‘persuasive’ power. In fact, the results suggest that hard power complements ‘soft’ deliberative power.

The quantitative findings discussed in this chapter and the identification of the determinants of deliberative quality in the IMO have now responded to questions 5 and 6 of stage 2 of this study. The next chapter responds to the remaining research questions of stage 2 relating to the contagion effect and the ‘relational’ aspect of deliberation.

#### **Note**

- 1 In addition to the debate level being a better measure than the raw level as explained in the Methodology section (Chapter 1), it was also noticed that the Kaiser-Meyer-Olkin (KMO) Measure of Sampling Adequacy during the factor analysis was slightly below the 0.5 threshold for the raw level (=0.475) but above the 0.5 threshold for the debate level (=0.603). Thus, the debate level is the primary level of analysis while the raw level is only presented as extra information.

## 7 ‘Relational’ deliberation and deliberative dynamics

This chapter focuses on the empirical findings relating to the relational aspect of deliberation. The term ‘relational’ here is understood as the interactions across speakers and the connections that are created between them as they engage in conversation. The chapter has two dimensions: a quantitative one composed of statistical results relating to the contagion effect hypothesis and a qualitative one composed of the interview responses of the ‘relational’ questions. Those interview questions relate to the contagion effect, intentions behind engaging in reciprocity, feelings of empathy as well as the things that the delegates learn from their interactions in the IMO. Both quantitative and qualitative dimensions focus on the deliberative interactions and dynamics happening across speakers. The two guiding questions of this chapter are: *is there a contagion effect taking place during the IMO deliberations?* and *what are the views of the IMO delegates on the other ‘relational’ aspects of the deliberative process?*

### **From the determinants of deliberative quality to ‘contagion’**

Chapter 6 focused on the determinants of deliberative quality across all the speakers as well as the factors relating to the member states. Deliberative quality was composed of two dimensions: Deliberative Action (DA) and Deliberative Reaction (DR). As explained in that chapter, the action dimension was composed of the ‘level of justification’, ‘content of justification’ and ‘deliberative behaviour’ DQI components, while the reaction dimension was composed of ‘reciprocity’ and ‘indications of shifts’. The two indices were named DA and DR due to the essence of the activities that their components measure. This chapter also uses the DA and DR indices but for testing a different hypothesis: the contagion effect hypothesis. This hypothesis takes a different angle from the previous one and focuses on the interactions and effects of one speaker on another. It is thus mainly concerned with the interactions between speakers and what this could mean in terms of deliberative quality.

The hypothesis previously presented in the theory chapter on the contagion effect was that:

H.7: Previous speakers will influence the deliberative quality of the current speaker.

The focus of the contagion effect hypothesis is on the three speakers prior to the current speaker. Speaker 1 is the one immediately before the current speaker, speaker 2 is the speaker prior to speaker 1 and speaker 3 is the speaker prior to speaker 2. When conducting the analysis on each of the three speakers, the DA and DR scores of the previous speaker were used as the independent variable to test its effect on the current speaker's DA and DR scores. The control variables added to the multiple linear regressions were the gender of the speaker, the institutional body, the type of speaker (member state/NGO/IGO) and the continuity of the delegation.

The analysis of the contagion effect is conducted at the raw level, for it is not possible to conduct it at the debate level. The type of multiple regression used is the ordinary least square regression (OLS) model and the standard errors presented are clustered by actor ID. The results of the full 1311 raw speeches are reported and then a robustness check section presents results on a sub-sample of those raw speeches. Since the first speakers will not have a previous speaker(s) before them, the number of observations will be slightly smaller than the 1311 total. The results are broken down by each previous speaker and are presented according to their effects on the DA and DR scores of the current speaker.

### **Quantitative findings: the contagion effect**

Table 7.1 presents the regression results for each speaker relating to the DA scores.

#### *Deliberative Action results*

##### *Speaker 1*

As shown in model 1 of Table 7.1, Speaker 1 is contagious here and his/her DA performance has a statistically significant effect on the DA score of the current speaker. Indeed, for every 10% increase in the previous speaker's DA score, the DA score for the current speaker is expected to increase by 2.3% (with  $p < 0.01$ ).

##### *Speaker 2*

Speaker 2 is also contagious here, and the results are statistically significant ( $p < 0.01$ ), as shown in model 2. However, when compared with speaker 1, speaker 2's contagion effect is a little smaller on the current speaker. Here, for every increase in speaker 2's DA result by 10%, the current speaker's DA result is expected to increase by approximately 2%.

Table 7.1 Full-sample contagion effect DA scores ↵

VARIABLES	(1) Speaker 1 DA-Raw	(2) Speaker 2 DA-Raw	(3) Speaker 3 DA- Raw
CONTAGION EFFECT	0.226*** (0.025)	0.198*** (0.026)	0.182*** (0.029)
NGO	9.996*** (2.139)	10.837*** (2.304)	9.29*** (2.258)
IGO	10.586 (7.508)	9.704 (6.982)	10.872 (6.845)
GENDER (FEMALE)	-1.101 (1.611)	-1.845 (1.838)	-1.203 (2.06)
BODY 1 (MSC)	4.936* (2.686)	4.376 (2.913)	4.207 (2.917)
BODY 2 (SDC)	7.127 (4.396)	5.886 (4.452)	5.61 (4.454)
CONTINUITY	2.64 (2.896)	4.385 (2.832)	2.817 (2.834)
Constant	28.148*** (3.331)	27.931*** (3.55)	30.125*** (3.584)
Observations	1280	1250	1221

\*\*\*significant at  $\leq 0.01$  level \*\*significant at  $\leq 0.05$  level \*significant at  $\leq 0.1$  level  
Robust clustered standard errors in parentheses

### Speaker 3

The third speaker is also contagious here as shown in model 3, but his/her effect is a little milder than that of speaker 2. For every increase in the third speaker's DA score, the current speaker's DA score is expected to increase by over 1.8% ( $p < 0.01$  level).

### Deliberative Reaction results

Table 7.2 presents the results on the contagion effect regarding the DR scores of the current speakers.

#### Speaker 1

As shown in model 1 of Table 7.2, speaker 1 is contagious and impacts on the current speaker's DR score. Significantly, for every increase in speaker 1's DR score by 10%, the current speaker's DR score is expected to increase by almost 2% ( $p < 0.01$ ). Thus, the reactive dimension of deliberation is also subject to the contagion effect.

#### Speaker 2

As shown in model 2, speaker 2 is also contagious, but less so than speaker 1. The expected increase in the current speaker's score is now 1.4% for every

Table 7.2 Full-sample contagion effect DR scores ◀

VARIABLES	(1) Speaker 1 DR-Raw	(2) Speaker 2 DR-Raw	(3) Speaker 3 DR-raw
CONTAGION EFFECT	0.176*** (0.024)	0.136*** (0.032)	0.075*** (0.028)
NGO	-1.701 (2.983)	-2.323 (3.292)	-2.482 (3.42)
IGO	0.757 (3.265)	2.966 (3.263)	2.478 (3.152)
GENDER (FEMALE)	1.882 (1.652)	2.276 (1.869)	2.404 (1.831)
BODY 1 (MSC)	11.227*** (1.762)	11.864*** (1.784)	13.407*** (1.668)
BODY 2 (SDC)	9.538*** (2.766)	10.533*** (3.021)	12.355*** (2.997)
CONTINUITY	1.06 (1.845)	1.274 (1.861)	1.195 (1.908)
Constant	5.616*** (1.947)	5.671*** (2.106)	5.705*** (2.01)
Observations	1280	1250	1221

\*\*\*significant at  $\leq 0.01$  level; \*\*significant at  $\leq 0.05$  level; \*significant at  $\leq 0.1$  level  
Robust clustered standard errors in parentheses

10% increase in speaker 2's DR performance. The results are also statistically significant (at  $p < 0.01$ ).

### Speaker 3

The results show that speaker 3 is contagious here too and that this speaker's effect is statistically significant at the  $p < 0.01$  level. However, like the DA trend, speaker 3's effect is the least compared with the previous two speakers. Here, for every 10% increase in speaker 3's DR performance, the current speaker's DR score is expected to increase by approximately 0.8%.

### Robustness check

When doing the factor analysis on the DQI components as stated in Chapter 6, the Kaiser-Meyer-Olkin (KMO) test value (for sampling adequacy when doing a factor analysis) was slightly below the 0.5 threshold for the 'raw level' analysis (but not for the debate level analysis where it exceeded the threshold). Obtaining a KMO value above 0.5 is recommended when doing factor analyses (Jain and Raj 2013). However, a different indicator, Bartlett's test of sphericity, was statistically significant (with  $p < 0.05$ ) for the raw data, indicating that a factor analysis can be useful for this data (IBM, 2014). Nevertheless, as a robustness check, the regression analyses were repeated on a sub-sample of the raw speeches whose KMO value exceeded the 0.5 threshold (0.501). This sub-sub-sample only excluded MSC's 97th session

and the sub-committee level debates. Thus, the sub-sample was composed of the MSC speeches of the 100th, 99th and 98th sessions as well as the speeches from the Assembly's 30th session. Tables 7.3 and 7.4 present the regression results of the sub-sample composed of 736 speeches in total.

*Table 7.3* Sub-sample contagion effect DA results  $\sphericalangle$

VARIABLES	(1) Speaker 1 DA-Sample	(2) Speaker 2 DA-Sample	(3) Speaker 3 DA-Sample
CONTAGION EFFECT	0.263*** (0.039)	0.195*** (0.039)	0.161*** (0.034)
NGO	9.851*** (2.793)	10.541*** (2.835)	8.534*** (2.91)
IGO	14.053* (7.331)	14.672** (5.649)	15.449** (6.244)
GENDER (FEMALE)	-3.684** (1.605)	-4.95** (1.744)	-4.501** (1.908)
BODY (MSC)	5.565* (2.854)	5.36* (3.026)	5.165* (2.949)
CONTINUITY	5.379 (3.776)	6.95** (3.421)	5.415 (3.7)
Constant	24.961*** (3.92)	26.566*** (3.846)	29.473*** (3.896)
observations	719	703	688

\*\*\*significant at  $\leq 0.01$  level; \*\*significant at  $\leq 0.05$  level; \*significant at  $\leq 0.1$  level  
Robust clustered standard errors in parentheses

*Table 7.4* Sub-sample contagion effect DR results  $\sphericalangle$

VARIABLES	(1) Speaker 1 DR-Sample	(2) Speaker 2 DR-Sample	(3) Speaker 3 DR-Sample
CONTAGION EFFECT	0.119*** (0.036)	0.139*** (0.048)	0.08** (0.039)
NGO	-3.693 (2.713)	-3.507 (2.904)	-2.744 (3.293)
IGO	4.986 (3.296)	8.152*** (2.307)	7.762*** (2.343)
GENDER (FEMALE)	1.94 (1.451)	2.86* (1.555)	2.444 (1.502)
BODY (MSC)	12.023*** (1.94)	11.884*** (1.888)	13.204*** (1.775)
CONTINUITY	1.531 (1.793)	1.358 (1.734)	1.893 (1.78)
Constant	5.631*** (1.908)	5.409** (2.102)	5.029*** (1.925)
observations	719	703	688

\*\*\*significant at  $\leq 0.01$  level; \*\*significant at  $\leq 0.05$  level; \*significant at  $\leq 0.1$  level  
Robust clustered standard errors in parentheses

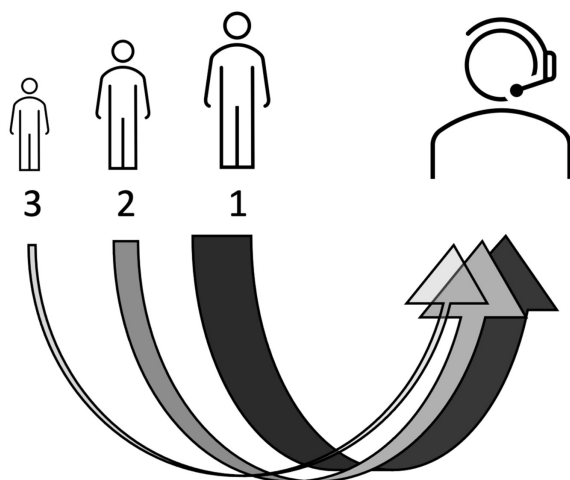


Figure 7.1 The contagion effect from the previous three speakers on the current speaker ↵

The sub-sample DA results are very similar to that of the full sample, especially for speakers 2 and 3. However, for the first speaker, the regression coefficient here is slightly larger. Indeed, an increase in speaker 1's DA score here by 10% is associated with an increase in the current speaker's score by approximately 3% ( $p < 0.01$ ).

The DR sub-sample results are statistically significant here too and are similar to that of the full sample. However, speaker 2 is *more* contagious here than speaker 1. Perhaps the current speaker concentrates more on speaker 2's reactive behaviour than speaker 1.

Overall, the results show that a 'contagion effect' does exist between the speakers, with the most 'contagious' speaker being the first one in terms of his/her impact on the current speaker. This was observed both with the DA results and to a substantial extent with the DR results.<sup>1</sup> The second and third speakers also exert an influence, although their effect is overall reduced, and this is most likely due to the distance between them and the current speaker. Figure 7.1 illustrates the contagion effect observed in the IMO.

### Qualitative findings: the views of the delegates

The above results support the contagion effect hypothesis and show that a relationship between previous speakers' and a current speaker's deliberative quality exists during the IMO deliberations. However, in addition to those quantitative findings, it is important to see what the IMO delegates themselves think about the existence of this contagion effect. Thus, the rest of this chapter is devoted to analysing what the IMO delegates believe are the

effects of the deliberative interactions upon themselves and other speakers. The chapter further delves deeper into the deliberative dynamics across the speakers and explores the delegate's views on the importance of referencing other speakers and what potential benefits this might bring. The chapter also explores whether or not the delegates feel that there is empathy established between them during the deliberations, and if so, what are the contributing factors behind the creation of this empathy. The chapter then considers the effect of the deliberative interactions on the delegates by analysing their reflections on what they learn from those interactions as the meetings end.

#### *The effects of a previous speaker*

During the interviews, the delegates were asked the following question:

*Reflect on the following statement 'if a previous speaker(s) speaks well, e.g. explains their argument well, this could then have an effect on the next speaker, in that 'a good speech can beget a good speech'. From your experience, do you think that this is the case?*

This particular question took slightly more thinking time to answer in comparison with the other interview questions as the IMO delegates reflected on the statement and connected it to their own experience. A range of different answers were given here, but overall, the delegates provided a 'qualified yes', in that they agreed that this effect exists, but they supplemented their answer either with conditions enabling the contagion effect or with other effects that the previous speaker may have on the current speaker, as well as the other participants. Nonetheless, a few delegates disagreed with the statement, while emphasising how good speeches may actually end a debate rather than inviting other high-quality speeches. The main points raised in the interviews by the member state delegates and NGO delegates are explained below.

#### *Preparation and politeness*

A number of delegates agreed with the statement in the question but supplemented their answers with conditions enabling or hindering the contagion effect. Starting with a North American delegate, he emphasised that it depends particularly on the preparedness of the speaker who will be speaking next: 'it may be a function of those speakers who typically are prepared when they come to a meeting' (Int. C8). The delegate explained that those well-prepared delegates will have already read the meeting documents and discussed their views with other delegations in advance and thus, 'they're truly at the meeting and in the meeting'. However, he explained that:

The delegations that may not prepare in advance as well may tend to be the ones that don't often listen to what was just said. So they'll deliver

the intervention that was scripted and that was prepared for this particular agenda item in this paper, sometimes regardless of what other delegations have already said.

(Int. C8)

Thus, for this North American delegate, the contagion effect is conditional on the preparation of the delegate. Similarly, a South American delegate (Int. C4) stated that it depends on the delegate; however, his response mainly highlighted the importance of the manner in which the speeches are made; speakers making their speeches in a polite and honest manner will be contributing to a livelier discussion than the ones who don't. Thus, the contagion effect here is particularly stimulated when the speakers are mindful of how they express themselves.

### *Expertise and use of language*

An Arab delegate's response on this question highlighted the importance of having expert delegates attending the meetings for the contagion effect to take place (Int. C11). The delegate 'fully agree[d]' with the statement and stated that this effect 'certainly' takes place 'for sure'. He added that 'if an expert is speaking and the other is at the same level, it will save time' (Int. C11). In fact, the Arab delegate particularly stressed the importance of sending experts to the IMO because the expert 'will be a better contributor and will better serve his or her organisation'. He added that the expert 'will be quicker to understand and respond' to the discussion, which will then 'increase the speed' of communication between the delegates. This is mainly due to how the delegate will be able to 'instantly translate' and make sense of the information that he or she receives. However, when a non-expert is sent to the IMO instead, the delegate will have to 'send the information back and forth' (Int. C11). To illustrate this important point, the delegate compares the IMO to a kitchen. Within this kitchen, it is better to have a chef who can 'put the spice quickly' to the food on the stove than to just have a messenger whose job is to send and receive information while the food is cooking.

Furthermore, this delegate also stated that 'when the speaker is clear, gives examples and has a good use of language, this will help the other delegates to understand better and contribute better' (Int. C11). Therefore, for the contagion effect to take place, the speaker needs to make sure that he or she is conveying the speech without ambiguities and that they also express it in a digestible manner so that the delegates can then effectively react to the speech.

### *Differing backgrounds*

An African delegate's response was a 'mixed reaction' to this statement (Int. C1). His answer partly focused on the 'response', to a good speech when he stated that 'a good speech does not necessarily get a good response to the speech, but most of the time, yes'. He further explained that a delegate:

Can make a very good speech and the response, which will be a good speech, does not go North where the original speech went, it goes South, but it's also a good speech; but it's because both the speakers are speaking from a different background.

(Int. C1)

The delegate elaborates on this explanation by providing an example:

A good speech by the first world country may not necessarily get a good speech to the first world country members, but a good speech to the third [world] country members because they will be *relating* to their response and those are the ones will be relating to the initial speech. So those dynamics are there.

(Int. C1)

The important point raised by the African delegate is that you are more likely to get good consecutive speeches between different delegates than between similar delegates; differences in background among delegates are seen as the causal explanation here. This is a significant point because it highlights a possible hidden mechanism in operation; it does seem likely that a consecutive speech coming from a neighbouring state will be short and not so 'good' from a deliberative perspective, while a speech coming from a different region might be 'good' deliberatively even if its content is one of disagreement (and might probably be in disagreement due to the differences in location or circumstances).

#### *Predetermined vs instant speeches*

When responding to the question, one of the NGO delegates said: 'From my experience. I would say that yes, but I need to qualify yes, because I think most [of the] effect is not on the next speaker, but the most effect is on the chair' (Int. N1). The delegate then said that this is because 'people come with their pre-prepared statements'. He added that a debate has to be 'politically charged for people to start improvising; improvising in the way of speech, not improvising in the way of position' (Int. N1). Nonetheless, he still acknowledged that from his experience, he would still depart from a pre-prepared statement 'based on somebody else's previous speech. but not because I'm changing my mind on something which I have already written' but rather because he does not want to repeat what another speaker has said or 'come across completely irrelevant because my point [has] also similarly been addressed by somebody else' (Int. N1). In such situations, the delegate 'would better just agree than to read out what was previously written'. However, the NGO delegate then clarifies that when delegates reach a deadlock whereby each one is not persuaded by the other statements and this 'just escalates a little bit to the point that the chair realises that I can't take it forward like that', at this point it becomes clear that

there is a need for reaching an 'amicable solution' or finding consensus (Int. N1). He then adds that this is 'better done by going out of the room during the coffee break', having a conversation and then 'coming back with the understanding.' The NGO delegate then stated that 'usually it works' (Int. N1).

Thus, the NGO delegate's response here is particularly driven by his view that during the meeting, the delegates are conveying their written responses, but that outside the meeting, they can change their positions. The chair here is particularly important as it is him or her who decides when a deadlock has been reached. It is worth clarifying here that some of the other delegates interviewed did indicate that a significant proportion of their speeches were not predetermined. For example, two countries bordering the Pacific Ocean stated that the percentage of their pre-determined speeches was 20% and 50% respectively, which meant that for those two states, 80% and 50% of the speeches were made depending on how the debates progressed (Int. C3; Int. C9). Thus, not all delegations are constrained by their headquarters. The delegate stating the 80% explained why that this is the case because 'there's a lot of issues that are being debated [...] At any one time there is 130 and or 150 Separate topics across all the meetings. You can't do all of them, so you prioritize'; for the topics that are 'key' for the delegates' state, he will prepare speeches beforehand (Int. C3). However, for the rest of the items, the delegate said that he would listen to the debate and then intervene when he felt it would be useful to do so, particularly when a debate was 'finely balanced' (Int. C3).

Another IMO delegate representing a small island developing state stated that 'we go in with a position but based on an argument presented we could adapt our position to fit what is right at that point in time' (Int. C5). This is especially the case for discussions not involving 'political standpoints' where the delegate's delegation is able to react to other arguments and say 'that is a fair point'. Yet the delegate still acknowledged that: 'we know that other delegations may not have that flexibility, and we see that quite a lot as well, they're not able to move until they can consult with capital and get their position changed' (Int. C5). Thus, there is clearly variation among the delegations in terms of their ability to change position in the IMO meetings and the extent to which they stick to their pre-prepared speeches. Nonetheless, the NGO delegate's response above remains very useful for highlighting how pre-determined speeches still play an important role during the meetings and may constrain spontaneity among a number of delegates.

#### *Pre-translated speeches*

A related point to pre-determined speeches is that of pre-translated speeches. One of the NGO delegates (Int. N6) agreed with the contagion effect statement 'to an extent', but noted that: 'because of the translation requirements, most of the speakers have to prepare their speech in advance and submit it to the translators, so it's already there'. Thus, here the delegate implied that

because some delegates like to send their written statements early on to the interpreters, this may then limit their ability to divert from them. However, it was noted by other delegates that they can and do divert from written statements and when they do so, they start with an apology to the interpreters (e.g. Int. N1). Nonetheless, this NGO delegate's response remains significant because it still indicates that the presence of those pre-prepared statements and the fact that they have already been processed for translation may still constrain or discourage the delegates from changing what was already agreed upon.

In addition to the above, the NGO delegate still recognised that 'a good statement with good argument [...] can influence the debate' (Int. N6). He gave the example of a submission his NGO had made a few years ago that included 'relevant data inside that can convince people that this is the right way to go'. He thus stated that if you make a strong, well-reasoned argument 'then yes, that can influence the way the debate goes, 'cause it has more gravitas, for sure. And that's no different to any debating society' (Int. N6). Thus, his statement adds further weight to the view that good speeches result in support because they are persuasive.

### *The English language*

On the other hand, a different NGO delegate disagreed with the statement in the question, while stressing the potential challenge faced by non-native English speakers when preceded by an eloquent first speaker (Int. N5). The delegate stated that: 'I feel sorry for people who are, for whom English is not the mother tongue, and, it's difficult because the floor is essentially, It's conducted in English' (Int. N5). He emphasised that the translation service is very good and that IMO interpreters 'are very competent'. However, for him, the main point was that the effect on the current speaker may not be positive when this speaker is not a native of the main language. This is best illustrated when he said: 'I feel sorry for people, say from Asia or South America, who might have to follow an eloquent English speaker and if I had to speak in Japanese or Spanish following an eloquent Spanish speaker, I'd be lost' (Int. N5). Thus, from this delegate's perspective, who is a native English speaker himself, language may be a hindrance to the quality of the speeches made and may weaken or inhibit the contagion effect from taking place across delegations.

The question of language came up in the interview with an Asian delegate and the Arab delegate. Significantly, both delegates did not think that it was a problem for their own delegation but that it may be a problem for other delegations. The Asian delegate, for example, explained that her country makes sure that the delegation sent to the IMO is able to communicate in English, but she stated that for some countries, 'English is not their mother tongue' which results in them facing 'difficulties', especially because the IMO discussions involve technical language (Int. C9). The delegate then expressed that

those delegations sometimes 'cannot understand where' a meeting is going and that 'is one of the obstacles' such delegations may face (Int. C9). Similarly, the Arab delegate (Int. C11) noted that other delegations whose first language is not English can have difficulties understanding the discussion, especially when faced with abbreviations. He further noted that working groups must be in English and that the working languages of the IMO are actually fewer than its six official languages. Those working languages do not include Arabic, in addition to other languages, which means that those languages outside the working languages are not available in the meeting levels below the main committees. Thus, Arabic is not available in sub-committee meetings and below. However, this Arab delegate noted that he personally did not face linguistic challenges as he is a qualified maritime expert himself and thus faces no difficulties in understanding the technical discussions and communicating his position in English.

From the above discussion, it appears that language may constitute a challenge for some delegations when participating in the IMO discussions and may thus reduce the contagion effect between the different delegations.

#### *Creating and speeding support*

One of the NGO delegates was quite sceptical that a good speech will result in an additional good speech. In fact, he stated that 'a good speech will often result in support. But a good speaker followed by a second good speaker is *unusual*' (Int. N2). The delegate still stated that it 'maybe so' that good speeches result in good speeches, but he then stated that good speeches make 'you stop and you listen' and so they are 'good at persuading, but not necessarily creating a better debate' (Int. N2). Thus, his response particularly emphasised the persuading effect of a good speech rather than a contagion effect.

A European delegate (int. C6) was not sceptical about the presence of the contagion effect, but her response similarly highlighted that a good speech may result in support from the other participants. During the interview, she stated that 'it could very well be' the case that a good speech begets a good speech, but her emphasis was on how a good speech can help her express her agreement more quickly:

So I would listen very carefully to the others, and if I can refer to a previous intervention and say that we concur with that, or agree with that, then I don't have to sort of repeat all these arguments, and then I think, that is very helpful.

(Int. C6)

The delegate also stressed the importance of 'listen[ing] carefully to what other people are saying' because if a previous speaker has made a good intervention, then another delegate can just hold up his or her card and then express their support for that speaker (Int. C6). Thus, the European delegate

was particularly cognisant of the efficiency gains of a good speech in terms of exempting the next speaker from repeating the reasoning behind a particular position.

This benefit of enabling quicker agreement came up in other interviews, showing that this view was particularly common across some delegates (e.g. Int. C10; C3). However, whether the next speaker wishes to agree or disagree with the previous speaker was seen as an important condition for enabling the contagion effect.

#### *Agreement vs disagreement*

One of the delegates in the Pacific region agreed with the statement in the question but distinguished between the effect of a good speech on a speaker who intends to support a previous intervention and that on a speaker who wants to oppose it (Int. C3). In the former, his response was similar to the European delegate in that: 'a good intervention clarifies the issue and proposes a good way forward, the following interventions, if they're supporting that will be short and go, Yep, we align with that and that's all [that] is needed' (Int. C3). However, in the latter case, the delegate stated that 'it also helps the opposition to clarify their objections'. This was a particularly interesting observation made by the delegate since a well-explained speech will indeed aid the next speaker in showing where the points of differences exist when two positions diverge on a given issue.

Another delegate from the Pacific region also provided a similar response while highlighting the utility in agreeing rather than elaborating on a good speech that is already aligned with one's position:

Nobody wants to follow a good speech because it's really difficult to follow a good speech, [...] a lot of the times if somebody has made a really compelling argument and it's in line with your position, the best case is to just agree with them, because you know, if you then make, if you then attempt to build on that or to also present a compelling argument, you've got a potential to confuse the situation. So if you've got a really compelling argument and a really well delivered speech, and it's everything that you align with, the best, I found, the best tactic is to agree with them.

(Int. C7)

The important point coming out of this response is that in cases of agreement, it is *safer* for a delegate to simply agree rather than elaborate to avoid confusing the listeners. This is particularly important given the large number of delegations sitting in plenary listening to a given speech. However, in cases of disagreement, the delegate's response was in line with the presence of a contagion effect when she stated that:

If you've got differing views, I think the best thing that you can do is actually pick the things that you want from their speech because people are still resonating with that speech, they're still thinking about that speech, so to get them to listen to yours, you need to draw from theirs and then build on that [...] So in that regard, yes, I think that it can, you know, a good speech can then follow on to result in an additional good speech.

(Int. C7)

Thus, the contagion effect works best in cases of disagreement rather than agreement. It is also important to note that this discussion emphasises the reliability of the significant quantitative findings in the previous section and their strength in not getting their effect cancelled by the short supportive statements. Moreover, given the cases of 'quick agreement', it is likely that the regression coefficients underestimate the contagion effect when views do not coincide.

#### *Reputational gains*

Significantly, the delegates noted other effects of good speeches during the interviews. For example, an Asian delegate (Int. C10) noted an important effect on the speaking country itself when she explained how making good speeches enables the speaking country to receive votes later on if it needs other countries to vote for it on a particular issue. She gave the example of a specific delegate from one of the small island developing states who 'contributes a lot' and frequently comments in 'every committee'. When it then comes to the voting for the chairman of a particular committee 'everybody knows him and they vote for him as a chairman [...] so he got a lot of advantage' (Int. C10). Thus, clearly, being a good speaker then helps the speaker to gain a good reputation, popularity and later receive favourable votes.

#### *No speech*

An NGO delegate raised another effect of a good speech while expressing his agreement with the statement in question. He explained that:

I definitely think that's the case. a good speech begetting a good speech. A good speech can also beget no speech, so, and what I mean by that is, if you have someone intervening that is very very good at explaining the position, that may actually cause others to not intervene because either that person has addressed their issue or that person has said something that has caused them to totally rethink the intervention that they had planned to make immediately following that person. So, I think a quality intervention is very beneficial to, you know, the communication that happens particularly in plenary.

(Int. N4)

Thus, the delegate here raises the important point that good speeches could also bring about a silence as a delegate then evaluates what he or she was about to say because the previous speech has weakened the foundations of their planned speech. This can be interpreted as a positive effect whereby good speeches reduce the frequency of consecutive weak speeches that would have then reduced the overall deliberative quality of the discussions.

*Finding a resolution*

Another effect of a good speech was noted by one of the delegates in the Pacific region (Int. C3). To illustrate his point, he mentioned one of his previous directors who would raise his card and then make 'a very clear intervention' that offered a 'pragmatic solution' and then 'everyone went: oh yeah, we can work with that!' (Int. C3). Thus, a good speech can heal differences and bring diverging sides together. Significantly, the delegate also noted that if a country makes a good speech 'supporting something right at the beginning, it can shut down all the arguments'. Thus, here he emphasised the importance of the timing of a good speech as well as its effect in closing the debate. The delegate also explained the utility of this shutting-down effect when he stated that: 'that's good because part of the problem of the IMO deliberations is when there is either confusion or no clear, sort of for or against' (Int. C3). It is during this time that a 'clarifying intervention' can help the delegates find a resolution.

Overall, the IMO delegates have raised a number of important points relating to the contagion effect and have highlighted other significant effects that also take place in parallel with this effect. Figure 7.2 summarises the

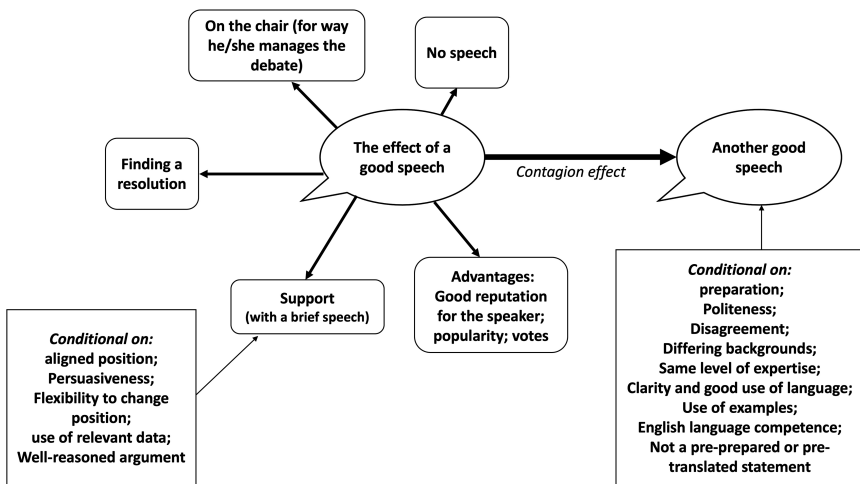


Figure 7.2 The different effects of a good speech ◀

Table 7.5 Reciprocity frequency and percentage ↵

<i>Reciprocity</i>		<i>Frequency</i>	<i>Percent</i>
code	0	487	37.1
	1	643	49.0
	2	181	13.8
	Total	1311	100.0

different views of the delegates on the effects of a good speech. The two 'conditional on' boxes summarise the conditions identified by the delegates for the contagion effect and for the support to the previous speech to also take place.

### *Engaging with the other speakers*

Referencing the other speakers and engaging with what they say is important for having a dynamic discussion within the meetings. Reciprocity is how the deliberative scholars make sense of this process and codify it as was discussed in Chapter 5. Within the IMO, the delegates frequently reference the other speakers, commenting on their speeches and evaluating their proposals as shown in Table 7.5.

Participants in the IMO refer to each other most of the times. Although 37.1% of the speeches made no reference to a previous speaker (code 0), the rest of the speeches did reference other speakers (62.8%). Most of those references fell into the 'reference present' category (code 1), while the rest of those speeches critically evaluated previous speeches (13.8%).

To get an understanding of why speakers may reference other speakers in the first place, the interviews included the following question:

*Do you think it is useful to reference or comment on a previous intervention in your own speech?*

### *Enriching one's speech*

Significantly, the delegates agreed that there is value in referencing other speakers and then made a number of significant comments as to why this is the case. Starting with the African delegate, he agreed that it is useful because it then demonstrates that one's speech is not 'hollow' (Int. C1). He explained that when a reference is present in a speech, it shows that:

Your speech is informed by the events, by the discussions, by the debates that have been happening at the IMO, so your speech is a continuation of what the IMO has been talking about, or what the IMO strives to achieve.

(Int. C1)

He then added that references are frequently made within the IMO, whether through submitted papers or through the speeches during the meetings. The delegate then emphasised that referencing other speakers also benefits the speakers themselves because:

Once you have a point of reference, it shows that you are part of the discussion. You are part of the solution that is being envisaged and you are really giving a positive input into the issue that is on the table.

(Int. C1)

Thus, clearly there is benefit in being attentive to what has already been said in a meeting. The European delegate also saw benefit in referencing other speakers, while firstly highlighting the efficiency gains in doing, as it saves the current speaker 'from repeating everything' (Int. C6). The European delegate then stressed that it also benefits the current speakers in giving them the opportunity to explain why they disagree with previous speakers or add their own comments on something that they heard. This point about making comments was particularly interesting as the delegate emphasised that 'no one can think about everything' (Int. C6). Thus, the new information raised by the previous speaker may encourage the current speaker to say: 'oh, this is something we haven't thought about, we should actually try to examine this a bit further or whatever' (Int. C6). Thus, engaging with the other speakers is a useful and enriching experience for the other speakers.

#### *Situating where you are*

The views of other member states were similar to the European delegate's views. For example, one of the delegates from a country bordering the Pacific Ocean also agreed that it is useful to reference other speakers when he stated that:

Yes, I think, yes, you do a lot of the time [...] particularly if you oppose someone's intervention, yeah, absolutely, you normally would call them out and say that you can't agree with the delegate of wherever for these reasons and that, and be respectful around doing that.

(Int. C9)

Thus, referencing other speakers helps the current speakers in situating their points of difference between their position and the other positions. At the same time, it can also be useful for situating the points of agreement, as expressed by the European delegate and also by a South American delegate (Int. C4). Nevertheless, the South American delegate started his response to this question by stressing that speakers should clearly convey their message during their interventions, especially when there are time constraints during the meetings. Thus, for this delegate, it did not seem that referencing other

speakers was the priority, but rather, the priority was ensuring that one is prepared to clearly communicate his or her message to the other speakers.

*Strengthens your position: now and later*

Finally, on the question of reciprocity, one of the NGOs raised two important points on why a speaker may reference a previous speaker when he stated that:

It's for two reasons you do that, firstly is to, you know, build upon *your* case. So you're either saying the previous speaker was correct, or, you know, we agree with New Zealand, Vanuatu, whatever you know. And then there's the other issue going on, which is, if you want support for your paper down the line, you want New Zealand and Vanuatu to say that your paper was good [...] You're more likely to get thanked or supported if you've supported someone else, and that's part of the community, about working together.

(Int. N2)

Thus, the NGO delegate highlighted two important benefits in referencing other speakers. Firstly, it makes your position stronger and places it in the same position as other previous speakers. Secondly, your support for another speaker will then come to your advantage when you yourself are looking for someone to support you later on. The delegate described his second point not just as being instrumentally useful but as being intrinsically useful as well, helping to establish a 'community' feeling across the delegations.

*Empathy and its supporting factors*

Reciprocity captures an important dimension of the deliberative dynamics taking place in the IMO. However, it is important to widen the horizon and consider whether or not the delegates feel that there is empathy established between them. This is a pivotal question as the absence of empathy between the delegations would indicate that they feel as if they are speaking to a brick wall. The Habermasian foundation of this idea was discussed in Chapter 1 while the empirical evidence for it was discussed in Chapter 2 where a 'common lifeworld' was shown to exist in the case of the IMO. However, it is still useful to ask the delegates whether they feel that there exists empathy between them. If they do feel that empathy is established among them, then this would further indicate that the IMO deliberations operate in a healthy environment. The existence of reciprocity is already an important indicator that the IMO deliberations are functioning well, but delving deeper into the question of empathy would be stronger evidence that the deliberative atmosphere of the IMO is optimal.

*Working groups and informal groups*

From the interviews, the IMO delegates agreed that there exists empathy between them and the other delegations. Starting with the perspective of one of the SIDS delegates (Int. C5), this delegate stated that she doesn't 'ever feel that they [the other delegates] don't understand' her interventions. She also praised the working groups in particular for fostering discussions and enabling her delegation to ask questions while the delegates work on the details of the issues under consideration. Indeed, when describing the working group, she stated that this is where 'people feel free to really, really, have a good discussion [...] and ask those questions and query the principles and things like that' (Int. C5). In her reflections at the end of the interview, she also made a significant point about what is often called 'the friends of the chair' group. This informal group often gets created 'when there's no shift and the chair can't move the discussion on' or 'when the room is divided'. At this point, the chair calls for the formation of this informal group that is composed of 'face to face discussion[s]' (Int. C5). This group would also submit an informal paper, called a 'J paper' to inform the (sub-)committee of their discussions. Moreover, this group, that is composed of the opposing parties, often gets together during the coffee break to have an informal conversation to get an agenda item moving. However, if there is still no progress, then the issue gets forwarded to the next session when the delegates have another opportunity to submit further documents and deliberate on the matter. Thus, the key point from the above discussion is that such informal groups can play a vital role in bringing delegates together and fostering agreement between them.

*Seating proximity*

A Eurasian delegate strongly agreed that empathy exists between him and the other delegates and explained how the committee meetings provide a very good opportunity for 'networking, for exchanging views, for developing friendships between delegations' as well as for 'cooperation' (Int. C2). Interestingly, he gave the example of a Memorandum of Cooperation his delegation had signed with another member state who sits next to this Eurasian delegation during the meetings. Significantly, the delegate explained how sitting next to this other state, whose name begins with the same letter as the Eurasian state, 'has helped quite a lot' for developing the maritime relations between both countries (Int. C2). In fact, he added that the 'proximity' between the delegations 'like meeting each other during all the committees and being seated side by side' was 'one of the main [...] causes' behind the Memorandum of Cooperation. Thus, it is for this reason that the delegate stressed how the committees are a 'very good tool' for 'networking and developing relations between delegates' (Int. C2).

*Regional proximity*

The African delegate also commented on the question on empathy, but this time, the emphasis was on regional proximity, rather than seating proximity. He responded by saying:

Look, you would have noticed that I kept talking about different blocks. The issue of regional politics; you have the European Union, you have the African Union and the other different blocks, you know. So, issue of empathy, [...] it depends on who you support.

(Int. C1)

The delegate then gave the example of North African states supporting other Arab and North African states 'before they consider supporting' sub-Saharan African countries. He then elaborated on his response by saying:

You know, those things are there, and it is who we are as human beings and as member states, there are things that basically we look at first that basically define our allegiance. [...] Those alliances are there, and they stand for a very long time, and you see the standing of these alliances during elections to serve in different committees in the IMO.

(Int. C1)

Thus, the African delegate's response reveals the regional bonds that define which states and regions a country may empathise and identify with in the first place. Geographical proximity and cultural similarities are key here.

*A feeling during the debates*

Moving to the South American region, a delegate (Int. C4) agreed that there exists empathy between his delegations and the other delegations, but his justification was different from that of the African delegate. During the formal meetings, he explained that empathy is established not just when the delegations agree on something but also during the debate itself when they accept differing perspectives and defend their own position professionally, while making use of factual information. Thus, the actual meetings and the act of debating are the key facilitating factors for the establishment of empathy in the IMO's formal meetings for this South American delegate. As for the informal interactions during the breaks and the evening reception, the delegate strongly agreed that they play a role in establishing empathy between the delegates as they enable the delegations to talk to each other in a relaxed environment and learn about one another (Int. C4).

The European delegate's response had similar points to that of the South American delegate, but here the delegate stressed the importance of talking to the other delegates when she said that: 'it's important to talk with people

during breaks or in the margin of the meetings. And try to listen and try to understand why they have the views that they have' (Int. C6). She then explained the effect of talking to other people:

Sometimes it can even make you change your mind because you understand the other position better. And sometimes it's, we're actually on the same page, it's just that we have different ways of saying it, and different ways of getting there, so it is very important. And you have to be open, you have to talk to people.

(Int. C6)

Thus, there is great value in having a conversation with other delegates as sometimes the delegates are actually taking the same position, but are just expressing it in ways that seem opposed to each other. When asked about whether the factors contributing to the establishment of empathy exist outside the formal meetings themselves, the European delegate said 'yes and no' (Int. C6). She explained that this was because: 'when you listen to some of the interventions you can understand where people are coming from. You can understand what they're trying to achieve'. Thus, the delegate here highlighted that listening to what the other delegates say *inside* the meeting is key for establishing understanding between them. Having a discussion *afterwards* during the coffee breaks could then help the further establishment of the empathy.

#### *Background work*

A delegate from the Pacific region (Int. C9) also agreed that there exists empathy between his delegation and other delegations and then highlighted how this empathy is reached:

Yeah, Absolutely, yeah. And you know, there is a whole lot of work that goes in before the meetings as well, you know, and if we have a position or a paper that we've submitted to the IMO, then a whole lot of work will go in the background to get support for that particular paper and if anyone opposes it, you know, you normally have meetings with them and make sure that hopefully when you go into the meeting that you fully appreciate everyone's position and yeah, you know, it's a bit of give a little, take a little as well, you know, if you don't have to oppose something, you don't, you know, for the sake of hopefully getting support for something else and that's, yeah, I think there is a lot of that.

(Int. C9)

Here the delegate explained the background work and meetings that take place *prior* to the IMO sessions that then contribute to the establishment of

empathy between the delegations. Having discussions with other delegates before their formal expression of their positions during the committees certainly helps in getting their input and views understood and taken into consideration. The delegate also indicated that flexibility in positioning and supporting other delegates whenever this is possible is very useful as it has a way of benefiting the delegate later on. This links in well with what an NGO delegate said previously in the reciprocity discussion when he highlighted the likelihood of being supported if you support another delegation on a different issue.

### *The coffee breaks*

Furthermore, on the question of empathy, one of the NGO delegates agreed that empathy exists between him and the other delegates while emphasising the role of 'face to face' meetings 'when you're able to meet in person' (Int. N4). He specified the location for those meetings to be the coffee and lunch breaks where delegates can meet together and say: 'Hey, you know, how can we resolve this? Let's have some conversation'. The delegate then praised the 'overall spirit amongst those that attend the sessions' and described it as 'one of inclusivity and wanting to gain consensus and do so in a polite and respectful way' (Int. N4). Other NGOs had similar views on the value of the coffee breaks for establishing empathy. One of the delegates stated that: 'Coffee break for heads of delegations is running around and finding whom you want to persuade because you're otherwise stuck' (Int. N1). Another NGO delegate (Int. N2) agreed that the coffee breaks build empathy, while adding that the meetings themselves have the same effect. His response also highlighted how the maritime world is 'a small community' for 'there's at least three people I sailed with at sea' years ago who sit in the IMO meetings. Thus, he highlighted how 'there's a network of people which you built up over years and years' and how this network, in addition to the interactions over coffee and dinner, plays a role in bringing delegations together (Int. N2).

Clearly, empathy has been shown to exist in the IMO. Having this understanding developed between the delegates is certainly something valuable that makes their deliberative experience smooth, free of bumpy misunderstandings. It is important to note that from a purely economic perspective, empathy can be incredibly useful for the efficiency of the decision-making process. One of the NGOs noted how 'it can be surprising how little time' it takes to resolve an issue 'if you just have the right conversation' (Int. N4). Similarly, the Arab delegate when commenting on the coffee breaks and the interactions outside the meetings noted how they can 'facilitate the discussion' between countries, 'increasing the speed' of communications between them as for example one country seeks approval from the relevant ministry on an issue of interest to another country (Int. C11). Thus, empathy can be a valuable asset in international institutions.

Table 7.6 Factors establishing empathy in the IMO ◀

<i>Factors establishing empathy between international delegations</i>	
<i>Internal to the formal meetings</i>	<i>External to the formal meetings</i>
Working groups Committee meetings Seating arrangements Attitude during debates (professionally debating one's position) Listening well to the interventions	'Friends of the chair' informal group Regional proximity Alliances and Identity Conversations during coffee breaks, lunch, dinner, and evening receptions Background meetings prior to the committees Flexibility (supporting other delegates where possible) Network (built over the years)

Table 7.6 sums up the empathy discussion and groups its supporting factors under two headings, those emanating from within the formal meetings and those coming from outside it.

#### *After the meetings: the effects on the participants*

During the meetings, the delegates are exposed to a range of deliberative interactions and dynamics, all of which are expected to exert an impact on the delegates. To get an essence of the impact of the deliberative process on the delegates, the interviewees were asked:

*After the IMO meetings end, what do you walk away with? Is there anything that you learn from your participation in the meetings?*

#### *Preparing for the next meetings*

The delegates' responses revealed the deep effects of the deliberative process on the participants. Starting with the North American delegate, he stated how he walks away with 'new knowledge and understanding' as well as with 'the list of things to do' upon his return to his country in preparation for the following meeting (Int. C8). In fact, he highlighted how 'many issues are discussed over a number of sessions' and thus preparing for the 'the next point of discussion' on a given item for the next session is a key thing that he walks away with following the end of the meeting. Thus, the continuity of the deliberative process is accurately captured when the North American delegate states that 'you leave already thinking about your next steps to plan for the upcoming meeting' (Int. C8). A similar point was made by an NGO delegate who stated how following the meetings, he thinks about 'the next steps' and 'how to deal' with the issues of concern (Int. N3). Significantly, the interviews demonstrate how deliberation is not a process that takes place

in isolation but actually a continuous process where one meeting feeds into another.

#### *Internal reflection*

The deliberative process also results in internal reflection within delegations. This is best captured from the Asian delegate's response who explains how when she is back in her country, she has many 'comments for [her] boss on how to improve the quality of the delegation attending the meeting' (Int. C10). She adds that those comments are based on the many things she learns from the meetings and 'from the other countries'. Thus, in addition to being an enriching and informative process, deliberation also results in a reflective process, enabling the delegates to reflect on their interactions and think ahead of what can be improved in the future.

#### *Convinced and content*

The African delegate had important comments on the impact of deliberation on his experience and emphasised how 'you learn a lot by listening to your colleagues' as well as during the coffee and lunch break interactions (Int. C1). His response was also illustrated by an attentive reflection on the whole process from start to finish. 'When you walk into that room, you already know who stands at what position' he said, but remembering that 'the main purpose is for us to convince each other about the position that the organization must take', he felt content with situations where he got convinced by other positions, as explained below:

Sometimes you can come up with a position and because of good arguments from the other side and again, because of good or convincing possible solutions, solutions that address your concerns, you walk out of the session saying I am happy.

(Int. C1)

Thus, the delegate effectively summed up one of the fruits of deliberation, and that is, arriving at well-reasoned solutions, even if the route to those solutions is different from the one a delegate had envisioned prior to the meeting. It is for this reason that the delegate felt that travelling from his home country to London to attend the IMO meetings 'was worth it.'

#### *Eye-openers and future effects*

Other important effects of the deliberative process were captured by one of the delegates of a country bordering the Pacific Ocean (Int. C9). He started by explaining an 'eye-opening' effect when he stated that:

I think you learn about other people, you learn what's important to other countries that isn't necessarily important to you, which is always an eye-opener, you know, something that we wouldn't even consider to be even a significant issue is really significant to someone else and you have to respect that I think.

(Int. C9)

The delegate then added another effect of the deliberative process when he explained how the meetings always include 'something new that you haven't even thought' would come up during the session and then it becomes 'the next big issue' in the IMO for the following years (Int. C9). He remarked how 'it's amazing' how this happens. Thus, carrying surprises can be added to the list of effects of the deliberative process. Furthermore, the effect of deliberative interactions on the future was also noted by the South American (Int. C4) delegate who expressed that his experience at every meeting is vital for upcoming decisions. He noted this in addition to the things he learns during the meetings as well as the report that he submits to his country after the end of the meetings. Thus, clearly the deliberative process keeps echoing far into the future and is not confined to the walls of the IMO's meeting hall.

#### *Learning experience*

The Eurasian delegate also commented on how he walks away with 'more knowledge after this committee or that committee', while stressing that there is value in listening to different viewpoints even if the topic of discussion 'doesn't really affect' his country or is 'not really a point of interest' for his delegation (Int. C2). For him, this is 'a good exercise' and experience that involves listening to other delegates and acquiring 'more knowledge in doing so'. Thus, the delegate here highlighted that there is an intrinsic value in engaging with the discussions and being attentive to the 'different types of deliberations' taking place in the IMO (Int. C2). Significantly, the learning effect of deliberation is something that is also noted in studies involving deliberation between the public (Pincock, 2012; Luskin and Fishkin, 2002). Indeed, such studies focusing on deliberative interactions between citizens theorise that deliberation will tend to produce 'better citizens' that are better informed of their own interests as well as other citizens' interests (Luskin and Fishkin, 2002). Luskin and Fishkin (2002, 1) highlight the learning effect that takes place between citizens when they write:

Deliberation may make citizens more public spirited. They may come, in the process of discussing the issues with others and, partly as a result, learning and thinking more about others and their interests, to take greater account of the interests of others – of either the population as a whole or at least wider sections of it.

The fact that this learning effect also takes place at the higher inter-state level indicates that the effects of deliberation are similar between different actors regardless of their status as citizens or international delegates. Moreover, the European delegate also had comments on the learning effect of the meetings, but here her emphasis was on a specific thing that she learnt from her participation in the sessions (Int. C6). She starts by describing how in the beginning, she was 'frustrated' because she thought 'everything went so slow'. However, she then stated that:

I've learned that you have to let things take time to be able to sort of include everyone, get everyone to understand, and be listened to. So you should actually be in these meetings for, at least, four/ five years before you really end up as a head of delegation or something because it takes a bit of time to understand the mechanisms within the meetings and to learn all the procedures and everything.

(Int. C6)

The European delegate here raised two important points. The first one is that those meetings grant the participants experience in understanding how the IMO meetings actually work. The second important point is of relevance to a variety of international interactions beyond the IMO; for meetings to be inclusive and include the input of the different delegates, the process should not be rushed. Carrying on with the food analogy at the start of the chapter, the IMO outputs need to be 'well-done' because having them 'raw' will not please many.

#### *Success or disappointment*

The NGO delegates had a lot to offer when asked about their thoughts on the effects of the IMO meetings. One of the NGOs described the sensations felt after the meetings: 'Well, we walk away with either some success [or] disappointments and failures' (Int. N2). He added that a 'sense of achievement' is felt after getting 'something across the line'. Thus, this delegate vividly illustrates the joy or the disappointment that may be felt across some delegations depending on how the committee reacts to their proposals. Another NGO delegate highlighted how he deals with cases when his NGO doesn't succeed in pushing a certain proposal (Int. N3). In such cases, he thinks about 'how to bring it back?', and particularly, 'what is the best way to bring it back?'. He adds that the solution is usually 'to go to one of the committees' and he also highlights how 'some of sub-committees are directly linked to the committees' (Int. N3). Thus, the outcome of the IMO meetings certainly encourages the delegates to think ahead and calculate their next steps.

#### *Bird's eye view*

A different delegate whose NGO focuses on a somewhat niche area in the maritime world had a significant point on the effects of the deliberation on his experience when he stated that:

I should say our swim lane is somewhat narrow compared to the entire breadth of the IMO pool [...] I think what is nice, particularly [in] face to face meetings and at the committee level, is being able to have an opportunity for me to see what is going on in the broader world of IMO and to kind of, keep a hand in on, you know, whether I need to further concern myself with something that I see being brought up at the committee, where it may even tangentially have impact on say [the focus of the NGO].

(Int. N4)

Thus, the delegate's response highlights how the meetings and what is discussed within them encourage delegates to draw connections between distant topics and the topics that directly concern them. The deliberations therefore provide an inspiration for future considerations as they prepare delegates for what may come up next. Their effect in also providing the delegates with a birds eye view of what the maritime world is discussing is clearly important.

*Professional and personal effects*

The final effects worth mentioning here were effectively highlighted by one of the delegates of another NGO (Int. N1). The delegate categorised the effects of the meetings into two categories: the professional one and the personal one. Starting with the professional one, he explained how he goes to the sessions 'with a brief, and therefore I need to come out of the meeting having delivered the brief'. This is done through submitting a report to the members of his NGO, which also includes his recommendations for what they need to do next. Such recommendations 'can end up in another submission paper to the next session'. Thus, 'there's a whole follow up action out of that, businesswise' (Int. N1).

On the other hand, the delegate stated that he personally finds the IMO meetings 'a huge learning experience', particularly in observing 'how people speak', 'on what they react to' and in getting to know their positions and their intentions (Int. N1). For example, he gets to find answers to questions such as 'are certain countries leaning towards the other nations in that respect?' This then assists him in his preparatory work:

So when I prepare [for the] next sessions I need to go and say, well, I need to see this, this and that, I need to speak to that and that delegate because I know that they will have an interest in this and I need to make sure that they are part of it and they may have a different view and I need to make sure that they understand what I'm going to say.

(Int. N1)

Table 7.7 The effects of deliberation on the participants after the meetings end ↵

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*After the IMO meetings end, the delegates leave with:*

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- New knowledge from the meetings and from the other delegates
  - To-do list
  - Suggestions for improving the delegation
  - Feeling convinced and happy
  - Learning about the priorities of other countries
  - A sense of what the next big issue will be
  - Gained experience in observing the meetings and understanding their mechanism
  - Learning that it takes time to create international regulation
  - A feeling of achievement or disappointment
  - A plan for bringing back an issue to the table
  - A bird's eye view of recent maritime discussions
  - A sense of the position of other delegates on certain issues
  - Their report on the meetings
- 

Clearly the IMO meetings leave a lasting impact on the delegates as soon as they walk out of the sessions. Table 7.7 sums up the main effects identified in the interviews on the IMO delegates once they exit the meetings.

#### Note

- 1 With the DR results, speaker 2 was actually a little more contagious than speaker 1 according to the sub-sample results.

# Conclusion

## The research questions and their findings

This study had eight research questions (RQs) on deliberation in the IMO, all of which have been answered using the methodology explained in Chapter 1. The questions were connected together through the two stages of this study where stage 1 was concerned with identifying the extent to which the IMO meets the conditions of a ‘common lifeworld’ and the ‘ideal speech situation’ and stage 2 was concerned with identifying the determinants of variation in the deliberative quality of the IMO meetings. Together, the eight RQs covered those two stages and were therefore able to fully cover the main research question of this study:

**Does the IMO meet the requirements for establishing an ideal deliberative setting with institutional features conducive to deliberation, and if so, what are the determinants of variation in deliberative quality within the IMO?**

Overall, the findings of this study demonstrated that the IMO is indeed home to a ‘common lifeworld’ and has met the conditions of the ‘ideal speech situation’ to a great extent. The IMO’s rules, regulations and its institutional design are also highly supportive of Habermas’ main deliberative conditions and are particularly helpful for establishing a healthy deliberative environment within the IMO. Those findings are particularly significant given that there are very few studies that apply the theory of deliberative democracy to the international level. Moreover, those findings are also important given the existing scepticism emanating from some studies in the International Relations literature over the possibility of having an international common lifeworld at the international level or having a deliberative setting in the first place.

The results of the second stage of this study were also significant as they identified significant and original determinants of deliberative quality in an important international institution like that of the IMO. Identifying determinants of deliberative quality internationally fills in a large gap in the literature. Moreover, theorising then testing new determinants relating to state-characteristics and the ‘relational aspect’ of deliberation makes an important contribution to studies on deliberation, and International Relations more broadly.

The findings for each of the eight research questions were as follows:

*Stage 1 research questions and findings*

(1) Does an international common lifeworld exist in the IMO?

After establishing clear criteria for the detection of a common lifeworld at the international level, Chapter 2 demonstrated that all the criteria are applicable to the case of the IMO. Indeed, the IMO was created following a dramatic event and is home to a shared civilisation, a collective maritime language and a common identity among its member states. Evidence for those findings came from several documents and primary material analysed as well as from the statements of the member states made in the IMO's Assembly. With the precondition for the 'ideal speech situation' fulfilled, it was time to see whether the IMO, and particularly its institutional design, is conducive to the 'ideal speech situation'.

(2) Does the IMO fulfil the deliberative criteria of the 'Ideal speech situation'?

Chapter 3 on the institutional context of the IMO demonstrated that the design of this international institution supports and fulfils the 'ideal speech situation' criteria to a great extent. This was the case with the 'freedom of access', 'equal right to participation', 'truthfulness' and 'absence' of coercion of criteria. As for the 'respect' criterion, the chapter demonstrated that there is no need for institutionalising it as the delegates are already very respectful of one another. However, the chapter still noted that there is room for improvement with regard to some of the regulations concerning NGOs whereby extending to them some of the rights already given to the member states, such as submitting proposals for new outputs without requiring member state co-sponsorship, would further support the fulfilment of Habermas' deliberative criteria in this IO.

(3) Are there any institutional features within the IMO that facilitate the deliberative process between the participants?

Chapter 3 also highlighted that the IMO has a number of institutional features that support and foster deliberation during the agenda-setting process and the negotiations in the meetings. Indeed, it was shown that the IMO's institutional design is strongly in line with Panke et al.'s (2021) identified design features that foster deliberation in IOs. Such features included things like the ability of the member states to set the agenda and the requirement that all the agenda items are discussed before closing them. Moreover, Chapter 3 further identified institutional actors and practices that also facilitate the deliberative process in the IMO. Those actors were the chairs of the

meetings and the IMO secretariat, while the institutional practices included the translations and visualisations of the meetings as well as the document-based nature of the meetings. The presence of regular coffee breaks was also discussed as another institutional practice that supports the IMO's deliberative process.

- (4) What are the views of the IMO member state and NGO delegates regarding the state of equality, access and inclusion during the IMO deliberation?

The interviews with the IMO delegates brought with them many significant findings about the deliberative state of the IMO as was discussed in Chapter 4. The views on access to the IMO meetings were overall very positive and so were the responses on the theme of equality, although a few NGO delegates noted that sometimes they are given the floor at the end, which then dilutes the impact of their interventions. The responses relating to the theme of inclusion were also significant as they highlighted that feeling included in the discussions is not just a function of the institutional rules or how others behave towards you but also a feeling of one's own making. As such, delegates should bear this in mind during their participation in the deliberations.

#### *Stage 2 research questions and findings*

- (5) What are the determinants of deliberative quality across the IMO's participants and institutional bodies?

Most of the regression results were presented and discussed in Chapter 6 following the coding of 1311 speeches from the IMO meetings. The regression results relating to all the speakers that were discussed in this chapter related to the following three hypotheses.

- H.1:* NGOs have higher deliberative quality scores than the member states of the IMO.  
*H.2:* Deliberative quality decreases moving from more technical bodies to more political plenary bodies.  
*H.3:* Having continuity in attendance by at least one delegate increases deliberative quality.

The results fully supported hypotheses 2 and 3 and mostly supported hypothesis 1. Starting with hypothesis 1, it was shown that there is a difference in the deliberative performance of the NGOs compared with the member states. When it came to 'deliberative action',<sup>1</sup> the NGOs were more deliberative than the member states. This finding is significant for it adds further justification for involving NGOs in inter-governmental discussions; their participation enriches the deliberative quality of the meetings and thus their presence in international organisations is a positive contribution to the quality of the

deliberations. However, when it came to ‘deliberative reaction’,<sup>2</sup> the member states performed better than the NGOs, possibly due to the former’s status as ‘decision-makers’ within the IMO. Moving to hypothesis 2, the results demonstrated that the institutional body hosting the deliberations is a significant determinant of deliberative quality and that more technical bodies are more deliberative than more political bodies. Furthermore, the results relating to hypothesis 3 also demonstrated that having continuity in delegation attendance is conducive to high deliberative quality.

(6) What are the determinants of deliberative quality across the member states?

The state-related hypotheses on the determinants of deliberative quality tested in this study were as follows:

*H.4:* States with higher bureaucratic quality have higher deliberative quality scores.

*H.5:* States with permanent representation are more deliberative than states lacking permanent representatives.

*H.6:* As a state’s hard power increases, its deliberative performance decreases.

Hypotheses 4 and 5 were supported to a great extent by the regression results. The quality of a state’s bureaucracy was shown to be an important determinant of its deliberative quality, particularly its DA performance. Having bureaucrats chosen based on merit rather than political connections increases a country’s deliberative performance abroad. Moreover, having bureaucrats sent abroad on permanent missions further increases a country’s deliberative score. Thus, states aiming to make better interventions during international deliberations should pay attention to their bureaucracies and establish permanent missions abroad.

Significantly, a state’s hard power capabilities were shown to be a significant determinant of its deliberative quality. However, contrary to hypothesis 6, the results demonstrated that the more powerful a country is, the better its deliberative performance. This overturns the assumption in the literature (discussed in Chapter 1) that powerful countries are less deliberative than weaker states. In fact, the opposite was shown to take place in the IMO deliberations, which also highlights the complementarity between hard power and soft deliberative power.

(7) Is there a contagion effect taking place during the IMO deliberations?

The presence of a contagion effect during deliberation between the participants was hypothesised in hypothesis 7:

*H.7:* Previous speakers will influence the deliberative quality of the current speaker. The hypothesis was supported by the quantitative results

presented in Chapter 7. Indeed, a contagion effect was shown to exist in the regression results relating to the effect of the previous three speakers on the deliberative quality of the current speakers. Moreover, the interview findings provided further support for the existence of a ‘contagion effect’ during the deliberations, as many delegates agreed that previous speakers could have an effect on the speech of the next speaker.

- (8) What are the views of the IMO delegates on the other ‘relational’ aspects of the deliberative process? The delegates provided important responses regarding other ‘relational’ aspects of the deliberative process, particularly on empathy and reciprocity. Significantly, the delegates agreed that there exists empathy between them and the other delegates and then revealed a range of supporting factors, like the coffee breaks, that are behind the establishment of this feeling. The delegates further highlighted the importance of referencing other speakers and also explained a range of effects that the deliberative interactions have on them following the end of the meetings. Those findings along with the other findings in Chapter 7 filled in a large gap in the deliberation literature that overlooks the ‘relational’ or interactive aspect of deliberation, despite deliberation being naturally relational given the necessity of having more than one speaker for deliberation to take place.

### **Contributions to the literature**

This study has contributed a number of hypotheses that have not previously been developed in the literature. For example, at the level of all the IMO participants, the study has advanced the original ‘contagion effect’ and ‘continuity’ hypotheses, while at the state level, hypotheses relating to bureaucratic quality and hard power were proposed. In order to test the hypotheses, the study developed a measurement framework based on Steiner et al.’s (2004) Discourse Quality Index (DQI). Thus, in addition to the theoretical contributions of the hypotheses, this study has also made methodological contributions through the development of an amended version of the DQI that is more suitable for application to an international context. The empirical contributions of this study came through the collection and analysis of relevant quantitative and qualitative evidence to answer the research questions. Through conducting interviews with the IMO delegates and analysing the institutional design and the relevant documents of the IMO, the study was able to gather the relevant information relating to stage 1 of this study and its four research questions. Moreover, through the coding of 1311 speeches and analysing their results from regression models, the study was able to test the seven hypotheses on the determinants of deliberative quality in the IMO and address the remaining four questions of stage 2. Thus, this book has made various empirical, theoretical and methodological contributions, all of which

advance the study on deliberation and International Institutions within the IR discipline.

Reflecting on the contribution of the whole book to the IR discipline, the findings of this study highlight and emphasise that deliberation is real and possible in international institutions as well as in international interactions more broadly. The fact that international negotiations and discussions occur via different actors *deliberating* with one another also makes one realise the centrality of deliberation and its importance in the study of IR; it is through deliberation that states and non-state actors communicate with one another to address international challenges. Moreover, the book also demonstrates that deliberation in international fora should be treated as a matter of degrees and that certain factors are important for determining the performance of the actors participating in international deliberations.

By studying an original and important case study and applying the theory of deliberative democracy to it, the book also makes another significant contribution to the IR discipline. The International Maritime Organization is certainly an important institution given the high significance of the sector it regulates. As has been shown in the book, the world heavily relies on international shipping, the international mode of transportation that enables people worldwide to engage in international trade. The analysis of the institutional and ideational design of the IMO as well as the study of the deliberative dynamics occurring inside it thus fills a large gap in the literature. The generalisability of the IMO findings to other IOs should also be noted given that the IMO is a specialised agency of the United Nations like many other IOs, includes almost all the states of the world, and its design resembles the way other IOs are designed.<sup>3</sup> Thus, this book significantly contributes to studies on international institutions through the case of the IMO whose findings are applicable to many international institutions worldwide.

## Implications

### *Implications for research*

Two possible research projects may follow on from this study that would also contribute to the IR literature on deliberative dynamics in international institutions. The first could explore why some states do not take part in deliberation at all. Significantly, in this study 97 states out of 174 spoke at least once across the 30 debates, while the rest of the member states did not speak at all. Thus, a significant proportion of the IMO's members did not participate in the deliberations even though they had the chance to. Thus, it would be useful to identify the main determinants of complete silences in the deliberations.

Furthermore, it may also be useful to see whether there exists a pattern when it comes to references across speakers. The study has already measured the extent of reciprocity in the IMO, which was shown to be very good, and

also gathered the views of the delegates on why engaging in reciprocity is important. As a future step, it may be useful to ask '*who references whom?*' and explore whether the references between speakers are random or perhaps follow a specific pattern, like a regional one. Using social network analysis may aid in such a project.

Moreover, the findings of this book have important implications for the deliberation literature and the international institutions literature. The two-step approach provides a useful research strategy that can be applied to a wide variety of contexts for the analysis of deliberative dynamics within them. Furthermore, the fact that this book has applied this approach to the case of the IMO should provide inspiration and guidance for researchers interested in other IOs and studying the deliberative quality of their discussions. In sum, this study provides a precedent that can be highly useful for future studies interested in applying the theory of deliberative democracy to different international interactions, including those happening in an international institutional setting.

### *Implications for practice*

The way that the IMO has institutionalised several rules and practices that support the deliberative process is something praiseworthy and should be considered by other international institutions in order to support their deliberative processes (see Chapter 3 for more detail). Indeed, one of the delegates described the IMO's document submission process as 'a model for how organizations might efficiently operate' (Int. C8). It is also important to note that the IMO delegates are generally pleased with the way the deliberations function (as explained in the next section). The efforts of the IMO secretariat and the approachability of the member states and NGOs are some of the features that were mentioned that make the IMO a fertile environment for deliberation (e.g. N1; C7; C1). However, some of the delegates still made significant suggestions aimed at improving and enhancing the quality of the IMO's meeting discussions.

Two common suggestions were aimed at increasing the speed of the deliberations; the first of which was the reduction of long interventions (Int. N4; N5) and the second was the replacement of repetitive interventions with visual or electronic signals that remove the need for repeating previous interventions (Int. C8; C10; N7). Those suggestions are significant especially given the time constraints faced by the delegates. Other suggestions were composed of advice aimed at the delegates, particularly relating to their preparation, the utility of their interventions, and the importance of considering the 'human element' in the discussions (Int. N3–5), while the rest of the suggestions included proposals that the IMO secretariat may wish to consider, such as the provision of 'break-out spaces' for the delegates and noting the questions and answers raised during the meetings on a screen (Int. C3; C11). The IMO is invited to consider all those suggestions especially when they come from the delegates themselves

and have great potential for enhancing the way the meetings function. The recommendations of the delegates and their views on the IMO's deliberative environment are presented in greater detail in the following section.

Perhaps another suggestion to the IMO that follows on from this study would be to institutionalise a feedback-gathering mechanism which would involve asking the delegates after each session if they have any suggestions for improving the deliberations in the future. In that way, the delegates will be able to instantly input any suggestions for improving the deliberations which will then enable the IMO to gather their views on a continuous basis and further enhance the quality of the delegates' deliberations in this important international organisation.

### **The delegates' recommendations**

The IMO delegates during the interviews were asked if they had any recommendations that would improve the quality of the meeting discussions in the IMO. A number of suggestions were provided, but it is important to note that the delegates were overall quite pleased with the way the IMO meetings currently function, and some of them praised the IMO, particularly its secretariat, for their efforts in organising the deliberations. However, the delegates still provided important suggestions to enhance the quality of the IMO deliberations. This section starts by explaining why many of the delegates feel satisfied with the way the IMO meetings currently function and then presents the suggestions of both the member state and NGO delegates aimed at improving the deliberative quality of their meetings.

#### *An already well-functioning environment*

One of the NGO delegates was very pleased with the way the IMO deliberations already function and stated that he has 'never experienced anything that really stands in the way' (Int. N1). He then noted how the IMO secretariat 'is open to discussion and sharing the information' which helps in the establishment of 'smooth meeting[s] where decisions will be made'. The delegate also mentioned the NGOs and the member states in his response as he explained how they can always be approached to 'pass through them our suggestions, views and find out their views'. Thus, the support provided by the IMO secretariat and the approachability of the delegates are two factors that are supporting the healthy deliberative environment of the IMO.

One of the member states delegates from the Pacific region also praised the way the IMO works when she stated that:

I think we've got a number of tools that we use already, So, working papers, J papers which are always evolving and on the go, which allows new issues or new ideas, or even a progression of the discussion to be recorded and presented to the group. So we've got a way to, I suppose,

facilitate an evolving negotiation [...] We've also got the ability to have detailed discussions in working groups and drafting groups, which I think really aids the progression of issues so that they happen much faster than everybody debating in plenary, so I'm not sure [about the recommendations], the IMO does a really good job in prepping and providing information for new delegates to understand the IMO and also what to expect around negotiations.

(Int. C7)

Here the delegate particularly emphasises the presence of working papers and J papers that are produced during the meetings which then support the functioning of the deliberations. Moreover, the presence of smaller groups for discussion, such as the working groups, is another thing that facilitates the discussions and increases the speed of the negotiations. In addition to those institutional features of the IMO deliberations, the supporting role of the secretariat is highlighted here particularly for its information-sharing role and its assistance to new delegates.

Finally, the decision-making approach of the IMO was also praised by an African delegate (Int. C1) during his interview. When asked about his recommendations for improving the meetings, he recommended to 'continue supporting the consensus approach' of the IMO. He added that 'I would not have a possible approach other than to support the existing approach, which says let us deliberate, let us try to come up with a possible, a *workable* solution amongst all of us'. Thus, it is the consensus approach that the delegate sees as most effective in enabling the different members of this international institution to arrive together at practical solutions. The above reactions and other interview responses (Int. C4; C5; N5) indicate that the IMO already fosters well-functioning meetings and deliberations. However, to further improve the quality of those deliberations, a number of delegates recommended the following proposals.

### *Shorter interventions*

Two state delegates commented on the need for shorter interventions. A European delegate (Int. C6) noted how 'sometimes we get very long interventions' and how 'that's not really helping' especially when 'we have a lot of work to do'. She mentioned that sometimes she feels that there should be 'a maximum speech time'; however, she did not recommend this at the end because of the 'need to hear everyone' which she emphasised as particularly important for giving the participants 'ownership' of the issues under discussion. The same issue over long interventions was raised by another member state delegate who noted how long interventions are particularly problematic during the virtual meetings which are shorter in lengths and thus 'a long intervention probably hurts a little bit more' during those three-hour online meetings compared with the normal six-hour meetings (Int. C9). The

delegate then noted that he attended an ILO meeting that had ‘timed interventions’ in contrast with the IMO. However, he stated that he is not convinced that the IMO needs those timed interventions and explained that ‘it probably comes down to the chair’s ability to try and set a precedent of short interventions’. Thus, both delegates did not feel that a time limit should be directly institutionalised, yet their responses still indicate that a reduction in long interventions would improve the functioning of the meetings. As such, this is something that the other IMO delegates may wish to bear in mind when making their own interventions.

### *Less repetition*

Other delegates recommended a reduction in repetitive interventions during the meetings (Int. C8; C10; N7). By repetitive interventions, a North American delegate (Int. C8) meant those speeches whose ‘substance is to say: yeah, you know, same as they said’ and thus they have ‘the effect of just increasing repetition and redundancy’ during the meetings. As a solution, the North American delegate suggested:

Establish[ing] at each microphone a button, that would be like the equivalent of an emoji hand clap just [to] acknowledge support which, you know, in the course of debate, it’s important that delegations signal their support for a particular view. It could possibly reduce the amount of time taken for interventions if there was a way to register support without formally making a statement.

An NGO delegate (Int. N7) also made a similar suggestion while commenting on the need for ‘a simple and quick way of getting a feel for the mood of the meeting’ especially because ‘going through country by country takes far too long’. She therefore suggested the use of ‘a simple poll’. She acknowledged that ‘a poll is far too impersonal for detailed discussions or really tricky negotiations’, but then added that ‘when it’s a simple getting a feel for which direction to move in, I think a poll would help to shorten that process and speed things up a lot’. Thus, making use of technology to quickly gather the views of the IMO delegates has great potential for increasing the efficiency of the meetings as indicated by this NGO delegate and the North American delegate. That the chair has an important role to play in the reduction of repetitive interventions through his or her organisational skills was also highlighted by an Asian delegate (Int. C10).

### *Prepared and thoughtful delegates*

To improve the quality of the discussions, some interviewees gave advice directed towards the delegations themselves, rather than the IMO’s secretariat. Two of the delegates particularly emphasised the importance of having well-prepared delegates attending the meetings to better participate in the

IMO discussions (Int. N4; N5). The first delegate's advice was that 'you need to really understand the framework of how the communication at IMO takes place, so that you can be effective in voicing whatever concern you may have as a delegate, on behalf of those that you represent' (Int. N4). The second delegate's (Int. N5) advice also emphasised the importance of understanding how the IMO functions and further advised delegates to ask themselves the following questions before making an intervention:

What is my contribution going to add to the debate?  
 Will it add to knowledge? Does it provide a solution?  
 Does it simplify? Does it enhance? What am I giving?

He concluded his response by advising delegates 'to think about their contribution ahead in what it's going to give rather than stall the debate'. Thus, this delegate's advice encourages delegates to carefully think before they speak as this could have important implications for the progression of the deliberations. The final recommendation relating to preparation came from a member state delegate who advised other delegations to prepare their new delegates by giving them a manual with useful advice (Int. C7). She then emphasised that the contents of this manual should not be the information found on the IMO website but rather they should be on how the meetings are in practice and what the delegates can expect. In this way, the new delegates will 'have the confidence to get into those negotiations and to understand what's happening around them' (Int. C7). Significantly, the delegate clarified that the IMO already provides 'a good basis of information for new delegates', and thus, she emphasised that the production of this manual would be up to the member states themselves as an extra step for preparing their delegates for the IMO discussions.

### *Other recommendations*

A number of other recommendations were advanced by the IMO delegates. A member state delegate from the pacific region suggested the provision of 'break-out spaces' to assist the delegates in connecting with one another (Int. C3). He distinguished between those break-out spaces and the existing meeting rooms in the IMO that can be booked in advance while noting how booking the meeting rooms is sometimes difficult and must be done in advance. He then elaborated on his suggestion:

If the building had sort of little offices, three or four people could get in and have a chat, either as your own delegation or two or three delegations together. So that could be done securely without being overseen and all those sort of things, so the margin stuff is very important. And if they allow you to take your tea and coffee and biscuits in, that would

be even better ‘cause that’s often when a high part of the work of the IMO is done.

(Int. C3)

Thus, the delegate’s suggestion here is intended to increase and facilitate the informal deliberative interactions between the delegates, whether they are part of the same delegation or come from different delegations. Another suggestion came from an Arab delegate (Int. C11), and this time, the suggestion was related to the formal meetings. The delegate suggested the use of large screens in the meeting rooms which would show the questions asked and the responses given as the meeting progressed. He explained that this would enable all the participants to be ‘aware of the discussion’ and would provide clarifications to the delegates, which would then ‘improve the quality of the discussion’ (Int. C11). The delegate also suggested the provision of those responses in a written format through informal reports.

Two other proposals came from NGO delegates during the interviews. The first proposal was to provide ‘more time’ for the discussions (Int. N5). However, the delegate then acknowledged that increasing the time of the deliberations would depend on other factors such as the availability of the delegates, the IMO secretariat and the interpreters, and thus suggested the consideration of ‘what is manageable’ when increasing the meeting time. The other NGO delegate recommended that the IMO delegates ‘better understand’ the consequences of their decisions with regard to the ‘human element’, and particularly the seafarers (Int. N3). He explained that the work conducted in the IMO in terms of regulation has ‘a huge impact on the seafarers [...] because working on board the ship is not just a work, It’s a living as well’. He added that seafarers do not ‘close the office at 2 o’clock and then go home and live different lives. They actually work 24/7’. Thus, he stated that a better understanding of this would ‘probably improve the situation in discussions in regard to the human element’ (Int. N3).

The IMO is invited to consider all the above suggestions, especially given that they come from their own member state and NGO delegates. Moreover, other International Institutions are also invited to reflect on those suggestions given that the IMO functions in a similar way to other IOs and UN agencies worldwide. Improving the quality of the deliberations has great potential for improving international decision-making in IOs as well as strengthening global governance.

## Notes

- 1 Composed of the amended DQI’s components of ‘level of justification’, ‘content of justification’ and ‘deliberative behaviour’; see Chapter 6 for further detail.
- 2 Composed of the amended DQI’s components of ‘reciprocity’ and ‘indications of shifts’.
- 3 The generalisability discussion can also be found in Chapter 1 in the methodology section.



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# Annex A

## The codebook: instructions for coding using the amended DQI

This guidance provides advice on how to measure a speech's deliberative quality using this study's amended version of the original discourse quality index.

There are five components of the amended DQI:

- **Level of justification:** refers to the quality of the justifications for the demands.
- **Content of justification:** refers to the extent to which the demands are justified in terms of the common good, using international terminology.
- **Reciprocity:** refers to whether or not other speakers are referenced in the speeches.
- **Indications of shifts:** refers to whether or not there is explicit evidence for a shift in the speaker's position.
- **Deliberative behaviour:** refers to whether or not a speaker asks/answers questions or makes a proposal, either in a submitted document or 'on the spot'.

### Level of justification

*0. no justification:* here a speaker demands something or expresses his agreement/disagreement with a proposal but without stating any reasons. E.g. 'We should do x' or 'I agree with the proposal x'.

A code of zero would also include something like: 'We agree with proposal x because of what y has said'. without saying anything else; thus, merely stating another country/organisation's name as the justification itself or only aligning with another speaker without giving an actual justification in the speech would mean a code of 0. However, if the speaker restates/rephrases what y has said or goes beyond merely mentioning another speaker as the sole justification, then code as usual using the codes below.

*1. inferior justification:* Here the speaker provides a reason that is missing a linkage. Linkages are words and phrases like: '*because, so, for, as, therefore, accordingly, since, consequently, in this regard, by, to, in order to, considering that, taking into account, with the understanding, on the basis of, for*

that reason, based on this view, bearing in mind, having said that, noting that, in keeping, for the purpose of, with the aim to, on that note, in the sense that'. If speaking in the conditional sense, the linkage may be words like 'until' or 'otherwise'. These words are important for linking the justification to the demand. If the speaker states something like: 'we should do x, it would be useful for y'. then give this code to the speech since it misses the linkage that would connect the demand and the justification. The fact that x would be useful for y still doesn't show that the speaker agrees with x *because of* what it does to y.

Also allocate this code in cases where it seems that a justification may be non-existent and instead is part of the demand. In other words, provide this code when there is some doubt that an actual reason is provided. An example here is when a speaker says: 'we disagree with proposal x which would be.../ that is.../ that aims to...' This is an inferior justification since it is unclear whether the speaker is merely describing the demand or actually justifying the demand based on the detail provided. In both cases, the speaker has not explicitly stated the linkage that would have strengthened the justification; a code of 1 is therefore given here. However, if afterwards the speaker uses a linkage and adds a justification, then the use of 'that' or 'which' should not preclude giving a higher code.

This code may also be applicable in rare cases where the actual demand is missing, even though a linkage and a justification are provided. E.g. 'We do not have access to these treaties because...'. Here the demand is too implicit, whereby the speaker is indicating that they require access. Nonetheless, it still remains an inferior justification. Similarly, if you sense that there is a complete disconnection between the justification and the demand, then also code in this category. Nonetheless, this would generally be a very rare case.

2. *complete justification*: here one or more complete justifications are provided. The speaker states a demand, a linkage and a justification. Note that a speaker may wish to start with the justification, followed by the linkage and then the demand. E.g. 'there is y in need of a solution, *therefore*, we should do proposal x'. This configuration would be valid and would still secure this code. The more frequent configuration would usually be: 'we agree with proposal x, *because of* y...'

Demands generally require action from someone (e.g. other member states) or something (International Organisations, working groups etc.). Nonetheless, the way it is stated may be implicit. E.g. a speaker stating that 'action x should not be taken' can be more implicitly stated in the form of 'we have concerns about x' or 'we do not support it'.

Thus, keep in mind that if you are looking for the demand first, it will often be implicit, e.g. a speaker may say 'however' and then justify why another states' proposal is inadequate, without explicitly stating that they 'reject' it; thus here the speaker's position is the demand. Moreover, speakers may not

always say ‘we propose/suggest this...’ Instead, they might say: ‘we consider doing x...’/ ‘it is necessary to do x...’ Finally, speakers may present questions and thus here the question is the demand. This is useful to keep in mind when focusing on the justifications for such demands.

### Content of justification

*0. Justification in terms of the speaker’s country (for state representatives) or own NGO (for NGO representatives):* Here a speaker justifies or presents its demand while only focusing on its own interest or an entity within it, e.g. a national registry. Examples include: ‘given that we have a lot of our own seafarers there, we would propose x’ or ‘In the interest of seafarers from y, we would support x’.

A note on the use of ‘we’; most states naturally use ‘we’ when talking about their own position or when generally talking about the whole committee; it is best to treat the use of ‘we’ as neutral when no group or identity is being specified. However, if ‘we’ is used in the context of ‘our seafarers’ or ‘our nationals’ and the speaker therefore uses ‘we’ to indicate their own state, then treat it as code 0. But otherwise, don’t focus on the use of ‘we’.

In cases of long speeches, start by locating the demands and the justifications. This will help you to code in this category. After doing so, it is best to treat the rest of the text as contextual.

*1. Neutral or mid-point:* Here the speaker does not make the demand in terms of its nationality or organisation, and therefore the justification is neutral. E.g. ‘We should do x because it would be useful’. Please note that a speaker may still refer to ‘shipowners’ or ‘seafarers’, e.g. ‘benefiting seafarers’. Nevertheless, as long as the speaker does not shape the justification in terms of his own country/NGO, the justification remains neutral.

Similarly, if a speaker just mentions the international organisation (the IMO) and its institutional structure (including the committees and sub-committees)/the Antarctic and polar regions/the correspondence/working groups that are often formed during the committees, do also treat them as neutral. Thus, any references to previous decisions of the host committee e.g. (‘there is a need to be consistent with MSC 97’s decision...’), or to something else regarding (sub-)committees should also be treated as neutral.

If a state or organisation merely mentions a paper that it has submitted or introduced, then this speech would also be a neutral speech. However, if it goes on to justify the proposals made in its papers based on its own interest, then of course this would receive a code of 0. Thus, merely speaking about one’s own paper would still make the speech neutral.

Moreover, a speaker may reference specific groups, e.g. port and coastal states. As long as the speaker does not state the demand specifically in his/her own country/NGO, then assign the speech this neutral code. Finally, in

cases where a speaker speaks *both* in terms of his/own interest and that of the international community, do allocate a code of 1 and note in the comments that this is a ‘mid-point case’, with the relevant textual evidence.

*2. Justification in the terms of the common good, made using international terminology:* Here the justification is presented with the interest of the international community in mind; the actual terminology may vary and thus depending on the context, a speaker may use phrases like ‘all/the rest of the member states/ *internationally/ the universe/universally/globally/the planet/ everybody/ the general good*’ etc. E.g. ‘this would be a suitable proposal to follow as it would provide good guidance for the member states of the committee’. If a speaker says for ‘*all*’, ‘*any*’ or ‘*every*’ state/ nationality or living entity, e.g. for ‘all seafarers’, then also give a code of 2 since ‘all’ here implies all nationalities.

The use of words like ‘international’ should also result in the allocation of this code; just be wary of cases where the word ‘international’ is used as part of a name: e.g. the ‘international agreement on...’, don’t code in such cases since this reference is merely to a name. However, if the speaker speaks of ‘international conventions’ or the need to create ‘an international framework’, then do treat as code 2.

## **Reciprocity**

*0. No reference to documents or statements:* Here there is no evidence of references to documents or to other speakers in the speech.

*1. Reference present:* A participant references a document or a statement made by another participant or observer (such as an NGO). Usually the speaker would be referencing them to support them. This code would be provided to such instances of support. E.g. ‘We agree with x’s proposal because it is very useful...’. This code would also be provided if the speaker references them for general comments or to illustrate a question they are raising. Moreover, if the speaker references a document or a speech to disagree with it, but without justifying or giving any detail behind this disagreement, then provide this code. E.g. ‘We disagree with proposal of x/ we can’t accept x’s proposal’. Thus, this category should be provided for all types of references *except* for those where the speaker goes on to evaluate a counter-argument, as explained below.

*2. Reference to a counter-argument with an evaluation:* Here a participant considers a counter-argument in his/her speech for comparative or evaluative purposes. For example, the speaker may say something like: ‘We disagree with x because...’ or ‘X has some weaknesses such as...’ Thus, here the speaker gives some detail behind the disagreement. If a speaker also evaluates

a proposal that he/she is in partial agreement with to show some of its weaknesses, then also code in this category as this code specifically looks for a *critical* dimension when referencing other statements.

*Some advice when coding reciprocity:*

Please note that this category focuses on the interactions between *the participants*, i.e. the member states and the observers (NGOs or IGOs) present in the meetings. Thus, do not include references to the documents or speeches made by the secretariat or the chairmen when coding as those will be frequently referenced anyway. Similarly, do not include references to reports of correspondence groups or working groups; these documents will similarly be frequently mentioned in the debate. In cases where speakers mention the co-sponsors of documents that they are introducing for introductory purposes, do not code as reciprocity. This is mainly because those states are merely introducing the documents on behalf of the relevant participants. However, if they mention a speech or another document that one of co-sponsors has made or introduced earlier, then this is of course reciprocity.

It is common practice that speakers start by thanking submitters of documents and making other general statements like congratulating fellow members or expressing condolences. However, this should not be treated as reciprocity; the focus should be on references relating to the current agenda item and should therefore not include things like mere expressions of thanks or praise. Nonetheless, if the speaker thanks a state and then provides support or provides any types of comments, e.g. on the strengths of the paper (giving some specific detail), instead of general praise for the paper being ‘helpful’, then do code as reciprocity.

States may often reference documents submitted previously in other sessions or speeches made at previous debates, either by them or by other participants. However, only code as reciprocity references to speeches and documents made at the *current* debate and treat other references as contextual information.

To identify the state or the submitter of the document referenced, be vigilant of the expressions of thanks at the start of the speeches. Often speakers start by expressing thanks and then saying that they support ‘this’ or ‘their’ proposal. Thus, here the reference is to the document or statement by country x; ‘this document’ by extension applies to the submitters of the document. However, if after the thanks the speaker speaks broadly and says ‘we support the proposal on...’ without explicitly mentioning who this proposal belongs to, then there is no evidence of reciprocity here.

Keep in mind that in some instances a speaker may not specify the state or the organisation and may instead use terms such as ‘like others’, ‘Likewise’ ‘we too/we also’, ‘other delegates/other parties said’, ‘it has been said’ ‘the previous interventions’ and ‘recent discussions’. In such cases, do treat them as reciprocity.

### Indications of shifts

0. *A participant expresses unwillingness to change position/sits on position:* here the speaker notes his positions or makes a proposal without indicating that he is willing to shift or change this position later, e.g. saying 'we agree with this proposal/ we support this position'. A speaker here could also say something more explicit like 'we will stick to our position', indicating that he/she is unwilling to change his/her position in the debate.

1. *A participant indicates willingness to change position, but without referencing the discussions as the justification:* Here the speaker says 'We support x, but could support y'. The participant will usually be speaking in the conditional, e.g. 'we can support this if...' or 'Should we disagree, we could go with option x'. Usually the speeches in this category will be indicating that they are willing to do something that is not their first preference, e.g. 'we can agree with x, but we prefer y'. Note that merely using 'could' in the sentence is not enough for this code, as speakers may simply use it to indicate their position without necessarily speaking in the conditional, e.g. 'yes, we could agree with this, it sounds interesting'. To qualify for this code, there needs to be some indication that another option is preferable to the speaker.

Moreover, a justification may be provided for such indications of shift such as 'because y has some merits'. However, the justification is not made in terms of what has been said in the discussions. Moreover, there may be cases where speakers indicate shifts in a proposal they stated earlier in the debate and thus they may amend their own request or proposal and state this in the speech. Therefore, instead of speaking in the conditional sense, the state or organisation here will have already changed its position. Such shifts/changes would also qualify for this code.

2. *A participant expresses willingness to change position, while justifying this change in terms of the arguments heard during the discussion:* Here the speaker says something like: 'We support x, but we could support y given what some states have said/given the previous interventions etc.' Thus, here there is a clear indication that their position has changed or will change due to what has been said in the discussions.

### Deliberative behaviour

0. *No evidence of questions, answers or proposal giving:* the speaker does not ask any questions or make a proposal.

1. *Asks a question:* The speaker raises questions or requests information from the committee; the query raised can be in the form of a question ending in a question mark or in the form of a request for clarification. E.g. 'We are seeking clarification on x', 'we just want to make sure that...', 'how do

you intend to proceed?’ or ‘can you please explain what is meant by x?’ The question does not have to be directed to the other speakers; states may wish to avoid any possible tensions by directing the question to the chair. If a state asks a question and also provides a proposal, allocate it the higher codes below (2 or 3) and note in the comments that it also raises a question.

Sometimes states may ask questions within their speeches as part of ‘thinking out loud’, and thus, they may pose the question in the form of something like: ‘but could this possibly be done?’ Similarly, speakers may even pose rhetorical questions that don’t necessarily require an answer. Such cases should also be coded in this category since these questions may provide inspiration and induce a response from the participants.

## 2. *Answers a question*

Note that this code is not applicable to answers given in response to questions raised by the chairmen or the secretariat of the IMO. This is because the chair is frequently managing the debates and asking questions directed at the other participants, and thus, responding to the chair is what naturally happens during the debates. However, a speaker who answers a question that has been raised in another participant’s speech or paper would qualify for this code. E.g. ‘To respond to x’s question, we think that...’.

Or

## 2. *Provides a proposal on the spot*

Not all proposals are made in submitted documents and often states make proposals ‘on the spot’, i.e. during the discussions of the committee. To identify such proposals, look for any demands made in the speech apart from those expressing disagreement or agreement with other demands. If a state makes a request or a suggestion that is not just a restatement of another state’s position, then give it this code. If it is just re-emphasising demands by another state or in an already submitted document, then usually the state will have referenced the submitters or other participants before or after its repeated proposal. In such cases, this would not be a new proposal. A new proposal would give you an affirmative answer to this question: ‘is the speaker bringing a *new* suggestion to the table?’, if it is, then give it this code.

The shape of the proposals may vary, and it may come in different forms such as an amendment to an existing proposal or a new suggestion to the committee. E.g. ‘We would suggest that we amend this option and instead do x’ or ‘it is suggested that we review the guidelines on...’ or ‘it is necessary to also do x’.

Note that proposals in the form of *not* doing something, e.g. ‘it is better to avoid doing this’/ ‘we would like to raise words of caution here’. should not be coded here since these proposals are merely proposals of rejection and thus are not new in the sense of bringing a new proposal that would result in implementing something. Thus, be aware that new proposals would require

an action of doing something and should therefore not be proposals that are just rejecting something.

Similarly, in cases where states merely propose postponing their own or another participant's proposal, until a specific time (if the time is specified), do not code in this category. Such proposals of delay are not new in the sense of bringing new information to the table or amending an existing proposal. In fact, they may even be made to mildly reject a certain proposal.

There may be cases where a state or an organisation repeats another previous proposal made by another speaker, but without referencing that speaker. If you are confident that this is the same proposal that is merely being repeated by the second speaker, then do not code in this category; the proposal would need to be new to qualify for this code.

### 3. Provides a proposal in a document/submits a document

A state or an organisation that makes a speech regarding its submitted document would receive this code. The chair would often request this state to introduce its document that it had submitted for the consideration of the committee. This is the highest code in this category given the effort that goes into writing and submitting documents prior to the meetings. The documents are usually labelled according to their agenda item's number; however, they may also take the form of INF. Documents (information documents).

In cases of co-sponsored documents, usually only one state or organisation would introduce the document on behalf of the other co-sponsors. Not introducing the document to the committee does not take away from the co-sponsors' 'deliberative behaviour', given the fact that they have already put effort into writing the co-sponsored document. If one of those co-sponsors does speak in the debate but hasn't already introduced a document of their own or referenced this document in a speech, make sure to assign them this code during data recording/aggregation; do not worry about doing so during the actual coding of their speeches but do insert code 3 in the relevant spreadsheet when recording the data.

### Some advice on the coding process

When coding along the five DQI components, it is useful to provide brief justifications in your comments so that it is clear why each code was allocated to a certain speech. For example, write the state or NGO (or its relevant anonymised ID number) that is being referenced when coding for reciprocity. If you provide a 0 for a component of the DQI, except for the content of justification dimension, then there will be no need to provide a justification since it is self-evident that the absence of evidence is the justification. Developing a template that can be used for coding each speech would be very useful.

Here is an example of such a template that also includes justifications for the codes:

Country or N/IGO name (or speaker ID): France  
 Level of justification: 2 [complete justification regarding essentiality, made prior to demand] Or ['because it would be...']  
 Content of Justification: 1 [neutral]  
 Reciprocity: 1 [Norway]  
 Indications of shifts: 0  
 Deliberative behaviour: 3 [document]

For speeches introducing papers, there is often an introduction to the paper before the speaker focuses on the proposals of the paper. The speaker often gives detail on what they think and some extra detail. As such, when coding the DQI on the level of justification and content of justification dimensions, focus on the parts where he/she moves on to the demands, i.e. speeches containing demands. After having located the demands, try to find the justifications around them. In cases where delegates are responding to other proposals, locating the demand would involve looking for where they agree/disagree or support/don't support a given proposal.

Making a list of all documents submitted in the debates prior to coding would be useful in terms of identifying who the submitters are. This would be useful for the reciprocity indicator since sometimes a state may reference the document number without stating its submitters. This state would still receive the same reciprocity code had it stated the names of the submitters instead of the document number. In the comments section make sure to note who the submitters are.

Just note that in cases where a speaker is interrupted, e.g. because the chair requests the speaker to slow down, it is best to treat the two speeches (prior to and after the interruption) as part of the same speech. However, if the same speaker is making several speeches consecutively as part of a dialogue with the chair, then code each speech separately.

During the coding process, you may come across some ambiguous speeches that raise a little doubt about which code to assign. In such cases, the advice is to *use your own judgment* for those anomalous cases. Re-read the text and refer to the coding instructions, then select the code that mostly fits the coding category.

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