Strategies, Markets and Governance

Strategies, Markets and Governance addresses governance concerns at firm, industry, country and international levels. How do regulatory authorities deal with new business models, organizational structures and blurring market relations? What limits regulatory control and what are the implications of corporate self-regulation? What drives the spread of new regulation and what limits its effectiveness? How does 'the organized public' shape political and corporate interests and what is its legitimacy and impact on business? How do corporate strategies turn tighter regulation into profit opportunities, deliver public benefits in the face of predatory states and when is exit the only option left?

The contributing authors are leading researchers on governance and public policy, and present assessments of these questions in a variety of institutional and international contexts. The book is ideally suited to advanced students of business, public policy and business regulation, as well as practitioners and policy makers.

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STRATEGIES, MARKETS AND GOVERNANCE

Exploring Commercial and Regulatory Agendas

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with

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Chapter 2: Competitive advantage and the regulation of dominant firms, is forthcoming under the same title in *World Competition*.

Chapter 3: Delegating Regulation – supply-chain management, partnering and competition policy reforms updates Boscheck, R. (2000) EU Policy reform on vertical restraints, *World Competition*, 23(4), 3–49 in view of the Council Regulation (EC) No. 1/2003, 12 June, 2002.

Chapter 8: Oil and conflict: Lundin Petroleum's experience in Sudan by Christine Batruch originally appeared in Bailes, A.J.K. and Frommelt, I. (eds.) Stockholm International Peace Research Institute (SIPRI), Business and Security; *Public-private sector relationships in a new security environment*, Oxford University Press, pp. 148–60.

Chapter 9: How the clean air interstate rule will affect investment and management decisions in the US electricity sector, by Caryl Pfeiffer, was published in Boscheck, R. (ed.) (2007) *Energy futures*, Palgrave Macmillan, pp. 243–58.

Chapter 10: EU Water infrastructure management: National regulations, EU framework directives but no model to follow is in part based on and updates Boscheck (2002) European water infrastructures, *Intereconomics*, May/June, 138–49 in view of the EU Framework Directives and initiatives of the 2006 Fourth World Water Forum.

Chapter 11: Market-testing healthcare: Managed care, market evolution and the search for regulatory principles, was published in *Intereconomics*, November/December 2006, 328–36.

Chapter 15: EU Constitutional governance: Failure as opportunity!?, was published under the same title in *Intereconomics*, February 2006, pp. 1–12.

Chapter 16: One competition standard to regulate global trade and protection? updates Boscheck, (2001) The governance of global market relations – The case of substituting antitrust for antidumping, *World Competition*, 24(2), 1–18, in view of the failure of the 2004 Doha Work Program.

Preface

Strategies, Markets and Governance addresses governance concerns at firm, industry, country and international levels. How do regulatory authorities deal with new business models, organizational structures and blurring market relations? What limits regulatory control and what are the implications of corporate self-regulation? What legitimizes private and public uses of market incentives to monitor executives, manage demand or shift economic risks and what are the responses to latent moral ambiguities? What drives the spread of new regulation and what limits its effectiveness? How can one separate symptoms from root causes of regulatory concerns to determine the direction and viability of necessary change? How does "the organized public" shape political and corporate interests and what is its legitimacy and impact on business? How do local, national and supra-national agendas align or conflict in governing the use of national or common resources, applying shared regulatory standards, or constituting global trade relations? How do corporate strategies turn tighter regulation into profit opportunities, deliver public benefits in the face of predatory states and when is exit the only option left?

The book is organized in five parts. Part I discusses the concepts of strategy, market and governance and offers an analytical framework for assessing their impact on company operations, managerial and regulatory control, agency and political supervision as well as local, national and international policy coordination. Parts II to IV apply this framework to sixteen contributions discussing governance concerns at the level of the firm, the industry, and international policy. The issues covered range from problems with identifying fraud, organizing board supervision, enforcing competition law, changing investment and market strategies in line with regulation or NGO campaigns, to finding institutional responses to international trade policy distortions, dissecting national economic imperatives governing global energy markets, and assessing political and cultural obstacles to policy reforms in systems as diverse as China and the EU. These contributions exhibit the richness of current governance discussions but also the need to xii

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Preface

review some of their underlying assumptions. They differ in style and reflect the professional background of their authors. Part V, therefore, traces rising governance concerns to the so-called "paradox of the market", i.e. the apparent need to rely on, yet limit the pursuit of self-interest. The paradox is based on a narrow but popular conceptualization of economic behavior, which takes economic man to be driven by some loutish motivation that proves unsustainable in reality and confuses the means of competitive market selection with the goal of productive cooperation. To tackle this, research and teaching in commerce, economics, and law needs to return to the roots of classical political economy and rehabilitate moral reasoning to deal with unavoidable discretion.

Strategies, Markets and Governance is a group effort. Five contributors are members of the IMD faculty with particular research interests in economic regulation, corporate governance, international political economy, NGO activities and accounting and audit frauds. Two authors offer direct industry perspectives on regulatory and political risk and link technology and commercial aspects with concerns for legal and corporate social responsibilities. My assistant Virginie Boillat-Carrard worked hand-in-hand with Paula Parish at Cambridge University Press to see the manuscript through to completion. I would like to thank all of them. I am above all grateful to my wife Charo for her support and to Jupp for helpful conversations.

> Ralf Boscheck Larr abastera, Vizcaya 2007

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1994 he launched the Evian Group, which consists of high-ranking officials, business executives, independent experts and opinion leaders from Europe, Asia and the Americas. The focus of the Evian Group is on the international economic order in the global era, specifically the reciprocal impact and influence of international business and the WTO agenda.

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