

25. Governments and Policy Networks: Chances, Risks, and a Missing Strategy

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SUMMARY

Government has engaged in a multitude of networks in order to respond in a flexible way to its rapidly changing political environment. A variety of international networks, fulfilling different roles, have been created between governments, governmental agencies, and private actors. This chapter describes and analyses different types of networks in which governments participate, and gives examples of governmental networks, transgovernmental networks, and public-private networks. It also makes a case for a proactive governmental strategy with respect to these new tools of global environmental governance. Recognising both the opportunities (in terms of flexibility and efficiency) and threats (especially with respect to control and legitimacy) of international networks, government has to decide in which initiatives to participate, and how to manage, monitor, and evaluate them. Finally, global networks should be complements (rather than substitutes) of formal national authority.

INTRODUCTION

For the longest time, international environmental governance, firmly based on treaty law, has been the unchallenged arena of diplomats and negotiators representing the interests of sovereign states. However, times have changed. At the 2002 World Summit for Sustainable Development (WSSD), alliances

¹ The article represents the personal view of the author and should in no way be taken to represent the official view of any institution for which she works or with which she is associated.

between businesses and non-governmental groups for the first time took centre stage, when governments agreed to include partnerships between different sectors in the official outcomes of the summit.

This official recognition of partnerships as part of the broader picture of environmental governance mirrors a change in the elements that constitute the system of global governance. Today, powerful transnational corporations dominate the global markets, and international non-governmental organisations (NGOs) claim increasing participation in international decision-making processes. These two phenomena equally force the state to redefine itself and its role in international relations and politics. In this context, the international debate on environmental governance and its regimes has moved from a focus on governments to a focus on a multitude of partners; from governance at the international level to governance at multiple levels; and from a largely formal, legalistic process to a less formal, more participatory and integrated approach.

Recent years have witnessed the mushrooming of a variety of more-or-less formal alliances between public and private entities. These initiatives which build on different types of networks, spread around the globe as their creation turned out to be easier and their learning opportunities better than those of the traditional mechanisms of international cooperation. Globalisation and the revolution of information technology have made networks the preferred choice of cooperation for a rapidly-changing environment. The term network itself has been used in a variety of ways spanning a number of academic disciplines.² Networks are used in describing physical networks, in connection with lobbying and advocacy, with respect to partnerships and political alliances and in describing institutions. Indeed, the concept of networks appears in connection with such a wide range of initiatives that the flexibility and broadness of the 'network' phenomenon seems to be its main characteristic (see Box 25.1).

While some authors have embraced the emergence of this wide variety of networks and partnerships as the solution for almost all of the governance problems of the 21st century, others have been more sceptical and claim that the reliance on increasingly decentralised structures would lead to a privatisation of international relations. They claim that governments lack the capability and flexibility to adapt to changes, and that sluggish bureaucracies are not able to keep up with the speed of the globalised world - in short, the state is slow, old fashioned, and can no longer be the dominant player in shaping international affairs.³ The sceptics stress the danger that lies in

² Agranoff and McGuire, 2003; Dean, 1999; Jordan and Schubert, 1992; Marin and Mayntz, 1991; Milward and Provan, 2000; Reinicke, 1998; Reincke et al., 2000; Reincke et al., 2001; Rhodes, 1997.

³ Ohmae, 1995; Peters, 1997; Sassen, 1996; Strange, 1996.

uncontrolled and unaccountable networks being increasingly substituted for binding commitments embodied in international law, which could thus threaten the legitimacy of international processes. In the same context, there is a concern that developments in the past decades would help to reduce state power, as well as the power of national legislatures and international organisations, “while private power (that of corporations rather than NGOs) is taking up even more of the slack left by the emergence of the minimalist state.”⁴ And if indeed states are no longer in the position to administer and govern an increasingly interdependent and globalised world, the question arises which entity would bridge the gap and guarantee the representation of public and common interests.⁵

However, a closer look at the reality shows that neither the network glitter is all gold nor that the nation state is an outdated concept of the past. State sovereignty has, indeed, proven its resilience as an organising element of the world order. What is more, most governments and government agencies have not passively endured change but actively responded to their evolving milieu and entered into an active dialogue with other players that have appeared on the stage of international politics. Yet, the fact that the public sector has adapted to the changing environment and proved to be less sluggish and old-fashioned than is argued by many has not received a great deal of attention. Whereas the phenomenon of globalisation is well-described and we are aware of many of the consequences it entails, such as the porosity of national borders, the fading importance of states, and the shift of power and allegiance to non-state actors and international organisations,⁶ comparatively little has been written on how governments reply to the challenge of globalisation and how they use informal and flexible systems to increase their responsiveness in addressing global problems.

On the international stage, governments have a role not only in setting the agenda on policy priorities and on creating binding law, but also in coordinating compliance through network approaches, promoting the sustainable development agenda through ‘coalitions of the willing,’ and in facilitating action and responses through networks between experts and agencies. Today’s picture of environmental governance, and governance as a whole, is a highly complex mosaic of interactions, where governments interact not only with themselves but with a multitude of national and international actors representing diverse interests and stakeholders. Networks have been created between governments, between governmental agencies, and between governments and private actors. All of these networks fill different niches and fulfil different functions.

⁴ Alston, 1997: 435, 442.

⁵ Cerny, 1995.

⁶ Barfield, 2001.

Box 25.1 Types of networks

Advocacy Networks are more or less loose alliances between non-governmental organisations, pressure groups, or businesses, all of which want to achieve a common set of objectives (E.g., Climate Action Network, Transparency International, International Campaign to Ban Landmines).

Civil Society Networks are groups with loose ties, often between transnational civil society (NGOs, individuals) which can pursue different goals and play different roles. Civil Society Networks can form part of Advocacy Networks in cases where they pursue a common policy goal (E.g., Africa's NGO Environment Network, the Asian NGO Coalition for Agrarian Reforms and Rural Development).

Business Networks are alliances between businesses whereby resources, capabilities, and core competencies are combined to pursue mutual interests (E.g., Business Associations).

Global Public Policy Networks are the collaborations between actors from different sectors (public as well as private), based on the more efficient allocation of complementary resources among the different partners (E.g., World Commission on Dams, CIGAR, the Prototype Carbon Fund of the World Bank).

WSSD Partnerships, as a sub-set of policy networks, are usually created around a specific issue, with a specified mandate, and a limited, clearly-identified number of partners. In the context of the WSSD, Type II partnerships have been understood as policy networks or multi-sectoral alliances designed specifically to implement legal and political agreements in the area of sustainable development. (See list at: http://www.un.org/esa/sustdev/partnerships/list_partnerships.htm).

Transgovernmental Networks are informal networks of government officials or transnational public agencies (E.g., the Basel Committee, City Alliances).

Government Networks provide platforms on which governments cooperate. International organisations are formalised forums of cooperation (E.g., OECD, Organization of American States). Government Networks also include consultation or negotiation networks (e.g., G8, G77, or negotiation groups like the Umbrella Group in the context of climate change negotiations) which are less formal and pursue common interests.

Institutional Networks can refer to both networks of institutions but also to institutions made of networks. Whereas networks consisting of institutions include transgovernmental networks, institutions of networks often provide increased stability, since they have been created in a process of defining win-win situations for different actors (E.g., IUCN, the Global Environment Facility).

Scientist Networks are networks of scientists to promote science and create a platform for debate and exchange of views. In some instances, the aim may be to find consensus (E.g., Intergovernmental Panel on Climate Change).

This chapter is aimed at describing the different functions governments fulfil when they participate in networks. It will also analyse the opportunities as well as the risks that accompany a more active involvement of governments in different types of networks. Based on this analysis, I will try to make a case for a proactive government strategy towards these new tools of global

governance, which would help governments to decide in which initiatives they have to participate, which they have to manage, monitor, and evaluate, and, finally, which public task should remain exclusively in the domain of the government's responsibilities.

I first give a short introduction on the recent developments in international governance and on the emergence of networks. Secondly, I look at three different examples of networks and the roles governments have assumed in these networks. The first example centres around networks formed exclusively by governments. Government networks have resulted in the creation of more formalised platforms, mostly in the form of international institutions, but they have also created flexible, open, and issue-driven arrangements. These arrangements are not always driven by diplomats; they can also emerge between technical staff and specialised agencies of different countries. The second example looks at such transgovernmental networks consisting of governmental agencies, departments, or single individuals at the sub-national level. As a third example, I discuss the emergence of partnerships between private and public actors, which have been described as global public policy networks. Thirdly, I highlight the opportunities and limits of governments participating in networks, especially in such networks in which governments partner with non-state actors. Fourthly, the involvement of governments is described more specifically in environment-related networks. In an outlook at the end, I summarize the challenges that governments in all three types of networks have to come to grips with: They have to develop a strategic approach towards their engagement in networks, and they have to take into account the different possibilities for holding networks accountable as well as develop mechanisms to ensure accountability.

BACKGROUND: WHY NETWORKS?

We live in an increasingly complex world, in which traditional forms of governance have reached a limit and are no longer sufficiently effective in governing our social and natural environments. Most importantly, the effects of globalisation have made obvious the shortfalls of traditional policy approaches: Problems become increasingly international and transcend national borders; they require quick responses and effective decision-making; and they are complex and, therefore, can only be addressed through multi-actor cooperation. A single national government cannot solve these problems. Often, not even a group of governments is sufficient in providing the necessary policy responses.

Speed of change. Liberalisation of economies and a revolution in communication technologies have compressed distances and communication times, which, in turn, has helped to produce a global market place by dissolving borders for merchandise. The perforation of borders has primary effects on the notion of nation states, which are traditionally defined through a territory and borders. Consequently, globalisation, characterized by the everyday increasing flow of goods, communication, and monies, seems to threaten the role of the sovereign state which depends on maintaining a static territory as its defining attribute. Businesses and civil society have created powerful networks through which they can effectively lobby and put issues on the international agenda.

Global Challenges and complexity of the problems. In recent decades, it has become obvious that an explosion of the world's population, the interdependence of economies and the rapid increase in international trade, an unprecedented movement of people, and an increasing strain on the Earth's natural resources has lead to an internationalisation of the world's problems. Complex problems with international dimensions, like the spread of HIV or other epidemics, but also criminal activities such as international money laundry or illegal trade in arms, cannot be solved at the level of the nation state, thus requiring international cooperation. Due to their transboundary and global nature, environmental problems such as transboundary pollution, management of global commons and provision of global public goods figure prominently among the problems characterized by an increasing complexity and by a dense web of interconnections of international and national policy responses.⁷

Governance and non-state actors. Traditionally, international governance has been viewed primarily as a relationship between sovereign states. While government and governance both refer to systems of rule, the notion of government suggests activities that are backed by formal authority and police powers to ensure the implementation of policies. Governance refers to activities backed by shared goals that do not necessarily rely on the exercise of authority to attain compliance.⁸ The growing importance of non-state actors, such as civil society NGOs, interest groups, academia, and the private sector (in particular, multinational corporations and the global capital market), has transformed the system of global governance. The growing influence of informal actors has come to typify the non-hierarchical structure

⁷ Problems such as global warming or loss of biodiversity may highlight the complexity of the issues at stake. Both problems can only be addressed through international and intersectoral policy responses, including civil society and business in the formulation and implementation of any policy solution.

⁸ Hierlmeier, 2002.

of the current governance regime.⁹ Hence, governance is “the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interests.”¹⁰ Today, the exclusive understanding of governance as a formal, legalistic process dominated by the public sector has given way to a new conception that emphasizes a less formal, more collaborative and integrated approach.

The idea of multi-level governance challenges the hierarchical, state-centric approach of international politics, as it reflects an increasingly complex, multi-layered policy. In this context, the instruments of international policy-making currently at our disposal (international treaties, cooperation through institutions, and agencies) have proven insufficient to meet the requirements of an increasingly interdependent world in a timely and efficient manner. The negotiation processes that lead to international agreements are cumbersome and usually span several years. Compliance is unsatisfactory and enforcement is weak. In sum, the traditional system is not always able to react adequately to the challenges of our globalised world. In this context, concerns have been expressed that these developments lead to a decline in state power, as not only international and supranational organisations, but also private actors and various types of networks compete with the state for power and influence.

However, it has also become obvious that the state itself is not stagnant and actively participates in new forums of policy-making and international cooperation. State sovereignty is the attribute of the state which legitimises its participation in intergovernmental forums. As globalisation literally turns the world inside-out by nationalising international law and internationalising national law, the opportunities for such participation expand exponentially.¹¹ Territorial boundaries have diminished in importance, and shared global or regional problems have further expanded the benefits as well as the necessity of cross-border cooperation. Together with private actors, the state can capitalize on, rather than be circumvented by, the information age. The new speed of information also suggests new forms of organisation.¹²

International cooperation has been based on networking between governments since its inception. Governments learned centuries ago to forge alliances and negotiate accords in order to achieve and maximize benefits that

⁹ Hierlmeier, 2002; Reinicke et al., 2000; Strange, 1997.

¹⁰ Commission on Global Governance, 1995.

¹¹ Slaughter, 2000.

¹² Raustiala, 2002.

cannot be achieved single-handedly. Whereas these accords initially centred around issues of national security and interest politics, the emergence of global threats today requires more complex multilateral responses, usually orchestrated by international organisations and based on increasingly sophisticated regimes.

In the past few decades, a decreased financial capacity of the state and the limits of technical expertise that it can hold, together with the acknowledgement that in some instances new platforms and new partners are better placed to fulfil a certain function, has led governments to explore more flexible channels of international and, to a lesser extent, national politics. In the search for more flexible forums of cooperation, they established consultation and negotiation networks, known as the G77, G8, G10, or G22. These forums are highly influential, though they are not founded on any legal structure. In parallel, government officials and technical experts have started to liaise with their colleagues around the world, creating transgovernmental networks, which are based on technical cooperation and common interests. Additionally, multisectoral networks have emerged as another means of cooperation: Coalitions of private and public sector actors that deal with specific issues or problems in an effort to crystallize scientific or political consensus, influence political negotiations, and generate momentum around the implementation of the agreed outcomes. This form of network responds to the increased need to find compromises between all segments of society in order to address the global challenges of the decades to come. Reflecting the changes that have taken place in international governance as a whole, these networks allow the different actors to bring their specific resources, advantages, and concerns to the table. Such initiatives, known as global public policy networks complement the architecture of global governance.

Although these networks are very different in size, scope, and purpose, they are also characterized by a number of features:

- Networks are based on informal arrangements instead of legally-binding agreements.
- Cooperation in networks is based on trust and not on enforceable obligations.
- Cooperation in networks is voluntary in its nature.
- Networks are open to allow other partners/actors to join.
- The partners in a network bring different resources and assets to the table.
- Networks are loosely structured.
- Networks evolve over time.

Networks typically emerge in a situation where traditional means of cooperation and problem solving are perceived as no longer being sufficient

in addressing a particular issue. Networks, for example, are created in deadlock situations, where there is a necessity for cooperation and policy coordination, or in cases of insufficient treaty implementation. In short, they emerge wherever formal agreements and relationships are not perceived to be necessary or advantageous, as the relationship between the different actors is secured through trust and common interest, if not the same resources. As long as trust and common interest (and expected benefit) are in place, networks can be comprised of a large variety of partners.¹³

Today, we are surrounded by an increasingly complex fabric of networks, which appear to be the natural way to govern our complex, globalised world. The spontaneous creation of new governance mechanisms, such as networks, alliances, and partnerships, leads to a situation which is increasingly difficult to manage. The difficulties in controlling policy approaches that are not based on formal intergovernmental cooperation relates more generally to the question of legitimacy and accountability in international governance. These concerns have been fuelled by the expanding influence of non-state actors and their participation in decision-making processes, and they are likely to grow if more authority continues to shift from the national to the international level and from states to non-state actors. If networks which have been created outside of treaty-based international diplomacy become a permanent part of the system of international environmental governance, rather than a passing fashion, the legitimacy of their place in the broader picture of governance needs to be addressed. Whereas the efficiency and the outcomes of networks may confer a certain legitimacy, mechanisms that ensure accountability should be put in place. Transparency and accountability enhance the legitimacy of any policy body, whether these bodies represent an electorate or a special public interest. As a minimum mechanism of accountability, citizens around the world should, therefore, have the right and the opportunity to review the actors, the processes, and the results of such networks.

ROLES AND FUNCTIONS OF NETWORKS

The promise of networks lies in two central domains. First, through their ability to formulate quick responses to urgent problems, networks offer the opportunity to close the operational gap that characterizes international environmental policy today. Second, through their non-hierarchical structure and their ability to involve non-state actors, networks promise to bridge the

¹³ Coleman (1988) argued, however, that social norms and shared values are required in order to obtain network cohesion.

participation gap that is often the main reason behind international political deadlocks.¹⁴

Since networks are primarily characterized by their informality and flexibility, a consistent pattern of network-building under specific circumstances and conditions has yet to be observed. However, it is possible to highlight different functions that networks perform, even though no simple typology can do justice to the full range of network activities. Networks may perform one or several of the following functions:

- Strengthening of negotiation power. Networks bring together different actors with similar interests and thus increase the leverage of the arguments put forward.
- Coordinating policy approaches. Governments choose to cooperate in networks to coordinate policy responses with regard to a specific issue, thereby increasing the effectiveness of the response.
- Bolstering institutional effectiveness. Networks can facilitate the building and effectiveness of institutions and broaden their constituency base.
- Implementing policies and agreements. Networks are also formed with the specific purpose of translating the results of intergovernmental negotiations into concrete activities and improving the willingness and capacity for compliance of different stakeholders.
- Generating and disseminating knowledge. Networks can serve as tools for gathering existing knowledge in a fast and efficient manner and can even generate new knowledge where gaps are identified.

The success of networks depends to a large degree on the common goal defined by the network and shared among its participants. It is only as long as the individual participants perceive that benefits outweigh the costs of the cooperation that they will cooperate in achieving the common goal. In fact, as has been amply demonstrated by various empirical studies, success or failure of partnerships is, to a large degree, contingent on the existence of trust among partners, the level of transparency, and the way partnership initiatives deal with power asymmetries – all of which depend on the effective application of a minimum set of rules.¹⁵ This does not mean, however, that a network must consist of partners which fulfil an equal role or have an equal status. On the contrary, individual and institutional leadership, as well as the different resources of participants are crucial for cooperation in a network. In sum, many networks only add value if they generate benefits (both for the

¹⁴ Streck, 2002a.

¹⁵ Nelson and Zadek, 1999; Nelson, 2001; Reinicke et al., 2000.

individual participants and for the network as a whole) that go beyond the sum of their parts.

NETWORKS BY, OF, AND WITH GOVERNMENTS

Networks of Governments

International diplomacy is the formalised version of governmental networking. Cooperation between states based on multilateral treaties and the establishment of international organisations has been the prevailing form of international policy in the 20th century. During the last century, states have been challenged to an increasing extent by global and transboundary problems. They have responded to this challenge by creating inter-governmental organisations. Whereas it is true that the growing influence of inter- or supranational organisations, such as the World Trade Organization or the European Community, threaten national sovereignty and challenge state power, international organisations themselves have only limited power.

In order to consult and coordinate politics, governments have created groups outside of institutions and international organisations. The most influential and powerful group of countries are represented in the Group of Eight (G8), formerly the G7. The G7 goes back to an invitation of the then - President of France Valéry Giscard d'Estaing to an informal gathering at the chateau of Rambouillet, near Paris in 1975. The idea was to discuss world issues of the day, at the time an agenda dominated by the oil crisis. Since then a group of seven countries¹⁶ have met for annual consultations. Today, the G8 has assumed a wider spectrum of roles, reaching beyond the initial focus of economic problems. The G8 does not have a permanent secretariat or staff. Rather, it works like a club of leading industrialized countries, regularly meeting and consulting to enhance their friendship and synchronise their points of view as regards the major international economic and political issues. The organisation of the meeting is in the hands of 'sherpas', who are the G8 leaders' personal representatives. The sherpas also oversee the implementation of commitments made at a summit. The umbrella of the G8 not only hosts summits but also extends to working groups between different ministries. The Environment Ministers Working Group, created in 1992 and institutionalised in 1994, was the first of a generation of G8 ministerial bodies. Since then, ten other working groups have been created and deal with

¹⁶ Valéry Giscard d'Estaing invited the leaders of the US, Japan, Germany, the UK, and Italy. Canada joined the following year. Russia formally joined the group, which then became the G8, in 1998.

issues that were once enshrouded in national sovereignty.¹⁷ Additionally, the G8 have launched a multitude of special initiatives, such as the 'heavily indebted poor countries' debt reduction initiative, the Kananaskis G8 Africa Action Plan, and the Evian G8 Clean Water Initiative and Fund. Ministerial meetings help to ensure coordinated approaches to common and/or international problems. In recent years, the G8 have also opened their meetings to representatives from developing countries.

Also within the United Nations (UN) system, governments have established negotiations networks to enhance their position and make their voice heard. "The outstanding fact about the way States associate in the General Assembly is the tendency of Member States to affiliate differently for different purposes."¹⁸ The oldest group of countries that decided to establish a permanent discussion forum are the Group of 77 (G77), which was created following the Joint Declaration of the 77 countries issued at the end of the United Nations Conference on Trade and Development in 1964.¹⁹ It represents the common interests of its members and enhances the negotiating capacity on all major international issues debated in the UN system. The G77 has also been used as a negotiations framework for environmental and other issues. It has, for example, played a crucial role in the negotiations of the United Nations Conference on Environment and Development (UNCED).

Today, we not only have the G77 and G8 but also different groups that consult on particular issues. The G77 and G8 have been complemented by the G10,²⁰ G24,²¹ and G15.²² An interesting recent addition to this list is the Group of 20 (G20), a forum of finance ministers and central bank governors which was created at the September 25 meeting of the G7 in 1999.²³ It was created as "a new mechanism for informal dialogue on key economic and

¹⁷ They deal with such issues as employment, information technology, terrorism, crime, energy, labour, health, and development.

¹⁸ Bailey, 1960:28.

¹⁹ Today, the G77 is made up of 133 emerging and developing countries, but its original title stands due to its historical significance.

²⁰ The G10 consists of the finance ministers and central bank governors of the G7, Belgium, Switzerland, the Netherlands and Sweden, adding up to 11 countries, but the original name still stands.

²¹ The G24 consists of a sub-group of the G77, which was established in 1971 to coordinate the position of the developing countries on issues related to the international monetary and finance system: Algeria, Argentina, Brazil, Colombia, Democratic Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Guatemala, India, Iran, Ivory Coast, Lebanon, Mexico, Nigeria, Pakistan, Peru, the Philippines, South Africa, Sri Lanka, Syria, Trinidad and Tobago, and Venezuela.

²² The G15 is the group that represents the G77 in the Bretton Woods organisations.

²³ The G20 consists of the G7 plus Russia, Argentina, Australia, Brazil, China, India, Indonesia, Mexico, Saudi Arabia, South Africa, South Korea, Turkey, as well as the country holding the presidency of the European Union. The European Central Bank, the Managing Director of the IMF, the Chairperson of International Monetary and Financial Committee of the IMF, the President of the World Bank and the Chairperson of the Development Committee of the World Bank and the IMF also sit on the G20.

financial policy issues among systemically significant economies and to promote cooperation to achieve stable and sustainable world growth that benefits all.”²⁴ The newly formed group serves as an adequate forum for dialogue on the core financial issues, cooperates in the framework of the Bretton Woods institutions and conducts consultations in integrating the work of its members. The G20 liaises closely with the G7 Finance Ministers’ Meeting. Critics have, therefore, claimed that the G20 was created to legitimate G7 initiatives to the wider world, by securing a broader consensus for G7 ideas.²⁵ However, the breakdown of the WTO trade talks in Cancún, Mexico, in September 2003, has made it clear that combining the voice of leading developing countries made them far more influential than the industrialized powers realized when the group submitted its first joint paper.²⁶

All these groups are neither institutions nor international organisations. They do not represent a legal entity. Due to its membership, the G8 is the most influential of these groups. Whereas critics oppose the G8 as a forum of special interest politics of the rich, supporters of the G8 argue that the coordination of the most powerful nations in the world reflects the special responsibilities of these countries and contributes to the smooth running of the more formalised cooperation in international organisations. The G8 has set itself the goal of providing the essential coordination needed between countries whose economic and political weight makes them inevitable players in global governance. Decisions taken by this small group of countries bypass UN procedures. However, since the G8 has no implementation capacity, it puts its initiatives forward as a part of the activities conducted by the existing international organisations. Once these initiatives have been formally integrated in the work programme of these institutions, the G8 can no longer dictate the agenda. Furthermore, there is a realisation in international civil society that the significance of G8 Summits has increased. Therefore, NGOs have influenced the summits with both concrete proposals (the Jubilee 2000 campaigning, which was the main driving force behind the HIPC initiative) and fierce protest (which culminated in the violence in Genoa, in 2001).

The G8 also pursues more ambitious goals. Since its inception, the G8 has moved from being a consultation club to becoming an ambitious group of countries which aim to regulate globalisation. This project would involve the design and establishment of a new generation of institutions which would complement, or even replace, the post-war international structure led by the UN. The system proposed would build on “a new generation of inclusive,

²⁴ G7, 1999.

²⁵ Kirton, 1999.

²⁶ For submissions of the G20, see:

http://www.ictsd.com/ministerial/cancun/docs/G21_ag_text.pdf and

<http://www.ictsd.com/issarealag/resources/G-20%20official%20text.pdf>.

multistakeholder plurilateral and multilateral institutions to govern globalisation's critical areas, including the environment and energy.²⁷ Critics of the UN system, which is based on the principle that every country's vote has the same weight, claim that a group of countries that represents about 80 per cent of the World's Gross Domestic Product (GDP) would find itself in a better position to respond to the challenges of globalisation and changes in the global community in the post-cold war era. Irrespective of whether or not this is desirable, or whether or not the G8 will succeed with this ambitious project, the project itself illustrates that states are far from giving up their regulative power and leaving it to private players to regulate globalisation.

Developed countries also meet in different committees of the Organisation for Economic Co-operation and Development (OECD), such as the Development Assistance Committee or the Environment Policy Committee.²⁸ As part of the preparations for the UNCED, the Working Party on Development Assistance and Environment was created in 1989, based on the initiative of a group of individuals who felt the need for cooperation between environmental and development experts. This working party provided a platform for these experts and played a crucial role in coordinating the negotiating positions on different issues of the Rio process.

The formation of interest groups can be observed in all negotiation processes. In conference diplomacy, in fact, groups and coalitions have become an essential feature. States sharing common interests form bargaining groups in order to organise themselves to maintain their negotiating positions. Examples of such groups in the context of the UN Framework Convention on Climate Change are the 'Alliance of Small Island States' (AOSIS) and the Umbrella Group, a coalition of non-EU industrialised countries.²⁹ Without these consultation networks, international agreements would be impossible to forge. They serve to pool resources, focus issues and interests, reduce complexity, and make information and communication more manageable. Negotiation networks can be institutionalised, such as the European Union or the Organization of the Petroleum Exporting Countries (OPEC). Alternatively, they can be issue-specific, like the Umbrella Group. In general, more homogeneous and cohesive networks tend to perform more effectively than less homogeneous and cohesive groups. Also, negotiating networks tend to become more effective and cooperative over time, at least if they have a history of working together successfully.

²⁷ Kirton, 2003.

²⁸ Slaughter (2001) gives the example of the OECD as the 'quintessential example of a transgovernmental regulatory network within an established institution'.

²⁹ The Umbrella Group consists of Japan, US, Canada, Australia, Norway, New Zealand, Russia, and Ukraine.

An example of an institutionalised network is the Global Environment Facility (GEF), which has attempted to operationalise a unique and integrative governing structure combined with a structural flexibility that has a profound ability to adapt to changes.³⁰ The GEF answers new challenges of international public policy with a new type of international institution which bridges the traditions of the UN and Bretton Woods agencies.

Networks of governments exist in all forms and varieties. Sometimes, they have resulted in the establishment of organisations and institutionalised forms of cooperation. In other instances, they do not rely on formalised processes but on a limited group of members pursuing common goals. Finally, they may exist only temporarily in a special context. Governments can also seek less formal channels of communication and rely on experts or agency cooperation. An example of a network which consists of a specialised forum of cooperation is the G20, which consists of finance ministers and central bank governors. In the past few decades, we have witnessed the advent of an increasing number of these specialist, transgovernmental networks.

Transgovernmental Networks

A series of recent publications describes a shift in powers within governments, away from formal forums of cooperation towards cooperation between agencies, departments, and civil servants of different governments.³¹ Slaughter (2000) has analysed how the state is disaggregating into its component institutions to form a hydra-headed entity, represented and governed by multiple institutions in complex interaction with one another abroad as well as at home. This multi-faced state is represented through its components – agencies, departments, and individuals, all of which together form the mosaic of the governing sovereign. While the state has always interacted with its citizens through its different branches in the fulfilment of public functions, that same state has traditionally interacted with outsiders as one single sovereign entity. However, economic liberalization and the means of the information revolution invited not only private actors but also public officials to build interest groups and alliances to mutual benefit. The chosen vehicles of cooperation are often loosely-structured, peer-to-peer networks, developed through frequent interaction rather than formal negotiation.³² These alliances are commonly called transgovernmental networks, because

³⁰ The Global Environment Facility can be interpreted as a formalised intergovernmental network. Streck, 2002b.

³¹ Raustiala, 2002; Slaughter, 2000; Slaughter, 2000.

³² Raustiala, 2002.

they involve specialised domestic officials, with or without minimal involvement of the official lines of diplomacy.³³

Compared with the often cumbersome and formal international negotiating procedure, transgovernmental networks pave the way to a more cost efficient and flexible form of cooperation between public sector representatives. In most cases, transgovernmental networks are built on soft law and soft power. Instead of treaties, they define the scope of their cooperation in non-binding Memoranda of Understanding.³⁴ These networks are based on voluntary forms of cooperation where all actors and partners decide to work together for mutual benefit. Guidelines or recommendations developed by the network will only be implemented to the extent that they fit the specific circumstances of the country. In cases where transgovernmental networks are formed, by the same officials who make and implement regulations domestically, these officials simply extend their normal domestic functions to transgovernmental activities. The effectiveness in implementing consensus increases through a direct involvement of the executive powers. To the same extent, however, democratic accountability diminishes through the increasing distance from parliaments and ratification procedures.³⁵

In parallel, the growth of legislative networks of parliamentarians suggests that public institutions with a more direct representative mandate are also participating in these new forms of governance. These networks establish links between those individuals that directly ensure democratic accountability. In this sense, promoting contact between the community and local or regional governments can help address the democratic deficit being observed at the supranational and international level, as it allows democratic input through government institutions closest to the electorate.

Transgovernmental networks can be based on coalitions between thematic, regional or sectoral partners. They can also differ with respect to duration, membership, function, and scope.³⁶ Duration indicates whether the network is an ad-hoc creation or built to pursue longer term interests. Rules on membership, if there are any, determine how open a network is. The function of a network refers to the outcome that members expect from the operating networks. A network can be based on the common interest to lobby for or against an issue, or it can be triggered by a longer-term interest in consulting

³³ The concept of transgovernmentalism builds on, among other things, the pioneering work by Keohane and Nye (1974).

³⁴ Slaughter, 2000.

³⁵ If the governments and legislators that bind sovereign states through the process of signing and ratifying a legal instrument are put in place through democratic elections and legitimatised through transparent and democratic processes, treaty law can also provide democratic legitimacy on the international level.

³⁶ Ward and Williams, 1997.

or exchanging ideas. The scope of a network indicates whether the network's aim is to pursue a single issue or whether it has a multi-issue basis.

Networks between agencies tend to emerge around issues that demand central regulation, such as banking or insurance supervision. In this context, the Basel Committee on Banking Supervision, the International Organization of Securities Commissions, and the International Association of Insurance Supervisors have been quoted as examples of transgovernmental networks with a different degree of formalisation. Additionally, there are increasing numbers of networks of legislature members in charge of key committees that oversee domestic regulatory agencies with the potential to improve accountability and legitimacy at the global level.³⁷

To a lesser extent, transgovernmental networks have also emerged in fields with a more diffused regulatory power, such as the environment. The global environment tends to be regulated by a multitude of treaties rather than cooperation between oversight agencies; as treaties are still the core approach taken in environmental rule-making, the main focus of transgovernmental networks in the environmental field is to enhance the capacity of governments to implement and enforce environmental regulation.³⁸ Examples of transgovernmental networks in the environment field include the International Network for Environmental Compliance and Enforcement, and the Global Legislators Organization for a Balanced Environment.³⁹

However, transgovernmental networks have also given rise to concerns and criticism, and are decidedly controversial.⁴⁰ Critics charge that networks reduce transparency and political accountability. They can provide states with a way of escaping or circumventing undesirable aspects of cooperation within the framework of treaty law and international organisations. They may fuel the fears that their members are engaging in politics of insulation from the international community. Because networks choose their participants, they often reinforce the dominance of the powerful. Some networks promote the export of a specific regulative system⁴¹ and help to determine areas of influence of powerful partners. Through such networks, powerful states can exercise 'soft' power, bypassing the traditional safeguards and procedures built into the processes of international negotiations and law. In this fashion, they may be used to penetrate the traditional defenses of the sovereign state, imposing the will of the more powerful states on the weaker members of the international community. In general, national officials do not want to

³⁷ Slaughter, 2000.

³⁸ Raustiala, 2002.

³⁹ See their respective websites: <http://www.inece.org> and <http://www.globeinternational.org/about.html>.

⁴⁰ Alston, 1997; Howse, 2000.

⁴¹ Raustiala, 2002.

compromise their own national systems, and if they are powerful enough they may choose the soft and persuasive route in order to convince other, weaker, partners of the virtues of their systems. Through the export of their legal and economic systems, industrialized countries continue to exercise transnational pressure on post-colonial societies. In cases where a transnational network is dominated by a few powerful nations, there is a danger that the variable cultural, economic, and political circumstances of countries and communities will be neglected.

Governmental networks can also be used to bypass a central function, such as the national government. Legal or regional authorities can, for example, bypass national decision makers in their search for the adequate solution to a problem. In some cases, national governments are seen as hostile or unsympathetic towards the interests of sub-national entities, such as a state or a province. In these instances, international organisations may be a better ally in promoting certain policies than the national government.⁴²

Despite the potential to exclude national governments from the process of decision-making, the unbundling of the state and the reconnection of its parts across national borders generally creates a conceptual reconfiguration of state power that retains the state as the pivotal actor in the international system.⁴³ Central to the success of a network is transparency and an examination of the plurality and complexities of the different partners that are brought together.⁴⁴ If such analysis takes place and the network is planned with care in order to allow for the most effective use of all resources, by giving a voice to all partners, networks can provide “the terrain for elaborating strategies of selfhood – singular or communal – that initiate new signs of identity and innovative sites of collaboration and contestation, in the act of defining the idea of society itself.”⁴⁵ This is valid not only for networks between government agencies, but also where the public sector opens its files for a broader form of cooperation with private actors.

Governments in Public-Private Networks

Sovereign states are entrusted with military and police power – they collect taxes, ensure that democracy and fundamental rights are protected, and build social safety nets. However, ensuring welfare, security, health, or a clean environment has become increasingly difficult for state actors to accomplish alone. In order to address complex problems (such as the management of

⁴² Ward and Williams, 1997.

⁴³ Raustiala, 2002.

⁴⁴ For an analysis of environmental law in postcolonial societies, see Richardson, 2000.

⁴⁵ Bhabha, 1994:1-2.

transboundary pollution,⁴⁶ the management of the global commons and the provision of global public goods,⁴⁷ and ubiquitous environmental problems with worldwide implications⁴⁸) international alliances need to be forged, involving not only intergovernmental organisations but also civil society and business representatives. Modern governance requires the participation of all four major players on the international scene: states, international organisations, business, and civil society. Whereas each of these sectors has an important role to play in international politics, none of them is a sole dominant power.⁴⁹ Sustainable solutions to complex international problems imply a broad consensus from both state and non-state actors.⁵⁰ Since governments have accepted an enhanced role of private actors in the formation of regimes, the result has been a growing set of hybrid regimes that have the active participation of both state and non-state actors.⁵¹

Over the past decade, networks that involve not only the public but also the private sector have grown in number, organisational variety, and scope. This development is particularly obvious in the field of international environmental politics, an area characterized by a multitude of decentralised functions and structures embedded in a complicated system of treaties, administrative structures, and implementation mechanisms. However, despite a proliferation of treaties and secretariats, agencies and institutions around the globe, the architecture of international environmental governance has not lived up to its task, and the state of the global environment has not improved. It is, in this context, that the emergence of networks as new governance structures needs to be analysed.

At its last meeting before the WSSD, the UN General Assembly encouraged “global commitment and partnerships, especially between Governments of the North and the South, on the one hand, and between Government and major groups on the other.”⁵² These partnerships became

⁴⁶ Examples are: the control of chemicals found in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1673 U.N.T.S. 57; and the Stockholm Convention on Persistent Organic Pollutants, U.N.Doc.UNEP/POPS/CONF/4 (not yet in force).

⁴⁷ Global agreements include: protection of the climate and the atmosphere, articulated in the UNFCCC, supra note 2; the Kyoto Protocol to the United Nations Framework Convention on Climate Change, Doc. FCCC/CP/1997/L.7/Add.1 (not yet in force); the Montreal Protocol on Substances That Deplete the Ozone Layer, 1513 U.N.T.S. 293; and the United Nations Convention on the Law of the Sea 1833 U.N.T.S. 41.

⁴⁸ A prominent example is biodiversity in general and tropical forests in particular, such as found in the Convention on Biological Diversity, 1769 U.N.T.S. 79.

⁴⁹ Kondo, 2003.

⁵⁰ For the classification of the different environmental problems, Esty and Ivanova (2002); Haas (1991).

⁵¹ Jennifer Clapp, *The Privatization of Global Environmental Governance: ISO 1400 and the Developing World* (1998), 4 *Global Governance*, 295, 297.

⁵² UN General Assembly, 2001.

known, in UN jargon, as “Type II outcomes” and were described as “specific commitments by various partners intended to contribute to and reinforce the implementation of the outcomes of the intergovernmental negotiations of the WSSD (Programme of Action⁵³ and Political Declaration)⁵⁴ and to help achieve the further implementation of Agenda 21 and the Millennium Development Goals.”⁵⁵ The recognition of partnerships as official summit results reflects the transition from pure intergovernmental conference diplomacy to a more inclusive notion of international environmental governance.

Partnerships presented at the WSSD fall under the broader umbrella of global public policy networks or multi-sectoral partnerships. Both terms have often been used interchangeably, and, in general, both terms refer to the voluntary collaborations between actors from different sectors (public as well as private), based on the more efficient allocation of complementary resources among the different partners.⁵⁶ However, whereas the term network emphasizes the open, informal, and flexible structure of these alliances,⁵⁷ the term partnership stresses a more proactive, problem-oriented, approach. Such alliances have appeared on both the national and regional level, but they are of special importance at the international level, where a constant need for policy solutions and the lack of a central government have left room for invention and innovation. In many cases, multi-sectoral initiatives have developed in response to the failure of traditional state-centred governance to provide solutions to complex problems with international dimensions.

Global public policy networks are aimed at minimizing hierarchy through the involvement of multiple stakeholders across many sectors. The network participants bring complementary resources to the process, allowing for synergies and more effective responses.

A typical network (if there is such a thing) combines the voluntary energy and legitimacy of the civil-society sector with the financial muscle and interest of businesses and the enforcement and rule-making power and coordination and capacity-building skills of states and international organisations. Networks create bridges that enable these various participants to exploit the synergies between these resources. They allow for the pooling of know-how and the exchange of experience. Spanning socioeconomic, political, and cultural gaps, networks

⁵³ The Programme of Action later became the Johannesburg Plan of Implementation. Report of the World Summit on Sustainable Development, Plan of Implementation of the World Summit on Sustainable Development, Articles 7, 8, 25, 31 and 40, September 4, 2000, Doc. A/CONF.199/20.

⁵⁴ The traditional intergovernmental negotiated results of the WSSD are Type I outcomes.

⁵⁵ Kara and Quarless, 2002.

⁵⁶ See, for example, Mitchell et al., 2001; Reinicke et al., 2000; Wolf, 2001.

⁵⁷ Reinicke et al., 2001.

manage relationships that might otherwise degenerate into counterproductive confrontation.⁵⁸

The ideally trisectoral global public policy networks are characterized by collaboration between government, civil society, and the for-profit private sector. In the model case, they are inclusive towards the South and the North, and integrate international, regional, national and local actors.

In many cases, existing policy networks have emerged in the shadow of traditional structures and began as social and organisational experiments. Networks are most likely to emerge in a situation of political deadlock. They can help to put issues on the international agenda and then kick off a discourse in which to debate that agenda. They include actors of different sectors and are typically organised in an informal or loosely-structured framework that allows the network to learn and adapt to a changing environment. Flexibility is crucial for the success of policy networks. The network structure is prone to fulfil different functions, such as facilitating international processes, structuring politically-contentious multi-stakeholder relationships, setting global standards, disseminating knowledge, and addressing participatory shortcomings. In doing so, they also bridge the operational and the institutional gaps, two main weaknesses of the international environmental architecture.

In the past decade, governments have increasingly collaborated with private entities, in different forms of partnerships and networks. Creating networks is one means of involving non-state actors in addressing environmental problems. They demand commitment from all actors involved and give affected stakeholders an active role in promoting the success of a treaty or political target beyond the process of stakeholder consultations or lobbying for a specific outcome. In order to explore this role, governments need to develop a clearer picture as to which functions should be assumed by networks as compared to functions that need to be coordinated by intergovernmental processes. In this process, sovereignty, efficiency, accountability, and flexibility need to be balanced. Networks can only be seen as legitimate, more flexible, and efficient mechanisms if they do not prejudice principles or rights established under international or national law. Where a shared understanding between actors as to the different roles evolves, the traditional international process can be supplemented by an increased involvement of networks and partnerships in the process of international decision- and rule-making, as foreseen in the process that led to the WSSD, in translating these decisions into concrete action. In a process that gives appropriate room to both the public and the private sectors, the following complementarities should be explored:

⁵⁸ Reinicke et al., 2000:....

1. Networks can help address the implementation deficit on the national, regional, and international level. Alliances can be formed with the specific purpose of translating the results of intergovernmental negotiations into concrete action and improving the willingness and capacity for compliance of different stakeholders. On an international level, such implementation networks can be forged around a mechanism foreseen in a treaty,⁵⁹ emerge spontaneously to overcome deficits in the implementation as orchestrated by governments,⁶⁰ or they can take the lead in areas where governments have failed to reach an agreement for coordinated action.⁶¹
2. Along the lines of the principle of subsidiarity, networks can help governments to address problems with international implications at the appropriate level. The idea that the responsibility for a task should rest primarily with the level of society and/or governance which is nearest to the individual and is best equipped to render specific results or a certain service, applies here.⁶² Networks respond effectively to the need for delegating policy processes to the governance levels that can most effectively formulate and implement policy solutions. Participating in networks can help focus concern on the legitimate roles and functions of the respective levels of governments.⁶³
3. Networks can help governments in organising the exchange of information and in structuring consultation processes. Whether the exchange of views and opinions forms part of a formal process or whether it constitutes an informal process, networks are open to new actors and offer policy mechanisms adaptable to a constantly-changing environment. Different approaches of policy-making and varying cultural perspectives increasingly demand recognition and integration. Networks provide a vehicle for incorporating such diverse perspectives, including local knowledge, and involving affected communities in the problem-solving processes.
4. Another role for policy networks is the development of guidelines or standards which complement sustainable development objectives as included in negotiated inter-governmental instruments. Where conferences of parties and other fora of international negotiations are not efficient

⁵⁹ For instance the Joint Implementation and the Clean Development Mechanism as defined under Articles 6 and 12 of the Kyoto Protocol.

⁶⁰ Ward and Williams, 1997.

⁶¹ The Forest Stewardship Council is one means of promoting the sustainable management of forests, created by private forces in response to the failure of the international community to set in place an effective system of forest protection.

⁶² also Principle 10 of the Rio Principles which states that environmental issues are best handled at the appropriate level and with the participation of all concerned citizens.

⁶³ Ward and Williams, 1997.

enough to formulate quick policy responses on urgent issues, governments can convene ‘networks of the willing’ and formulate policy responses which may provide guidance on how to implement policy principles.⁶⁴

However, despite all the benefits, network approaches to governance alone will never be a substitute for binding international commitments by governments. Nor would such a substitution be desirable. The success of policy networks depends to a significant degree on the willingness of governments to set ambitious binding targets. The legal and political frameworks create the nurturing context in which partnerships can develop. Networks can be one means through which such targets are effectuated. Within the framework of international politics and law, networks can complement conventions and protocols at different stages in the policy cycle. They can help to forge a scientific consensus or start a debate that eventually brings governments to the table to discuss a treaty. They can also help to overcome difficulties in implementing a treaty, and can aid evaluating and monitoring the success in implementing a treaty.

Examples of mechanisms that foster the creation of implementation networks are the Clean Development Mechanism (CDM) and Joint Implementation (JI) – the project-based mechanisms of the Kyoto Protocol. With the establishment of these mechanisms through Articles 6 and 12 of the Kyoto Protocol, the parties to the UN Framework Convention on Climate Change established a platform that allows public-private networks to develop, execute, finance, and supervise projects. CDM and JI are designed to scale up cooperative climate-protection projects in fields such as renewable energy, waste management, and carbon sequestration. Both JI and CDM not only define a new method of cooperation between developed countries and developing countries or countries with economies in transition on the one hand, but also offer new venues for the private sector and civil society to participate in such projects. The different stages of the project cycle involve a broad range of actors from developed and developing countries, as well as from international development and finance institutions. The design of these new institutional mechanisms allows for the emergence of international implementation networks.⁶⁵

Another example is the World Commission on Dams (WCD), which served as a negotiation and consensus building network. Large dams bring

⁶⁴ Governments and private entities that want to advance implementation through voluntary action are likely to structure their cooperation around networks. The Prototype Carbon Fund was created by the International Bank for Reconstruction and Development with the aim of its acting as a catalyst for private and public sector investment in the Kyoto Protocol’s flexible mechanisms. See <http://www.prototypecarbonfund.org>.

⁶⁵ Streck, 2002c.

together many of the issues central to conflicts over sustainable development at the local, national, and international levels. The WCD demonstrates the potential of multi-sectoral networks to contribute to international consensus-building and standard-setting.⁶⁶

However, different types of partnerships also have different implications for concerns about legitimacy, accountability, transparency, and power asymmetries, which need to be addressed in each case. Transnational networks operate, at least in part, beyond the reach of the specific governments and individuals whom they most affect. Control mechanisms have to be created to monitor and evaluate the implementation and execution of the network objectives in accordance with the different responsibilities that the actors participating in a partnership have assumed.

CHANCES AND LIMITS: HOW TO MANAGE NETWORK PARTICIPATION

Internationally, structures that monitor networks and mechanisms that help to hold networks and network participants accountable have to be put in place. Transparency of networks, including their partners, financing, and goals, is a basic condition of such accountability. Recognising that it is necessary to maintain flexibility and openness with regard to the types of rules that have to be developed, three sets of issues figure prominently on the management agenda: accountability (as an instrument for addressing concerns about legitimacy), monitoring and evaluation (as an instrument for addressing concerns about legitimacy and as a mechanism for fostering compliance), and capacity building (as a mechanism for overcoming power asymmetries).⁶⁷

In the absence of a global political structure that could facilitate controls and institute checks and balances for global environmental governance, national governments and international organisations should advocate a transparent system of accountability which includes not only formal but also informal forms of cooperation. Governments should undertake a realistic assessment of the conditions under which their participation in networks is legitimate and necessary, and can provide added value to the existing system of global governance. When partnerships assume roles and functions that traditionally fall in the realm of governments, such as helping to formulate global norms or standards, accountability mechanisms need to be more stringent than when partnerships merely implement decisions taken by a governmental body. In any case, when partnerships are integrated in the

⁶⁶ Dingwerth, 2003; Dubash et al., 2001.

⁶⁷ Witte et al., 2002.

system of environmental governance and assume a crucial role in achieving the objectives of sustainable development, proper accountability mechanisms need to be put in place.

Accountability has been defined as “the obligation to present an account of and answer for the execution of responsibilities to those who entrusted those responsibilities”,⁶⁸ which in essence requires the possibility of holding “individuals and organisations responsible for performance.”⁶⁹ And, while accountability is no substitute for truly representative democracy, it still can contribute to the democratisation of the policy-making process. In the international context, accountability cannot rely on the command-and-control concept applicable in the national context. Instead, there is a need for “more imagination in conceptualising, and more emphasis on operationalising, different types of accountability.”⁷⁰ In the absence of a global political structure that could facilitate controls and institute checks and balances for global environmental governance, national governments and international organisations should advocate a pluralistic system of accountability. The basis of this system would be the natural checks and balances provided by the participation of diverse actors and incentive mechanisms designed to generate compliance with a broad set of rules. Mechanisms of control should include professional/peer accountability, public reputational accountability, and market accountability (where participants in global governance are also market participants). Perquisite for all these forms of accountability is the transparency of the network and its objectives.

In a next step, monitoring and evaluation mechanisms need to be put into place to endow the legally non-binding rules of a partnership with sufficient strength to accomplish the partnership’s mandate. It is in this area that governments and international organisations will have to make their greatest effort to ensure the viability of the partnership approach to sustainable development.

Monitoring and evaluation are critical for a number of reasons. Both, if properly managed, facilitate learning from experience – a crucial precondition for future improvements of partnership processes and outcomes. Evaluation, in particular, is a crucial device for analysing the costs and benefits of networks and determining whether they accomplish their objectives. Many observers have questioned whether crucial resources such as time, money, and personnel, should be directed towards governance mechanisms that do not promise hard and fast results. Proper evaluation is needed to assess whether a network is a fitting as well as necessary governance mechanism, or whether it simply wastes resources. Monitoring

⁶⁸ Gray, 1998:....

⁶⁹ Paul, 1992:1047.

⁷⁰ Keohane and Nye, 2001:.....

and evaluation also help to improve the transparency of network proceedings, and are, therefore, the most important – if not the only – instrument for outsiders to arrive at informed judgments on the legitimacy, effectiveness, and efficiency of a given partnership. Finally, monitoring and evaluation help to identify ‘free-rider’ and ‘rent-seeking’ behaviour within partnerships.⁷¹

A fair and transparent process of network coordination recognises the obstacles posed by varying degrees of institutional and financial capacity.⁷² As one observer notes, “partnerships are ‘nested’ within local, national and international policy frameworks that either enable equitable conditions for partnerships, or exacerbate power asymmetries.”⁷³ As trust is the glue that holds networks together, networks need to ensure that the power asymmetries are bridged. Such asymmetries exist between the different sectors, as well as between different representatives of one sector. Civil society representatives often do not have the resources to engage in more than a few partnerships and, therefore, cannot afford failure as easily as their private sector counterparts can.

NGOs participating in policy networks generally have more to lose than business representatives: It is usually their organised opposition towards certain practices which give advocacy groups their strength, and NGOs risk losing some of their credibility (towards their own membership) as well as their edge (towards the groups whose practices they oppose). They risk compromising themselves, their members, and their objectives.

However, power asymmetries also exist between representatives of the same sector. The NGO system is far from representative of a ‘global civil society’, despite such claims by NGOs.⁷⁴ Instead, Northern and Western NGOs dominate the international NGO fora, and some Southern observers have characterized relations between Northern and Southern NGOs as “emerging colonialism” in which “Third World NGOs have had to suit their agendas to the agendas of Northern NGOs.”⁷⁵

There are three basic strategies for addressing power asymmetries in partnerships and networks. First, actors can be empowered to participate effectively and make their voices heard. This can be accomplished through capacity building and resource endowment. Second, rules can be set to ensure that those who do not have access to financial or other resources are not disadvantaged in the partnership process. At both ends, governments and international organisations can make important first steps. Third,

⁷¹ Witte et al., 2002.

⁷² Steiner, 2002; Witte et al., 2002.

⁷³ Weitzner, 2002:.....

⁷⁴ Martens, 1993.

⁷⁵ Brown and Fox, 1998:339.

governments need to act as arbiters in conflicts that may arise between private sector and NGO representatives.⁷⁶

GLOBAL ENVIRONMENTAL GOVERNANCE: THE ROLE OF GOVERNMENTS IN NETWORKS

The track record of the system of international environmental governance is poor. Numerous international agreements have been concluded over the past few decades and institutions and secretariats have been established. Yet, environmental quality on a global scale has deteriorated. Legal and institutional arrangements for environmental protection have not lived up to their task. Despite the plethora of treaties, agreements, and an expanding array of international agencies, the evidence suggests a continuing decline of biodiversity, global warming, depletion of the world's forest, and chemical pollution. The time is ripe to complement the traditional governance system with innovative elements of governance bringing together governments, public agencies, private businesses, and the not-for-profit sector.

Networks provide governments with opportunities. In this situation, networks promise to provide governments with a tool to react flexibly, efficiently, and swiftly to the challenges of a globalised world. Networks equip public actors with the ability to interact meaningfully with the different levels of the international and national constituencies. The old and new partners of national agencies, departments, and ministries include supranational, national, and regional levels, as well as private for-profit and not-for-profit entities. Modern state actors exercise their power by different means and through different channels. The state and state agencies that compete with, complement, and even bridge the gap to networks of supranational, subnational, and private actors open the door to a host of new ways in which state actors can address global problems.⁷⁷

But networks not only bring different sectors together, they can also provide a vehicle for incorporating diverse perspectives, such as sharing local knowledge and involving affected communities in the problem-solving processes. Local communities have the closest physical contact with environmental issues and they are most likely to be affected by government environmental policies. Whereas the global cooperation between governments in international institutions and through the context of less formal consultation platforms can provide for a framework of action and cooperation, transgovernmental and multisectoral policies can provide room

⁷⁶ See also Sustainable Development Issues Network, Paper No. 1. Accessible at <http://www.sdissues.net/sdin/docs/takingissue-no1.pdf>.

⁷⁷ Slaughter, 2000.

for flexible and alternative policy solutions and implementation activities. Networks, alliances, and partnerships potentially represent the most positive developments for institutionally combining local communities, organisations, and authorities at the global level. Their value lies in the exchange of information, management precedents, and advice.⁷⁸

But networks also pose risks. Networks may help to sideline elected governments and replace binding commitments by informal and vague expressions of intention. They may undermine legitimate formal processes and traditional forms of accountability. Networks cannot replace formal governmental and legislative action, which is crucial in determining the framework in which networks may operate. In order to manage network risks, governments need to define general objectives, set binding targets, and define the broad line of politics. Governments also have to ensure the accountability and transparency of networks in which they participate. They have to assess their involvement in partnerships and draw a line where direct and exclusive public action is required.

It is now time for governments to react to this new situation and develop a strategy on how to participate in different types of networks. Whereas they have been cooperating in traditional government networks for a long time, transgovernmental and public policy networks are relatively recent additions to the system of global governance. The change in governance requires a change in thinking: There must be a readiness to renounce governance pretensions and exchange these for a readiness to co-operate with other actors. By engaging with these other actors, it is subsequently possible to achieve something positive. For governments, this means abandoning the idea that they are the only safeguards of the environment.⁷⁹ These shifts in international governance will ultimately have to involve efforts to determine which organisational forms are best suited to which governance tasks. The public sector needs to delegate some aspects of public policy-making to non-state actors. Besides, national, regional, and local levels have to be part of the process wherever necessary and possible.⁸⁰ Additionally, the vertical application of the principle of subsidiarity entails that governments will have to delegate policy processes to the governance level that can most effectively formulate and implement policy solutions. Such solutions can only be found if implementation mechanisms draw on the skills and resources of a diversity of people and institutions at many levels.

Governments need to develop a clearer picture of which functions should be assumed by partnerships and which functions need to be coordinated by intergovernmental processes. Instead of creating networks on an ad-hoc basis

⁷⁸ Richardson, 2000.

⁷⁹ Ward and Williams, 1997.

⁸⁰ Reinicke and Witte, 2000.

and participating in partnership structures in an opportunistic manner, governments have to start analysing their involvement in different initiatives. In this process, sovereignty, efficiency, accountability, and flexibility need to be balanced. Partnerships can only be seen as legitimate, flexible, and efficient mechanisms if they do not prejudice principles or rights established under international or national law.

Governments need to choose. In some cases, governments will actively participate in networks. In other cases, they just may elect to monitor and evaluate. They may also endorse and accept regimes created by non-state actors in their own regulatory structures.⁸¹ Networks provide a means of involving non-state actors in addressing environmental problems. Networks demand commitment from all actors involved and give affected stakeholders an active role in promoting the success of a treaty or political target beyond the process of stakeholder consultations or lobbying for a specific outcome. In order to explore this role, governments have to assess the resources that they have put into the network (in terms of money, time, and expertise) and evaluate the results of the network. Based on that type of examination, they need to decide whether cooperation was successful or whether another means of governance, or another set of actors, would have accomplished more.

Networks need to be managed. Networks provide, on the one hand, opportunities to react flexibly to a changing environment, but are, on the other hand, also disorganised, hard to control, and even chaotic.⁸² They create the image of a menagerie of diverse and contesting policy discourses. It is the role of governments to manage this menagerie and restore confidence in governance for those who feel threatened by the symptoms of globalisation. Governments have to put in place mechanisms through which they can manage their own participation and the participation of their different branches in networks. In order to ensure the legitimacy of networks, they need to define who is taking which decisions, what the processes of decision-making are, and how different stakeholders can participate in these processes. They have to find a proper balance between what needs to be established as legally binding and enforceable processes and obligations on the one hand, and what is open to action through partnerships in a given society on the other hand.⁸³

Where networks fulfil governance roles, they should function within basic agreed-upon rules.⁸⁴ The success or failure of networks and partnerships is

⁸¹ The ISO 1400 is an example of a series of standards developed by a public-private hybrid organisation and has been adopted as an official set of international standards. See Clapp, 1998.

⁸² Susan Strange described this situation as chaotic because there is no hegemony, and termed these developments "the retreat of the state". See Strange, 1996.

⁸³ Giscard d'Estaing, 2003.

⁸⁴ *Idd.*

contingent, to a large degree, on the existence of trust among partners, the level of transparency, and the way partnership initiatives deal with power asymmetries – all of which depend on the effective application of a minimum set of rules.⁸⁵ Governments and international organisations are not the only players that have to respond to this pressing agenda. Business and civil society organisations are equally challenged to work with the public sector to apply basic rules to their activities and to monitor and enforce good behaviour. Yet, governments and international organisations have a particular responsibility vis-à-vis their citizens, who rightly demand effective, as well as transparent, accountable, and legitimate instruments of global environmental governance.

SUMMARY AND OUTLOOK

A modern system of international governance integrates network structures in the traditional system of formal relationships between governments, and thus complements the system by integrating public and private entities in the architecture of international politics. Today, corporate and financial interests, as well as consumer and environmental groups, have not only gained a stronger voice in the negotiation of international decisions; they have also become fundamental in implementing these decisions through advocacy and specific activities. This fundamental change in the perception of governance has had a profound effect on how governments behave internationally.

We have seen that states are already active partners in different sorts of networks, and that they have complemented diplomacy and intergovernmental negotiations with an array of less formal and more flexible mechanisms of governance. Thus far, this involvement has been opportunistic, driven by single actors on an ad hoc basis. In an attempt to restore confidence in governments and international processes, governments should develop a strategic approach towards their involvement in networks, which allows them to make their policies more effective.

Environmental governance needs champions, it does not need more institutions. Internationally, the U.N. and the World Bank have declared a desire to make networks and coalitions for change a central part of their strategic orientation for the future.⁸⁶ In a next step, governments and international organisations need to define a clear strategy with regard to networks and global programs and develop a framework for their own roles in fostering the establishment of and coordination between different networks. It

⁸⁵ Nelson and Zadek, 1999; Nelson, 2001; Reinicke et al., 2000.

⁸⁶ Annan, 1999; Wolfensohn, 1999.

is time to elaborate and implement an overall strategy and coordinate the efforts of international organisations in participating in and developing networks with regard to their comparative advantage. It would also be useful to identify a clearinghouse and a centre for knowledge management which could coordinate this work and disseminate the lessons learned into networks around the world. The new Partnership Office that will be created as part of the U.N. Secretary-General's reform agenda could play an important role in this respect.⁸⁷

The future does not lie in 'governance without governments' but in a networked governance in which governments take an active part and which is open to initiatives by and partnerships between international and national actors. Governments are crucial in ensuring that networks promote the ultimate goal of sustainable development. They have to take the necessary steps that help to ensure that networks and partnerships do not result in a disconcerted system of governance which dilutes the efforts to prioritise and synchronise international action.

Let me conclude with the words of Kofi Annan and the vision he formulated in his Millennium Report

If we are to get the best out of globalisation and avoid the worst, we must learn to govern better, and how to govern better together. That does not mean world government or the eclipse of nation states. On the contrary, states need to be strengthened. And they can draw strength from each other, by acting together within common institutions based on shared rules and values. These institutions must reflect the realities of the time, including the distribution of power. And they must serve as an arena for states to co-operate with non-state actors, including global companies. In many cases they need to be complemented by less formal policy networks, which can respond more quickly to the changing global agenda.⁸⁸

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⁸⁷ Annan, 2002.

⁸⁸ Annan, 2003.

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