

## **Lessons from Actor Configurations in Best Practices in Global Environmental Governance**

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It has been forty years since the first United Nations conference on the environment (United Nations Conference on Human Environment, UNCHE) was held in Stockholm in 1972. Issues at the time were mostly about coordinating responses to many local environmental problems, such as air pollution, water pollution and waste management, which had emerged as a result of rapid economic growth in many industrialized countries. Forty years later, science has presented a variety of environmental problems that were not politically recognized by many in 1972. We have witnessed in recent years environmental phenomena unprecedented in frequency and magnitude of events. Causes and effects of many of these problems are global in nature, crossing well beyond human-made national borders, although many “traditional” environmental problems remain in existence or have become worsened. To aggravate the situation, many of these problems are likely to cause non-linear, abrupt and irreversible changes that may make it impossible to maintain the earth system in healthy shape (Rockström et al. 2009).

Changing characteristics of the problems mean that actions to tackle them ought to change (Biermann et al. 2012a, b, Kanie et al 2012). Global environmental problems can no longer be dealt with independently of coupled and causally connected issues. Governance entails multiple components (agenda setting, negotiation, compliance, implementation and resilience) as discussed more broadly in this volume (Haas 2004, Kanie and Haas 2004, Speth and Haas 2006). Multiple stakeholder groups need to be brought to the table. Despite these transformative challenges, institutions dealing with the environment or issues of sustainability (to put it in a broader context) remain based on state-oriented designs and processes of international relations established in the past century. Some environmental

policy events in recent years, such as the Copenhagen Climate Change Conference (COP 15), the Commission on Sustainable Development's CSD19, and Rio Plus 20 - all of which failed to produce satisfactory outcomes - are examples of the stalemate the world is facing. However, sovereign states no longer tackle the new challenges solely by themselves as international relations since the 1970s have increasingly been conducted through interactions amongst state and various types of non-state actors. We need to better recognize a post-national-sovereignty order that mirrors the current dynamics of international relations.

A key feature of such post-sovereign governance is the emergent division of labor amongst actors involved in environmental governance (Meyer 1997, Andresen, Skodvin et al. 2000, Miles et al. 2002, Haas and Kanie 2004, Busch, Jorgens et al. 2005, Pauly and Grande 2005, Haas 2007). The research presented in this book identifies some of the best and worst practices in terms of configuration of actors in the various components addressed in this volume. . Some examples confirm the hypotheses as put forward in the introductory chapter, while others reject the hypotheses and present new findings based on in-depth case studies.

The next section summarizes the findings of the chapters, cast in terms of different governance components. .

### **Insights from chapters about governance components**

A variety of case studies on environmental regime are presented in the chapters in this volume, based on the knowledge of the case study authors. For example, the three case studies in the negotiation chapter in this volume, namely The Vienna Convention for the Protection of the Ozone Layer, The Convention on Biological Diversity and its Cartagena Protocol on Biosafety, and the United Nations Convention to Combat Desertification (UNCCD), represent the ubiquitous common features of virtually all trans-boundary and global environmental threats. They require international collective action by states concerned about issues of the distribution of benefits, reciprocity, and effectiveness. In addition all are related to broad international management problems such as chemicals management, biodiversity, technology and trade, as well as land management and economic development. These regimes are all global in scale, although UNCCD is considered by many as a case of scale mismatch.

These cases chosen by the negotiation chapter are very different in character from those chosen in the agenda setting chapter, which deals with cases on regional agreements only, namely LRTAP and Baltic regimes. ADD WAIT?

The overlapping cases across components confirm our initial hunch that the array of actors varies between regime components, even for the same regime. In particular the actual actors within these analytic clusters vary widely. For example, while a small number of major IOs recur frequently across issues and regimes – most notably UNEP – the NGOs, epistemic communities and private firms are much more selective. Most of these non-state actors may be active in one component of a particular regime, but they are not necessarily present in all of the same components for each regime, or are they present across regimes. There is no coherence to multi-actor governance. Environmental governance with an actor based focus remains highly differentiated.

The degree of malignancy at the international and national level varies. Internationally some of the most contentious and difficult have been desertification and biodiversity, whereas stratospheric ozone is widely regarded as one of the great triumphs of multilateral environmental diplomacy. At the regional level desertification is particularly malignant (if desertification is properly viewed as a regional scale challenge). However, in general regional cooperation is usually more benign, simply as there are fewer actors involved. Cooperation is also made easier if it takes place in the richer OECD region where the differences in will and ability between the actors are less pronounced than within global regimes. Over time European cooperative efforts have become quite effective due to the and political and economic efforts and effects of the EU. Climate change, discussed later, is probably one of the most malign issues facing decision makers, making insights and lessons regarding good governance practices from other regimes and components particularly important. However, in order to discuss the relevance of these insights we always have to control for problem structure. That is, unfortunately the successful features from benign issue areas cannot simply be copied in more malign issue areas like climate change. In line with previous research, however, we see that the ‘malign-beneign’ dichotomy is not written in stone (Miles et al 2002). Good performance of the regime components helped to shift problems which appeared malign at the state level of analysis to more benign problems. Agenda setting in LRTAP helped change state preferences about negotiated settlements, and led to more effective

controls over sulphur dioxide through the application of the critical loads idea (Levy 1993, VanDeveer 2004, Ishii 2011, VanDeveer in this volume). Changing the international institutional context and elevating the level of political participation to the Ministerial level in the North Sea and Baltic regions also helped overcome deadlock in negotiations. NOE AV DETTE SENERE?

Issues covered in the Volume

	<b>Agenda setting</b>	<b>Rule making</b>	<b>Compliance</b>	<b>Implementation</b>	<b>Resilience</b>
<b>Ozone</b>		<b>x</b>			
<b>Biodiversity/biosafety</b>					<b>X</b>
<b>desertification</b>		<b>x</b>			
<b>North Sea</b>	<b>x</b>				
<b>Baltic</b>	<b>x</b>				
<b>MAB</b>					<b>X</b>
<b>LRTAP</b>	<b>x</b>				

**Agenda setting**

Agenda setting here is seen as a set of complex processes that are embedded in larger, ongoing social and political institutions and dynamics, rather than a one-off event. Desirable agenda setting is a process that confidently identifies and updates problems for collective governance that are real and can be tractably addressed. We have witnessed this process occurring over a period of thirty or forty years in the case studies, and even longer in other environmental regimes.. There is typically an initial period of agenda setting before negotiations start, with the focus on framing of the issue. Subsequently, agenda setting continues in parallel with negotiation and – for long-term regimes – implementation, which also feeds back into agenda setting. Such agenda setting can be seen as a sequential process

(Mitchell 2009), but it can also be seen as a less-linear development of continuous processes. In practice, one can think of cases of linear or sequential agenda setting (ozone and LRTAP), cyclical agenda setting (Baltic), and parallel (such as climate change). Sequential is a standard linear process, where the agenda is set and then decisions are taken subsequently based on that agenda. Cyclical processes involve continued interactions between the components, with the agenda being modified over time in light of changes in other components. Parallel is where each of the components is occurring simultaneously. Most agenda setting is continuous when viewed over time, as new problems emerge requiring attention and the modification of prior governance arrangements. The analysis here is based on the linear and cyclical experience.

Contrary to our expectation on agenda-setting as laid out in our hypotheses states have a greater role. We expected good agenda setting to come from the combination of science NGOs, media and international organizations (IOs), but (as pointed out in Chapter 1,) leading states should be added to the combination of actors. States have important roles in maintaining environmental policy networks during the continuous agenda-setting process, and often IOs help coordinate these networks. This is also confirmed in the case of the Ozone regime discussed in the chapter on negotiation. VanDeveer also points to the importance of a high-level approach in agenda setting, also stressing the important role of states in agenda setting, evident in the Baltic regime and particularly important in the 1980s and the 1990s because of lacking efforts by bureaucrats, mired in collective action problems which impeded taking bold actions. VanDeveer suggests that shaping state institutions and actors is the most important leverage point for shaping the international agenda over the years, although the causal relations have not yet been entirely clarified. States with strong scientific capacity play an active role in setting the international agenda on environmental issues which they have identified as being salient to them. But questions remain to be solved: does strong domestic institutions lead to leadership, or is it that the leading states have decided to invest in building effective institutions at the domestic level? For instance, once enforcement capacities have been improved, do the countries become more vigorous leaders in rule making? Further work is necessary to answer these questions.

In short, there is a need to differentiate the role of states. We know that leading states and laggard states play different roles in negotiation. These distinctions should also be recognized in agenda setting. States are not the unitary category of actors they were – maybe a bit naively – assumed to be in

the Introduction. Whereas lead states in these cases, the Nordic states and Germany, and more recently the European Union (EU), play a crucial role in agenda setting throughout both processes, the laggard state (in this case, the Soviet Union/Russia), play no role whatsoever. However, laggard states may be more important in preventing effective implementation of ambitious goals set forth in the agenda setting, which in turn affects agenda-setting for the next stage.

Furthermore, this insight leads us to pay attention to yet another important institution based on the state-centered system but one that goes beyond the nation state system, the key role of the EU in agenda setting. Successful agenda setting of the LRTAP is linked to the increasingly important role of the EU in international environmental policy. EU is particularly important as many members to the LRTAP Convention are also members of the EU. The EU appears to function as a device to scale-up a state-level initiative by the leading states to mobilize international processes. That is, when successfully mobilizing international decision-making, the EU can function as a power device for influencing international process also in agenda setting (Kanie 2003). More recently EU influence was equally important for agenda setting in the Baltic, but in a different way. As the integration of Central and Eastern European countries into the EU coincides with the agenda-setting process of the Baltic, the newly-integrated countries had to follow EU policy standards and regulations, and EU goals are simultaneously pursued with the HELCOM action plan. Because countries in the Baltic region did not have advanced and comprehensive environmental policy compared to the European Union, EU policies helped to raise the level of their policies. This is an example of interests which are not directly environmental, such as European integration in this case, propelling environmental policy.

Although the EU has been important in agenda setting in these cases, we should be careful about generalizing from these lessons. For both cases the setting is regional and mainly Europe, probably the most advanced region in the environmental arena in the world today. Attention should therefore be paid to the particular political culture of Europe. A simultaneous integration process with regime development is one thing, but the unique features of Europe also include the tendency to utilize more regulation and a target-based approach to policies than elsewhere as well as a network culture (Kohler-Koch 1995, Peterson 1995, Ansell 2000). In terms of actor configuration, however, in principle important roles that a regional organization could play may still be applied to other regions. Regional organization may externally provide added value for leading states, while internally it facilitates the

upgrading of policy standards throughout the member states. In practice, however, no other regional organizations have the political and economic clout possessed by the EU

Networks also play an important role throughout the agenda-setting process, and increase in importance over time. The LRTAP has a stable, narrow network with a scientific and technical orientation, and therefore may by some be considered to have a rather low score on legitimacy. Apart from the established scientific bodies in the regime, the International Institute for Applied Systems Analysis (IIASA) and the Organization for Economic Co-operation and Development (OECD) are key actors. They provide models and cost estimates that are directly used in policies adopted. Importantly, representatives of lead states are also included in the network, keeping the inter-governmental process in the loop and securing the representatives informed. Business and industry are not explicitly included in the network, but they had interactions with the process through the Secretariat and working groups on best available technologies. (Haas and McCabe 2001).

In contrast, the Baltic had significantly more actors included in very broad networks. Such broad networks are instrumental in bringing in a broader and more holistic approach, and increase legitimacy. However, as it is so broad, the agenda-setting function directly linked to the regime-building process is hard to pin down exactly. Although initially there was a strong link to HELCOM, it is hard to identify causal relations between the networks and agenda setting over time.

Although the chapter did not investigate poor agenda-setting practices in detail, drawing on insights from other chapters, the UNCCD could be considered a case of bad agenda setting as the problem was cast at a global scale where it has subsequently failed to attract attention by the major international actors. Whereas the salient stakeholders and actors affected by desertification were regional – African – the issues was conceptually misspecified as a global problem. In part this misspecified agenda had to do with the race to get global treaties adopted at the Rio Earth Summit in 1992, but another major explanation has to do with the configuration of actor groups involved in agenda setting for desertification. Some state representatives as well as certain ENGOs all strove to identify it as a global problem, in the face of dissenting science, in order to work through the UNGA and the Bretton Woods system to attract resources for resolving the problem.

## **Negotiation**

States are the key players in international multilateral negotiations. The chapter on negotiation confirmed that their role is crucial for successfully negotiated settlements. Our hypothesis on the relations between “pusher” states and good agreement is strongly confirmed: If the pusher states are strong, the chances of reaching a successful agreement are higher and if the laggard states are strong, the chances of reaching a successful agreement are low. If negotiated settlements are reached in such cases they are likely to be mere hollow shells. In the much studied case of Ozone, a strong pusher state (the United States) played a key role in forging the agreement, resulting in an effective regime. Indeed, agreement was also reached in the UNCCD and Cartagena Protocol regimes, but the pusher state was exceedingly weak in the former, while the pusher and laggards were equally strong in latter, resulting in less-successful settlements. . (Findings in this chapter as well as) prior analysis has demonstrated that pusher states in combination with epistemic communities provide treaties which reflect substantive scientific consensus and are more environmentally effective than those negotiated without scientific participation, for such instances as stratospheric ozone and LRTAP (Haas 2007, Andresen 2000, Miles et.al d Underdal 2002)

Other actors may also at times play important roles in negotiations. For example, international organization may have an important role to create a linkage between the network of scientific actors and negotiation process as in the case of Ozone, which contributed to successful settlements. Contrary to this is the case of CCD, where strong scientific networks existed in various related issue areas and there was also a strong epistemic community around desertification and dry land degradation, but there was a mismatch HOW between these communities and issues discussed in negotiation. No international organization intervened to create an effective linkage between the network of scientists and the multilateral negotiation process.

This observation resonates well with our hypothesis that “strong international organizations and epistemic communities are likely to generate effective negotiated settlements”. When IOs play an active role, stronger negotiated settlements are more likely. Strong epistemic or scientific communities are also likely to generate more effective negotiated settlements, but only if there is scientific consensus and opportunities for scientists to give an input to the negotiations. there is strong scientific disagreement in the Cartagena Protocol with no “neutral” scientific basis and scientists tend to work either with business or environmental actors, leading to a weak agreement.

Also, the stronger and more united industry positions are, the more effective they are at influencing the scope of negotiated settlements. In the case of Ozone, business and industry groups were split at the beginning. However, overtime they found common ground to accept stronger regulations. As we know this is in part caused by the changing position of DuPont due to discovery alternative technology. Still, the fact that industry and business were unified was probably still important for reaching agreement as well as the subsequent development. Similarly, when key industrial players are opposed to strong regulations like in the Cartagena Protocol, key states refrain from participation, strongly reducing the value of the agreement. ...xx

Chasek argues that the agreements are more successful when there are networks across actor groups. There was a strong and uniform network over time in the case of Ozone, which was one probable reason for the successful agreement. In the Cartagena Protocol's case, there were two opposing networks reflecting the two opposing blocks in negotiation. The result was an agreement that was neither very effective nor universal. Nonetheless, without business and industry networked with the states "the position of the Miami Group might have been less stringent" (ch 2 p x). There were no discernible networks in the UNCCD and the agreement was exceedingly weak.

The influence of NGOs also often depends more on their ability to network or cooperate with state parties than on their ability to participate in the negotiations. It is often believed (in research as well as in policy) that the more open the access to negotiations for NGOs, the more successful the negotiated settlement, as NGOs are considered to be the true champions of the environment. Interestingly, the cases do not support this assumption, as they had least access when the Montreal Protocol was negotiated and most access to the UNCCD. In the end, participation is about the legitimacy of the process rather than about the success of the negotiation, and the degree of NGO participation may have more impact on vertical linkage in governance rather than the effectiveness of negotiated settlements. The UNCCD illustrate this well. There was fairly open access for local actors, but the level of ambition and effectiveness is low repetition.. In the Ozone regime, they played an important role in lobbying/networking on the domestic level. Even when the distance in interests and positions between the NGOs and key states are large, the network they create still matters in that their network functions as a counterbalance to laggards ., . When states and business and industry groups are concerned about trade implications they can often block efforts to create effective negotiated settlements. . Still,

networking from NGO if they join forces with scientists may still affect the course and direction of negotiations.

But In case

The role of international organizations may be that of a facilitator or mediator, subject to the types and character of the leader, exemplified in the case of UNEP's Mostafa Tolba in the Ozone negotiations. While UNEP is often the activist IO in negotiations, its impact varies significantly. . and it was far less effective in CCD as well as the Cartagena Protocol. . UNEP is a frail organization that is only occasionally able to mobilize its resources to influence negotiations. (Biermann and Siebenhuner eds 2009, Haas and Haas 1995) Its influence depends on a 'positive' interplay with other key actors.

~~DELETED BECAUSE VERY OLD NEWS..~~**Compliance**

The compliance chapter focuses on four compliance tasks—verification, review, assistance and sanctions. Most of the hypotheses presented in the introduction are confirmed in Stokke's chapter. Partnerships between multinational corporations (MNCs) and NGOs can lead to effective enforcement and compliance, including partnerships on the ground between productive sectors and NGOs. This is the case in the sanctions component of a compliance system where environmental NGOs (ENGOs) and MNCs that are interested in driving cheaters out of the market or protecting their international reputation work together. And this leads to confirmation of another hypothesis about MNCs: the MNCs that anticipate net discounted benefits will comply and contribute to more effective compliance. It is also confirmed that capacity building, which is an important activity in the assistance component of compliance tasks, facilitating rule adherence and transnational expert networks centered on IOs, can render effective compliance in the laggard states.

Importantly, the chapter demonstrates that best-practice compliance systems can create and expand transnational enforcement networks, reinforce domestic compliance constituencies, and expand the number and categories of actors capable of sounding the non-compliance alarm. Information is an important key for verification, and it is effectively managed when a database is centralized and provides continuously updated information. Stokke points out that integrating an enforcer network of a traditional information network and one with new technology (such as a satellite observation system) results in better compliance. For this, a network of MNCs with new technology, nation states with authoritative power and an IO(s) with the capacity to coordinate reporting and verification is proved to be important.

A good compliance system expands the transnational enforcer network, which stems either from the very setting of the rule itself or from the networked actors. On the one hand, effective compliance emerges from well-designed rules that allow expanding the number of actors involved in the compliance review. An example of this is the transition from the use of discharge limitations to gradually phased-in equipment standards for new ships. The new phased-in equipment rule makes circumventing compliance almost impossible, because to do that requires a vessel owner working with partners in crime not only in the shipbuilding industry, but also in classification and insurance MNCs, as their services are necessary for entering ship registries, winning freight contracts, and gaining access to ports. On the other hand, there is also a case where expanding the number of actors involved in a compliance task results in better compliance rules. An expanding coalition of pusher states and ENGOs using information legitimized by a transnational enforcer network and epistemic community helps in making a multilateral review system rather than staying in a bilateral system. And the multilateral review system raises the credibility, saliency and legitimacy of the review through further engagement of not only actors in the transnational enforcer network, but also other actors such as local authorities managing the given issue (such as port authorities) and enhanced engagement of the state.

Stokke points out ‘stronger’ actors beyond environmental issue (security, economic, etc.) should be involved in good practices in compliance, in addition to environmental agencies and interested ENGOs. A compliance-assistance system for laggard states is created or enhanced when generating outside (of environmental actors) willingness to fund environmental projects, which may require a substantial (political) incentive to establish interdependent relationships between donor and recipient countries, such as the relations between the former Soviet Union and European countries. Compliance of laggard states becomes better if the target groups include those who receive material benefit. Financial incentive also applies to whistle blowing. As we saw in the case of a vessel, where whistleblowers reporting the violations of the illegal discharges and falsified records were awarded a USD 250,000 incentive for whistle blowing reduce rule breaking.?

## **Implementation**

Implementation is about enforcing state commitments on the ground. It does not always take place following international agreements, and may also occur in advance of internationally negotiated commitments. National and subnational governments in lead states with companies that see it in their

interests to solve the relevant problems usually have the best record when it comes to implementation. Climate change, which will be addressed later, is a primary example for this. Although global regime building is stagnant, lead actors like the EU and many local and city-level initiatives implement various climate measures.

Still, in most cases implementation follows negotiation and international agreement. Connectedness between an international negotiation process and implementation is, therefore, a key for best practice implementation. Implementation of multilateral commitments tend to be more effective if key stakeholders are included in the process of negotiations. This is confirmed in the chapter by Oliveira. More specifically, implementation will be smoother if there is an overlap, or a network, between those who negotiate and those who implement. Those actors include IOs, lead states and agencies within a state, private actors, but also local governments, as implementation often moves smoothly when local governments, which are close to implementation targets, receive information and are involved from the early stages.

This is also confirmed on the UNCCD by the negotiation chapter. Although it was not a successful regime in terms of making a negotiated settlement, involvement of many local ENGOs in the negotiation process made implementation of the regime more effective, despite the weak negotiated settlement.

The disconnection between negotiation and implementation becomes particularly serious when it comes to funding issues, because implementers are accountable to those that provide funding. GEF is a typical example and it is influential in implementation of projects particularly related to biodiversity and climate change, but to some extent also to, POPs, international water and desertification.. The GEF with its close links to the World Bank is structured very differently from environmental regimes and communication between the respective COPs and the GEF is often difficult and may thereby hamper effective implementation (Rosendal and Andresen 2011). A better model is found in the Montreal Protocol, where donors are influential in funding implementation through the Multilateral Fund for the Protection of the Ozone Layer, securing a closer coordination between negotiations and funding/implementation. Conversely, the dynamics of the negotiations on funding and donor-recipient relations should well be reflected in the regime negotiation. Lack of participation by the same donors and beneficiaries with no coordination with the negotiations process

often result in ineffective implementation. This finding echoes the point made in the compliance chapter, underlining the importance of engagement of non-environmental funders in the environmental issues. Linking and networking the environmental community with key funding agencies is essential. .

As has been well documented elsewhere and in line with our assumptions, implementation practice is generally very different between developed states and developing states, as well as between states with stronger capacity and weak capacity. Countries with better technical capacity and more sophisticated industry can more easily live up to international commitments . In the ozone regime , the conversion of the aerosol sector was relatively easy for developed countries with highly sophisticated and capitalized chemical industry. But, many developing countries, which lack capital and technical capacity, took much longer time to convert the CFC usage in the aerosol sector. This is why the Montreal Fund was established and the developing countries were given an extra decade to comply with their commitments. However, this applies only in regimes which require national legislation and enforcement. For voluntary or more aspirational regimes founded on soft law, such as in forest preservation, a mobilized network of industry, NGOs and scientists on the ground can promote implementation. The case of Costa Rica, as provided in the implementation chapter shows that local communities networked with national officials developed a well-functioning system of payment for ecosystem services. Findings from development studies indicate that top-down efforts from international aid agencies that do not engage with local groups on the ground are ineffective at implementation (Puppim de Oliveira 2005). We assumed that vigorous capacity building by IOs or developed states is likely to render more effective implementation in developing countries, but that capacity building has to target the ‘right’ actor, not necessarily referring to a state agency. In fact, Oliveira shows that capacity building for national officials is not enough, and that capacity building in best practices needs to include local governments and small firms and mechanics, which actually do the implementation at the ground level. Implementation of the ozone regime in China has shown the importance of involving local governments. In contrast, in the case of Brazil, the lack of capacity building at the level of small repair shops to recycle or properly dispose the ozone depleting substances hinders effective implementation.

Contrary to our assumption, shaming and blaming by NGOs does not always work. Oliveira finds instances in UNCCD where NGOs with the support of some developing countries attacked the position of developed countries on the account that they did not recognize desertification as a global

issue and decentralized implementation of the convention. Such NGO activity resulted in low funding provisions, hampering implementation especially in the developing countries needing funding for effective implementation. That is, different mechanisms may be at work in developed and developing countries contributing to nuance in our hypotheses.

Another finding was that scientific reporting backed up with pressure from ENGOs and political movement in a key state can change the attitude of laggard MNCs, as witnessed in the case of Ozone. Also, domestic economic opportunities created by implementation or the prospect of implementation may lead firms who were otherwise anticipating net discounted losses from environmental governance to support implementation efforts.

## **Resilience**

Resilience has come to be considered an important governance component in recent years, although less attention has so far been paid to this compared to other governance components. Resilience entails maintaining a dynamic balance between social changes, governance, and environmental conditions. As regimes mature, in order to remain effective and relevant they must adapt to political changes within them and to environmental conditions outside them.. Effective governance entails a reflective mechanism, as those responsible for governance continually adjust the governance mechanisms to changing social, economic and political conditions as well as the direct environmental conditions that are the substantive focus of the governance efforts. As environmental governance increasingly has to face new and sometimes unpredicted challenges posed by nature, more attention has been paid to the need for resilience in recent years. Resilience entails not only a dynamic agenda setting process but also coupled flexibility in adjusting other governance components to a changing policy environment.

Stevens' chapter on resilience confirmed two important hypotheses. First, it confirmed that major contributors (states, MNCs) to the problem need to be a part of the governance arrangements, directly or indirectly, in order for the arrangements to be resilient. Second, unrestrained NGO activities will weaken resilience, as it results in a spread of strong politicization of issues and prevents the institution from adequately solving the issue at hand. Broader inclusion works best when it operates

polycentrically at the national level, complemented by multi-scalar (but not hierarchical) networks between the international system and the national decision making space. For instance, Caribbean conservation arrangements are more resilient when the scientific, NGO and corporate stakeholder configurations operate within a country as well as with counterparts outside the country in international organizations, the national government (state), and foreign aid agencies. He cautions that a broader network operates to offset the potential control of governance by powerful private actors, such as real estate developers in his cases of conservation management.

MAB and CITES have been resilient, with participation from all actor groups. The CBD is not resilient, in large part because no effective means of coordination is in place to mediate the involvement of the thousands of NGO participants at the CBD COPs. But above all, the process of bringing the actors in the governance arrangement together is the most important issue for resilient governance. Stevens argued that the focused selection mechanism of actors rather than an open selection mechanism renders credibility to the arrangement, and that “coupling these exclusive selection mechanisms with network governance mechanisms common in thick networks may provide an optimal steadiness regarding legitimacy and exclusivity”. Resilient networks have benefits for persistence, in part because of regular information flows, in part because of trust and institutionalized legitimacy for the stakeholders.

### **Partnerships: A special kind of actor configuration**

The most outstanding characteristic of private partnerships, or non-state market driven (NSMD) global governance, as termed by Auld, Cashore and Renckens, is the non-state centric nature of the arrangement. This and other types of partnerships often provide a complementary mechanism to a regime (such as e-Standards), to fill the gap when intergovernmental cooperation failed or was not undertaken. The promise of NMSDs is to influence global supply chains and thereby directly influence economic activities to change the course of action. The NMSDs described in the Auld, Cashore and Renckens chapter vary across a number of analytic divisions: the network configurations are organized by different political schemas (corporatist and market based); and the actual rules vary by product or process; and by whether they are extremely demanding, universally achievable with meaningful effects, or merely least common denominator green washing.

The configuration of actors is vital for understanding the form and effectiveness of these NMSDs. The actual analysis goes well beyond the crude formulation of the best practice hypothesis for networked partnerships. More demanding guidelines come when firms that are already industry leaders participate. Weaker guidelines result from industry laggards. Implementation occurs best when there is participation from firms and NGOs throughout the supply chain, entailing many different types of firms (the ultimate seller, buyers, traders, retailers) spread geographically along the supply chain. As the authors note, such efforts work best when there are informed and affluent consumers in the final market. Thus such schemes work better for retail goods (including fish and forest products) than for intermediate goods used by industry.

While NGO oversight was important for inducing and rewarding compliance by firms, more important seemingly was the nature of the commitments themselves. So long as there were local participants to the NMSD capable of verifying the accuracy of the certificates, true effectiveness depended upon whether the corporate members had opted for demanding or weak goals.

## Dynamics

Few dynamic effects were found between actor groups active in different governance configurations, or between configurations themselves, be they in the same regime or across regimes. Most actor groupings and governance configurations remain decoupled from one another. The data in this book is aggregated at the scale of actor groupings – the instances of specific actors are discussed, beyond the USA, the EU or UNEP.

Observed Actor Group Involvement in different Regime Components

	State	IO	Science	NGO	MNC
Agenda setting	X	X	x		
LRTAP	X	X	X		
Baltic	X	x			

North Sea	X	x			
Negotiation	X	x	X	x	
Ozone	X	X	X		x
CBD	X	x	x(divided)		X
CCD	X	x		X	
Compliance	X	X		X	x
MARPOL	X				x
Fisheries	X			x	
Nuclear Waste	X				
Implementation	X	X	X (weak)		X
Ozone					
CBD					
Resilience	X	X	X	X	x
MAB					
CITES					
CBD					

The overlapping cases across components confirm our initial hunch that the array of actors varies between regime components, even for the same regime. While configurations of actor groups do correlate well with the performance of various governance components, the actual makeup of these

groups in terms of specific actors varies widely. Which NGO or epistemic community or firm is involved in a particular component for one particular regime does not mean that it will be involved in other components, nor necessarily in other issues areas as well. UNEP is the most commonly occurring IO, which is a strong reason for why UNEP's presence with other actors yields agendas with a primarily environmental focus. Other IOs would be more likely to impart a focus consistent with their missions. Thus the EU is likely to impart an agenda or frame promoting more goals than would UNEP, whereas the World Bank and UNDP focus on development agendas and the WTO stresses trade liberalization, at times at the expense of environmental goals. This is why some chapters addressed the need for involving financial actors, be it IO or ministry, in environmental governance. Unless getting them involved, actions are likely to remain weak.

Environmental governance with an actor based focus is highly differentiated. The now extensive case study literature seems to support this notion that few individual actors recur in multiple regimes or components. (Betsill and Corell eds, Biermann ed 2012, other cites?)

### *Actors across components*

Looking thorough the findings of the chapters, we realize that no single actor exercises influence independent of other actors. In other words, in the issue area of the environment, where many sub-issues are linked with each other and maybe other issues such as economic and social issues are interconnected by its nature, governance can be a creation of the synergistic or conflictive joint behavior of actors, be it by a single actor or by a network of actors. Untangling actor configuration and examining the cause of best governance practices composed of synergistic actor relations is an important task of this concluding chapter.

While there are few dynamic effects, a qualitative sensitivity analysis focuses on the relative importance of different actors within the configurations.

### *States*

We recognized the important role that non-state actors play, but states are also still indispensable in many governance components, especially in the role of pusher states in the phase of negotiations. Learning from a few cases dealing with the EU and EU-related or oriented regimes examined in this volume, we realize that pusher states are the same in most of these regional

regimes—the Scandinavian countries. The EU has been offering lead states and lead actors in those countries opportunities to venue shop for their ideas and policy priorities. For them, and for many middle power countries in Europe, the EU as a regional integration organization matters, as it generates principles and norms which may be applied to environmental as well as other issues beyond environmental issues. This is particularly true to the newly accepted countries that have to comply with the EU standard as part of the accession process. In this way, EU expansion has functioned as a device to expand the EU standard throughout Europe.

However, by the same token, we need careful investigation when applying the lessons in Europe to outside the EU. A regional regime is different from a global regime.

We also noticed the need to differentiate different categories, types or characteristics of states when considering states. We usually do this when it comes to negotiation, but the different category of states needs to be considered also in agenda setting, compliance and implementation, as well. For developing countries, for example, to a certain extent they can influence global regime-building negotiations, but when it comes to implementation, donors are more influential as it relates to finance.

### *Scientists*

Scientists, and more importantly epistemic communities, proved to be valued members of actor configurations in the performance of agenda setting and rule making. Agendas with the involvement of science tend to be more comprehensive, accurate, and commanding of subsequent state attention for collective treatment. Rules developed with the involvement of epistemic communities have a more comprehensive form and are more environmentally effective. (Haas, Andresen)

### *IOs*

When an IO is working with the core network for solving the given problem, be it reporting, verification, or science, they have a better role for coordination, which results in stronger influence. This is not just about network in agenda setting and negotiation, but also includes linkage between negotiation and funding as the major part of implementation of a regime.

We also learned that the role of IOs depends on the leadership of the Secretary General/Executive Secretary. (Biermann)

## *Business and Industry*

Unity of the position is important for this actor group to influence policy process. The stronger and more united industry positions are, the more effective they are in influencing the management of governance components. If states join this coalition, and states and business/industry share concerns on trade or markets, their influence becomes bigger. Therefore, when MNCs that hold new technology find interests in promoting a regime, and they can further work with the leading states and strong IOs, the regime makes progress. However, in return, it takes a strong network of other actors to counterbalance the economic interests with the need for precaution, supported by strong environmental science.

The business and NGO alliance appears to be an effective combination, but the effectiveness is questionable, as they cooperate only when the interests on the side of business matches. Their purposes may be different, and the alliance may turn out to be superficial. Rather, business/industry may take effective behavior on the market basis. In developing countries such behavioral change may be facilitated by international regimes (in order to keep/expand market share). In this sense, it will be important, or ought to be important, to look at local market conditions.

## *Linkages between components*

Now we turn to the linkages between governance components. There are two kinds of linkages one would consider: the linkage on the same component but different regimes, and the one between components in the same regime.

With regard to the linkage from one regime to another within the same component, there is the case between the North Sea and the Baltic in the preceding chapters. This linkage was strengthened mainly through the EU in agenda setting and implementation, and there was positive learning between them. There are various ways to make the link, but the function of ministerial conferences is emphasized as an important device for successful agenda setting, as they bring together many different issues, and such a high-level political forum brings about a good opportunity for interested countries in promoting another regime. Similar case is found in ASEAN, in which the successful agenda-setting and negotiation

of haze agreement gave positive lessons of “ASEAN way” of agreement making for other air-pollution issues. The EU also functions to standardize environmental policy, as it provides pressure to have the same kind of methodology to reduce emissions, and thereby linkage in terms of policy approach could also be made. Learning and innovation and spillover are what have been happening.

When it comes to actors other than states and government, the political organization of actors are organized around the issue, and the network is issue-specific in the good practices in agenda setting. This is also positively evaluated in terms of resilience—narrow selection of participants makes it resilient. Under such circumstances, inter-component linkage happened very little. Thus, governance and components remain highly differentiated and the configuration of actors is highly specialized around the issue area. Therefore, we have limited prospects for linkages, especially compared with a trade regime where inter-component linkages seem to happen frequently in a different issue, as they are working under the same principle of free trade.

It should also be noted here, however, that this issue-specific organization of actors also sometimes prevents governance from being effective when it comes to compliance and implementation. Such sectionalism tends to limit the funding opportunities for environmental governance as well as wider assistance for compliance. Here the causal links between stratospheric ozone and climate change have raised governance problems for each regime. Carbon credits for ozone depleting substances have contributed to ozone depletion, whereas failed efforts to claim GHG reduction credits for controlling ozone depleting substances within the ozone regime have slowed efforts at climate change governance.

This roadblock is not merely a matter of incompatible legal instruments and design. Rather it is a consequence of deadlocked actor configurations, where corporate actors in one regime are at odds with corporate actors in the other one.

Although the current research does not shed light on the linkages from one component to another in the same regime, there are suggestive glimmerings in parts of these chapters. We saw the linkage between compliance/implementation and negotiation, compliance/implementation and agenda setting, agenda setting and negotiation, as well as between resilience and agenda setting.

With regard to from compliance/implementation to negotiation, there are instances of an “implementation turn”. The exclusion of key stakeholder from the negotiation may lead to successful

agreement of negotiated settlements, but it brings about a serious negative impact on the effectiveness of the regime, as this does not lead to successful compliance/implementation. This statement can also be applied to domestic implementation where early involvement of stakeholders in the process results in success. In particular, funding negotiation, which is deeply related to implementation, should reflect the decision-making dynamics of the regime negotiation. Stronger linkage between funding negotiation and regime negotiation will result in more effective implementation. No participation of the same donors and beneficiaries without any coordination with the negotiations process and agreements results in ineffective implementation.

The UNCCD has provided an interesting case on this point. Its negotiation brings local ENGOs which resulted in effective implementation of the regime. However, the negotiated settlement by itself was ineffective due to the failure in agenda setting. Therefore, one can argue that there is also a causal relation between agenda setting and implementation, but this is more about the question of effectiveness.

A successful linkage between agenda setting and negotiation may be the case of good agenda setting in the LRTAP and its evolution of protocols, which came from the epistemic community and its idea about the “critical loads” supported by IOs.

## **Networks and Configurations**

Most of the chapters investigate the configurations of actors, but have little to say about the glue that holds the configurations together, or the structure of the networks. We know little still about key actors who may serve as hubs amongst the broader spokes of networked relations. Still, it is quite clear that information is a key resource which actors value and share within the network. Asymmetries in information possession encourage actors to operate together. VanDeveer shows that the density of actors in the Baltic and in LRTAP constitute a network of actors who regularly interact over time and share common goals. One limit to non-technocratic networks, such as in the Baltic, is the need for NGOs to temper their critique and public scrutiny and public advocacy activities in order to maintain a working relationship with MNCs within the network. No evidence is available about any compensatory restraint exercised by companies. Stevens indicates how a vertical and horizontal network contributes to resilient governance through the rapid flow of information in a variety of conservation governance

schemes, including MAB. In compliance, Stokke offers a functional argument for why actors should remain committed to a network because of the collective benefits which accrue from information sharing and from the conversion of that information to implementation. Conversely, the arrangement of actors within Cashore's partnerships appear much closer to more transitory advocacy coalitions, where NGOs and companies each remain voluntarily within the configuration so long as they deem their interests satisfied by the certificates.

In these cases, networked configurations seem to contribute to stronger and more resilient governance than do more short term configurations of convenience.

### **Legitimacy**

Legitimacy is a key factor for the integrity of each component as well as for the integrity of the configuration of actors. Whether actors choose to continue to participate, in the absence of compulsion, rests on their impression of the legitimacy of their shared project..

While few chapters looked explicitly at legitimacy, in particular it contributed to resilience and the social authority of NMSDs. Interestingly, actors had different notions of legitimacy in each case. In the resiliency cases involving nature conservation actors valued information about verification which would enable each to better pursue its own conservation goals. In the NMSDs legitimacy depended upon collective market based outcomes which would affect demand for members' products, or the direct environmental consequences of the schemes in the eyes of NGOs.

When actors believe that the other actors' involvement is legitimate, and that the institutional arrangements themselves are legitimate, then resilience is likely to be achieved. There are few accounts in this volume where actors dispute others' involvement. The legitimacy of private partnerships is a bit more of a concern, given the often adversarial relationships between NGOs and MNCs, and the fact that many of the labels and certification schemes are not well understood by consumers, so that they are unable to distinguish between schemes with stronger and weaker commitments and effectiveness, thus contributing to a broader lack of legitimacy by a skeptical public. (Cashore and Bernstein, Cashore 2002)

### **Conclusion**

The different categories of actors in multilateral environmental governance are not monolithic. We have learned from the collection of case studies in this volume and other related findings that the configuration and combination of actors influences the success or failure of environmental governance components. In this volume we did not try to provide a comprehensive analysis of these issues, but to raise the importance of the issues and to make a first step toward identifying the best actor combination in different components of governance.

Governance in the twenty-first century – in what is being referred to as the “anthropocene” era with environmental issues at the forefront – requires different types of governance from the twentieth century. We know that in many instances, traditional international relations centering on the nation state no longer function well. This century will need to see a restructuring of governance to address environmental and sustainability issues while simultaneously addressing economic and social issues.

An important political question is to what extent can and will states allow authority to diffuse internationally from the state to non-state actors. Is this widely documented diffusion of authority subject to control by nation states or is it a consequence of the new array of issues on the international agenda and the technological developments which allow non-state actors to exercise meaningful influence internationally? Future empirical studies could shed light on the questions of how ENGOs and epistemic communities work together. When will ENGOs prevail over epistemic communities? When will epistemic communities prevail over ENGOs? Such empirically grounded work should also provide insights into the broad questions of how do states choose which IOs to utilize for negotiating accords? We have found islands of governance in a complex sea of problems, but few examples yet of coupled governance that is able to operate homologously with coupled problems. Hopes for institutional homology between governance and the complexity of the environmental systems being governed remains elusive. Yet as the memory of the cold war fades as a structuring element to international relations, growing awareness of the anthropocene and of complex global environmental threats may lead to a new and broader appreciation of how to fashion new governance arrangements that are appropriate to the need to capture not only the connections between environmental threats, but also the links between environmental issues and other issues on the international agenda.

The key is how to configure the actors involved in the activities functioning in governance, and to utilize the network of actors. Public policy should be oriented to do so. We hope this volume serves as a stepping stone on that path.

## Reference

- Andresen, S., T. Skodvin, et al. (2000). Science and Politics in International Environmental Regimes. Manchester, Manchester University Press
- Ansell, Chris (2000) "The Networked Polity: Regional Development in Western Europe" *Governance: An International Journal of Policy and Administration*, Vol13, No.3, pp.303-333.
- Biermann, Frank, Kenneth Abbott, Steinar Andresen, Karin Bäckstrand, Steven Bernstein, Michele M. Betsill, Harriet Bulkeley, Benjamin Cashore, Jennifer Clapp, Carl Folke, Aarti Gupta, Joyeeta Gupta, Peter M. Haas, Andrew Jordan, Norichika Kanie, Tatiana Kluvánková-Oravská, Louis Lebel, Diana Liverman, James Meadowcroft, Ronald B. Mitchell, Peter Newell, Sebastian Oberthür, Lennart Olsson, Philipp Pattberg, Roberto Sánchez-Rodríguez, Heike Schroeder, Arild Underdal, Susana Camargo Vieira, Coleen Vogel, Oran R. Young, Andrea Brock, and Ruben Zondervan, 2012a. "Transforming governance and institutions for global sustainability: key insights from the Earth System Governance Project" *Current Opinion in Environmental Sustainability*, 4:51-60
- Biermann, F., K. Abbott, S. Andresen, K. Backstrand, S. Bernstein, M. M. Betsill, H. Bulkeley, B. Cashore, J. Clapp, C. Folke, A. Gupta, J. Gupta, P. M. Haas, A. Jordan, N. Kanie, T. Kluvankova-Oravska, L. Lebel, D. Liverman, J. Meadowcroft, R. B. Mitchell, P. Newell, S. Oberthur, L. Olsson, P. Pattberg, R. Sanchez-Rodriguez, H. Schroeder, A. Underdal, S. Camargo Vieira, C. Vogel, O. R. Young, A. Brock, R. Zondervan. 2012b "[Navigating the Anthropocene: Improving Earth System Governance](#)", *Science*, Vol. 335 No. 6074, 1306-1307, 16 March 2012
- Busch, P.-O., H. Jorgens, et al. (2005). "The Global Diffusion of Regulatory Instruments: The Making of a New International Environmental Regime." *The Annals of the American Academy of Political and Social Science* 598: 146-167
- Cashore, Benjamin (2002) "legitimacy and the Privatization of Environmental Governance" *Governance* 15: 4 pp 503-529.

- Haas P.M. and McCabe D. (2001), "Amplifiers or dampeners: international institutions and social learning in the management of global environmental risks", in *Learning to Manage Global Environmental Risks, Vol. 1*, MIT Press, Cambridge (MA), pp. 323-348.
- Haas, P. (2004). "Addressing the Global Governance Deficit." Global Environmental Politics 11(4): 1-19.
- Haas, P. M. (2007). Epistemic Communities. The Oxford Handbook of International Environmental Law D. Bodansky, J. Brunnee and E. Hey. New York, Oxford University Press: 791-806
- Ishii, Atsushi (2011) "Scientists Learn Not Only Science but Also Diplomacy: Learning Processes in the European Transboundary Air Pollution Regime", in Lidskog, Rolf and Goran Sundqvist, eds (2012) *Governing the Air: The Dynamics of Science, Policy and Citizen Interaction*. (Cambridge: MIT Press), pp.163-194.
- Kanie Norichika (2003) "Leadership in Multilateral Negotiation and Domestic Policy: The Netherlands' at the Kyoto Protocol Negotiation", *International Negotiation* Vol8.No.2. pp.339-365
- Kanie, N. and P. M. Haas, Eds. (2004). Emerging Forces in Environmental Governance. Tokyo, UNU Press
- Kanie, N, Michele M. Betsill, Ruben Zondervan, Frank Biermann and Oran R. Young, 2012, "A Charter Moment: Restructuring Governance for Sustainability" <http://onlinelibrary.wiley.com/doi/10.1002/pad.1625/abstract>, *Public and Administration and Development*, 32, PP. 292-304
- Kohler-Koch, Beate (1995) "The Strength of Weakness: The Transformation of Governance in the EU" Sverker Gustavsson et al eds., *The Future of the Nation-State*, Stockholm
- Levy, Marc 1993. "European Acid Rain: The Power of Toteboard Diplomacy." In *Institutions for the Earth: Sources of Effective International Environmental Protection*, edited by Peter M. Haas, Robert O. Keohane and Marc A. Levy, 75-132. Cambridge: MIT Press.
- Meyer, J. W. (1997). "The Structuring of a World Environmental Regime." IO 51(4): 623-651
- Miles, E. L. (2002). Environmental regime effectiveness : confronting theory with evidence. Cambridge, Mass., MIT Press.
- Peterson, John (1995) "Decision-making in the European Union: towards a framework for analysis" *Journal of European Public Policy*, Vol.2, No.1., pp.69-93

- Pauly, L. W. and E. Grande (2005). Reconstituting Political Authority: Sovereignty, Effectiveness and Legitimacy in a Transnational Order. Complex Sovereignty. L. W. Pauly and E. Grande. Toronto, University of Toronto Press
- Puppim de Oliveira, Jose A. (2005). "Enforcing Protected Area Guidelines in Brazil: What Explains Participation in the Implementation Process?" Journal of Planning Education and Research - JPER 24(4): 420-436.
- Rockström J, Steffen W, Noone K, Persson Å, Chapin FS, Lambin EF, Lenton TM, Scheffer M, Folke C, Schellnhuber HJ, et al. 2009 A safe operating space for humanity. *Nature* 461: 472-475
- Speth, J. G. and P. M. Haas (2006). Global Environmental Governance. Washington, DC, Island Press
- VanDeveer, S.D. (2004) 'Ordering Environments: Organizing Knowledge and Regions in European International Environmental Cooperation' In *Earthly Politics: Local and Global in Environmental Governance*, S. Jasanoff and M. Long-Martello, eds. Cambridge: MIT Press: 309-334