

Book Review Essay

Change in Global Environmental Governance

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Biermann, Frank. 2014. *Earth System Governance: World Politics in the Anthropocene*. Cambridge, MA: MIT Press.

Gupta, Aarti, and Michael Mason, eds. 2014. *Transparency in Global Environmental Governance: Critical Perspectives*. Cambridge, MA: MIT Press.

Jinnah, Sikina. 2014. *Post-Treaty Politics: Secretariat Influence in Global Environmental Governance*. Cambridge, MA: MIT Press.

Monheim, Kai. 2015. *How Effective Negotiation Management Promotes Multilateral Cooperation: The Power of Process in Climate, Trade, and Biosafety Negotiations*. Abingdon, UK: Routledge.

Where does change come from in the architecture of global environmental governance? To the extent that a traditional answer to this question exists, it is that states self-consciously make changes in the architecture, to meet specific cooperative goals and in response to new information about the state of the natural environment. This is the classical neoliberal, institutionalist, regime theory answer: States, understood as rational unitary actors, create new institutions to reduce the market imperfections in international cooperation. This answer has informed much good work on global environmental politics over the past two decades, but it is limited by its terms of reference. States are often neither rational nor unitary, and they are not the only actors of relevance to global environmental governance.

A more recent counter-narrative to state-based regime theory abjures the state and the formal intergovernmental organizations created by states, looking both to other levels of government and to nongovernmental actors as sources of environmental governance. This approach looks at networks of nonstate actors as the source of voluntary global environmental leadership, built up from the grass roots rather than imposed from the top. This is a useful corrective to an exclusive focus on the state as the unit of analysis, and on conscious design rather

than network effects and unintended consequences. However, by taking an approach to understanding global environmental governance that differs from rational regime theory on so many axes, it leaves little common ground for conversation with that literature.

Such a conversation becomes more feasible if we see key differences as ranges rather than dichotomies, and if we allow for agency and political effects within, rather than just across, actors. These two approaches differ on two key dimensions: states versus other actors, and rational, top-down design versus bottom-up and networked effects. Examining different combinations of these spectra allows for more nuanced discussion of how change happens in global environmental governance.

Four recent books approach this broad question by focusing on different places at which these dimensions intersect. Sikina Jinnah, in *Post-Treaty Politics*, looks at the independent role of treaty secretariats and the interplay between secretariats and states in navigating issue overlap in the institutions of global environmental politics. Kai Monheim, in *How Effective Negotiation Management Promotes Multilateral Cooperation*, looks at the role of state negotiators, rather than of states as corporate actors, in generating successful cooperative outcomes. *Transparency in Global Environmental Governance*, edited by Aarti Gupta and Michael Mason, looks at the effects of increasing transparency on a range of different actors in global environmental governance. And finally, Frank Biermann, in *Earth System Governance*, focuses on top-down governance, but in a way that attempts to transcend the traditional assumptions and limitations of state-centric cooperation.

The question motivating Jinnah in *Post-Treaty Politics* is the conditions under which treaty secretariats, as international bureaucracies distinct from the member states of the treaty, hold the power to change global environmental governance. The set of cases through which she addresses this question all involve what she calls “overlap management”—situations in which there is either overlap between the core remit of the treaty and other issue areas, or overlap of the core remits of different treaties. Of the four cases, each of which constitutes a chapter in the book, two examine the Convention on Biological Diversity (CBD) secretariat: one focuses on the design of a general architecture for overlap management, and the other on the secretariat’s efforts to incorporate climate change concerns into the biological diversity discourse. The third case looks at the ways the World Trade Organization navigates the trade/environment overlap through a variety of mechanisms, including its Committee on Trade and the Environment and its Dispute Resolution Mechanism. The fourth case looks at the (largely failed) attempts by the Convention on International Trade in Endangered Species (CITES) secretariat to manage overlap, largely with the UN’s Food and Agriculture Organization (FAO), on questions related to edible aquatic species.

The conclusion Jinnah reaches is that secretariats can have a meaningful independent impact on overlap management in some circumstances. Specifically,

secretariats are likely to be most influential when states have either weak or imprecise preferences, and when the secretariats themselves are not substitutable, meaning that there are no other competing organizations, either intergovernmental or nongovernmental, that can manage the particular overlap effectively. At one end of the spectrum, the CBD secretariat was the only real game in town for the creation of a biodiversity overlap architecture, and state preferences on the issue at the time were weak, meaning that the secretariat could more or less write the rules as it wished. At the other end, key states have strong preferences with respect to the management of commercially important fish stocks, and CITES faced significant institutional competition on the issue, from both the FAO and elsewhere. As a result, the CITES secretariat failed to have a meaningful independent effect on outcomes. In all of the cases, secretariats seem to use their influence both to solidify their bureaucratic positions in global environmental governance and to further their environmental mandates as they understand them.

The cases do indeed show that treaty secretariats sometimes have influence that is independent of that of member states. Jinnah's typology is likely useful across treaty secretariats in a variety of issue areas beyond environmental issues. Although she presents her argument as an alternative to the principal-agent model, it can also be seen as a complement to that model. Her two conditions for secretariat influence can be seen as answers to one of the key questions that the principal-agent model generates: When will states be both willing and able to effectively rein in their agents, the treaty secretariats? Seen in this way, Jinnah's book can act as a bridge between traditional, state-based rationalist regime theory and the literature on alternative global environmental governance patterns, by highlighting the circumstances in which change in those patterns is likely to be driven by a particular set of nonstate actors.

In *How Effective Negotiation Management Promotes Multilateral Cooperation*, Monheim takes an approach that appears at first to hew more closely to the traditional, regime approach. He looks at a set of negotiations toward the creation of new multilateral agreements, both environmental and otherwise, and asks under what conditions these negotiations are likely to succeed. He concedes both the easy and the hard cases to regime theory: when initial state interests converge, agreement is likely, and when they collide, it is unlikely. But a wide range of issues lie between those two extremes. In these circumstances, when are states likely to find agreement? He focuses his inquiry on three paired sets of negotiations in which failure in one round of negotiation was followed by success—defined as an agreement being reached, in broadly similar circumstances, the following year. The cases are climate change (failure in Copenhagen in 2009, success in Cancun the next year), biosafety (Cartagena in 1999, Montreal in 2000), and trade (Seattle in 1999, Doha in 2001). To a certain extent, the later negotiations succeeded by building on the work of the earlier ones. But, he argues, more was going on than that; in all three cases, the later negotiations were simply better run than the earlier ones.

Monheim identifies four key variables that constitute effective negotiation management: the capability of the organizer, the authority of the lead organizer, transparency and inclusiveness, and the negotiation modes of arguing versus bargaining. The “organizer” can refer to a number of different specific actors, including host-country personnel and often personnel from the relevant international organization secretariat. The “lead organizer” is the conference chair, usually appointed by the host country. Capabilities include approachability, organization, and the ability to schmooze effectively, among other things. The “negotiating mode” variable refers to the extent to which negotiators are focused on arguing over principles or negotiating over payoffs. To the extent that negotiators are arguing, Monheim writes that, they can reach a positive-sum agreement; therefore, this mode is to be preferred to bargaining, which creates zero-sum games. To a certain extent, the four variables overlap—capabilities and transparency help to generate legitimacy; capabilities are useful in both generating and managing transparency and in setting the negotiation mode; and so forth. But the variables are nonetheless well conceptualized, and Monheim does a good job of demonstrating that the successful second rounds in all three cases were better managed according to these measures than the first.

The cases are based on extensive participant interviews and observation. This methodology can bias the study toward concluding that the negotiating process matters, since participants in the process are likely to believe that their individual efforts are significant, rather than determined by structural conditions. Even so, Monheim makes a strong case that process does matter, and that negotiation management not only affects the chances of an agreement being reached, but also has an impact on the content of that agreement. It is worth noting in this context, however, that good process management in part means losing centralized control over the content of negotiations. Transparency, legitimacy, and argument mean that the organizers cannot centrally impose outcomes—delegates must be allowed to meaningfully affect the content of cooperative agreements. And this loss of control makes effective top-down institutional design more difficult.

Transparency in Global Environmental Governance, as an edited volume, is organized differently from the previous two books discussed in this review. It explores its key concept, transparency, from a variety of different angles, using case study chapters from a range of authors. This book does what an edited volume should—it brings a common analytical framework to bear on a wider range of cases than one author could manage. Transparency is understood in the volume to mean “governance by disclosure,” the use of “public and private governance initiatives that employ targeted disclosure of information as a way to evaluate and/or steer the behavior of selected actors” (p. 6). The book comprises five case studies of state-led multilateral transparency efforts, ranging from climate change to transgenic crops, and five cases of private and public/private efforts, ranging from corporate carbon disclosure to nonstate certification of forests and fisheries, as well as two historical framing chapters about the rise of transparency narratives both internationally and comparatively.

Gupta and Mason take a critical approach to their study, meaning that they look at the discourse of transparency in the contemporary historical moment as an object of inquiry, rather than (or in addition to) looking at the practice of discourse itself as an independent variable. In other words, they ask why transparency is being used as a tool of environmental policy, and why now, as well as asking what the political and environmental effects of transparency strategies are. They ask to what extent democratization and marketization are driving the growth of transparency strategies, and to what extent transparency moves the locus of global environmental governance from states, thereby opening up political space for other actors. Finally, they ask who gets access to information in the transparency strategies examined, who is empowered by the information, and whether any of this ends up helping the natural environment.

An edited volume with twenty authors looking at ten cases is not going to yield the kind of clear conclusion achievable by single-authored volumes. The overall thrust of the evidence, though, yields interesting and, in some instances, challenging answers. Gupta and Mason conclude that transparency is related to democratization, but democracy is neither a necessary nor a sufficient condition for transparency, and transparency affects democratization as well. They also conclude that transparency is a response to spreading norms of marketization, the belief that policy where possible should be designed not only to use market mechanisms, but also to support the market system more broadly. The answer to the question about the locus of government is less clear. Transparency opens up new spaces for nonstate actors, particularly in the role of observing and validating transparency. But at the same time, it reinforces and hardens mechanisms of state-based international law. On the whole, transparency does make key information more widely available, but in a way that empowers states and major market players as much as, or more than, other potential actors in global environmental governance. Finally, Gupta and Mason find little evidence one way or the other regarding actual environmental effects of transparency-based governance.

The critical approach that Gupta and Mason take toward how concepts such as democracy and transparency are deployed in global environmental governance might usefully have informed Biermann's analysis in *Earth System Governance*. This volume is an overview of much of the work Biermann has published over the past decade as part of his Earth System Governance Project. It presents a broad overview of the project to date, its analytical categories, and its policy recommendations, rather than new arguments.

Biermann asks how the multilateral system might be purposefully reoriented to make global environmental governance more effective. The book is organized around five analytic categories: agency, architecture, accountability and legitimacy, allocation, and adaptiveness. Each category has its own chapter, containing both assessments of the state of play of current governance patterns and recommendations for policy reform. The policy recommendations are for the most part ones that Biermann has been championing for some time, which generally involve the expansion of bureaucratic structures or the creation of new

political fora. An example of the former is the creation of a World Environmental Organization, and of the latter, the creation of an international parliamentary assembly. Both ideas are presented without giving adequate representation to the substantial arguments against.

More broadly, in focusing his discussion on governance structures, Biermann suggests by implication that bureaucratic form is sufficient to create major change in global environmental governance, in the absence of change in political will. Designing the most efficient possible funding mechanism for environmental adaptation, for example, is in and of itself a good thing—if we are going to have funding mechanisms, they should work well. But designing the mechanism well is not going to create the sorts of transfers of wealth Biermann envisions as necessary for effective earth systems governance. This is why a more critical stance is necessary when asking the big structural questions about global environmental governance—to look at bureaucratic structures without addressing the political economy within which those structures operate is to get a truncated view of both the practice of and the potential for governance.

How do these four books, taken together, answer the question with which this essay began, about the sources of change in global environmental governance? Each individually highlights one particular kind of change. Together, they tell us, among other things, that the ends of the state-versus-nonstate-actor spectrum are not necessarily the most interesting places to look for change. Much of the interesting action is either happening, or needs to be happening, in the relationships among actor types. States can no longer (if they ever could) effectively claim a monopoly on global environmental governance, but nor, according to these volumes, will such governance happen effectively in their absence. Furthermore, we learn interesting things when we stop thinking of states as rational unitary actors, and start looking at the people who act in their name.

The books also help to illuminate the tensions between the top-down design of governance institutions and the implementation of governance at the ground level. Questions of agency, understood in a variety of ways in these four works, along with the embeddedness of institutions in the broader structures of the global political economy, mean that policy as implemented will likely stray from governance as envisioned. Change can come from the rational design of institutions, or from the vagaries of leadership in negotiation. It can come from states, from within international institutions themselves, or from networks of other actors. And change can be stymied not only by vested interests, but also by the constraints of the broader political structures within which environmental governance happens.