

*Multi-Level Governance  
in the  
European Union  
Implications for Global Governance*

By

Farah Saleem

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*Farah Saleem*

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*Supervisor: Professor Friedrich Kratochwil*

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*International Relations and European Studies Department  
Central European University*

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*Farah Saleem  
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## *Abstract*

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Examining the economic and political integration of the European Union (EU) is significant to broaden our conceptual understanding of new forms of governance. Given that EU has transcended the traditional Westphalian model through an advancement of pan-European identity; studying this new form of governance is essential because they have significantly questioned the Westphalian narrative of international relations. They have lead to a re-examination of the concepts of sovereignty and political order, and to the possibility of developing an international system in a pluralistic, multilateral and diverse manner.

European governance, as it is conceptualized today has suggested that the type of governance needed internationally to tackle global challenges, must be multi-level. The inclusion of civil society in this makeup of multi-level and multilateral enterprise of global governance is in turn used to enhance the legitimacy and accountability of governments, supranational institutions and international regimes. Bringing civil society organizations into the mix, for a conception of global governance with “global civil society,” while there is a gradual denationalization of politics, reveals that governance today is “without government”. Given that this particular type of managing of global order loses legitimacy and authority quickly, originally only found in the confines of democratic governments, strengthening accountability and legitimacy remains one of the most important goals of this democratic envisioning of global governance.

The thesis will assess the chances and limits of global governance, and the concerns with legitimacy and democratic deficit. If this new governance is an alternative to traditional modes of governmentality, then the EU presents itself as a case where Multi-Level Governance (MLG) has dealt with the challenges of accountability and legitimacy. The objective of the thesis is to highlight some of the lessons learned from the case of the EU, especially the limits and shortcomings of governance itself, if one attempts to assess the attempts to solve the same problem of accountability at the international level. What we find is that even with the inclusion of civil society; governance continues to suffer from a democratic deficit.

*Keywords: Global governance, European Union, Multi-Level Governance, Accountability*

## Abbreviations

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CAP	Common Agricultural Policy	MLG	Multi-Level Governance
CoR	Committee of Regions	MNC	Multi-National Corporation
CSD	Council for Sustainable Development	NATO	North Atlantic Treaty Organisation
CSO	Civil Society Organization	NGO	Non-governmental Organization
FTA	Free Trade Agreement	QMV	Qualified Majority Voting
EC	European Commission	TFEU	Treaty on the Functioning of the European Union
ECB	European Central Bank	UN	United Nations
EESC	European Economic and Social Committee	UNCED	UN Conference on Environment and Development
EP	European Parliament	UNDP	UN Development Programme
ERDF	European Regional Development Fund	UNFCCC	UN Framework Convention on Climate Change
EU	European Union	WCW	World Conference on Women
G20	Group of Twenty	WSF	World Social Forum
ICC	International Criminal Court	WTO	World Trade Organization
ILO	International Labour Organization		
IMF	International Monetary Fund		
OMC	Open Method of Coordination		

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# *Multi-Level Governance in the European Union Implications for Global Governance*

*Farah Saleem*

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## *1. Introduction*

The international system today is characterised by a dense network of political players, with the state remaining one of the strongest. With intergovernmental agencies of the United Nations, supranational organizations such as the International Monetary Fund and other functional international legal regimes such as the International Court of Justice, making up the other half; conceptualizing a governing framework today does not seem as easy to conceptualize as it did during the bipolar Cold War era. More recently, non-state actors have also gained prominence and have increasingly demanded to be included in the mix. They seek to be non-governmental, independently funded and want to extend influence by bringing public awareness on issues of import, and with aspirations of changing the status quo. The proliferation of non-state actors and their participation in decision-making – governance beyond the state – supposedly addresses the democratic deficit and legitimacy that governments in general face. Since state-centric governance is able to hold on to legitimacy through representative democracy, elections and the rule of law, with traditionally having little space for non-state elements to participate, the significance of non-state actors in claiming a place in the processes of new governance has serious implications for governance itself.

Furthermore, the ambiguity of 'global governance' as a concept and as a process, reflects, not just the vagueness with the term itself, but also with the aspiration of pursuing a higher form of governance – government beyond the state. Governance today is a combination of political actors, but also about decisions and policies made by non-state actors as an important part of the global processes that affect public opinions across polities, and become part of government policies both domestically and in international regimes. Non-state actors usually lie outside of the government framework, have little voice in the way agenda-setting and policymaking are conducted; but have in recent year participated in consultations and reports. How much of their expertise and public agenda get through, to onto actual proposals and legislation has not been investigated enough.



The ambiguity of 'global governance' reflects not just the vagueness in the applicability of governance beyond the state. More significantly, the state is needed for any form of authoritative regulation of socio-economic affairs through political means, i.e. making binding decisions in the face of disagreements with a particular community. Globalization of the Western *idea*, of the triumphalism of liberal-democratic order, the New World Order – the universal qualities of homogenous states, economic liberalism and consumerism making political liberalism a universal framework of societal organization – has few opponents today. With the fall of the Berlin Wall and the end of the Cold War, it was resolutely declared that the West had triumphed in the realm of ideas. But while the West has declared victory and bestowed upon the world a hope for a golden age of world peace and international prosperity, this hope has yet to be fully realized or fulfilled. Today that optimism has been replaced with an intense debate due to increasing international disharmony, power imbalances, failed states, nuclear proliferation, economic crises, the end of Western dominance and an emergence of a new world '*disorder*'.

A unique development since that time has been the gradual creation of the European Community, a unique political arrangement of national governments and economic and monetary union, stuck in between inter-governmentalism and supra-nationalism. Governance in the EU is often said to be *sui generis* – "a unique set of multi-level, non-hierarchical and regulatory institutions and a hybrid mix of state and non-state actors."<sup>1</sup> In the EU, policies and decisions made are increasingly about participatory consensus-building through a transparent process of information-sharing and accessibility. Due to the involvement of a large number of players such as non-state and non-governmental actors, civil society and aims to include the "European public" at large, it evokes a more democratic, participatory model.

At first sight, the European Union's efforts to use 'good governance' and civil society participation in formulating European wide policies and strategies speaks to a broader effort to transfer authority from national government and diffuse it. This approach suggests that legitimacy and accountability are guaranteed through consensus-building voting methods and transparent information sharing claims, to achieve maximum efficiency for the strategies laid out by the supranational policymakers. On the other hand, the considerable hope that is placed on civil society and non-governmental actors, as legitimizing force of democracy and participation are far from

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<sup>1</sup> Simon Hix, "the Study of the European Union II: The 'New Governance' Agenda and its Rival," *Journal of European Public Policy*, 5, no. 1 (1998): 38-65, [http://www.palgrave.com/politics/pdfs/14039\\_41041\\_21\\_Ch13.pdf](http://www.palgrave.com/politics/pdfs/14039_41041_21_Ch13.pdf) (accessed May 27, 2012), p. 342.

being realized. Most civil society organizations lack resources, competencies and connections to have any meaningful impact on agenda setting. The seemingly participatory agenda fails to take into account how the interaction between participants produces better governance mechanisms. Rather, national governments and other actors and the networks they form with non-state actors are needed for defending European integration and 'rubber-stamping' decisions and policies from the European supranational institutions like the Commission and the European Council. The process has become more of a managerial approach to European challenges. The EU's institutions such as the European Commission (EC) and European Parliament (EP), Europe-wide policies aimed at inducing participation from public, private and non-state actors and 'good governance' principles of subsidiarity and proportionality, all together do make EU governance multi-faceted and multi-level. However, complexity does not necessarily sit well with representativeness of the decisions reached – because legitimacy escapes in this complexity.

Just as in the EU, international attempts to address a large number of issues and involve more players, MLG in the EU has also attempted to do the same. It has fundamentally transformed the traditional nature of authority of state-centric governance and has allowed for governance to move beyond state borders, becoming vested in a higher command. In exchange for collective decision-making and agenda setting, national governments have given up certain powers to supranational institutions, but on the other hand have the participation of regional, sub-regional and non-state actors. Decision-making and agenda setting are processes that require constant negotiations and bargaining and since they are no longer organized from one centre but are expected to be the result of a bottom-up approach, MLG can be seen as a solution to the problem of legitimacy and democratic deficit of the EU. If governance beyond the state is already occurring, then the numerous participants at the European level or in the international arena make the responsibility and accountability of governance difficult to pinpoint to any one single actor.

At the international stage, regulation beyond the state has produced similar challenges of decoupling of traditional governmental authority and that of legitimacy leading to democratic absence in international regimes. Together with the denationalization of national politics, the growth in the number of international organizations, global networks and the economic power of multinational corporations, globalization has advanced the need for new modes of interaction and the diffusion of authority – 'governance without government.' The financial crises witnessed since has highlighted the ineffectiveness of international financial regulations and the failure of neo-liberal economic agenda of unfettered free markets. The formidable influence and power of multi-national

corporations and the migratory nature of cosmopolitan individuals, together with a post-national perception of their identity, make an interesting case at how globalization is displacing nationalistic sentiments and forming values, norms and ideologies that move across borders. All of these consequences evidently have an effect on public opinions and can set in motion events that have the potential to bring down non-democratic regimes, seen in the Colour Revolutions and the Arab Spring. It cannot be denied that the global use of technology and new ways of thinking have provided the impetus for the rise of global public opinions about a number of challenges, from anti-globalization movements to the challenges of climate change and protecting the environment.

Those who are optimistic about globalization aspire and suggest paths for global democracy<sup>2</sup> and cosmopolitanism<sup>3</sup> to counter the erosion of control from the national governments and the ill-effects of globalization such as impact on domestic industries and production. For democratic global governance, solutions that espouse to are both a realization of top-down and bottom-up approaches to a "cosmopolitan democracy," those that will work as a framework for a transition to "incorporate key democratic values such as accountability, representativeness, transparency and participation."<sup>4</sup> More specific suggestions include the development of states as cosmopolitan both internally and in their foreign policy, a democratic reform of the United Nations and any international intergovernmental organizations and having a well-development international legal regime. The real agents of cosmopolitan democratic approach would be the involvement of individuals, transnational networks and the civil society<sup>5</sup> in regional, international and supranational organizations with proposals of World Parliamentary Assembly, League of Democracies, with the World Social Forum as the initiator of such developments.

The flipside to this optimism is a disorderly imagining of the international order, one where no one is in charge; the challenges remain out of the reach for states and need collective solutions that very often, override national interests. Democracy, global governance and globalization are all developments that have taken many years and transformations to be what they are today. In addition, the final products of all three processes are not known and often remain ad hoc, contradictory and conflictual between participatory powers. Namely, they are given to the citizens, civil society groups and individuals; the other being regulatory power that allows governments to

<sup>2</sup> See Held, D. Democracy and Globalization, In Archibugi, D., Held, D. and Martin Kohler, *Re-imagining Political Community: Studies in Cosmopolitan Democracy*. Cambridge: Polity Press, 1998, 11-27. Others: Koenig-Archibugi, M. Is global democracy possible? *European Journal of International Relations*. Vol. 17 (3), 2010, 519-542.

<sup>3</sup> Archibugi, D. *Principles of Cosmopolitan Democracy*, In Archibugi, D., Held, D. and Martin Kohler, *Re-imagining Political Community: Studies in Cosmopolitan Democracy*. Cambridge: Polity Press, 1998, 198-229.

<sup>4</sup> Ibid.

<sup>5</sup> See Steffek, J., Kissling, C. And Patrizia Nanz (Eds.). *Civil Society Participation in European and Global Governance*. Hampshire: Palgrave Macmillan. 2008.

regulate lives, manage collective dilemmas and perhaps also, allow them to control populations through “governmentality”. Governmentality, first coined by Michel Foucault, talks about the way governments control populations and the techniques and tools employed to do so. More so, governmentality can also highlight liberalism’s failures at bringing in meaningful change sought through civil society, as aforementioned, new governance is transforming the traditional role of the state and forcing to accept the new actors and the changes in the system. The struggle between these two is highlighted in the limitations of integration and challenges of the European Union and about its future – the *finalité politique* – given that it is dealing with democratic legitimacy challenges, while providing for collective solutions for challenges in a myriad of sectors and policy areas that affect all of Europe.

Explaining why MLG and its attempts at tackling the challenges of legitimacy are the same as the ones that are found in governmental authority can help analyze the limits of governance itself. I argue that if governance today is defined not just through governments but also by other processes and participation of multiple actors, then MLG as seen in the EU – in the form of variety of actors that interact to make decisions at the European-level – should be able to show how new forms of governance are able to solve problems of democracy and accountability. Assessing these interactions for the larger global governance agenda highlights the challenges of governance itself – that of legitimacy and accountability – to come to terms with the problems in non-state settings. The underlying struggle with governance today is between state-centric governance and ‘governance beyond the state’ and its institutionalization.

Divided into four chapters, the thesis will deal with global governance challenges, to answer a broader question of the MLG and accountability. Starting with the general problem of governance, it will highlight that perhaps the inclusion of the issue of representativeness through civil society may improve the democratic legitimacy of the emerging governance architecture. Chapter two, on the governance problematique, surveys the various claims about governance, focusing on denationalization of politics as the underlying theme. The objective of chapter three is to understand MLG from a scholarly perspective, followed by the actual practices of MLG. By doing so, one can understand the complexity and institutional arrangements that make MLG in the EU so complex, that we can assess the bigger challenges of governance through analogy. That is, in similar likeness, we can find that civil society’s involvement cannot solve the denationalization of politics and resulting democratic disintegration of authority.

After this, chapter four will deal with the lessons learnt for governance in general and then focus on European governance, finding out the similarities and differences. The various actors involved, especially the active inclusion of civil society actors by the supranational institutions, may suggest that MLG somehow improves participation and the democratic deficit of the European Union. The chapter will end with the implications for global governance revolving around accountability and legitimacy and what effect this will have, taking the analogy of that of European MLG can provide to the overall assessment of governance at the global level and its limitations. The concluding chapter overall deals with the democratic deficit and tie in the debate of legitimacy and accountability supposedly gained through civil society, that governance in general seeks to address.

## 2. *The Governance Problematique*

This chapter surveys the various claims about governance, focusing on denationalization of politics as the underlying theme. The concept of governance being so broad and all-encompassing needs clarification for it is used to explain various demands and challenges of existing sub-systems in the international system, from the environmental to human rights. The first part will deal with conceptualizing governance and legitimacy that many scholars have dealt with in the field, emphasizing the ambiguity but also the main features that have formed a consensus on what governance is all about. Section two will lay out the academic literature in particular, but always placing a strong emphasis on the state and its political disengagement from governance as it is conducted today. The three schools of thought, namely, the Westphalian primacy of the state, Foucault's governmentality and last, Governance without Government, will be the focus of this section. The concept of governance being so broad and all-encompassing needs clarification for it is used to explain various demands and challenges of existing sub-systems in the international system, from the environmental to human rights. The chapter ends with an exploration into positioning legitimacy and accountability in this debate.

Governance is regarded as a broad, all-encompassing concept. It includes what governments undertake, the economic strength of private actors and to the globalizing processes such as changing concept of non-territorial and post-national identities and more recently, the civil society. It is "the systems of rules at all levels of human activity – from the family to the international organization – in which the pursuit of goals through the exercise of control has transnational repercussions."<sup>6</sup> Governance is about organization of society by the state, for specific functions and to achieve certain results such as a stable, functioning economy, a knowledge-based skilled workforce and to external relations through conditionalities for overseas developmental aid. These examples highlight that governance is about organization and management of resources, more than just politics. More importantly, it is about the legitimacy and authority that the government ascribe to, to hold authority and whether or not they can be held accountable for public policy.

Inter-state international politics have now become multi-polar, with many up and coming economic powers such as Russia and China employing multilateralism for bargaining purposes. Domestically, the exercise of control over population and management of societies produces alternatives to sovereignty and power, originally held by the state. This change, not only ushers in

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<sup>6</sup> Rosenau, *Governance in the Twenty-first Century*, p. 13.

‘new governance’, the new processes go beyond government, embarking on building networks at various ‘levels’ – supranational, macro-regional, trans-state, for instance; but also implies the challenge to the Western liberal order, given the rise of such forums as the G20, and move away from Western-centric democratization as seen in the Arab Spring to the coming post-hegemonic attempts by the United States to engage with emerging economies such as China and India.

New governance in this regard, hence, pursues a different form of government, where power diffusion enables previously weak agents in the system to act, and stimulate changes in the way the system works. These processes force governments to respond in various ways, in turn enabling governmentality.<sup>7</sup> Governmentality, in contrast with government and its “systematized, regulated, and reflected modes of power”<sup>8</sup> and hierarchical authority, produces responses through “technologies,” that lead to regulation of both individuals and populations. The state and its authority then becomes an exercise of power in networks, and practices, often conflicting with each other, but nonetheless, institutionalised<sup>9</sup> in many forms, and at various levels. Hence, governance becomes the middle ground, invoking “multi-level” mechanisms and strategies to manage global challenges, with a strong presence of state and state apparatuses. This can be said to happen on a larger scale, in the global level, or at a macro level, domestically in community networks and civil society organizations.

A move towards a global consensus and solutions to national problems has produced a re-imagining of what global really means. There is no denying that governance as it is thought of in this new climate has something to do with globalization. An emergence of a global civil society<sup>10</sup> and the conception of a “global polity”<sup>11</sup> has led to a re-examination of what governance is, what it needs to be – more inclusive – and what it ought to be – accountable. The current chapter conceptualizes governance from the statist perspective, and Foucault’s speculation about governmentality, followed by the new emerging governance and civil society’s place in it.

<sup>7</sup> Thomas Lemke, “An indigestible meal? Foucault, governmentality and state theory,” *Distinktion: Scandinavian Journal of Social Theory*, 15 (2007), <http://www.thomaslemkeweb.de/publikationen/IndigestibleMealfinal5.pdf> (accessed May 27, 2012).

<sup>8</sup> Lemke, 2000, 5.

<sup>9</sup> Foucault, M. (2000). ‘The subject and power’ in *Power. Essential Works of Michel Foucault Vol. III*. 326-348. New York: The New York Press.

<sup>10</sup> Turner, Scott. *Global Civil Society, Anarchy and Governance: Assessing an Emerging Paradigm*. 1998.

<sup>11</sup> Ougaard, M. and Richard Higgott. (Eds.). *Towards a Global Polity*. 2002.

## 2.1 Conceptualizing Governance

Conceptualizing governance is difficult because it is used in slightly different ways by different entities, to further their own agendas and causes. The ambiguity of the concept accompanies the disillusionment and confusion of the new dynamics of governing itself, be it internationally or domestically. Most talk of governance by authorities seems to be about service delivery, about involvement of the civil society and better regulation, as is the case with the EU and its “managerial approach.”<sup>12</sup> All of these are well-meaning endeavours, but it has not provided any change for accountability concerns to be taken seriously. Governments and organizations, and European supranational institutions that this particular chapter will deal with, have taken in these suggestions, as expertise and advice sought by civil society, does not necessarily mean that it can affect the behaviour of those in power. This is where the problem lies.

A quick search on the term governance produces a long and confusing list of different types of governance, such as “good governance,”<sup>13</sup> “democratic governance,”<sup>14</sup> and “MLG.”<sup>15</sup> All of the types of governance can form “new governance”<sup>16</sup> – the type that is distinct from the old and different from government, as it can happen without government. International organizations have applied good governance, for example, as a criterion for development aid. The United Nations (UN), and by international monetary organizations such as the International Monetary Fund (IMF) and World Bank, have all used the term. It is also frequently employed and defined by the European Union for the organization of its own rules, procedures and practices in the form of a *White Paper on Governance*.<sup>17</sup> Further into the thesis, one will find that much of it today involves public and expert consultations and civil society input, but does not necessarily extend towards continued efforts to engage with these non-state actors after the initial consultations.

Finklestein deals with ambiguity with both the concepts of ‘global’ and ‘governance’. Others terms such as ‘international’, ‘transnational’ and ‘intergovernmental’ also signify an ambiguity with

<sup>12</sup> Commission of the European Communities, “European Governance: A White Paper.” Accessed June 4, 2012. White Paper [http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001\\_0428en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf).

<sup>13</sup> Governance <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>. See also, Mahbubani, K. Mahbubani, Kishore, ‘The Case Against the West’, Foreign Affairs, Vol. 87, No. 3 (May/June 2008).

<sup>14</sup> UNDP <http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/overview.html>

<sup>15</sup> Hix, S. 1998. The Study of the European Union II: the ‘New Governance’ Agenda and its Rival.

<sup>16</sup> Ibid.

<sup>17</sup> Commission of the European Communities, “European Governance: A Commission of the European Communities, “European Governance: A White Paper.” Accessed June 4, 2012.



not only using these terms, sometimes interchangeably, but also with the confusion given the new players and with the understanding of what the changes mean. That is, “we say “governance” because we don’t really know what to call what is going on.”<sup>18</sup> There are too many players and the challenges have increased given the foray of new players in the international system. Other scholars such as Hardt and Negri have used ‘empire’ to describe the same phenomenon to imply “a decentred and deterritorializing apparatus.”<sup>19</sup>

Behind this uncertainty of the conceptualization of governance also lies an inability to grasp the newness of global governance, that Rosenau’s article *Governance in the Twenty-first Century* investigates – the increase in interaction with the public, and its awareness of challenges of global import, partly due to advances in global communication and technologies that allow large parts of population in many countries to interact with ease. The “global” in global governance has also led to confusion, where it can also mean just about anything, from the “*international, interstate, intergovernmental*, or even, often, *transnational*.”<sup>20</sup> The increase in inter-governmental or non-governmental organizations has also accompanied the technological advancements and the increase in international travel, bringing more awareness to global challenges. But this is also bringing communities across nations, overcoming border constraints, to recognise and confront similar challenges that affect them. How effective can these cross-border, global civil society groups and networks can be in bringing awareness to their respective governments and to international organizations and bodies such as the UNFCCC and take part in formulating policies or outright opposing and overturning decisions – is one important question that needs to be explored. Limited resources and lack of monitoring mechanisms do not advance the participation of civil society. However, mere participation cannot be the solution, as democracy is not just about participation, but an active and vibrant public consciousness and continued involvement and monitoring of challenges that deliver the public goods, can provide insight.

An exploration of the transformations brings us to the other extreme of governance. Dealing with collective challenges through Foucault’s speculation of the “genealogy of the state” and the problem of government. It provides us with new thinking about the exercise of power and authority in the form of “governmentality”. For Foucault, government meant “a linking of governing

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<sup>18</sup> Finklestein, 368.

<sup>19</sup> Hardt, Negri, xii.

<sup>20</sup> Finkelstein, 367.

("gouverner") and modes of thought ("mentalite") [and this] indicates that it is not possible to study the technologies of power without any analysis of the political rationality underpinning them."<sup>21</sup> The political rational for our purposes, can mean political rational as a response to globalization and new forces, that demand action on the part of national governments.

Government in this context meant not only management by the state but also went beyond it to mean self-regulation, defining it as "the conduct of conduct" and regulation of the self.<sup>22</sup> This brings in two arguments. That is, that the relationship of the state with the individual and that of the individual's capacity of self-control, leading to forms of control and exploitation by the state. On the other hand, this new conduct leads to the creation of new modes of governmentality one that entails proactive policing of populations and of managing risks, and by new processes such as the arise in the number of non-governmental organizations internationally, for example.<sup>23</sup> The new governance agenda, thus, highlights the struggle is between managing globally risks through the state, but through consensus reached by an emerging global civil society. Furthermore, a new mode of governmentality, Foucault dealt with the neoliberalism's triumph and its shortcomings, helping pave the way for studies on power and control. How accountable this endeavour is, is what this paper aims to assess, and its implications for governance.

These two opposites are cushioned by governance's middle position that allows for new modes of governance, that as a consequence produces denationalization on the one hand, and transformations of the state and its power on the other. Moreover, it empowers individuals and brings in members of civil society who speak to the challenges that escape international intergovernmental action. The potential of civil society in democraticization of governance is touted as the solution to the legitimacy of global regimes. Their role in providing "voice"<sup>24</sup> to inequalities of free market economics or being involved in the "anti-establishment" protests against international organizations such as WTO or NATO has been successfully noted. The same solution is also recommended and employed by the EU, where civil society organizations and experts are given the opportunity to provide feedback through public consultations. Their role is surveyed in the last section through the exploration of how they provide accountability to governance.

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<sup>21</sup> Lemke, 2007, 2.

<sup>22</sup> Lemke, 2007, 2.

<sup>23</sup> Chandra, A. C. (2004). "Indonesia's Non-State Actors in ASEAN: A New Regionalism Agenda for Southeast Asia?" *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 26(1):155-174. Table, p. 158 to be included in Appendix.

<sup>24</sup> Hirschman, 1970.

## 2.2 Governance Literature

### 2.2.1 State-Centric Governance

A traditional conception of the system of states in the international arena has allowed states to operate in a hierarchy, with powerful states and more recently, transnational private corporations controlling most aspects. From this hierarchy, today the emergence of new actors, such as China, as a result of economic growth to have impact in places such as Africa, even if they do not follow the Western-centric liberal-democratic model of governance. As such, homogenization of the states can no longer be declared to be a contributing factor of globalization, but only a part of the challenge. The other part seeks to be multi-polar, with soft power and norms having more impact than hard military power. Today, countries are instead pursuing their own interests without many external and/or hegemonic pressures witnessed, for example, in the difficulties with the WTO Doha Rounds and the subsequent breakdown of negotiations. Furthermore, in arena of international cooperation, there is a growing voice that non-governmental organizations (NGOs) are exercising, shaming governments, for instance, during the latest negotiations on climate change.

A statist conception of the international system is provided by realist and neorealist schools of thought. A neo-realist understanding of the international system through Waltz's analysis of the state of international politics helps ground some of our arguments about globalization and the role of the state. He notes the role of interdependence of states in establishing the nature of the debate on globalization, governance and democracy, in his article on globalization and governance. He notes, that interdependence is frequently associated with peace and prosperity and has matched up with other terms such as democracy since the 1930s and gradually so, till the 1970s and onwards during the Cold War.

Waltz provides an overview of the triumphalism of the West, with the United States at the helm – the optimism that was felt after the fall of the Berlin Wall. Together with Francis Fukuyama's now famous assertion about the End of History and political liberalism's victory, this remains a key assertion of the Western dominance. Keohane and Nye's "complex interdependence,"<sup>25</sup> and

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<sup>25</sup> Keohane, R. Power and Governance in a Partially Globalized World. New York: Routledge, 2002, 2.

Ohmae's "the end of the nation state"<sup>26</sup> and "a borderless world"<sup>27</sup> respectively, contribute to Waltz's analysis of the nature of globalization and its role in homogenization. Globalization has contributed to this interdependence. Ohmae's assertion supports Waltz's arguments that the obsolescence of the nation-state is indeed happening, given technology and communications has changed the nature of the state. In addition, Keohane and Nye's analysis of international politics being interdependent due to amplification of connections between states and society have produced a decrease in military force.

Alternatively, Waltz is careful to assert the importance of the state, but only second to the market's role, claiming triumph of neoliberalism and its proliferation. This has also indirectly made governance to be, the "rule of no one,"<sup>28</sup> a phenomenon in international politics with no single superpower. Furthermore, Waltz's assertion is that globalization is about homogenization, in how state affairs and economics, are conducted for instance. However, homogenization has been accompanied by the diffusion of authority, even if globalization has made the markets the rulers. While the United States' role in the international economy is extremely important, its role in the post-industrial international order is beginning to slow. Even if it is true that liberal democratic states are also reliable, stable and open governments,<sup>29</sup> Waltz notes that even the most successful economies have various approaches to governance. Not all governments cope with challenges in similar way, even if together they are deemed to be fully integrated in the global economy.

Most important among his arguments is the recognition that global politics has not overshadowed national politics, and that the state will continue to be relevant.<sup>30</sup> Waltz puts a heavy emphasis on globalization to mean that it is about integration rather than just interdependency.<sup>31</sup> From a neorealist view, Waltz's arguments provide insight into the debate about the primacy of the state, with the United States serving as a specimen of military and economic hegemony. The role of the state in IR in steering debate about issues is noteworthy, given the US' role in the WTO for example, and the increasingly, the EU's in environmental protection and advocacy.

<sup>26</sup> Ohmae, K. *The End of the Nation-State: The Rise of Regional Economies*. New York: Simon and Schuster Inc., 1995.

<sup>27</sup> Ohmae, K. *Borderless World* 1990

<sup>28</sup> Waltz, Globalization and Governance, *Political Science and Politics*, Vol. 32 (4), 693-700, 694.

<sup>29</sup> *Ibid*, 695.

<sup>30</sup> *Ibid*, 697.

<sup>31</sup> *Ibid*, 697.

More interestingly to our discussion is Waltz's assertion that the state's control over society is dwindling, something that Michael Zurn calls "societal and political denationalization," even if it is the provider of resources for life and the one that handles economic well-being for a community of people that resides in the nation-state.<sup>32</sup> The type of loss of control that Zurn talks about, where "societal transactions increasingly transcend national borders, has challenged the capacity of national policies to bring about desired social outcomes."<sup>33</sup> This brings us to what Rosenau's work on *Governance in the Twenty-first Century* deals with. His analysis provides "command and control" structures whereby exercise of control is diffused in the international system and does not adhere to hierarchy and becomes highly interdependent.<sup>34</sup> He notes that 'control' and 'steering' mechanisms are employed without the use of political arrangements or legal authority, maintaining Zurn's assertion of the break between politics and government, and our largely claim in this thesis about governance beyond government. By this, he means, "the process of governance is the process whereby an organization or society steers itself, and the dynamics of communication and control are central to that process."<sup>35</sup> The interdependent processes are what make governance in the twenty-first century to relocate authority away from the states, and instead allocate them in other processes and actors – mostly non-state, international, supranational – allowing shifts in governance mechanisms that diffuse authority and bring in transnational actors, networks, for instance, into national politics.

A state-centric approach to new governance has always been in conjunction with its dealing with civil society. The scholarship usually revolves around a strong society-centric approach which deals with exploring transformation of government to governance; with the new approach including, for example, "informal and relatively egalitarian networks."<sup>36</sup> However, it is noted by state-centric scholars that effective governance requires states and their legitimacy, through engagement with non-state actors, forming relationships, and providing resources for non-state actors to flourish. As such, governance for this purpose is a tool to help governments function rather than speak to fundamental transformations.<sup>37</sup>

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<sup>32</sup> Zurn, M. Globalization and global governance: from societal to political denationalization. *European Review*, 11 no. 3 (2003), 341-364.

<sup>33</sup> Zurn, Global Governance and Legitimacy Problems, 8.

<sup>34</sup> Rosenau, Governance, 14.

<sup>35</sup> Rosenau, 14.

<sup>36</sup> Bell, Hindmoor, 3.

<sup>37</sup> Bell, Hindmoor, p. 2.

The primacy of the state remains intact. Therefore, governments still maintain their authority and simply use these new modes of governing, through pluralistic policy-making, and as a result, “top-down governance approach through hierarchy remains the most frequently employed governance strategy.”<sup>38</sup> But this does not mean there has been devolution of authority. Rather it means that the methods employed have diversified, and led to decentralization to local authority or charities which have made the cost of governing to spread out and the risks be distributed. One can take such a type of governance, to perhaps mean governmentality (that will be dealt with in the next section). While spreading the risks, the government is also undertaking the regulation of populations, individuals and systems within the context of the emergence of the state. It is no longer feasible to have a solely state-centric conception of human rights, as one author notes, but to have “inclusive accountability.”<sup>39</sup> New governance and the changes in the role of the state have continued to change in many international regimes, such as the one noted above.

### 2.2.2 Governmentality

Foucault’s theory of governmentality is an interesting take on government which meant not only the management but also regulation of the self, bringing in the role of the individual in society, and the relationship of the state, leading to the creation of new modes of governmentality. Foucault’s study of power and government dealt with highlighting and unveiling the techniques of domination. He describes “governmentality” – as “the art of government,” “the “analytics of government” – the technologies employed by government that helps consolidate power. Furthermore, it also means forms of self-regulation – technologies of the self. He declares that “we can construct the genealogy of the modern state and its different apparatuses on the basis of a history of governmental reason.”<sup>40</sup> Foucault’s governmentality can be viewed as a response to the new changes such as the rise of the free markets due to globalization, powerful transnational corporations and the inclusion of new actors.

The fundamental transformations of the state away from a Westphalian narrative, Foucault’s analysis somewhat can be used as a critique of the triumph of the liberal-democratic

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<sup>38</sup> Bell, Hindmoor, p. 7.

<sup>39</sup> Lafont, C. Accountability and global governance: challenging the state-centric conception of human rights. *Ethics and Global Politics*. Page 206.

<sup>40</sup> Foucault, M. *Security, Territory, Population*, 2007. P. 452.

order that was discussed in the first section. Foucault provides for an alternative to the triumphalism of the liberal-democratic order, and the state's role in it. With governmentality, Foucault dealt neoliberalism's shortcomings, helping pave the way for studies on power and control. Neoliberalism's failure of balancing state-society relations (given the ongoing financial crisis in Europe and the 2008 American economic crisis and the ensuing protest Occupy movements) highlights that globalization has made possible for three underlying claims: capitalism and economics has trumped politics; second, that the state has been subjected to forces outside its control, and last, that technologies of government now have to take into account the power of multi-national corporations and international financial regulations. Moreover, it provides for "a more complex analysis of neo-liberal forms of government that feature not only direct intervention by means of empowered and specialized state apparatuses, but also characteristically develop indirect techniques of leading and controlling individuals."<sup>41</sup> Hence, in Foucault's discussion of neoliberal governmentality, the new governance can mean transformations of politics, new actors, the tactics of government and changes in relations between state and the individual.<sup>42</sup>

In the end, Foucault helps the governance debate by noting that the disaggregation of the state and its retreat has meant an "end of politics"<sup>43</sup> as we know it. Authority has diffused away from the state, and towards a network of non-state but politically motivated actors that govern through informal rules of engagement. This new mode of governing promotes an understanding of the state, beyond the institutions and the executive and legislative power that they ought to hold. The theory helps to extend the analytics of government beyond the territorial constraints and provide conception of creating space for new actors, new governance paths and new methods of governing. Foucault's work informs our understanding of the way 'new governance' is emerging and continues to subvert the power of the state and that of the neoliberal capitalist regime. Ultimately, it helps showcase that states need to be able to adapt to the latest transformations or risk losing control of populations, and their positions in the international system.

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<sup>41</sup> Lemke, p. 12.

<sup>42</sup> Lemke, p. 12.

<sup>43</sup> Lemke, 2007, p. 3.

### 2.2.3 Governance without Government and “New governance”

Having looked at two other debates, the new type of governance that is emerging seeks to address mechanisms and processes that operate beyond and above the state. This has led to a decrease in the power of national governments and Parliaments. Engaging with transnational corporations on one hand, as external but relevant stakeholders in the economy and with civil society and non-governmental organizations, has led to “the denationalization of politics”<sup>44</sup> in sovereign nation-states. To be exact, Zurn notes that, “today’s international institutions are an expression of political denationalization” – where transformations are brought in due to “perceived functional demands” and “reflexive processes by societal and political actors in relation to political order beyond the state.”<sup>45</sup> This denationalization is a result of societal and political upheavals that bring about a variety of processes, of one is governance without governance. Others take account of governance beyond the nation-state, governance with governments within the UN system, supranational responses as seen in the EU and its institutions such as the EP, and others such as the International Criminal Court (ICC).

Confronted by processes and actors within their own borders but those that form global opinions and become part of globalizing processes, states are not only dealing with other states, but with a multitude of new voices that demand attention, recognition and a place at the decision-making platform. They are embedded locally but globally centred, for example, cross-border networks that are also sub-national as a network of global cities.<sup>46</sup> The same can be applied to the discussion on European Union’s multi-level governance and regional policy that is dealt with in the subsequent section. In some other cases, such as the one where the British government is analyzed for example,<sup>47</sup> governance has come to mean six different things: the minimal state, corporate governance, new public management, ‘good governance,’ a socio-cybernetic system, and as self-organizing networks.<sup>48</sup> In this particular case, governance has come to mean self-organizing, inter-organizational networks<sup>49</sup> because it contributes to the analysis of the transformations of the British government, and in turn highlights the challenges to the British state that self-organizing networks produce, that of accountability. The accountability shortage further produces several questions regarding the role of the government, extremely useful for our discussion. Some of the questions

<sup>44</sup> Zurn, M. Globalization and global governance: from societal to political denationalization. *European Review*, Vol. 11 (3), 341-364.

<sup>45</sup> Zurn, M. Global Governance and Legitimacy, 17.

<sup>46</sup> Sassen, S. Globalization or denationalization? p. 3.

<sup>47</sup> See Rhodes, R.A.W. The New Governance: Governing without Government. *Political Studies*, XLIV, 1996, 652-667.

<sup>48</sup> See Ibid, 653.

<sup>49</sup> Rhodes, 660.



deal with governments acting as regulators of these networks, as guardians of public opinion. In addition, it raises questions about the networks, for instant, if indeed these networks act in the public good, and whether they truly represent the public opinion and whether they inhibit central authority or help consolidate it. These questions, if brought to the international level, again speak of the challenges of global civil society and their role in regulating behaviour and of becoming partners or resisters of governance.

Governance has always been associated with the state, sovereignty and its legitimacy to govern. Contemporary conception of governance is indicative of a state's traditional authority where its legitimacy claims are regularly challenged. This brings us to the two most important problems when dealing with governance. They are those that deal with the deficiency of legitimacy in the international order. Furthermore, it takes into account the fragmentation of governance and the diffusion of its institutionalization. As a result, the search for legitimacy in the governance debate goes to the heart of global governance – that of denationalization of politics and the importance of national governments. The state's role as a provider for resources for life as well as the provider of the public space needed for politics to happen is constantly challenged in this new setting.<sup>50</sup> The increase in the institutionalization of interactions between state as a result of international organizations such as the United Nations and its many agencies, as well as non-governmental organizations (NGOs) has made interdependence a key feature of denationalization of politics. Interdependence is important here, because the newness of governance is about new ways of interactions, where relationships between state and non-state actors are "mutually dependent."<sup>51</sup> Governments can no longer ignore new players that demand action, for recognition of civil society in governmental processes enhancing legitimacy of the state through "public" input, that the civil society claim to have. This ability to respond to externalities<sup>52</sup> is also necessary to discussions about governance beyond the state. The declining significance of territorial borders along with the unprecedented cross-border economic activity occurring at an unprecedented scale has governments responding to pressures. Both internally and from external sources, governments have responded for example, in the form of new regulations, or international agreements such as free trade special economic zones that provide incentives, on the one hand and still manage to hold on to their sovereignty.

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<sup>50</sup> Arendt, Hannah. *The Human Condition: A Study of the central dilemmas facing Modern Man*. Garden City, New York: Doubleday Anchor Books, Doubleday & Company, Inc., 1959.

<sup>51</sup> Hix, S. 1998, 343.

<sup>52</sup> Rosenau, 23.

Alternatively, the denationalization of politics if taken through the economic prism highlights this confrontation with international financial regimes that often demand that national governments be liable to harmonize their national economies with international agreements. In recent years, contentious issues of import are being addressed through informal forums such as the Group of 20 (G20) and World Social Forum (WSF), leading one to think of global governance as a multilateral response to collective challenges of inequality, poverty and security issues that globalization has produced. These issues now are more than just hard security ones, but pertain to soft issues such as human and food security, where non-governmental organizations often set the agenda, and are involved in framing issues, deciding agendas and pursuing policymaking. The difference between both these informal institutionalization of the governance is that one of them is entirely made up of national governments and their representatives. When confronted with challenges, governments can take communiqués and proposals back to their respective countries and pursue goals that can and do have impact. However, the other side seemingly represents the voice of millions of ordinary citizens.

That side of the debate is that forums such as the WSF act as meeting places for most civil society that seeking to influence the G20 and their governments. They seek to bring awareness and the many shortcomings of governments, capitalism and globalization. But the new players are rarely questioned on how effective they really are. They are seeking to be part of the *steering* and *control* of agenda and policies,<sup>53</sup> what Rosenau highlights, but because the *command* still lies with the state, the state in this case becomes the sole provider of legitimacy. Here, the interdependence becomes a key feature of the interaction between the two entities, as the resources for change are with the state and still lie in hierarchy and bound by legitimacy. However, authority is still vested in the state. Additionally, in key areas, such as the military, managing its own economy and the policing of the state, the state's authority and its legitimate use of its "monopoly on force" remains unchallenged. Earlier conceptions of state sovereignty were rarely questioned, and reigned supreme during the days of Empire, and as the realist theory rarely accounts for the interactions between *states and external* forces, focusing on *state-state* interactions and anarchic world order, governance now has to conceptualize the state with these new developments.

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<sup>53</sup> Rosenau, 14.

### *2.3 Global Governance and Non-State Actors and Civil Society*

The beginning of the Twenty-first century brought to the forefront the significance of non-state actors in world politics with the tragic events of September 11 and with it, the disillusionment of authority and power and the need to re-examine the debate about non-state actors. It re-introduced the debate on the role of actors that lie outside of the traditional state structures and the source of authority in the international system. The role that various actors play, especially those that lie outside of the structure of world politics on the periphery of decision-making and standard-setting, has in turn questioned the locus of global power. The dominant state-system that world politics reinforces and the dominant theories that frame and legitimize this type of global state structure and organization, do not give any credence to actors that lie outside of state structures such as individuals and their roles in bargaining or advocacy networks for example. In recent academic scholarship, non-state actors have gained attention in regional processes and regionalism. Non-state actors are varied and it is increasingly difficult to define actors “chiefly by their independence from states and state authority”.<sup>54</sup> This is because sometimes governments fund think-tanks and non-governmental organizations and the level of influence on these organizations can be varied from extreme to none; while private organizations employ lobbying groups that are seemed to be autonomous but actually lobby politicians and political parties to work in particular areas. On the other end of the spectrum are organizations that take no funding from governments and influence policy or raise awareness of issues employing extreme activism, such as Greenpeace. However, for the purpose of this thesis, non-state actors are those that, at least in principle, are not part of the state machinery.<sup>55</sup> Non-state actors and the state, however, both play important roles in this debate about the legitimacy and authority of non-state sources of power.

The dominant state-system that world politics reinforces and the dominant theories that frame and legitimizes this type of global state structure and organization, do not give any credence to actors that lie outside of them. These can include individuals and their roles in bargaining or advocacy networks. In recent academic scholarship, non-state actors have gained attention in regional processes and regionalism. Non-state actors are varied and it is increasingly difficult to define actors “chiefly by their independence from states and state authority.”<sup>56</sup> In a globalized world, the old traditionalist models are unable to deal with governance challenges that involve non-state actors and their reactions to multitudes of challenges in indirect and bottom-up grassroots processes that

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<sup>54</sup> Josselin, Wallace, 2-3.

<sup>55</sup> Josselin, Wallace, 2-3.

<sup>56</sup> Josselin, Wallace, 2-3.

influence state action and attitudes, and in turn cooperation and eventually into actual institutional activities and policy making.<sup>57</sup>

States, on the other hand, rely on hierarchical structures and confined patterns of rule making.<sup>58</sup> However, both perhaps rely heavily on institutions to carry out tasks. As such, most non-state actors today that are considered non-governmental instead of say terrorist or criminal networks actually rely on the non-governmental structures developing in many rule-based international inter-governmental institutions, such as the UN, and in supranational configurations such as the EU. Here, the argument can be that it is highly impossible for non-state actors to have any influence in state-based politics and policymaking if there is no dialogue with states and non-state actors themselves. Without a doubt, this is the only single way to have any real influence - through the state. It is an approach that is needed as the globalized world has increasingly seen a recognition of actors in world politics that lie outside of the framework of modern state-systems – that of the non-state actors that include regional and sub-regional inter-governmental organizations, non-governmental organizations, inter-regional free trade areas (FTAs), multi-national corporations (MNCs), public-private interest groups, advocacy and activist networks, informal commercial business chambers and financial and trade institutions – who somehow influence cooperation and regional processes.

In the same way but going further, civil society is often flaunted as a way to enforce with the democratic legitimacy of governance. Civil society and the UN have historically been linked to one of the primary organs of the United Nations. Article 71 of the Charter of the United Nations gives ECOSOC – a principal organ of the UN, the ability to make arrangements for consultations with non-government organizations. As a result of this declaration, ECOSOC presently consults with 2,100 registered NGOs.<sup>59</sup> At the First Earth Summit in Rio de Janeiro, Brazil in 1992, the UN adopted 'Agenda 21' along with a Declaration of Principles. It dealt specifically with environmental degradation and could be seen as an initial caveat to the present day global movement towards halting climate change and global warming. More importantly, it identified a shifting UN decision-making process. The UN recognised the need for embracing civil society and partners that are essential for sustainable development and these include: women, farmers, young people, trade unions, business and industry, local authorities, scientists, indigenous peoples and NGOs working in

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<sup>57</sup> Rosenau, 21.

<sup>58</sup> Rosenau, 21-22. See Table in Appendix.

<sup>59</sup> Background Information, Information about the Council, About ECOSOC, (2008). <http://www.un.org/ecosoc/about/>

environment and development.<sup>60</sup> The official recognition of the inclusion of civil society in the decision making processes at the UN and its agencies came with Principle 10 of the Rio Declaration.

It states:

*“Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”<sup>61</sup>*

With the inclusion of civil society in its decision-making processes, the Rio World Summit set the groundwork for increased cooperation between civil society and the United Nations. Following that, the Conference on Sustainable Development (CSD) and the Fourth World Conference on Women (WCW) saw civil society participation and its outcomes as one of the highest with the Fourth WCW witnessing 300,000 NGOs participate with 2600 NGO accredited.<sup>62</sup> Furthermore, in UNCED and subsequent major conferences, civil society organizations (CSOs) became increasingly prominent - present in the informal negotiating sessions where final conference text was refined, invited to be on the formal government delegations and presenting plenary speeches.<sup>63</sup> Civil society organizations balance social responsibility and grassroots participation in an era of globalization. Programmes such as the UNDP through its CSO Advisory Committee give civil society the platform where they can provide opinions, advocacy strategies and policy engagements.<sup>64</sup> The European version – the Economic and Social Committee (EESC) works in a similar manner, providing “a bridge between Europe and organised civil society,”<sup>65</sup> with 334 members for example. However, some of the most significant changes for civil society participation at the inter-governmental level include the addition of voting on decisions and participating in dialogues with governments.

<sup>60</sup> Earth Summit+5, Special Session of the General Assembly to Review and Appraise the Implementation of Agenda 21, (New York), (23-27 June 1997). <http://www.un.org/ecosocdev/geninfo/sustdev/es&5broc.htm>

<sup>61</sup> Report of the United Nations Conference on Environment and Development, (Rio de Janeiro, 3-14 June 1992), (12 August 1992). <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>

<sup>62</sup> UN System and Civil Society – An Inventory and Analysis of Practices, Background Paper for the Secretary-General’s Panel of Eminent Persons on United Nations Relations with Civil Society, (May 2003).

<sup>63</sup> UN System and Civil Society – An Inventory and Analysis of Practices, Background Paper for the Secretary-General’s Panel of Eminent Persons on United Nations Relations with Civil Society, (May 2003).

<http://www.unece.org/env/pp/ppif/UN%20SYSTEM%20AND%20CIVIL%20SOCIETY.doc>

<sup>64</sup> Partners, United Nations Development Programme. <http://www.undp.org/partners/cso/>

<sup>65</sup> European Economic and Social Committee. <http://www.eesc.europa.eu/?i=portal.en.home>

Discussions about the emergence of "global civil society" and its potential to challenge the deficiencies in, if not provide the remedies for; today's mechanisms of global governance<sup>66</sup> have been part of the agencies of the UN. From 1990s onwards, the relationship between the UN and civil society organizations began to reflect the changing world order, immediately following the demise of the Soviet Union, and the increase in number of states. With the participation of civil society and non-governmental organizations in the international governance institutions such as the United Nations and the WTO, the new developments led to a conception of a new player in world politics that participated in consolidating global consensus on contentious issues. This conception brought in a new enlightenment – the democratization of international politics on the one hand, and general transformations of public awareness, which may or may not, produce changes in the way traditional politics and institutions respond and operate. Current movements that are trying to create awareness to the neoliberal failure of less regulation and less government, instead emphasizing the supremacy of the market, such as the Occupy movement speak to this awareness raising endeavour on the one hand, and to government's response to different pressures seen in, for example, the current British government's Big Society concept, on the other.

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<sup>66</sup> UN System and Civil Society – An Inventory and Analysis of Practices, Background Paper for the Secretary-General's Panel of Eminent Persons on United Nations Relations with Civil Society, (May 2003). Date of Access: 08 July 08. Available at <http://www.unece.org/env/pp/ppif/UN%20SYSTEM%20AND%20CIVIL%20SOCIETY.doc>

### 3. *Multi-Level Governance: The Case of the European Union*

Having looked at the governance scholarship, this chapter will focus on Multi-Level Governance within the European Union to highlight the multiple interactions between different authorities, from the supranational institutions, to national governments and local ones. MLG has been used by the EU to induce participation from regional and local actors, in contrast to European member states supposedly witnessing a gradual decline in its sovereignty and authority. They apparently are misplacing their power, because decision-making has slowly become shared among national governments, leading to 'the lowest common denominator,' such as for integration issues and in others as 'zero-sum,' turning into either gain or loss for members involved.<sup>67</sup> Such an approach combined with the ongoing economic crisis has weakened the states' ability to manage its own national interests. Non-state actors, networks and groups have instead sought to influence the agenda setting process.

For this thesis, the European Union is a case where MLG has advanced the furthest and denationalization of politics is a reality. If new governance is an alternative to traditional governmentality, then it should be well represented in the EU and this is why the EU is chosen for the case study here. The nature of governance can be explained through inter-governmentalism as well especially since Treaty changes in the last few years in the EU, which insists on legitimacy through national governments. National governments are able to work together with the changes to make decisions but in turn, employ the EU institutions and procedures to make collective decisions and implement them. MLG posits that governments need to allow civil society to participate regularly. As such, decision-making and policy-making are shared endeavours and such a collective supranational approach weakens the state's ability to manage its own national interests. It also highlights that power and sovereignty of national governments has been compromised, because the member states' have little veto power over EU decisions. This interdependence forms the basis of questioning the exercise of authority and the responsibility of accountability, and those of effective management.

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<sup>67</sup> Hooghe, Marks, 2001, 4.

The first section tackles this multi-level process, first theorized by Hooghe and Marks (1996),<sup>68</sup> and a brief overview of the scholarship thereafter. Overall, Hooghe and Marks' work focuses on the changing nature of authority in Europe in the beginning of the twenty-first century. This will be followed by investigating MLG in practice, i.e. the involvement of civil society in select European institutions and processes, such as in the creation of the *White Paper* and the Regional Policy. The document is a significant policy document aimed at reforming governance, with a view about the future of the integration project, and getting citizens involved in it. As for the regional policy, it works on the principle of involving multiple players jointly cooperating to have "Europe of diverse regions and active citizens."<sup>69</sup> The chapter will explore them in the workings and decisions of some of the European institutions. In recent years, the EU has made an effort to address these claims which will be dealt in the last part below, by looking at the regional policy which has been argued to both deepen integration<sup>70</sup> while it engages with multiplicity of stakeholders, decision-makers and processes such as budget implementations.

### 3.1 Evolution of European Governance

With each Treaty amendment since 1958, a mix of supranational and intergovernmental arrangements arrived alongside the development of *acquis communautaire*, and the enlargement of the European Union. The growing competencies of the supranational institutions such as the European Parliament (EP), the only directly elected EU institution brought with it new modes of governance. Most recently, the EP has slowly started gaining significant powers, in the form of approving Commissioners for the European Commission, especially since the Lisbon Treaty. Furthermore, European Council President was chosen by the member states in 2009 for the first time. These new changes brought on by the latest Treaty of Lisbon marks another sign as to the ongoing development of the EU integration project and to the governing interactions among the member states, EU institutions and EU law. The interactions, along with legislative powers of institutions of the EU to propose policies, appoint Commissioners, provide consultations and achieve compliance through the various methods/techniques of coordination such as qualified majority

<sup>68</sup> Hooghe, L and Gary Marks. "European Integration from the 1980s: State-Centric vs. Multi-Level Governance. *Journal of Common Market Studies* 34 no. 3 (1996). <http://www.unc.edu/~gwm/ark/assets/doc/marks.hooghe.blank-european%20integration%20from%20the%201980s.%20state-centric%20v.%20multi-level%20governance.pdf>

<sup>69</sup> Territorial Agenda of the European Union. <http://www.eu-territorial-agenda.eu/Reference%20Documents/Territorial-Agenda-of-the-European-Union-Agreed-on-25-May-2007.pdf>. p. 11. Territorial Agenda of the European Union 2020. <http://www.eu2011.hu/files/bveu/documents/TA2020.pdf>

<sup>70</sup> Bache, Ian. 2008. "Europeanization and multilevel governance: cohesion policy in the European Union and Britain. Lanham: Rowman & Littlefield.



voting, unanimity, the community method and open method of coordination (OMC) among others. All these interactions and procedures together form the governance processes of the EU.

Since the Rome Treaty of 1957, one of the main tasks of the Community, now the EU has been to promote a 'harmonious development of economic activities'. The need for a coordinated community solution to regional problems and the correction of regional imbalances was also recognised in Commission reports, a first communication (1964) and a subsequent recommendation (1969). Policies such as the Regional Policy that will be discussed below provided some flexibility in the way EU operated, bringing in views of non-state actors and local citizens that otherwise do not get a chance to participate. Good governance principles as previously mentioned are also empowered by transparency claims such as those gained through the "Right to Access to Information" that the Maastricht Treaty in 1992 provided.<sup>71</sup> Moreover, the Maastricht Treaty enshrined the independent status of the European Central Bank (ECB) and enhancing accountability "for its policy actions" and made the ECB accountable to certain committees in the EP (Article 109b.3).<sup>72</sup>

The Treaty of Lisbon is the latest process that aims to provide more influential roles for the EP, national parliaments and citizens through initiatives. This objective allows for better and flexible ways of delivering proposals and enhancing integration. This is in concert with moving in the direction of what the 2001 Laeken Declaration aimed to do: "the Union needs to become more democratic, more transparent and more efficient.... resolving three basic challenges... [of] how to bring citizens ... closer to the European design," "how to organize... the European political area in an enlarged Union and how to develop the Union into a stabilising factor and model in the new, multi-polar world."<sup>73</sup> Since the Lisbon Treaty, European governance can be deemed to have moved into two important directions: more intergovernmentalism, while trying to connect with citizens.<sup>74</sup> Case in point, Article 15 of the TFEU recognizes this role of civil society in Europe for good governance, for example.

<sup>71</sup> Treaty on European Union, Official Journal 191, 1992. <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html#0101000037>

<sup>72</sup> The European Central Bank: independent and accountable. <http://www.ecb.int/press/key/date/1997/html/sp970513.en.html>

<sup>73</sup> Presidency Conclusions, European Council Meeting in Laeken, 14-15 December 2001. [http://ec.europa.eu/governance/impact/background/docs/laeken\\_concl\\_en.pdf](http://ec.europa.eu/governance/impact/background/docs/laeken_concl_en.pdf)

<sup>74</sup> Treaty of Lisbon, EUROPA. [http://europa.eu/lisbon\\_treaty/glance/index\\_en.htm](http://europa.eu/lisbon_treaty/glance/index_en.htm)

As for reactions to international pressures, the EU has continued to be very proactive with its negotiations at trade negotiations at WTO for instance. This has involved consultations with trade unions, businesses and involvement of the EC and the EP.<sup>75</sup> More importantly, adapting to new changes, responses to globalization from European heads of state and by the EU have provided new forms of institutional arrangements: managing external threats in the form of 'managed globalization'<sup>76</sup> or called *Globalisierung gestalten* by the German Chancellor Angela Merkel.<sup>77</sup> There is an internal demand for cohesion to deal with external threats, even if not all members agree on all things, leading to asymmetric agreements on many challenges.

Two developments are clear here. The first one is that the EU has to come up with ways to safeguard its own internal unity with protectionism on one hand and through the internal market. On the other, through "ad hoc globalization," it has to increase the policy areas and regulatory influence it already possesses. Perhaps, it even aspires to extend it beyond the borders of the EU, engaging with international agencies and organizations and compensating the losses acquired due to the consequences of trade and commerce, in the form of job losses.<sup>78</sup> In aggregation, these processes have led to a need to understand multi-level responses as a way to cope with domestic, supranational and international risks and changes.

### 3.2 Multi-Level Governance as Theory

As a theory, MLG as mentioned earlier, was a way to understand the dispersion of decision-making in the EU, and how it has moved towards representing something similar to national political systems, but operating above them. The theory helped make sense of the many ways in which the EU is different from typical group of intergovernmental arrangements of political order. It highlights how the loss of democratic legitimacy, in the form of transfer of powers from national governments to EU institutions has become a significant challenge for the EU. This deficit is a charge that the EU has to deal given that its popularity with the citizens has continued to decline due to inability to connect with public opinion and decision of political leaders.<sup>79</sup>

<sup>75</sup> It's your Europe: Living, learning and working anywhere in the EU. 2003. European Commission. <http://ec.europa.eu/publications/booklets/move/38/en.pdf>

<sup>76</sup> Jacoby, Wade and Sophie Meunier, *Europe and the management of globalization*. Journal of European Public Policy, 2010, 299-317.

<sup>77</sup> Cited in Jacoby, W. et. al., 301.

<sup>78</sup> Jacoby, W. et. al., 303 – 311.

<sup>79</sup> Future of Europe Report 2012. [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_379\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_379_en.pdf)

### 3.2.1 Literature

Used by Gary Marks to describe the EU structural policy reforms of the late 1980s when the Single European Act (1986), it paved the way for the use of qualified majority voting (QMV).<sup>80</sup> Hooghe and Marks<sup>81</sup> explored as part of their work these new developments, which helped make sense of the many ways in which the EU is different from a typical group of intergovernmental arrangements of nation-states. In their later book *Multi-Level Governance and European Integration* (2001), their theory looks at the sources of MLG, followed by analysis of supranationalism and political parties. Finding that MLG can be “means to” rather than “ends”-oriented goal,<sup>82</sup> MLG works in some cases, such as a coordinated common agricultural policy (CAP) and in others, fails such as foreign policy. From here, they tackle supranationalist sentiments at the Commission and its personnel, followed by the political dynamics that sustain the EU governance. In both parts, the book tackles MLG through the prism of the development of the state, supra national and sub-national actors, and the political dynamics as far as the national political parties are concerned. Initially, the theory was solely about integration, largely based on ‘new public management’ theories that bring in some aspects of business to operate the government. It did fill in the gray area between supranationalism and intergovernmentalism, as these theories do not fully explain the interactions between various levels of government.

It is important to note, that the theory did not take into account civil society but instead on “interest groups”<sup>83</sup> when it was first conceived, focused on long-term aspirations of the EC to include regional actors and institutionalize the process. Their important work has been further developed by others such as Bache and Flinders and their edited book *MLG*<sup>84</sup> along with DeBardeleben and Hurrelmann’s edited volume on *Democratic Dilemmas of Multilevel Governance*<sup>85</sup> have broadened the field, and helped illustrate the complexity of conceptualizing and addressing the challenges of governance in Europe and beyond. Both volumes dealt with certain aspects of governance dilemmas, including ones that discusses the difficulties dealing with MLG as an analytical versus a normative concept, and the complexity of MLG arrangements and what it aims to legitimately achieve – be more accountable, representation of citizens, effectiveness.

<sup>80</sup> Qualified majority voting, Glossary, Europa, Summaries of EU Legislation.

<sup>81</sup> [http://europa.eu/legislation\\_summaries/glossary/qualified\\_majority\\_en.htm](http://europa.eu/legislation_summaries/glossary/qualified_majority_en.htm)

<sup>82</sup> European Integration from the 1980s: State-Centric vs. MLG

<sup>83</sup> Hooghe, Marks (book), 37.

<sup>84</sup> Hooghe, Marks, 2004, 15.

<sup>85</sup> Bache, I. And Matthew Flinders. (Eds.). *MLG*. 2004. Oxford: Oxford University Press.

<sup>86</sup> DeBardeleben, J. and Achim Hurrelmann (Eds.). *Democratic Dilemmas of Multilevel Governance*. 2007. Hampshire: Palgrave Macmillan.

Other papers developed by the EU itself, provide ways of understanding legislations and the workings of the EU institutions. For example, the Committee of the Regions (CoR) is one of the agencies of the EU that act as an assembly of regional and local representatives, has been instrumental in creating the *White Paper on Governance*. Furthermore, selected policies such as the Regional Policy have provided this institutionalization by giving the opportunities to organized civil society to be selectively involved.

In summary, MLG theory can be said to have become the third way, to the other theories used for understanding EU integration such as neo-functionalism and intergovernmentalism. Both theories dealt with the EU in particular, but as treating issues of spill-over effects and the role of member states, multi-level governance has now moved beyond just integration, into addressing frequency of interactions and considering the workings of the EU beyond inter-governmental to explaining the *de facto* political situation. However, this fails to addresses issues of sovereignty and legitimacy, which is what the thesis aims to highlight. At the global level and MLG at the EU, it can be said to represent the alternative, offering the middle ground between governmentality and state-centric governance.

### 3.2.2 Sources of Multi-Level Governance

Given that MLG is primarily handled by the supranationalist institutions, a cursory look at their functions and interactions with each other is necessary at this point in our discussion. It has been suggested that, when particularly when dealing with the European project that is “best to study governance through institutions than by processes”<sup>86</sup> and if institutions are looked, the role of the European Parliament, the Council and the Commission can be explored within the context of multi-level processes. Moreover, multilevel governance is characterized by the fact that politics escapes from the control of nation states and become located in other agencies and institutions.<sup>87</sup>

For the European Union, the sources of MLG that were explored by Hooghe and Marks dealt with the underlying political transformations of the time.<sup>88</sup> They deal with two types of lenses: one

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<sup>86</sup> Bache, Flinders, p. vi

<sup>87</sup> Bache, Flinders, p. vi.

<sup>88</sup> Hooghe, Marks, p. 34.

that deals with the EU as an international regime and the other as a domestic one. Historically, the EU stands a unique political arrangement, with no master plan, and a result of not war, but during peace provides little comparison to other political systems, even if commonalities remain such as a need to recognize that for a European *polity* there needs to be a European *demos*. The absence of this can fundamentally mean that the democratic legitimacy of the EU comes under fire right away, unless a European citizenship – the socio-psychological approach mentioned earlier – is not initiated. Moreover, because European integration was initiated during peace and not because of war, and as a result, do not follow the same sources of “state-building” (Hooghe, Marks, 45) but different from traditional forms of it – that saw a lot more international pressure, both economic competition and power politics. In short, the historical sources of MLG tend to be diverse, and often ad hoc, and away from national governments, not unlike current developments.

On the other hand, the institutional approach is more relevant, given that much of the creation of legislations and proposals are from EU institutions and then disseminated to national governments, for approval. This process then decentralizes further, in some cases, such as the regional policy to local authorities, where this is done through agencies such as the CoR. Institutions of the EU were created as way to uphold the ultimate goal of Europe without war, and it has achieved that goal to the most part, with NATO, with harmonization, with friendly neighbourhood policies and substantial aid for development or aid for trade policies. The problem of MLG is the “how to” effectively achieve this goal, while maintaining legitimacy and authority. The Regional policy, for example is a continued attempt by the Community to harmonize all regions for long-term benefits, i.e. it is an investment policy. It bridges the gaps between the richest areas of the EU such as Luxembourg with the newer members’ regions in Romania and Bulgaria, for example, that still having a gross-domestic product according to purchasing power parity (GDP/head (PPS) less than the fifty percent below the EU average.<sup>89</sup> It supports job creation, competitiveness, economic growth, improved quality of life and sustainable development.<sup>90</sup> Moreover, as a result of enlargement and to establish a balanced and equitable budget, it played a “facilitating role”.<sup>91</sup> In 1975, the European Regional Development Fund (ERDF) was thus created to merge economic and social cohesion for regional parity with the aim of modernizing and diversifying economic structures, strengthening

<sup>89</sup> See Appendix for a map outlining the regional disparities in all 27 member states.

<sup>90</sup> EU Commission [http://ec.europa.eu/regional\\_policy/what/index\\_en.cfm](http://ec.europa.eu/regional_policy/what/index_en.cfm)

<sup>91</sup> Allen, 18.

regional capacities for research and innovation, for example, and improve overall territorial cooperation through networks and cross-border activities.<sup>92</sup>

In both the above approaches, issues of legitimate authority and democracy turn up. MLG has brought in the debate, the issue of democratic deficit that plagues all global institutions, but for the EU, it is a concept that has provided continued challenge as the integration deepened and expanded. European integration is often labelled as an elite project that fails to connect with the citizens. Political parties often use it to advance their positions in domestic politics, such in Dutch politics with the Freedom Party and the Socialist party taking the big chunk of the Parliament there.<sup>93</sup> Together with the symbolic backlash felt with the rejection of the European Constitution by both Dutch and the French in 2005 reflects the loss of confidence in the complex system of the EU.

Provided this highlights the difficulties with “‘permissive consensus,’ namely, the tacit agreement of the member states’ citizens”<sup>94</sup> that has largely absent in the processes of institutions and interactions, it also reveals the difficulty with the supranational institutions to connect with local authorities and the public. One author suggests a way to make sense of the deficit is to look at the literature that provides two approaches, first of which, is institutional, which deal with EU institutions and power-sharing among them and the other is the socio-psychological perspective, that offers ways to develop belonging, attachment and citizenship to foster a European identity.<sup>95</sup> Hooghe and Marks deal with this subject in one chapter, where they find that the EU as a multi-polity needs to create multiple identities, because of its creation as an economic union, rather than due to the experiences of war, translates into weak predictions about the development of the European identity, to sustain the future of the European Union.<sup>96</sup>

<sup>92</sup> European Regional Development Funds. EU Commission.

[http://ec.europa.eu/regional\\_policy/thefunds/regional/index\\_en.cfm#3](http://ec.europa.eu/regional_policy/thefunds/regional/index_en.cfm#3)

<sup>93</sup> Beyond the Fringe: The rise of populists is a threat, Nov 2011. <http://www.economist.com/node/21536873>

<sup>94</sup> Chryssochou, D. Europe's Contested Democracy, 379.

<sup>95</sup> Ibid, 379.

<sup>96</sup> Hooghe, Marks, 66.

### 3.3 Multi-Level Governance in Practice

#### 3.3.1 White Paper on Governance

The policymaking process will be looked at with the process undertaken for the creation of the *White Paper on Governance* serving as an example. The paper proposes a reform of European governance and a continued process of evaluation and monitoring, but more importantly, the paper provided a consultative process for other actors – other institutions, EU member states and organizations and the public. The Paper symbolizes the multi-level policymaking, but as we shall discover falls short on legitimacy and accountability. It focuses on “better” policies, delivery and regulation,<sup>97</sup> but does not focus on engaging with civil society enough, as it finds ways of “speeding up the legislative process” and boosting confidence in the “expert advice” for policy decisions.<sup>98</sup>

Briefly, the White Paper outlines:

- “proposes opening up of the policy-making process to get more people and organisations involved in shaping and delivering EU policy,” “promotes greater openness, accountability and responsibility for all those involved,” and “help people to see how Member States, by acting together within the Union, are able to tackle their concerns more effectively.”<sup>99</sup>
- The document “should help the Commission to concentrate its action on clear priorities within the tasks conferred on it by the Treaty: right of initiative, execution of policy, guardian of the Treaty and international representation;”<sup>100</sup>
- It also indicates proposals for change with better involvement and more openness, better policies, regulation and delivery, global governance and refocused institutions.<sup>101</sup>

The White Paper also has provided the EU with ambitions about contributing to global governance, through improving dialogue and to look at ways of improving the collective voice of the EU in international meetings. More importantly, it has provided EU institutions to cooperate, improve institutional responsibilities, such as the EC has been asked provide the Inter-Governmental Conference, a procedure that aims to provide Heads of State a strong governing voice, to “refocus

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<sup>97</sup> Commission of the European Communities, “European Governance: A White Paper.” Accessed June 4, 2012. White Paper [http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001\\_0428en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf), 18.

<sup>98</sup> Ibid., 5.

<sup>99</sup> Ibid, 3.

<sup>100</sup> Ibid, 4.

<sup>101</sup> Ibid, 4.

[its] executive responsibility”<sup>102</sup> Moreover, it also seeks to remind the Council to be more firm in its decisions, providing links between European policy and national governments through better implementation. It also assigns a greater role of the EP working together with the Council, to enhance electoral representation, to enhance democracy.

The most important pointer about the White Paper is the section three, where the proposals of change are laid out. It is obvious that the creation of the White Paper is for “better participation,”<sup>103</sup> on European issues but the Paper makes it obvious that the goal is not the creation of proposals that is high priority but more so, the delivery of information once the decisions have been made. Throughout the paper, it is obvious that the White Paper seeks to enhance policy making by having local knowledge involved but it is about “contributing to better knowledge of policy objectives, working methods and instruments.”<sup>104</sup> Furthermore, for example, the role of sub-national local authorities is for “implementation” of EU policies, while central governments play key roles in contracting out the projects.<sup>105</sup>

As for accountability and involvement of civil society, the Commission has intentions of establishing databases of European level civil society organizations, with ECOSOC playing a major role of facilitating dialogue between institutions. As for CoR, which will be discussed below in further detail, it will still provide “opinions and exploratory reports” and only after the proposals are transmitted to legislature, “minimizing impact”.<sup>106</sup> This does not bode well, for the meaningful impact of civil society and for accountability at large. Furthermore, consultations by civil society for policy-making are about “effectiveness” and “transparency” but not about real participation, i.e. the EU seeks to get an approval of policies that it has already produced instead of real dialogue. Furthermore, regulation impact is about “improving quality, effectiveness and simplicity of regulatory acts,” “right types of instruments”<sup>107</sup> and using coordination techniques such as OMC – a method used to enhance exchange of information, encourage cooperation and best practices.”<sup>108</sup> All this signifies our previous discussion about both governmentality and about what new governance is all about.

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<sup>102</sup> Ibid, 6

<sup>103</sup> Ibid, 11.

<sup>104</sup> Ibid, 13.

<sup>105</sup> Ibid, 13.

<sup>106</sup> Ibid, 15.

<sup>107</sup> Ibid, 20.

<sup>108</sup> Ibid, 21.



Thus, while the White Paper is a meaningful document, all with well-meaning expressions but given that it is about seeking approval of policies and implementation, rather than about policymaking in the real sense, its merits are somewhat diminished. While this “culture” of dialogue<sup>109</sup> and consultation to reinforce good governance principles, it can be said that they are just that, principles and guidelines but do not necessarily change the fundamentals of EU proposal- and decision-making.

### 3.3.2 Regional Cohesion Policy

Given that the White Paper provides some context to EU governance in practice, the regional cohesion policy provides an example of how coordination and implementation has worked in the EU. The Treaty of Rome (1957) outlined that one of the main tasks of the Community was to promote “a harmonious development of economic activities.”<sup>110</sup> The EU Commission then produced the first communication in 1964, and followed up with a recommendation in 1969. In the next few years, the European Regional Development Fund (ERDF) was created to merge economic and social cohesion to merge economic and social cohesion for regional parity with the aim of modernizing and diversifying economic structures, strengthening regional capacities for research and innovation, for example, and improve overall territorial cooperation through networks and cross-border activities.<sup>111</sup> With the same principle, the regional cohesion policy operates.

One of the cornerstones of the regional policy is how it is implemented and how it works: in a decentralized, multi-faceted fashion. This process requires that while EU supports regions and local authorities, the main responsibility for implementation and programming lies with the regional authorities themselves, furthering a sense of attachment and ownership. Furthermore, the regional policies needs local authorities to prepare reports and frameworks – National Strategic Reference Frameworks<sup>112</sup> and Operational Programmes – part of the structural funds management that national governments have to develop themselves that reflect the needs of individual members and

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<sup>109</sup> Ibid, 16.

<sup>110</sup> Treaty establishing the European Economic Community, EEC Treaty – original Text, EUROPA.  
[http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/treaties\\_eec\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_eec_en.htm)

<sup>111</sup> European Regional Development Funds. EU Commission.  
[http://ec.europa.eu/regional\\_policy/thefunds/regional/index\\_en.cfm#3](http://ec.europa.eu/regional_policy/thefunds/regional/index_en.cfm#3)

<sup>112</sup> Cohesion Policy 2007-13: National Strategic Reference Frameworks.  
[http://ec.europa.eu/regional\\_policy/atlas2007/fiche/nsrf.pdf](http://ec.europa.eu/regional_policy/atlas2007/fiche/nsrf.pdf)

regions. As such, these instruments require coordination between different levels of governance in the EU. While National Strategic Frameworks contain detailed programming and strategies by all 27 member countries and on which regions and expected impacts,<sup>113</sup> operational programmes are issued specific such as transport, environment and so on, but also divided on the multi-regional, regional, cross-border, transnational and interregional level.<sup>114</sup> As one can understand, the large amount of players and resources involved calls for strengthening the decision-making processes on one hand, while enhancing capacity-building mechanisms for the authorities for implementation. For this purpose, one can then understand why MLG here is a viable strategy and theory to help examine the effects of regional policy on the overall deepening of EU integration.

Because the regional policy has been used to further MLG<sup>115</sup> by inducing participation from regional and local authorities and civil society experts, it is a case of how MLG has worked to bring together actors, processes and accountability. Regional cohesion has thus meant that new forms of cooperation are needed between national, regional and local authorities. Examples of such initiatives include the EU Strategy for the Baltic Sea Region<sup>116</sup> and for the Danube Region.<sup>117</sup> As a result of the agreed 'Territorial Agenda' of the EU,<sup>118</sup> an operational and sustainable economic and social development of the EU is necessary to move forward, especially in accordance to the Europe 2020 strategy.<sup>119</sup> According to this strategy, a territorial cohesion is a "common goal" for a more harmonious and balanced "state of Europe." These also highlighted the need for utmost cooperation between EU and national governments, through an "integrated territorial development."<sup>120</sup> It also recognised that such a coordinated and integrated strategy must work towards common European priorities but most importantly, through a regional-based policymaking taking in consideration local and regional knowledge and applying the principle of subsidiarity.<sup>121</sup> These are taken with broader challenges in mind such as the globalizing pressures on Europe, the economic crisis, demography, geography and others. More importantly, they recognised that multiple players will be involved and

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<sup>113</sup> Ibid.

<sup>114</sup> Regional Development Programmes 2007-2013.

[http://ec.europa.eu/regional\\_policy/country/prordn/search.cfm?gv\\_pay=ALL&gv\\_reg=ALL&gv\\_obj=ALL&gv\\_the=ALL&lan=EN&gv\\_per=2](http://ec.europa.eu/regional_policy/country/prordn/search.cfm?gv_pay=ALL&gv_reg=ALL&gv_obj=ALL&gv_the=ALL&lan=EN&gv_per=2)

<sup>115</sup> Hooghe, Marks, 3.

<sup>116</sup> EU Strategy for the Baltic Sea Region. [http://ec.europa.eu/regional\\_policy/cooperate/baltic/index\\_en.cfm](http://ec.europa.eu/regional_policy/cooperate/baltic/index_en.cfm)

<sup>117</sup> EU Strategy for the Danube Region. [http://ec.europa.eu/regional\\_policy/cooperate/danube/index\\_en.cfm](http://ec.europa.eu/regional_policy/cooperate/danube/index_en.cfm)

<sup>118</sup> Territorial Agenda of the European Union. <http://www.eu-territorial-agenda.eu/Reference%20Documents/Territorial-Agenda-of-the-European-Union-Agreed-on-25-May-2007.pdf>

<sup>119</sup> Territorial Agenda of the European Union 2020. <http://www.eu2011.hu/files/bveu/documents/TA2020.pdf>

<sup>120</sup> Ibid, p.4.

<sup>121</sup> Ibid, 5.

that any challenges need to be tackled jointly in a cooperative and integrated fashion to have “Europe diverse regions and active citizens.”<sup>122, 123</sup>

In 2010, the future of EU Regional Policy was being debated by EU and national parliamentarians in the European Parliament,<sup>124</sup> seen also a part of how cooperation needs to happen according to the Lisbon Treaty. Many topics were discussed but the most important that should be noted is the recognition that national authorities need to be more engaged in the debate. This also draws attention on European bodies such as the Parliament being used to debate issues, through a democratic process with the involvement of national representations that eventually will affect local and regional policies. As one can notice, this engages all levels – an integrated development that is needed not only for regional policy but in other areas.

In the same fashion, the latest Regional Policy of 2007-2013 aims at “Working for the regions,” – at strengthening cohesion across regions, especially in the development of economic and social policies and their implementation and ultimately also working for good governance.<sup>125</sup> The joint responsibility for the implementation of the regional instruments has to be managed together with the Commission, national and regional authorities in all aspects – “programme control, publicity and evaluation.”<sup>126</sup> Given that EU policies and instruments in the form of the ERDF, ESF and Cohesion Fund together account for more than one third of the EU's overall budget,<sup>127</sup> the significance of the policy extends to other areas essential for tackling the diverse needs of all the member states while complying with other EU policies – environment, transport and enhancing good governance objectives aforementioned in the introduction above.

Throughout our debate, one can see that the EU's supra-national institutions play an extremely important role and will continue to do so. Through the regional policy one can say that

<sup>122</sup> Territorial Agenda of the European Union. <http://www.eu-territorial-agenda.eu/Reference%20Documents/Territorial-Agenda-of-the-European-Union-Agreed-on-25-May-2007.pdf>. p. 11.

<sup>123</sup> Ibid.

<sup>124</sup> National Parliaments debate EU's future regional policy. <http://www.euractiv.com/national-parliaments-debate-eu-s-future-regional-policy-news-496380>

<sup>125</sup> Working for the regions: EU Regional policy 2007-2013 [http://ec.europa.eu/regional\\_policy/sources/docgener/presenta/working2008/work\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/presenta/working2008/work_en.pdf) / See Appendix for objectives/funds breakdown application.

<sup>126</sup> Ibid, 3.

<sup>127</sup> Regional Policy: EU [http://europa.eu/pol/reg/index\\_en.htm](http://europa.eu/pol/reg/index_en.htm)

the EU is seeking to also diffuse its authority slowly but mobilizing local and regional actors, to participate in EU decision-making. On the one hand, there is a policy agenda where the EU seeks to deepen the integration through cooperation, there is also a political dimension, and that the EU wants local authorities to claim their own authority, with guidance from the EU. This is an appropriate strategy because local knowledge is necessary for the fulfilment of goals and objectives.

#### 4. *Conclusion: Lessons for Global Governance*

Having looked at governance problematique in general and more specifically, within the EU, with the exploring the White Paper and the Regional Cohesion Policy, the question still remains as to how accountability is supposedly gained through civil society, that governance in general seeks to address and where do the civil society provide for all these institutions. Furthermore, decision-making and agenda setting are processes that require constant negotiations and bargaining and are no longer organized from a central command by the state, but are expected to be a bottom-up approach. If governance beyond the state is a possibility with many participants, both at the European and international level, then the diffusion of authority makes claims on authority and legitimacy, make it difficult to pinpoint to any one actor. This in turn, speaks to a larger problem in the global governance arena, again of accountability. This complex interdependence in the EU, bring two issues to the forefront: one of legitimate rule that is how power is exercised and legitimated by the citizens and the EU and how they are held to be accountable in many ways. The other issue being the new modes of governing highlight is new processes, organizational and managerial techniques in the form of “methods” – open coordination, co-decision, voting procedures and the like – that supposedly enhances efficiency and effectiveness.

Given that the European Union (EU) has transcended the traditional Westphalian model of governance, examining its MLG structures can expand our understanding of the changing nature of governance itself. The role of supra-national institutions, the legal frameworks and ‘good governance’ principles of subsidiarity and proportionality, and the involvement of a multiplicity of actors, both public and private, in the decision-making processes as well as the formulating of policies, are all what makes EU governance multi-faceted and multi-level. This has fundamentally transformed the traditional nature of authority through state-centric governance and has raised the possibility of ‘governance beyond the state’.

Again, the European Union is taken as a case study here, because MLG has developed the farthest, and two issues arise as seen in both the White Paper and in the Regional Policy and the CoR. Namely:

- ways in which legitimate power has shifted and exercised, away from national governments where it traditionally resided;
- New modes of governance provide better efficiency and effective forms of procedures, techniques and cooperation.

MLG and the new changes since the Lisbon Treaty will provide some of the answers to the claim of governance providing new forms of rule making in informal and formal arenas on the one hand, and on the traditional loss of authority and new techniques applied by national governments themselves. With national governments transferring power to the European supranational institutions, the EU deals with economies and member states through a pan-European legislative agenda. MLG has been used by the EU to induce participation from regional and local authorities and civil society. As a result, the European member states have witnessed a gradual decline in its sovereignty and authority. Such a multi-level but seemingly unified pan-European approach taken within say, a challenge such as the ongoing economic crisis, emphasizes the weakening state authority as inevitable. While the participatory claims for democratic governance by these new forms of governance are well-meaning; this phenomenon has difficulty addressing the challenges of legitimacy and accountability, because for example, The Council of Ministers in the EU, have meeting behind closed doors and even the consultations or transparency claims by the EU Commission are about indeed about inclusion, but not decision-making, as seen through the White Paper.<sup>128</sup>

The process of globalization in the international system has produced similar challenges. Globalization has advanced the need for new modes of interaction and the diffusion of authority – ‘governance without government’ with the growth in the number of international organizations, civil society networks and the economic power of multinational corporations. Governance then is taken to be an alternative to governmentality and traditional modes of power previously held solely by the state. In this context, two important issues arise that will be tackled in the thesis: the question of legitimacy and accountability and how new modes of governing and regulation can provide an answer to both the first issue, and to problems of efficiency and effectiveness of governance.

Most international organizations have to deal with the democratic and legitimacy deficit, even when they come in contact with transnational networks that somehow seek to legitimize the multilateral approaches to global governance. Moreover, these networks do not necessarily include ordinary citizens, even if one of the solutions of overcoming the deficit is to have these transnational networks bringing about change, such as in the environmental regime. Another regularly cited solution, accountability, can enhance official responsibility but at the expense of citizens again, as most decisions are made by officials who are again from elite networks or government agencies. More importantly, Keohane notes that “civil society may be a necessary but insufficient condition for

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<sup>128</sup> Keohane, 34

democratic accountability.”<sup>129</sup> But the question of to what extent has the scholarship tried to conceptualize accountability's and legitimacy's role in the discourse of governance as understood today, needs to be further explored. The rise of civil society to claim legitimacy and ownership towards decisions about global challenges has to be thoroughly investigated so that legitimacy and accountability can be situated within this debate.

“Global civil society” and “global governance” have much in common, whereby both are new processes that interact with each other, either mutually reinforcing or building upon the conceptualization of each other. How NGOs transformed themselves into this global society of actors is also said to be paralleling the globalizing effects on international regimes and how they are conceived and thought of. Given that, they hold some credible weight in important regimes, such as climate change, for example, NGOs then need to be held accountable similar to any international organizations claiming legitimizing and supposedly “representing” the public consciousness. Thus comes in the issue of democratic deficit and that of accountability. Where organizations and processes are managed by bureaucracy or technocrats, evoking elitism, NGOs often claim to be representatives of the common man but can and should be held accountable as well.

Accountability's place in the governance scholarship is when the claim that, democratic legitimacy is strengthened through the involvement of civil society and non-state actors, is made. Accountability is something that states and its decision-makers are often subjected through by the citizenry, as they are representatives of the population in the respective legislative and executive bodies in a given country. Accountability and transparency and deliberation that civil society organizations insist on at the international level, is promising to the democratization of international politics and regimes. However, it becomes difficult to have in practice, and this difficulty translates into the democratic deficit of global governance, one challenge that the EU is also struggling with as well. For instance, 70 per cent of the legislation has a direct and regional and local impact,<sup>130</sup> the role of the Committee of Regions (CoR), a body serving as a bridge between the EU and the local authorities, remains one of expertise and not of deliberation and policy-making. At the international level, as an answer to the accountability challenge at the global level, scholars<sup>131</sup> and organizations<sup>132</sup>

<sup>129</sup> Keohane, 36.

<sup>130</sup> The Committee of the Regions: the regions' and local authorities' voice in the European project.

<http://cor.europa.eu/en/about/Pages/88155bdb-4c1f-4725-a9df-c2309b2a2a96.aspx>

<sup>131</sup> Hale, T. Transparency, Accountability and Global Governance. *Global Governance*, Vol. 14, 2008, 73-94.

<sup>132</sup> Mayer, P. *Civil Society Participation in International Security Organizations: The Cases of NATO and OSCE*. In Steffek, J. et al. (Eds.). *Civil Society Participation in European and Global Governance*. 2008. Hampshire: Palgrave Macmillan.

such as the International Labour Organization (ILO)<sup>133</sup> have put forth the argument of transparency, answerability and enforcement mechanisms. Again, well-meaning, perhaps also self-enhancing endeavours, but claims of representation of citizens by these civil society organizations remain dubious.

More important explorations about the “representation” question – of whether NGO’s should be representatives of the people in global governance – needs to be answered.<sup>134</sup> Tracing how NGOs went from sideliners to serving as “source of legitimacy,” Anderson recalls how the United Nations and many optimist scholars such as Held and Keane<sup>135</sup> helped reconceptualised NGOs as “global civil society.” This led to “legitimacy inflation,” “rhetorical and theoretical excesses” for it did not deal with how representation and accountability became mutually constitutive<sup>136</sup> and helped bring in legitimacy to NGOs. He remarks, that “democracy and representative legitimacy are, however, values in and of themselves, quite apart from their potential to establish accountability.”<sup>137</sup> In doing so, Anderson further investigates the basis for NGOs authority in the international system, something that is claimed with much rigour by both organizations and entities, even the EU, as seen in the process of creating the *White Paper*. The role of public opinions and the normative effect of regulations and the ability to enforce forms, the basis to how accountability is enforced. That is, through “voicing” opinions and discontent and punishing behaviour, similar to how consumers operate in the marketplace.<sup>138</sup> In doing so, non-state actors instead of giving up or “exiting” the system all together, instead choose to continue to “voice” their discontent.<sup>139</sup> The effect of such an interaction provides the states to recognize that certain elements of the participation of civil society, provides boost to the workings of governments and to its legitimacy, given that civil society often is perceived to be about bottom-up engagement with the public. How much of this assertion is actually, is up for debate, if civil society are either government-funded which negates their independent status. In conclusion, the lack of accountability in international and supranational institutions, even after participation of civil society participation, is the real challenge of “democratic” governance.

<sup>133</sup> Thomann, L. *The ILO, Tripartism, and NGOs: Do Too Many Cooks Really Spoil the Broth?* In Steffek, J. et al. (Eds.). *Civil Society Participation in European and Global Governance*. 2008. Hampshire: Palgrave Macmillan.

<sup>134</sup> Anderson, p. 174.

<sup>135</sup> *Ibid* (Cited), p. 175.

<sup>136</sup> *Ibid*, p. 175.

<sup>137</sup> *Ibid*, 176.

<sup>138</sup> Hirschman, A.O. *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations, and States*, 1970.

<sup>139</sup> *Ibid*.



**Table 1 The Sponsorship and Institutionalization of Control Mechanisms**

		Nascent	Institutionalized
Not State-Sponsored	Transnational	<ul style="list-style-type: none"> <li>• nongovernmental organizations</li> <li>• social movements</li> <li>• epistemic communities</li> <li>• multinational corporations</li> </ul>	<ul style="list-style-type: none"> <li>• internet</li> <li>• European Environmental Bureau</li> <li>• credit rating agencies</li> </ul>
	Subnational	<ul style="list-style-type: none"> <li>• ethnic minorities</li> <li>• microregions</li> <li>• cities</li> </ul>	<ul style="list-style-type: none"> <li>• American Jewish Congress</li> <li>• the Greek lobby</li> <li>• crime syndicates</li> </ul>
State-Sponsored		<ul style="list-style-type: none"> <li>• macroregions</li> <li>• European community</li> <li>• GATT</li> </ul>	<ul style="list-style-type: none"> <li>• United Nations System</li> <li>• European Union</li> <li>• World Trade Organization</li> </ul>
Jointly Sponsored		<ul style="list-style-type: none"> <li>• cross-border coalitions</li> <li>• issue regimes</li> </ul>	<ul style="list-style-type: none"> <li>• election monitoring</li> <li>• human-rights regime</li> </ul>

Source: Rosenau, J. Governance in the Twenty-first century, p. 22.

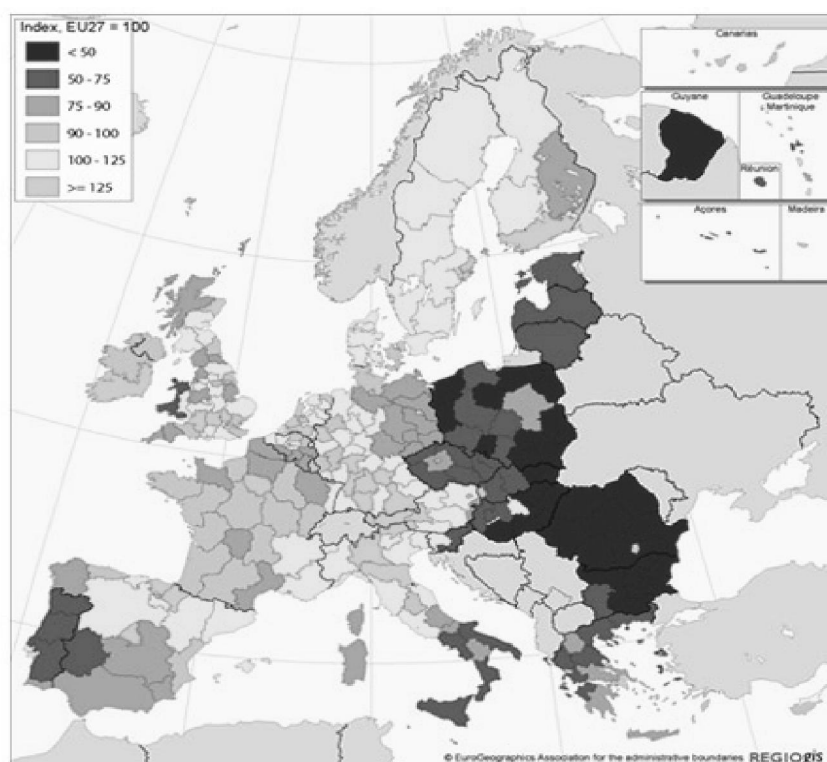
**Total Number of NGOs Around the Globe, 1990–2000**

Regions	1990	2000
Asia	16462	30415
Central America and Caribbean	9797	14987
Europe	n.a.	118716
Middle East and North Africa	13208	20519
North America	6533	10257
Oceania	5400	8701
South America	12952	19093
Sub-Saharan Africa	20076	32825
Total World	84428	255513

SOURCE: World Resource Institute (2003).

Chandra, A. C. (2004). "Indonesia's Non-State Actors in ASEAN: A New Regionalism Agenda for Southeast Asia?" *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 26(1):155-174, 158,

## Regional Disparities across EU27 GDP/head (PPS), 2005



Source : Eurostat

Source: European Commission [http://ec.europa.eu/regional\\_policy/what/index\\_en.cfm](http://ec.europa.eu/regional_policy/what/index_en.cfm)

History of EU Regional Funds (Short clip)

[http://ec.europa.eu/regional\\_policy/information/maps/index\\_en.cfm](http://ec.europa.eu/regional_policy/information/maps/index_en.cfm)

Objectives	Structural Funds and instruments		
Convergence	ERDF	ESF	Cohesion Fund
Regional Competitiveness and Employment	ERDF	ESF	
European Territorial Cooperation	ERDF		

Objectives, Structural Funds and instruments 2007-2013.

Source: EU Commission. [http://ec.europa.eu/regional\\_policy/how/index\\_en.cfm](http://ec.europa.eu/regional_policy/how/index_en.cfm)

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