



Editors
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The Legitimacy and Effectiveness of Global Environment

Papers from the 8.Nordic Environmental
Social Science Research Conference June
18-20 2007. Workshop 6.

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Abstract: Debates about sustainable development are increasingly dominated by questions of how to secure values such as participation, representation, accountability and legitimacy in global environmental governance. The participation of non-state actors, such as business and civil society, is regarded as critical for the effective implementation of sustainable development policies in the EU, UN and various multi-level governance arrangements. The trans-formation of political authority through the emergence of new forms of post-sovereign power (such as private governance and public-private partnerships), makes an assessment of the effectiveness and accountability of these networked governance structures important. How can democratic legitimacy, participation and accountability be secured without compromising effective environmental governance and well-functioning policies? The workshop includes papers on the creation of more effective and legitimate multi-governance arrangements in various policy domains.

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Foreword

The biannual NESS Research Conferences have become a valued tradition. From a relatively humble beginning in the early 1990's, these conferences have grown to become truly international events. The Nordic region shares democratic and social values and at the same time has, to a large extent, the same environmental challenges.

In 2007, it is twenty years since the Brundtland-commission came with the report "Our common future". They launched the most common definition of sustainable development and, as a consequence, gave the global perspective in environmental policy its absolute breakthrough.

Twenty years later, this perspective has become even more relevant. Nature consists of common-pool resources, and environmental problems are border crossing. The 8th NESS conference in Oslo, Norway June 18-20, looked into how the international community, nations and local communities meet common challenges on the environmental area. Furthermore, we discussed how the internationalisation of environmental politics creates challenges, constraints and opportunities on the local, national and global level.

These themes provided a good starting point for interesting discussions and new acquaintances. The conference gathered approximately 80 researchers from the Nordic countries, the Netherlands and Germany. In addition there were four keynote speakers: Arild Underdal, Susan Baker, Terry Marsden and Jan Erling Klausen. In this compendium you will find some of the papers presented at the conference. Of different reasons, some of the participants wanted to abstain from the proceedings.

Oslo, October 2007

Berit Nordahl

Research Director

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Common basis for the Multilateral Environmental Agreements

(A comparative analysis of the existing MEAs from different
approaches)

By Anna Vartanyan

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1 Introduction

A significant part of the global environmental governance is dedicated to the creation and implementation of the Multilateral Environmental Agreements (MEAs). Those agreements are the only mechanisms on the international level to solve the environmental problems of the global character. Speaking about globality it is important to distinguish between two types of issues: those that overcame countries' borders and those that were global from the beginning. However, both of the issues needed international regulations.

A large amount of the MEAs came up in late 80ies and early 90ies of the 20th century. Some of the agreements have shown a great success, whereas some have undergone difficulties. Those agreements are independent mechanisms that aim to solve a specific global issue. However, almost all of them are united under United Nations Environment Programme (UNEP). There is still a list of other agreements that are functioning under the other United Nations bodies like UNECE (United Nations Economic Commission for Europe), but those conventions are regional although they touch issues that can have a global character.

The existence of the MEAs shows that international cooperation has achieved good results and working mechanisms for solving the problems have developed. However, there has been a debate on the common effectiveness of those mechanisms as there is missing a common basis for all those conventions. A general mechanism for all of the conventions/protocols could make it easy each time a new agreement is created. The negotiations process and the implementation procedures could be simplified and parties might benefit from already existing standards. This paper aims to discuss the similarities that exist within conventions, the mechanisms established by them and possibilities for creation of common procedures/structures. This analysis seeks understanding whether such common mechanism is possible to establish, taking into account the variety of issues discussed and complexity of some of them.

2 Multilateral Environmental Agreements

This paper will include those multilateral agreements that have been developed under UNEP. The Regional Seas Conventions will not be included taken into account their special character. London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter is created under International Maritime Organization and therefore will not be taken into consideration. Before categorization it is important to have a look on a short description of those agreements, their main provisions and parties' obligations.

2.1 Vienna Convention for the Protection of the Ozone Layer (1985)

The aim of the Convention is to protect the destruction of the ozone layer from so called ODS- ozone depleting substances. ODS are mainly CFCs (carbons- chlorofluorocarbons), Halons and a number of others, that have a weaker impact on the Ozone layer than the named ones. Vienna Convention was a first step to control ODS, excluded a direct action plan on the measures to be taken. The task was to start cooperation and involve states in solving of the ozone issue. The obligations were of a general character. Montreal Protocol, created 2 years later, presented the scheme for ODS reduction.

2.1.1 Montreal Protocol on Substances that Deplete the Ozone Layer (1987)

Montreal Protocol includes the obligations for states to reduce the ODS. Developed countries faced much stricter obligations than developing. For developed countries the phase out date for CFCs and a number of other ODS was 1996, Halons -1994, for the rest phase out plans look different, for example methyl bromide was reduced by 25 % by 1999, 50% by 2001, 70% by 2003, and phase out by 2005. Some of the others are still in process of reduction until 2030. Developing countries were given more time for the reduction of ODS. According to the Article 5 of the Protocol, developing countries with small level of consumption of ODS may prolong the phase out date for 10 years (Internet 1)

On side with the Protocol was created a financial mechanism to help developing countries to meet their targets: **The Multilateral Fund for the Implementation of the Montreal Protocol**. The contributions to the Fund are made by developed countries.

2.1.2 United Nations Framework Convention on Climate Change – UNFCCC (1992)

The Convention establishes general rules for protecting the earth from so called “greenhouse gases” that cause climate change by stabilizing their production. The economic development is taken into consideration. As with the Ozone Convention UNFCCC did not contain concrete measures for the reduction of the substances. For that purpose Kyoto Protocol was created.

Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)

Kyoto Protocol sets up the mechanism for the reduction of the six main gases: Carbon dioxide (CO₂), Methane (CH₄), Nitrous oxide (N₂O), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs) and Sulphur hexafluoride (SF₆). Developed countries (listed in Annex I to the Protocol and called Annex I parties) have special obligations for the reduction of the gases, whereas developing countries have no concrete targets and their special needs are taken into consideration. Even for developed countries the targets are different. Almost all reductions are made from the 1990 level (except for the countries with economies in transitions). Some countries must diminish by 8 % (like EU members), others are allowed to keep the same level as in 1990, at the same time the others can even produce more. (Internet 2)

The treaty also introduces three mechanisms to help parties cut the production of the “greenhouse gases”: joint implementation (JI), clean development mechanism (CDM) and emissions trading. Joint implementation gives possibility for Annex I parties to reduce emissions in other Annex I parties. CDM allows developed countries to implement emissions reduction projects in developing countries: this mechanism helps developed countries meet their targets and promotes sustainable development in the developing countries. (Environmental sound technologies are expected). Emissions trading mechanism is based on the idea that for some countries it is easier to diminish the production of the gases. Countries can sell and buy the emissions reductions. (Internet 3)

2.2 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989):

The aim of the Convention is to regulate export/import and transit of the hazardous waste, protect environment from the negative effects of such transportations and make sure that all disposal operations are done using environmentally sound technologies. Basel Convention sets limitations on transportation between parties to the Convention and non-parties: such movement is possible only if relevant bilateral (or multilateral/regional) agreement exists. Basel Convention also introduces a procedure of written consent, according to which prior to the transportation parties need to go through a complicated mechanism to confirm the movement.

One of the main obligations of the parties is to report annually on the amount of transported hazardous waste, technologies available for disposal or recovery operations, participation in bilateral, multilateral or regional agreements. (Internet 4)

2.3 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)

The Convention does not entirely forbid the trade of chemicals and pesticides but rather restricts it to some degree. Each party to the Convention has a right to ban or severely restrict a chemical by adopting “final regulatory action”, where it is written which chemical will be restricted or banned. Besides, chemicals listed in Annex III to the Convention are subjects to the Prior Informed Consent procedure. Listings to Annex III are done based on the Secretariat’s decision. However, the parties themselves propose the listing before the Secretariat makes decision. (Internet 5)

Parties also have some general obligations like information distribution, cooperation. Whenever an export of chemicals listed in Annex III, restricted or banned, takes place a relevant information about it shall be provided, labeling requirements shall be met. (Internet 5)

2.4 Stockholm Convention on Persistent Organic Pollutants - POPs (2001)

The Convention covers the issue of production and use of persistent organic pollutants that become widely distributed and are dangerous for humans and wildlife due to their toxic affect. Stockholm Convention prohibits production, use and export/import of some of those chemicals (Annex A) and restricts production and use of the other (Annex B). However the import of the chemicals is allowed for environmentally sound disposal. The parties may propose listings of chemicals to Annex A and B. Both of the Annexes contain exemptions for some chemicals. According to the Article 4, paragraph 3 of the Convention “Any State may, on becoming a Party, by means of a notification in writing to the Secretariat, register for one or more types of specific exemptions listed in Annex A or Annex B.” (Internet 6)

As a part of the implementation process parties shall prepare national plans for implementation and present to the Conference of the Parties (COP) during 2 years from the date of entry into force of the Convention. General obligations amongst other include information exchange, awareness rising, scientific development and technical support. (Internet 6)

2.5 Convention on Biological Diversity (1992)

The Convention has three main goals: conservation of biodiversity, sustainable use and control over genetic resources. The control over genetic resources includes equal distribution of the benefits from genetic resources, access to technologies and providing rights to use those resources.

Parties have general obligations which include establishment and development of national programmes, strategies and plans to conserve biodiversity, rising awareness and scientific cooperation. Each party shall make a list (categories are presented in Annex I to the Convention) of the components of biodiversity that are in danger or otherwise need protection, regularly monitor those components, define processes that can negatively

influence biodiversity and establish control over them and take other relevant measures to protect different components of biodiversity, which includes providing their sustainable use. All parties to the Convention have to report on progress of implementing the Convention (Internet 7)

2.6 Convention on the Conservation of Migratory Species of Wild Animals-Bonn Convention (1979)

The Convention protects Migratory Species in two ways: those that are threatened with extinction are under strict protection and those that might be endangered are controlled. First category is presented in Appendix I; unless some special circumstances, mentioned in the Convention, taking of those animals is forbidden. Species listed in Appendix II have a priority in conservation. Additional to the Convention parties may develop agreements for protecting several species of migratory animals. (Internet 8)

Parties shall inform secretariat which species, listed in Appendix I or II, are under their jurisdiction (or if party's flag vessels take part in activities related to that migratory species). Parties are obliged to report on the implementation process, measures that are taken to protect those species. (Internet 8)

2.7 Convention on International Trade in Endangered Species of Wild Fauna and Flora- CITES (1973)

The goal of the Convention is to make sure that the existence of species of wild fauna and flora is not threatened by the trade. The Convention touches those species that are in danger or those that can potentially be harmed. Appendix I to the Convention includes species which existence is threatened. Commercial actions with those species are forbidden, the exceptions are made if the trade is on non-commercial basis. In that case a special consent from countries engaged in the trade is required. Appendix II includes species that are not in danger at the moment, but they need special protection. Appendix III concerns species that are in danger at least in one country. By including them in the appendix, parties are able to control trade of the species. Any movement of species from Appendix II and III over borders requires special permit. (Internet 9)

Parties shall make sure that the provisions of the Convention are followed. A registry, containing detailed information on export/import of the species concerned, shall be established. Regular reports on the implementation process shall be sent to the Secretariat: annual report with the information named above and biennial report on the technical measures taken by the parties to implement the Convention. (Internet 9)

2.8 United Nations Convention to Combat Desertification (1994)

The Convention focuses on the countries experiencing problems with desertification or drought. The issue is especially urgent in Africa. The aim of the Convention is to create mechanisms to combat desertification. The measures include protection of land and water resources and rising of land productivity. (Internet 10)

Parties have general obligations, including development of strategies to combat desertification, improvement of financial mechanisms, establishment of cooperation on subregional, regional and international level and sharing research technologies. However, affected parties have some additional obligations. Thus, the issue of desertification shall be prioritized, the awareness amongst the local population shall be raised, relevant policies and legislative measures shall be taken. In addition, developed countries shall provide scientific and financial support to developing countries. Each affected party shall prepare national action programmes and cooperate to establish subregional and regional action programmes. (Internet 10)

3 Categorization of the MEAs

The categorization of environmental issues is well presented by Elliot (2004). He divides global environmental issues in two categories: conservation issues and pollution issues. Based on these categories the above presented conventions can be sorted (see Table 3.1).

Table 3.1 *General Categorization*

International Environmental Agreements on Pollution Issues	International Environmental Agreements on Conservation Issues
1 Ozone Convention (Montreal Protocol)	1 Convention on Biological Diversity
2 UN Framework Convention on <u>Climate Change</u> (Kyoto Protocol)	2. The Convention on the Conservation of Migratory Species of Wild Animals
3 Basel Convention	3. Convention on International Trade in Endangered Species of Wild Fauna and Flora
4 Rotterdam Convention	4. UN Convention to Combat Desertification
5 Stockholm Convention	

3.1 Pollution Agreements

Table 3.1 presents a simple categorization. Conventions presented in the first column touch different types of pollution issues. First two conventions touch atmospheric pollution. Ozone Layer Depletion is rather invisible pollution. It took some time before the affects were determined. Climate Change is quite similar in a sense that it takes time before the consequences can be seen. These two conventions/protocols differ from others also by controlling a special type of pollution- air pollution. They introduce mechanisms for cutting and even phasing out of substances (ODS and “greenhouse gases”). The other three conventions touch pollution in general. Waste, chemicals and pesticide have broader area of impact. Moreover, those three conventions have other things in common. All of them regulate in some way movement of the substances they control: the Basel Convention controls movement of hazardous waste; the Rotterdam Convention sets guidelines for movement of several hazardous chemicals and pesticides; and the Stockholm Convention covers production, use and movement of persistent organic pollutants. Therefore, it is possible to further categorize pollution conventions. (see Table 3.2)

Table 3.2 *Categorization according to the type of pollution*

International Environmental Agreements on Air Pollution	International Environmental Agreements on Different types of Pollution
1.Ozone Convention (Montreal Protocol)	1.Basel Convention
2.UN Framework Convention on <u>Climate Change</u> (Kyoto Protocol)	2.Rotterdam Convention
	3.Stockholm Convention

In addition to the above presented classification, it is possible to divide between two groups in the second column of Table 3.2 The Basel Convention and the Rotterdam Convention touch solely the issue of movement, whereas the Stockholm Convention includes a various range of activities. Table 3.3 presents an updated division.

Table 3.3 *Categorization according to the type of pollution and issue in focus*

International Environmental Agreements on Air Pollution	International Environmental Agreements on Different types of Pollution	
	Movement of Subjects	Production, Use and Movement of Subjects
1.Ozone Convention (Montreal Protocol)	1.Basel Convention	1.Stockholm Convention
2.UN Framework Convention on <u>Climate Change</u> (Kyoto Protocol)	2.Rotterdam Convention	

3.2 Conservation Agreements

The Convention on Biodiversity is a general one, concerning all types of species, ecosystems. The three other conventions touch specific issues. Each of them has a concrete goal. From the first sight it is possible to divide between first one and the rest. However, some further clarifications are needed. The Convention on the Conservation of Migratory Species of Wild Animals and the Convention on International Trade in Endangered Species of Wild Fauna and Flora was created much before the Convention of Biodiversity. Basically, the issues discussed in those two conventions are covered in a more general way under the Biodiversity Convention. UN Convention to Combat Desertification is slightly different. Land, forests are part of ecosystem and their protection fall under the Convention on Biodiversity. However, desertification has a significant socio-economic impacts and it would be correct to place it in a separate category.

Table 3.4 *Categorization according to the type of conservation*

International Environmental Agreements on Conservation	International Environmental Agreements on Conservation with socio-economic impacts
1. Convention on Biological Diversity	4. UN Convention to Combat Desertification
2. The Convention on the Conservation of Migratory Species of Wild Animals	
3. Convention on International Trade in Endangered Species of Wild Fauna and Flora	

3.3 Unifying Categorization

Even if this paper will use mostly conservation/pollution categorization, there is also one issue that touches four conventions (both conservation and pollution). As already discussed the Basel Convention controls movement of waste, the Rotterdam Convention deals with international trade of some chemicals and pesticides, the Stockholm Convention also includes export/import of some pollutants and CITES, which deals with wild life protection, also touch the issue of transboundary movement, in this case of representatives of wild fauna and flora. The issue of transboundary movement, whether it has done in form of trade or other form, unifies those four conventions.

4 Common basis for the MEAs

When discussing the issue of common basis it is important to understand what the definition includes. The process of creation of the International Environmental Agreements is followed by a long implementation procedure. The common basis can be created at the agreement development phase and later during the implementation process. However, the existence of the established implementation mechanisms should make the negotiations process easy and vice versa. A range of factors can play an important role here. The complexity of some issues and ability to follow a standard scheme shall be taken into account.

This paper concentrates more on the implementation process. However a discussion on standardization of the creation process is presented below.

4.1 Common Agreement

The existence of a common law on different issues is a known practice in the international relations. Vienna Convention on Diplomatic and Consular Relations or Vienna Convention on the Law of Treaties is a good example of creation of a common agreement. Similar common agreement for environmental protection would make it easy to develop mechanisms concerning a specific issue. At the moment absence of such treaty leads to existence of many environmental treaties, as each time a new environmental issue arise- a new agreement is being built. (Romano 2000: 37)

The empirical overview is required here. The nine conventions/protocols presented above are divided into several categories according to the type of problem they handle. Basically, there are two types of the agreements: pollution and conservation. It is easier to start with categorization within groups. Conservation issues have two types. The conventions in the first column of Table 3.4 can be easily combined. As already discussed migratory species as well as representatives of wild flora and fauna are part of biodiversity. A common law in form of treaty could include protection of all the areas of biodiversity. In this case a party signing such treaty will be automatically obliged to solve problems existing in ecosystem. On the other hand, such agreement already exists. The Convention on Biological Diversity already includes all aspects of biodiversity. But it has quite a general character. The question is: is it possible to create such a treaty, which will automatically oblige countries to solve all problems connected to the protection of all the elements of the ecosystem? Theoretically, such agreement is possible, but it should be defined what protection actually includes, otherwise there will be a need for additional conventions. Understanding of what protection means includes understanding of what should be protected. Conservation of ecosystem as a whole would not be enough. Ecosystem is a complex area, which includes water resources, land, forests etc. A common agreement shall in such case include all these parts of ecosystem. Each area of

ecosystem shall be clearly defined. Consequently, desertification can be included in the protection as a part of the system.

As to the pollution, issues can be sorted according to the area they concern. Air pollution will be a part of air protection, pollution by waste or chemicals will be divided according to the impact they may have (for example, land or air protection).

In such agreement weak areas and measures that countries need to take shall be mentioned. On the other hand the treaty shall be general to the degree that it can easily concern new issue that can arise in future. So, basically, parties that sign such agreement are obliged to solve all issues connected to the protection of the environment.

4.1.1 A unified agreement or a general treaty?

In practice, if such agreement existed, countries that have signed and ratified one convention should have ratified the rest. Another option would be not to specify concrete problems in such agreement and create additional agreement in form of amendments to the treaty. So, the creation of a common law would not automatically mean the absence of agreements on a separate issue. However, those agreements might be simplified, avoiding the general part.

The first option seems unrealistic. If one have a look at the status of ratification of the nine conventions (Annex I) it is clear that most of the countries act different depending on the issue discussed. Annex I contains only ratification status as signing convention contains no obligations for parties. Just about 60 parties have ratified all the conventions. Even if such indicator seems superficial still it is unlikely that common agreement with strict obligations would be ratified by all countries. It would have an opposite affect as the country does not have an option to choose conventions they are ready to implement; especially, taken into account agreements like Kyoto Protocol, negotiations around which were hard. It took many years before the Protocol came into force. Moreover, Kyoto Protocol includes mechanisms that were previously not used by any convention or protocol. The issue that might appear in future can have the same complex character and need measures that such a treaty would not include.

A second option- general treaty with no strict obligations seems more useful. In such case the treaty will include basic mechanisms for solving environmental issues and countries ratifying it will have a list of general obligations. In this case UNFCCC would be a part of such general treaty together with Ozone Convention, whereas the Kyoto and Montreal Protocols would form additional agreements. In this case the countries that have difficulties ratifying Kyoto Protocol, would be able to be part of general agreement. As already discussed above, the agreement should clearly divide between areas of protection. Each part of ecosystem shall be carefully overviewed and analyzed, weak parts shall be defined and clearly mentioned. Later the issues that are complex and countries cannot agree on will be presented as separate agreements.

The benefits of a general treaty would be: 1) countries do not need to go through the same procedure each time a new issue arises; 2) a clear overview of the ecosystem will be presented; 3) it would make implementation process easier inside the country (only need to establish implementation mechanisms once).

However, there are several issues that create doubts. How general it shall be: too general treaty will lead to creation of a number of additional agreements and than there is no actual need of such a treaty. On the other hand a shift towards stricter obligations might

lead to unwillingness of states to take part. In such case environment would benefit much more from separate agreements that at least function as independent mechanisms.

As a conclusion, it is clear that a second option seems more useful than a unified agreement. However, the weaknesses and benefits of a general treaty shall be taken into account.

4.2 Institutional arrangements

Previous chapter was dedicated to the establishment of the agreement, when an environmental issue first arises. The idea for a general treaty was mainly to avoid complexities of negotiation process, although the issue of implementation was also touched. This part of the paper discusses solely the implementation mechanisms. Common management in some areas might make the implementation process more effective.

4.2.1 Financial mechanisms

To start with it is important to present GEF- Global Environment Facility. GEF was established in 1991, under the supervision of UNEP. GEF gives grants to developing countries and countries with economies in transition to help in issues connecting with environmental protection. There are several areas, where GEF is active: biodiversity, climate change, international waters, land degradation, the ozone layer, and persistent organic pollutants. GEF finance projects on the national basis, sometimes even regional. There are several types of projects/programmes, depending on the amount to be spent. Each project is developed individually, taken into account the needs of the particular country. (Internet 11)

The most unique financial mechanism when it comes to the environmental conventions is the Multilateral Fund for Implementation of the Montreal Protocol¹. The aim of its establishment was to effectively phase out ODS in developing countries. Taking into account a high cost of phasing out, there was a need for taking measures to promote the cutting of ODS. Additional to the Fund, GEF finances phase-out projects in Eastern Europe.

The Fund was created in June 1990. The contributions to the Fund are made by developed countries. The management of the Fund is done by the Executive Committee that meets three times a year to discuss financing of programmes in developing countries. There is also Secretariat to the Fund. The success of the Fund can be seen by looking at some numbers: during the Executive Committee meetings 5,250 projects and activities in developing countries were approved; implementation of the above named projects will lead to cutting of the consumption of more than 226,855 ODP tonnes and the production of about 156,342 ODP tonnes of ozone depleting substances; as of December 2005 about 190,688 ODP tonnes of consumption and 116,197 of production have already been phased out. (Internet 12)

There is no doubt that such results would not be possible to achieve without the Fund. It has been a great support to the implementation process. However, this mechanism is the

¹ In the chapter "Institutional arrangements" in the comparative analysis on the conventions, Montreal Protocol and Kyoto Protocol will be used instead of the relevant conventions-Ozone Convention and UNFCCC, due to the general character of the conventions.

only one of the kind existing in global environmental politics. The question is how applicable would it be for other conventions/protocols. The closest to the Montreal Protocol in terms of countries obligations is the Kyoto Protocol. At the moment the biggest issue in the Kyoto Protocol is ratification of the Annex I parties. USA, Australia are those Annex I parties that have not ratified and have no intentions for the time being to ratify it. However, they are not the only big producers of “greenhouse gases”: a number of developing countries like China significantly contribute to the climate change, but taking into account their economical needs it is hard for them to switch to the environmentally sound technologies. Kyoto Protocol has established mechanisms like CDM or JI. The financial aspects in the Protocol concern mainly support to developing countries and transfer of technology; GEF plays an important role in such support. There is also a Special Climate Change Fund (SCCF), which is an additional financial mechanism to help with adaptation, capacity building and technology transfer. Other sources are Adaptation Fund and Least Developed Countries Fund that support developing countries, mostly with adaptation issues. (Internet 2) Financial mechanism similar to the one established under the Montreal Protocol would also lead to positive results. However, the question is whether developed countries are ready to contribute to such fund if it will be created. Further, another factor needs consideration. Both protocols are quite similar to their goals: there is a clear task to phase out substances. Other conventions presented here are different. The possible financial mechanism shall be applicable for all of them.

Basel Convention includes financial aspects into Article 14:

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.
2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes. (Internet 4)

Basically, there are two aspects: one, dealing exclusively with accidents and the other one providing support to the countries in need (most likely developing countries).

Rotterdam Convention (PIC) does not touch financial issues. However, Article 16 is dedicated to the technical assistance:

The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle. (Internet 5)

The assistance described in the Rotterdam Convention is similar to the second financial aspect, presented by Basel Convention.

Stockholm Convention (POPs) has detailed guidelines both for technical assistance and financial mechanisms. First one includes support to developing countries with transfer of technologies, taking into account special needs of least developed countries and small island states. An important part of the financial aspects refers to paragraph 2 and 6:

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this Convention as agreed between a recipient Party and an entity participating in the mechanism described in paragraph 6.

6. A mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention is hereby defined. The mechanism shall function under the authority, as appropriate, and guidance of, and be accountable to the Conference of the Parties for the purposes of this Convention. Its operation shall be entrusted to one or more entities, including existing international entities, as may be decided upon by the Conference of the Parties. The mechanism may also include other entities providing multilateral, regional and bilateral financial and technical assistance. Contributions to the mechanism shall be additional to other financial transfers to developing country Parties and Parties with economies in transition as reflected in, and in accordance with, paragraph 2. (Internet 6)

Besides those two sources of support other bilateral, multilateral and regional arrangements are welcome. Special need of least developed countries and small island states is again in focus.

The Convention also determines the entity discussed in paragraph 6. Its functions shall be fulfilled by GEF until Conference of the Parties takes another decision. (Internet 6)

Further there are conservation conventions that need an overview. As with the Stockholm Convention, the Biodiversity Convention includes guidelines for both financial and technical arrangements. It has given a special attention to the transfer of technology, including the field of genetic resources. Even here the special needs of developing countries are in focus (Article 8):

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, inter alia, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building. (Internet 7)

Establishment of the financial mechanism is discussed in the Article 21, a relevant part of which is presented below:

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this

Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting.

Even here GEF is mentioned as the mechanism for fulfilling functions determined in the article dedicated to the financial arrangements. GEF shall perform financial duties until Conference of the Parties takes another decision. (Internet 7) Basically, financial arrangements of this convention are quite similar to the ones of Stockholm Convention.

Convention on migratory species (CMS) does not regulate financial mechanisms, as they were supposed to be established under the Conference of the Parties. However, the decisions of first 6 COPs are not available. The 7th COP (Internet 12) contains some information of financial arrangements: Trust Fund was established during the 6th meeting; it has 5 units ((1) Executive Direction and Management, (2) Agreement Development and Servicing, (3) Information and Capacity Building, (4) Scientific and Technical Support, and (5) Administration, Finance and Project Management); the contribution to the Fund from 2003-2005 were made from 79 countries. This leads to the conclusion that the Fund was not established mainly to help developing countries.

The situation with CITES is similar to the one with CMS. The Convention contains no information on financial aspects, except that the financial decisions shall be taken by COP. First 7 COPs are not available electronically. The overview of later COPs (Internet 14) gives following information: there is no common mechanism as with CMS, (except for the Fund, created to finance meetings of the parties and secretariat); there are 20 conservation funds on national, bilateral, multilateral basis; an external financing is provided by World Bank, African Development Bank (AfDB), Asian Development Bank (AsDB), European Bank for Reconstruction and Development (EBRD) and Inter-American Development Bank (IADB). Currently there is no direct cooperation between CITES and GEF.

Finally, the Convention to Combat Desertification includes financial guidelines and guidelines for technology transfer. It has been given a special attention to the transfer of technology to the affected developing parties, the access to new technology shall be provided. As to the financial support, developed countries shall mobilize resources for affected developing countries, contribute to development of technologies in such countries, and promote funding from GEF. The Convention also establishes a financial mechanism:

In order to increase the effectiveness and efficiency of existing financial mechanisms, a Global Mechanism to promote actions leading to the mobilization and channelling of substantial financial resources, including for the transfer of technology, on a grant basis, and/or on concessional or other terms, to affected developing country Parties, is hereby established. This Global Mechanism shall function under the authority and guidance of the Conference of the Parties and be accountable to it. (Internet 10)

The mechanism does not fulfill the functions of a Fund, but rather controls funding, determines the financial needs of affected countries, monitors the establishment of national funds etc.

Going back to the categorizations discussed above, the two agreements, Montreal Protocol and Kyoto Protocol, present unique cases, as here there is a need to effectively phase out substances. However, other pollution issues like those discussed in the Rotterdam Convention also deal with decreasing of the use of some hazardous

substances. The same concerns the persistent organic pollutant, production of which is regulated under the Stockholm Convention. But when it comes to financial issues, it is clear that the mechanisms developed under each pollution convention are different. Kyoto Protocol is concentrated more on the Annex I parties; GEF and other funds provide support to developing countries and countries with economies in transition. Basel Convention underlines the importance of supporting technology transfer and also decides on creation of financial mechanisms that can be used in case of accident. Rotterdam Convention again touches technological transfer. Stockholm Convention on the other hand has established an entity to finance all activities, supporting developing countries and countries with economies in transition. The functions are performed by GEF. Basically, in all those agreements the focus is on developing countries. However, there is no common mechanism. In two of the agreements (POPs and Kyoto Protocol) GEF plays an important role, Montreal Protocol has its own unique mechanism, the two others regulate financial aspects on their own. Even if GEF has successfully performed by developing different projects, it still has an individual approach, which is a good source for financing. But a common mechanism on side with it could solve at least some of the issues like technology developments. Basel Convention, POPs Convention and PIC Convention- all of those agreements have many cross points and financing common research or projects could help to coordinate efforts. For example, many recovery or disposal facilities can be used for waste and for some substances like ODS. There is no need to create several arrangements; one mechanism would simplify such projects. It would be much easier to control the financing of the projects. If there are basically similar projects and amounts are spent from different sources, then there is a risk to duplicate activities.

Conservation issues are quite different but within their own category they have many similarities. Basically the issues, discussed in the Convention on Biodiversity, touch the other three conventions, taken into account that migratory species, wild flora and fauna, lands, forests are part of the ecosystem and their conservation is a part of the biodiversity protection. Protection of biodiversity is financed by GEF. Convention to Combat Desertification falls also under GEF's competence. CMS has Trust Fund for different purposes, but it performs mainly administrative functions. CITES has local conservation funds. It is clear that common mechanism for all of the conventions would make it much easier to finance. The issue of duplicating arises again. For example, Convention on Biodiversity has established financial mechanisms and it can finance activities, concerning species discussed in other conventions. In this case there is no need for additional funding.

It is hard to combine conservation and pollution issues. But in any case a common mechanism would monitor all financial activities. Beside the benefits from financing similar activities, whether they are dedicated to pollution issues or conservation, the common mechanism will have a global meaning, unifying the efforts to protect environment. What is important to remember is that more or less common mechanism exists for 5 of the agreements- GEF. The question is: would it be possible to unit other agreements under GEF and how effective it would be for other agreements as well? Another issue is a special character of GEF; comparing to the Multilateral Fund that has more a global approach, GEF does individual projects.

4.3 Implementation institutions

The implementation of the conventions itself is usually done by the executive authority under jurisdiction of which a relevant convention falls. In most of the cases the Ministries of Environment or similar state bodies fulfill the functions. It is hard to say whether it is possible to unify all conventions under one authority within the country; for that purpose a further research, taken into consideration national jurisdiction, is needed. This paper does not include that kind of discussion. Instead the focus is on the international implementation bodies and the paper provides just an overview of some institutions that shall be established in the country for specific purpose.

Montreal Protocol established Multilateral Fund and the implementing agencies for the projects financed by the Fund are: United Nation Environment Programme (UNEP), United Nations Development Programme (UNDP), United Nations Industrial Development Organization (UNIDO) and World Bank. There is an Implementation Committee under the Protocol to support the implementation and compliance. (Internet 1)

Kyoto Protocol has more sophisticated structure. Due to the establishment of unique mechanisms (CDM, JL) there are also several bodies to control those mechanisms: Joint Implementation Supervisory Committee (JISC) with additional bodies and Clean Development Mechanism Executive Board (CDM Executive Board) with panels, working groups. Then there are two subsidiary bodies: Subsidiary Body for Scientific and Technological Advice (SBSTA) and Subsidiary Body for Implementation; both of them provide support to the Conference of the Parties. The other two bodies are Non-Annex I Consultative Group of Experts and Least developed countries expert group. So, there has been created a special mechanism for implementing the protocol/convention. The Compliance Committee was also established to assist parties to comply with their obligations. (Internet 15)

Basel Convention establishes regional centres to support developing countries and countries with economies in transition in capacity-building for environmentally sound management and generally help with the implementation of the Convention; there are 14 centres at the moment. Further according to the Article 5 of the Convention each Party shall establish competent authority (one or more), the definition of which is following: "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification". There is a Compliance Committee similar to the one functioning under the Montreal and Kyoto Protocols. (Internet 4, Internet 16)

For the implementation of the Stockholm Convention it is created an institution called Persistent Organic Pollutants Review Committee. The Committee's competence is to make decisions on listings of the chemicals in the Annexes. (Internet 6)

Rotterdam Convention also establishes Review Committee, the obligations of which concerns listings to Annex III. According to the Convention each party shall designate national authority (one or more) to perform administrative functions. (Internet 5)

First of the conservation conventions is the Convention on Biodiversity. The Convention has several bodies. The scientific and technological support is provided by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). There have already been 11 meetings of the SBSTTA. Other established conventions bodies are working groups: 1) Working Group on Article 8 (j) (use of the traditional knowledge that is

believed to contribute to the sustainable use), 2) Working Group on ABS (Access to Genetic Resources and Benefit-sharing), 3) Working Group on Review of Implementation of the Convention, and 4) Working Group on Protected Areas. (Internet 17)

Convention on Migratory Species has two main bodies. There has been established a Scientific Council (ScC) to support with scientific issues, similar to the SBSTTA to the Biodiversity Convention. Another institution is The Standing Committee (StC) that has administrative functions in several issues, like general policy. (Internet 18)

CITES has established four bodies. The major one, that controls and gives advice on the implementation process, is Standing Committee. The three other bodies are Animal Committee, Plant Committee and Nomenclature Committee. First two touch all matters related to the reviewing and listings of the animals and plants. The Nomenclature Committee makes sure that the correct names are used for the animals and plants named in CITES documents. CITES also introduces guidelines for designation of some national authorities. According to the Article 9: "Each Party shall designate for the purposes of the present Convention: (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and (b) one or more Scientific Authorities." It is under the competence of the Management Authority to communicate with other parties and secretariat. (Internet 9, Internet 19)

The Convention to Combat Desertification establishes a subsidiary body- Committee on Science and Technology. The Convention also creates regional implementation action plans for Africa, Asia, Latin America and the Caribbean, Northern Mediterranean and Central and Eastern Europe. For the preparation, implementation of those action plans each country shall establish additional institutions on different levels: national, subregional, regional; or on the national level to designate authorities- no need for establishment of new mechanisms. (Internet 10)

All of the agreements presented have a body which has rather monitoring functions than implementing: Conference of the Parties. COP is a decision-making body that evaluates the implementation process.

The national authorities mentioned in connection with Rotterdam and Stockholm Conventions are the national executive bodies. The Management Authority under CITES and national bodies under the Convention to Combat Desertification seem to have the same functions. However, only 4 agreements mention those institutions, whereas national executive bodies are in competence of implementing the agreements in any case. Most likely it is automatically assumed to designate such authorities and there is no need to mention them in the agreements.

Obligations under the Basel Convention include designation of special body that can deal with notification procedure. However, there are three other conventions (Rotterdam Convention, Stockholm Convention and CITES) that also deal with movement and for such movement of substances, animals, or plants a permit is required, in case of the Rotterdam Convention a special written consent is also required. The question is which body is dealing with all those procedures of granting permits and notification procedure. It might happen that the national executive bodies fulfill also those functions. However, the common mechanism within the country would make it much easier to control the transboundary movement and prevent illegal trade. Such common mechanisms could be established for all four conventions, the aim of which will be to undertake all measures to control granting of permits and/or receiving of notifications and even to strengthen border control. As discussed above for the evaluation of the effectiveness of national mechanisms a further research is required.

The international institutions that are created as subsidiary bodies to the conventions/protocols to support the implementation are quite complex. Some agreements, like Kyoto Protocol, have established a complex structure, whereas others just have one or two bodies, functioning as a support institution to COP. The only body that has similar function for many conventions is the one, providing scientific support. However, it is hard to say whether it is possible to unify such institutions. Here again the main categorization plays important role. The scientific body created under the Desertification Convention and CMS can be united under the Biodiversity scientific body, as they follow the same goal. Plant and Animal Committees are quite similar to the scientific bodies and can be also placed there. Kyoto Protocol has also established scientific body, but other pollution conventions and Montreal Protocol have no relevant institution.

Rotterdam Convention and Stockholm Convention have Review Committees, dealing with listings to Annexes. Three other pollution agreements established Compliance/Implementation Committees that help parties to comply with their obligations under the conventions. Review committees deal with specific issues, there is no need and no meaning of combining it, especially when they exist only for two conventions. The same applies to the Compliance/Implementation Committees. The following situation might take place: if a country cannot implement the convention to some degree due to the weakness or lack of some mechanisms, this can influence the implementation of other agreements. However, the committee does not establish or control such mechanisms and the common committee in this case will not change the situation.

5 Conclusion

The first part of this paper was dedicated to the creation of a common agreement. Such agreement could have two forms: 1) a unifying agreement or 2) a general treaty. A general treaty seemed to be more realistic approach, taken into consideration the variety of issues discussed and the complexity of some of the agreements. A general treaty could lead to more simplified procedures for implementation. However, there are few doubts about it. It is unclear to what degree it could be general to be effective. Some further studies on effectiveness of such treaty could give a better picture of the necessity of such treaty. What shall be taken into account is that such treaty will be useful for environmental strategies/policies to be developed in future.

In the second part, financial mechanisms were considered separately from other implementation mechanisms. There has been created several financial mechanisms. One of them-GEF- has already a common character. Although it finances the projects related to the implementation of some conventions only (Convention on Climate Change, POPs, Biodiversity Convention, Desertification Convention and partly Ozone Convention) and has an individual approach with no general programme. The unique and successful mechanism is presented by the Montreal Protocol. Creation of the common financial mechanism for all the convention would definitely have positive effects and escape duplications in financing. However, it is hard to say whether it is possible to create such a new mechanism that would repeat the success of the Montreal Fund or to expand GEF for the use of other conventions as well.

Other implementation mechanisms included national institutions and international bodies. National institutions need specific overview in each country; some special obligations for designating national authorities were presented. For some conventions unifying of such functions under the one authority would be a plus. As to the international bodies a common scientific research seems more realistic, based on the main categorization used (conservation/pollution).

Finally, an important fact shall be taken into consideration, Montreal Protocol that had concrete aim to phase out ODS, has almost met the established targets. For many countries in few years there will be nothing to phase out. Kyoto Protocol on the other hand has just started the cutting the “greenhouse gases”. Creation of a common mechanism will have an impact on the agreements that are just started or in process of implementation.

The goal of this paper was to discuss the possibilities for creation of a common basis for the international environmental agreements to contribute to their effective implementation. In any case for further discussion the research on preconditions inside the countries, taken into account their national policies and jurisdiction is needed.

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Ecological Modernization Revisited — Its Effectiveness and Legitimacy.¹

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1 Introduction.

During the last two decades concepts such as “sustainable development” and “ecological modernization” have been used in a number of ways, and by implication evoking different notions and connotations as well as interpretations of phenomena that can be observed. For instance these different conceptualizations have significantly affected to what extent observers have seen, on the one hand, a discrepancy between the gravity of the climate problem and, on the other hand, the policies adopted to reduce climate gas emissions. In some social scientists’ view this discrepancy is not only continuing but even growing. In other social scientists’ view a bridging strategy between the climate problems and the adopted policies can be observed; i.e. in terms of increased policy commitment and accountability as transformed into the accountability and dynamics of the market (e.g. international systems for tradable emission permits).

Some years ago, part of the discussion on climate and environmental policy among Nordic political scientists centred on the concept of ecological modernization (e.g. Hanf and Jansen, 1998, Lafferty and Meadowcraft, 2000, Lundquist 2004). The debate on different notions as well as on the understanding of this policy strategy had the legitimacy and effectiveness of climate policy as a core issue.

In this paper we will revisit this theoretical debate, examining various theoretical positions, also discussing whether empirical developments in the area of climate policy, implies reformulation of these very positions. This also implies a re-examination of our own thesis formulated almost a decade ago.

We shall start with laying out main points in Jansen, Osland and Hanf “Environmental challenges and institutional changes. An interpretation of the development of environmental policy in Western Europe” (the concluding chapter in Hanf and Jansen, 1998, and from now on referred to as J., O. & H.). We shall then present the basic points in the criticism levelled against this interpretation by Lafferty and Meadowcraft, in particular in their “Concluding Perspective” (the concluding chapter in Lafferty and Meadowcraft, 2000, and from now on referred to as L. & M.), before closing the paper with a discussion of implications of these positions in terms of understanding climate policy.

2 An outline of the analysis of ecological modernisation.

The concept of ecological modernisation in 1980s and 1990s had different meanings, and referred to different theoretical purposes. Its origin was distinctively German, when Martin Huber and Martin Jänicke introduced it as a concept in the early 1980s.² In a sense it referred to ecological modernisation as a new stage in modernity, and a positive prospects for modernisation and ecologisation, both more instrumental and optimistic than Ulrich Becks concept of reflexive modernisation and *Risikogesellschaft*. Later on it was used as a concept for analysing a political discourse (Hajer, 1995) and as a concept for analysing a political ideology (Weale, 1992). While acknowledging our debt to these contributions, we here restrict the discussion to our version, and the critique against it: Our purpose was to analyse the interplay between political actions and alliances, and the institutions these actors acted within, and hence reproduced or changed through these very actions. For us, ecological modernisation was understood as a *policy strategy* — i.e. a definition of the environmental *problematique* and how this *problematique* was to be coopted with and acted upon in terms of policy and policy instruments — which certain actors recommended and for which they mobilised support. The distinctiveness of this strategy is clearer when contrasted to alternative strategies. Hence in the following, we shall give a brief overview over historical developments in the definitions of and proclaimed solutions for environmental problems, merely as part of an introduction and summary of what we wrote a decade ago (Jansen, Osland and Hanf, 1998).

2.1 On the reconstruction of the environmental *problematique*: from the biologist conception of society – nature relationship to the policy strategy of ecological modernisation.

The principal changes that took place around 1970 and the governmental responses in this period implied that environmental policy was established as a policy field.³ The late 1960s and early 1970s ushered in a new era, in which a transformation of the established conception of the man-nature relation in public debate can be observed. This relation between man and his external natural surroundings was reconstructed into a concept of the environment as being both the complex interrelated reality surrounding us and including us, as an interacting whole. Concomitant with this new concept was the belief

² See for instance Peter Wehling, *Die Moderne als Sozialmythos. Zur Kritik sozialwissenschaftlicher Modernisierungstheorien*. Frankfurt: Campus Verlag, 1992, IX Kapitel.

³ On the concept of *environmental policy field* as distinct to the concepts *environmental policy area* and *environmental sector*, see Hanf and Jansen, 1998, note 1 on p. 15.

that the existence of this interrelated reality of which mankind and its social organisation are parts, was threatened by human activities and their organisation. A new society-nature relationship was constructed, and it was popularised by means of metaphors and models that illustrated the interdependence and vulnerability of mankind and mother Earth (e.g. 'Spaceship Earth', 'Limits to Growth') and was promoted vigorously in the public debate in all Western European countries.

A number of biologists, in particular Americans, were effective claim makers (Rachel Carson, Barry Commoner, Paul Ehrlich, Garret Hardin, René Dubos), but scientists in other disciplines (e.g. Kenneth Boulding, J. W. Forrester, Dennis L. Meadows, E. F. Schumacher) followed suit in constructing this new society-nature relationship.

This environmentalist construction implied assumptions and represented ideological positions that could be seen not only as strong criticism of existing policies and administration but also as challenges to core institutions of the existing political order.

Notable was that ecology and economic growth were seen as polarities embodying strongly contrasting sets of values and assumptions regarding man and nature (Caldwell, 1970:11). A dominant view in the new environmentalist movement was that the relation between environmental protection and economic growth was one of a zero-sum game. It was in this context that the biologist Commoner introduced his famous fourth law of ecology: 'there is no such thing as a free lunch'. (Commoner, 1971: 44-45) He stated that the energy and environmental crises reveal the truth about the 'deep and dangerous fault in the economic system' (Commoner, 1976: 235-236). He insisted, therefore, on a 'rational ideal' that makes the 'production system' conform to the 'ecological system' and the 'economic system' conform to the 'production system' (Commoner 1976: 2; Rubin, 1994: 69 ff).

The new conception of man-nature relationship, or society-nature relationship, constructed primarily by biologists in the late 1960s, increased the awareness of environmental deterioration in Western European societies and mobilised people of different ages to join the new environmental movement. However, the responses of the various governments in these countries had the following characteristics in common: although many of these governments became vigorous actors in the 'politics of environmental symbols', they never accepted the basic assumption of a zero-sum game between economic growth and environmental protection. Characteristically, the dominating coalition of actors in Western European countries saw to it that a process of accretion in terms of environmental agencies and legislation was given energy and direction that was compatible with institutionalised interests, in line with the tradition of state intervention and the institutionalised policy style of the country. As we see it, however, from the mid-1980s onwards – as the economies of these countries started gaining momentum – there were indications in some countries; e.g. Germany and the Netherlands, of a revitalised recognition of the gravity of the environmental challenge and of the emergence of a new general and comprehensive policy strategy.

From around the mid-1980s, ecological disasters (in particular Chernobyl), the nearly full consensus over the issues presented as the 'ozone hole' and 'global warming', as well as the almost apocalyptic mood characterising the Western mass media's coverage of these issues, led to renewed increased attention on environmental issues among the general public as well as among the politico-administrative elites. Environmental issues gained higher saliency in national politics all over Western Europe and were also given increased attention by organisations such as the OECD, the EC and the UN. During this process, we argue that leading members of the policy-making elite in Western European countries

reconstructed the environmental *problematique* and put forward a new general policy strategy — the policy strategy of ecological modernisation.

2.2 On the policy strategy of ecological modernisation: Key assumptions and contributions by the Brundtland Commission, the OECD and others.

In the new phase of environmental politics from around the mid-1980s the Brundtland Commission (WCED) was an important actor, and its report, *Our Common Future*, was of great significance. As defined in its report the Brundtland Commission's understanding of the character of environmental challenges was in some ways similar to that of the biologists around 1970, but the Commission effectively restructured the approach to these challenges, particularly by its operationalization and application of the concept of sustainable development.

The concept of sustainability originally refers to ecological sustainability; i.e. harvesting and managing renewable resources in such a way as not to damage future supplies (Lélé, 1990: 609; Baker *et al.* 1997: 7). Whereas the Commission's definition of sustainable development — development that "... meets the needs of the present without compromising the ability of future generations to meet their own needs." (WCED, 1987: 8) — could be seen to be in accordance with the original meaning of the concept, the *operationalization* and *application* of the concept in various parts of the report implied an extension and redefinition of this meaning. The concept of sustainability was not only applied to the use of non-renewable resources, but also linked to economic development and growth. We stated that this redefinition could be interpreted as an attempt to bridge the gap between those actors advocating and promoting economic growth and those arguing for environmental interests. As others had pointed out, the report provided '... a slogan behind which first world politicians with green electorate to appease, and third world politicians with economic deprivation to tackle, could unite'. (Brentford, 1994: 129) In this way the Brundtland Commission offered a reconstructed conception of the society - natural environment relationship that combined elements of different and partly contradictory conceptions of this relationship which already had been promoted by competing actors within the environmental policy sector.

As we pointed out in our analyses (p. 293), the Commission's description of environmental threats, on the one hand, implied an acceptance of the definition of the gravity of environmental problems and of the necessity to solve them that had been offered by the biologists and the environmentalist movement around 1970.⁴ On the other hand, the Commission did not support the assumption that policies of economic growth and of environmental protection were necessarily contradictory. On the contrary, the Commission not only emphasised that environmental quality and economic development were interdependent and mutually reinforcing in third-world countries, it was also optimistic about the prospects of economic growth in the industrialised countries. In the

⁴ The WCED's position is on this point illustrated by the following statement: "in the middle of the 20th century, we saw our planet from space for the first time. (...) From space, we see a small and fragile ball dominated not by human activity and edifice but by a pattern of clouds, oceans, greenery, and soils. Humanity's inability to fit its activities into that pattern is changing planetary systems fundamentally. Many such changes are accompanied by life-threatening hazards. These new realities, from which there is no escape, must be recognized — and managed." (WCED, 1987: 308)

Commission's report environmental protection and economic growth are seen as inexorably linked, and the Commission operationalized its general position by explicitly referring to prospects of annual economic growth rates of three to four per cent for *industrial* countries if these countries "...could continue the recent shifts in the content of their growth towards less material- and energy-intensive activities and the improvement of their efficiency in using materials and energy." (WCED, 1987:51; J., O. and H., 1998:292, and *ibid.*, footnote 3 on page 320).

In short, the Commission accepted the biologist definition of the gravity of the environmental crisis and the necessity to solve it, but the Commission simultaneously redefined the relation between economic growth and environmental protection from that of a zero-sum game to a positive sum game, and therefore also rejected a dominant view in the environmentalist movement. As we wrote the Commission by this redefinition supported efforts and recommendations made by multilateral institutions, such as the OECD and the EC.⁵

As we pointed out, when on moves from the Brundtland Commission's understanding and operationalization of the concept of sustainable development and considers policy recommendations offered by the Commission, one is struck by the fact that they were rather few, and vague, and did not represent a consistent programme, let alone a theory, for achieving sustainable development.⁶ In other words, we did specifically not see or relate to the Commission's Report as a theory, but we saw its recommendations as based on some common assumptions and key elements that are inter-related to an extent that makes it reasonable to consider them as constituting core parts of a general policy strategy to solve the environmental problems. This was, as we wrote,

"... the policy strategy which a number of social science scholars have characterised as *ecological modernisation* [emphasised by us here], a strategy that aims at a 'greening' of key European institutions, the market economy and those of the state. Based on certain assumptions this policy strategy represented a clear choice as to the kind of policies to be pursued and types of instruments to be used to influence societal actors as well as to the organisational alternative for making environmental protection '...an integral part of the mandates of all agencies of governments,...'" (J., O. & H., 1998:292)

After having reviewed the reasoning and arguments of the proponents of the policy strategy of ecological modernisation we in 1998 saw ourselves to be in the position to list key assumptions on which this policy strategy was based.

Firstly, the assumption that the relation between economic growth and environmental protection can be considered to be a positive-sum game is based on the premise that technological innovation should not be regarded only, and not even primarily, as the cause of environmental problems, but rather as the 'solution' for these problems. As stated by the Brundtland Commission,

⁵ The OECD Environmental Committee had promoted such a development for a decade, and in the conclusion from the big OECD International Conference on Environment and Economics in 1984 it is stated that "... the environment and the economy, if properly managed, are mutually reinforcing; and are supportive of an and supported by technological innovation." (OECD, 1985: 10)

⁶ As we pointed out the Commission's recommendations can be seen as consistent with recommendations that since the first half of the 1980s had increasingly been offered by the OECD and somewhat later by EC/EU officials.

“With careful management, new and emerging technologies offer opportunities for raising productivity and living standards, for improving health, and for conserving the natural resource base.” (WCED, 1987: 217)

Technological innovations, “clean technologies”, are seen to be a necessary condition for de-linking economic growth from both increased pollution and from increased energy-consumption (See policies relatively consistently recommended by the Netherlands, Germany, OECD and EC/EU)

Secondly, the ecological restructuring of the economy is not, as it was in the environmentalist conception from around 1970, seen to be in conflict with the institutional logic of the market economy — production for a market with the purpose of making a profit. On the contrary, rather than aiming at a radical restructuring of the institution of the market, this policy strategy emphasises an extensive use of the market mechanism. Pollution is seen as a symptom of inefficiency in industrial production (WCED, 1987: 220), and reduced pollution (‘increased efficiency’) can be achieved by ensuring that environmental considerations are incorporated at an early stage into all decisions in all sectors of the economy as well as by the internalisation of environmental costs in the price of the goods in the market. As part of this strategy a principal policy at the macro-level is to make use of the market mechanism in combination with the establishment of conditions that make it favourable for firms to implement environmental measures.

Based on this construction, ‘that environment and technology, environment and competition, have become brothers and sisters’ (footnote 7 on Mr. Laurens Brinkhorst — the Director-General of the environment directorate of the European Commission — p. 320 in J., O. & H.), proponents of the ecological modernisation strategy argue that the market in many cases is not only a more efficient but also a more effective institution for attaining sustainable development than is regulation by the state. (p. 293)

Consequently, the advocates of this new policy-strategy argue that the deficiencies of the state as well as the character of new environmental problems call for developing alternatives to the regulatory approach. Instead of relying on top-down regulations, one should make use of instruments that both promote environmental considerations and are compatible with the predominant rationality characterising the market economy. Actors in a market economy are assumed to act in a calculating manner in order to maximise monetary gains. Environmental regulations should be more *flexible*, *cost-effective* and *sensitive to the logic of the market*. Consequently, more extensive use should be made of types of instruments that do not suffer from the limitation of the regulatory approach. Analytically, we argued, we can here distinguish between two types of instruments that have been put forward by proponents of this policy strategy:

1. Government should make more extensive use of economic instruments, in particular environmental taxes/charges, in order to promote cost-effectiveness and to guide producer and consumer behaviour.
2. Governments should seek to introduce instruments that encourage internalisation of environmental values among economic actors, that is, make them feel responsible for the environmental impact of their action. (J., O. & H., p. 294)

The first of these two types of instruments aims at internalising environmental costs in the prices of the goods. Its recommendation is based on the assumption that it is feasible to promote actions with less damaging consequences for the environment by changing the costs of the different alternatives open to economic actors. That is, this type of instrument

does not imply that economic actors have to take environmental considerations into account when they make their decisions. They do not follow 'the road to sustainable development' because they have changed their motivation and values, but rather because they find it, according to their calculation of costs, profitable to do so.

While the first type of instruments aims at internalising environmental costs in prices of the goods, the second type of instruments, in principle, aims at internalising environmental values and goals, i.e. getting economic actors to take environmental considerations more systematically into account as part of their standard operating procedure. Covenants or settlements between representatives of industries and of the state are assumed to be an instrument of this type, and characteristically intended to ensure that standard operational procedures are designed and evaluated in accordance with *both* economic *and* environmental criteria, thus based on the assumption that there is a win-win relationship between economic growth and environmental protection.

Choosing these types of instruments points to a restructured role of the state in environmental policy. The preference for market-sensitive instruments is based on the belief in the importance of market dynamics and the role of economic actors as entrepreneurs in ecologising the economy. In the case of negotiating covenants with industries as well as of environmental taxes, the assumed primary role of governmental agencies is to calculate costs of environmentally damaging activities and to decide on the right level of environmental quality to be aimed at. In the case of self-regulation, the primary role is to provide the conditions for developing ecological rationality through discussions and deliberation.

As to the organisation of the state apparatus both the Brundtland Commission and the OECD strongly recommend that environmental protection becomes "an integral part of the mandates of all agencies of government". The Commission specifically recommended that these agencies "... must be encourage and support activities that are economically and ecologically sustainable." (WCED, 1987: 312). Translated into organisational terms, these recommendations represent a choice of organisation for dealing with the trans-sectoral dimension of environmental policy making and administration. By this choice, referred to as the sector responsibility approach, each ministry (and its agencies) is explicitly given the responsibility for integrating environmental considerations into the policy process of its sector. As phrased by Weale (1992: 124-125), it aims at improving the operating software of the government machine, rather than reconfiguring the existing hardware. As we see, there is a correspondence between this approach to the 'greening of government' and the approach to the 'greening of the marked economy'. Both approaches have 'self regulation' as an overriding tenet, and they are based on the assumption that it is possible to integrate environmental considerations into standard operating procedures of political and economic actors without changing the logics of their respective institutional spheres.

In 1998 we pointed out that logically another organisational solution for integrating overriding consideration into public policy trans-sectorally would be to establish the Ministry of Environment as a super-ministry, i.e. as a ministry that is given the mandate and the resources needed to be able to implement (enforce) environmental policy goals in the various policy sectors, against the will, if necessary, of sector ministries. The establishing of such a super-ministry for the environment would logically be compatible with the biologists definition of the nature and the overriding significance of the environmental *problematique*. (This would be analogous to the organisational set-up that represents the overriding significance of the economy in terms of a specific Ministry of the Economy or in terms of a Ministry of Finance that in reality also is a ministry of the

economy, as the Ministry of Finance is for instance in Norway. See Jansen, 1989 for an analysis of the first and last time a super-ministry for the environment was seriously considered in Norway, in the formative years of the early 1970s). The sector responsibility approach, on the other hand, is compatible with the understanding of the relation between ecology and economy as a positive-sum game. The latter pictures ‘integrating policies’ as an analytical process in contrast to a conflict of values or interests, as a question of problem-solving on the basis of relevant information and not as a process of subordinating other interests to environmental interests.⁷

A key element in the organisational part of the ecological modernisation strategy is, therefore, that of providing the relevant information for making ‘informed choices’, and this way of ‘turning government green’ logically makes two types of changes necessary:

1. The necessity of improving information about ‘the state of the environment’ and
2. The necessity of implementing procedural changes to ensure that such information is included as premises in the policy process.

2.3 The ecological modernisation strategy in practice.

As stated in 1998 the general finding was that as a practice the strategy of ecological modernisation had not supplanted the application of traditional regulatory instruments. The impact of this policy strategy was primarily in what at that time was seen as new areas, i.e. *climate policy* and the expanded area of *international environmental policy*. Furthermore, this policy strategy had not been pursued and implemented as a coherent strategy. Rather, there was great variation as to which and to what extent the different countries had adopted its various elements.

Characteristically, the various elements had been (re)defined, redirected and in some cases had been defined as politically feasible policy as they had been confronted with and adapted to the institutional characteristics of the various countries. As we concluded, the major accomplishment of the policy strategy of ecological modernisation was its significance for the efforts of policy elites to redefine and redirect initiatives in the public environmental debate, in particular during the period of the expansion of environmental policies from the mid-1980s. From around 1970, these policy elites were confronted with the environmentalist definition of the environmental *problematique* which pointed to the necessity of a radical restructuring of the core institutional orders of modern western society, in particular the market economy and the established state apparatus. The environmentalist movement represented a radical critique and an attack from below on what was seen as the ‘growth-promoting state industrial complex’.

In 1998 we argued that the promotion of the policy strategy of ecological modernisation, therefore, could be interpreted as an attempt both to neutralise the critique of the shortcomings of the market economy, and to capitalise on the critique of the flaw of environmental regulations. We concluded that the policy strategy of ecological modernisation had served as an instrument for harnessing the social forces that were set in motion by the mid-1980s through public reactions to experiences and anticipated environmental disasters. By framing the expansion and internationalisation of environmental policies in terms that stressed particular types of instruments based on the

⁷ As of now the proponents of the sector responsibility approach have not offered an organisational solution as to the question of how one is to ensure that environmental values are given the necessary weight or priority in this process of “integration” of ecology and economy.

institutional logic of the market economy, environmental policy instruments anchored in other types of institutional logics were organised out as applicable alternatives.

2.4 Interpretation of strategy and practice.

As to why the ruling elites of Western Europe in 1998 were increasingly arguing for pursuing the policy strategy of ecological modernisation, and for choosing policy instruments that were characteristics of this strategy we proposed that this policy strategy had to be interpreted in relation to the imperatives to which these elites have to respond in countries like those of Western Europe; i.e. countries ruled as liberal democracies.

We pointed to the fact that pressure from citizens who want to protect their environmental quality is only one among numerous other ‘heavyweight’ premises for action by these ruling elites. The core of the imperatives to which these elites have to respond are rather those that today follow from the structural position of the liberal-democratic state in a global market economy. The status of the ruling elites is dependent on their ability to deal with these conflicting imperatives. The defining features are that *access to political power* in liberal-democratic states is dependent on the extent of support from the voters in free elections. However, *the ability to use the power gained*, in terms of being able to implement policies and programmes, is dependent on finances derived from various modes of taxation upon private wealth and income, i.e. on capital generated through private accumulation. Therefore, there is an institutional self-interest of the state, that is to say an interest of all those who wield state power (in particular the elite of politicians and officials), to safeguard the competitiveness and vitality of the country’s economy. Phrased in terms of the logic of government action: if the government fails to secure economic stability and growth, the result is falling tax revenues for policy programmes (e.g. for welfare services which in many state now have been taken for granted) that the government wants and may have promised the voters to pursue, and, consequently, the government will be less popular and possibly suffer electoral defeat.⁸

All ten country chapters of the book (Hanf and Jansen, 1998) refer more or less directly to the necessity of achieving economic stability or growth as a tenet of governmental action, irrespective of what political party is in power. Seen in terms of this imperative of accumulation, to which governments must accommodate themselves, we see how radical, how revolutionary, were the means and policies to solve the environmental threat proposed by the biologists and environmentalists around 1970. We also see that for the political elites of Western Europe, and of the OECD countries in general, the strategy of ecological modernisation offers an alternative by which these elites logically can be politically on the offensive in relation to environmental problems while they act to meet what is required of them in terms of economic rationality. By adhering to the strategy of ecological modernisation, governments can logically pursue policies of environmental protection without producing a negative impact on the confidence of capitalist investors. Industry and business do not have to be regulated in a way that intrudes on the terms of equal competition or interferes fundamentally with the logic of action characterising the market economy. As we stated in 1998:

“The crucial assumption is that if this policy strategy is put into practice internationally, governments can pursue environmental protection while

⁸ As we noted in 1998, political scientists as different as Claus Offe and Charles Lindblom had for more than two decades recognised this necessity for the government of such states to accommodate the accumulation imperative.

they pursue policies that safeguard their countries' competitiveness and place in the world's capitalistic order." (J., O. & H., 1998: 314)

It was in this perspective we offered the interpretation that the overriding 'project' of the policy elites of Western Europe over the last quarter of the 20th century had been to respond rationally to the above imperatives, which during the last 15 years had been emphasised by the increasingly felt dictates of international regimes for free trade and finance in a globalized economy. We noted that in all the ten countries reported on in the book (Hanf and Jansen, 1998) this project had been operationalized into policies and programmes that were aimed at reducing the role of the state and expanding the domain of the market. Among the policy areas which these efforts took place were: competition policy, employment policy, deregulation of the financial system, fiscal consolidation policy, limiting the size of the public sector and policies for administrative reform and public-sector management (see J., O. & H., 1998: 314-315). These policies represent a coherent policy strategy to increase rationalisation in terms of the institutional logic of the market economy, and consequently to expand the institution of the market into spheres of activity, in particularly state activity, that previously had been more or less characterised by the logic of other types of institutions (*Ibid.*, p. 315).

Against this background we in 1998 claimed that we had shown that

"...the key assumption of the policy strategy of ecological modernisation — the assumption that the relationship of economic growth and environmental protection is a positive-sum game — is compatible with what the ruling elites see as the rational response to the current imperatives of government in Western Europe. It is this compatibility that primarily has made this assumption the Leitmotif of these elites. In other words, it is (political) credibility rather than scientific validity that explains its authoritative status as the environmental policy strategy in these ten countries." (J., O. & H., 1998:318)

In other words, we offered an interpretation based on a theory of agency. Actors — whether they are individuals, groups or organisations — act according to what they see as meaningful and they draw on institutions to categorise and order reality as well as infuse their action with meaning and value. Seen in this way the institutional characteristics of the liberal democracies of Western European, i.e. the imperatives to which the ruling elites of these societies have to respond do matter. In fact we offered the interpretation that institutional logics shape the action of the ruling elites when it comes to choosing and making environmental policy. However, as we also emphasized in the introductory chapter of the book (H. & J, 1998:4-9), it is individual, organisational and group action, institutionally shaped as it may be, that is the "engine" that drive political life. Actors are not determined, they can "act otherwise". Actors can make a difference, and so they can also do in terms of making environmental policy. On the basis both of our theoretical considerations and our empirical observations we in 1998, therefore, concluded with raising *the question*

"whether or not it is reasonable to assume that governments' pursuit of the strategy of ecological modernisation will result in a system of governance that can realistically meet the environmental challenge." (p. 318-319) We noted that significant results had already been achieved, and we stated: "Some countries, among them the most pronounced proponents of ecological modernisation, like Germany and the Netherlands, have achieved substantial reduction of industrial pollution while achieving significant economic growth. On the other hand, it is notable that there is a

general agreement that none of the most active promoters of ecological modernisation will achieve its goals in terms of the central categories and criteria of environmental policy (e.g. national targets for reduction of CO₂ emissions and energy consumption). More importantly, however, fundamental developments have demonstrated the weaknesses of the policy strategy of ecological modernisation and the validity of the construction of the biologists of around 1970. The defining characteristics of the latter construction, such as the finite character of the Earth and the interdependence and vulnerability of mankind and mother Earth, re being demonstrated by long-term consequences of ecological accidents and the encroachment on open space. ... These characteristics are also at the core of vital issues like global warming and genetic engineering.

(*Ibid.*, ss. 318-319)

We stated as *our answer*: “As of now, no definite answer can be given to the question of whether the pursuit of the ecological modernisation strategy can lead to a solution of environmental problems. This, of course, is due to the fact that future developments which will give the answer go to the core of political life in our societies, and because of their fundamentally political character, they may transcend any calculation or logical prediction.” (*Ibid.*, p. 319)

3 Lafferty og Meadowcroft's contribution and critique.

3.1 Introduction

In 2000 William M. Lafferty and James Meadowcroft as editors published the book *Implementing Sustainable Development. Strategies and Initiatives in High Consumption Societies*. In this book the two editors wrote, in addition to the introduction, the two concluding chapters. In the introduction Lafferty and Meadowcroft, after having noted that around the globe political leaders and public administrators now routinely justify policies, projects, and initiatives in terms of the contribution they make to realizing sustainable development, they state:

“Yet, while the idea has come to assume a central place in contemporary discussions of environment and development issues, there has been little serious comparative research on the practical political ramifications of the ‘turn’ towards sustainable development. Among academics we have seen a great deal of discursive ‘smoke’—but little in the way of empirical ‘fire’.” (pp. 1-2)

According to the two the issues to be addressed in the volume are: What has actually happened with the concept [sustainable development] in terms of policy implementation? Where and how has it been taken seriously as prioritized goal for change; and what differences can be detected in the ways the idea has been interpreted and applied in different national, regional, and cultural contexts?

As to their aim Lafferty and Meadowcroft state that they aim to explore how the governments of nine highly developed countries — Australia, Canada, Germany, Japan, the Netherlands, Norway, Sweden, the United Kingdom, and the United States—along with the central institutions of the European Union, have engaged with the idea of sustainable development over the past decade, particularly during the first five years after the 1992 Rio Earth Summit.

3.2 Lafferty and Meadowcroft's main findings.

The authors decided to concentrate on *central* government. “Local and regional initiatives will, therefore, only be considered insofar as they are part of the strategies of national governments, or contribute to characterizing and possibly explaining actions at the national level (p. 4). Secondly, they selected what they understood to be the essential ‘core’ of the governmental response to sustainable development.

In the penultimate chapter of the volume entitled “Patterns of governmental Engagement” professors Lafferty and Meadowcroft set out “to cast light on governmental engagement with sustainable development ... and to offer a preliminary typology of national responses.” (p. 337) They state that a precondition for integrating sustainable development into processes of domestic political decision-making is that sustainable development be taken seriously as a symbol and idea, that it be given explicit reference in official documents, plans, policies and programmes. Their main finding here is that “In eight of ten cases sustainable development has gained fairly wide-spread acceptance into the official vocabulary.” (p. 337) Among other main findings are (The emphasis in the text of these points have been added by J. & O):

- Over the past decade almost all the ten governments have made initiatives by which they have attempted to map out systematically how they intend to tackle issues related to the environment and sustainable development (p. 356).
- With respect to more specific policy instruments, “government discussion has focused mainly on instruments for environmental policy, or on instruments for better integrating economic and environmental concerns.” (p. 381) In practice the mainstay of environmental governance in all of the states studied, however, has remained regulation; i.e. instruments based on systems of prohibition, licensing and inspection, now often described in techniques of ‘command and control’ and “Over recent years there has been considerable interest in developing ‘market-oriented’ (particularly tax-based), as well as negotiated or ‘voluntary’, approaches to environmental management. Both sorts of instrument appeal to policy-makers because of technical and political difficulties with traditional regulatory approaches; and both figure prominently in discussions of sustainable development, as means by which environmental impact can be ‘internalized’ into the sphere of economic decision-making. Negotiated instruments also resonate with the participatory dimension of sustainable development.” (p. 381)
 “With respect to tax-based instruments, cautious steps to extend the range of environmental taxes and charges have been made in most jurisdictions — although the scale of change has fallen well short of the rhetoric.” (p. 381)
 “Negotiated or ‘voluntary’ agreements have become an increasingly important feature of environmental policy in most jurisdictions surveyed here.” (p. 382)
 “Informational, process-oriented and normative instruments have also been deployed in forms such as eco-labelling; the legal recognition of citizen’s rights to environmental information and participation ...” etc. (p. 383).
- As would be expected by all who has worked in this field they find, as they put it, “Efforts to set in place systematic procedures for monitoring the environment and tracking interactions between environment and economy have been closely associated with government engagement with sustainable development.” (p. 384) They also found that efforts to operationalize sustainable development in terms of measurable targets, and to create mechanisms to review policy performance, have been in evidence (p. 384).
- As to measures to affect sustainable production and consumption, “... all the governments we have examined appear wary of engaging too directly with the issue of consumption. Talk of restraining consumption or of limiting growth for the sake of the environment makes both business and labour leaders nervous, and is certainly not seen as a vote-winner by mainstream politicians (p. 388).

- As to internationalization and the global dimension Lafferty and Meadowcroft note: “The further internationalization of environmental policy-making has been one of the most significant developments of the past decade, and — with the exception of the United States — all the governments studied have repeatedly and explicitly justified their participation in an ever more elaborated web of institutions for global governments in terms of the challenge of sustainable development.” (p. 390)

With respect to the North — South relationship in terms of sustainable development, i.e. international assistance, “each of the governments has repeated official commitments to support the efforts of developing states, and to contribute to the eradication of global poverty.

- Professors Lafferty and Meadowcroft state that climate change emerged as a major international issues towards the end of the 1980s. As they note, all the governments with which they are preoccupied in the volume were drawn into the international process at the end of the 1980s. They found that “In terms of domestic policy all of the governments monitored responded to the climate change issue, although with varying degrees of enthusiasm, with Germany, the Netherlands, and Sweden introducing the most comprehensive programmes. They report, however, that as to the “...trajectory of actual emissions through the mid-1990s suggest that only two of the nine countries were likely to meet their UNCED commitment to stabilize CO₂ generation by the year 2000—Germany and the United Kingdom.” (p. 399)

By way of conclusion they state: “All this is not to say that policy measures introduced so far have been unable to secure any emissions reductions. Rather it is that even countries which have applied relatively comprehensive programmes have seen their reductions eroded by new emissions stemming from increased economic activity and from the transportation sector.” (p. 399)

In ending this chapter Lafferty and Meadowcroft write that after having considered the extent to which the term sustainable development has been integrated into the idiom of governance — i.e. “the way it has been understood; the timing and pace of engagement; organizational changes and strategic planning processes; governmental attitudes to other actors and to international obligations; and initiatives related to measurement and monitoring, sustainable production and consumption, climate change and biodiversity.” (p. 411) — they claim to have assessed the overall behaviour of the ten governments across the decade following the Brundtland Report, and they conclude that there have been “three types of reaction to the introduction of sustainable development”.

The first response could be described as “enthusiastic”, “extensive”, and “pioneering”. “These governments responded warmly to the idea of sustainable development from the start; actively addressed issues associated with the sustainable development agenda; and have self-consciously identified themselves as “lead states” in the effort to implement the concept and its values.” (pp. 411-412) At the other extreme is a response which can be characterized as “disinterested”, “sceptical”, and “disengaged”. Between these two poles lie a variety of reactions which can be described as generally “supportive” — but also as “hesitant” and “uneven”. (p. 412) And commenting on the three “enthusiasts” (the Netherlands, Sweden and Norway) they write “The differences documented clearly illustrate that certain national governments take the international discourse on sustainable development — as well as the attempts by international bodies to give the concept programmatic form — seriously.” (p. 421)

In the concluding chapter, “Concluding Perspectives” Lafferty and Meadowcroft included a section entitled “Assessing the Effort as a Whole: How Far Have We Come?” in which they claim to be examining the process overall; i.e. how the governments taken as a group have reacted to sustainable development. They state that they begin this examining process by discussing what they see as “six key themes which link the normative and policy dimensions of sustainable development.” (p. 433) These themes are listed as: (1) the *integration of environment and economy* in decision making; (2) the development of modalities *for environmental planning, measurement, and monitoring*; (3) the expansion of *societal participation* in environment-and-development decision-making; and (4) the *internationalization* of environmental governance; (5) *support for environment and development in the South*; and (6) *sustainable production and consumption*.

The brief consideration they give these six themes they claim give some indication of how seriously they consider the governments — taken as a group — to have taken up sustainable development. They argue that for the first four of these themes largely positive changes have occurred since 1987 whereas the relative failure of governments in the most powerful industrialised countries to engage with the last two themes is significant. In this context they claim it is notable that both these two last themes relate to responsibilities which rich countries are expected to assume above and beyond their own internal challenges. They claim “According to the WCED and UNCED, Northern states have an obligation not only to assist environment and development in the South, but also to reduce dramatically their resource consumption, in order to make environmental ‘room’ for Southern development.” (pp. 438-439)

They conclude their examination: “Taken as a whole, the performance of the governments we have examined in this study is both impressive and disappointing.” (p.440)

3.3 Lafferty and Meadowcrofts critique of our position.

Given these findings, in general leading to the same conclusions in empirical terms, that we made, the stage was set for a theoretical discussion and interpretation. Lafferty and Meadowcroft’s contribution to such a debate is a critique of our interpretation, claiming the superiority of sustainable development to ecological modernisation, not only as a political concept, but also as an analytical concept - and in terms of empirical evidence as well.

Their general position seems to be to emphasize the political significance of sustainable development, also in cases where empirical evidence indicates shortcomings in its implementation, their thesis being that “... most governments acknowledge the challenges, but fall short in understanding of what they really imply.” (sic!) (p.445) To elaborate their point they “contrast it” (their formulation) with ours.

They criticize our interpretation of the Brundtland Commission’s Report and the relevance of the concept of ecological modernisation on two major grounds.

Firstly, that they want to contest our assimilation of the Brundtland Commission and its version of the concept of sustainable development into the concept of ecological modernisation. Among the main points they make is to contrast ecological modernisation and sustainable development, and they emphasize that the latter is:

- international in focus

- not based on a win-win situation between economy and ecology, but acknowledge the difficult choices
- not narrowly technocratic but have a language of moral injunction, as well as prudential calculation.

As pointed out above, our position was not that the policy strategy of ecological modernisation was “invented” by the Brundtland Commission. Rather the Brundtland Commission followed suit in what had been particularly advocated by multilateral organisations and other actors. In committees and by officials (in particular economists) the OECD had for several years actively recommended key elements of this strategy.⁹ The Brundtland Commission supported and in some significant areas extended this policy strategy and gave it a broader political justification. As we noted (may be too implicitly) the Brundtland Commission’s significant contributions were not in theoretical terms but in political terms. Above all its report had the role of midwife for a new (political) approach towards environmental problems, and for the lifting of this new approach into the limelight of public attention and political discourse.

As to the proclaimed differences, the third one, contrasting technocratic vs moral discussion, has a particular theoretical interest that we will address later.

Secondly, Lafferty and Meadowcroft claim that our perspective does not provide a satisfactory account of the developments in environmental policy in industrial countries (p. 447 ff). Among their arguments is that in various environmental policy areas other strategies than ecological modernisation prevail, e.g. the use of regulatory instruments prevail and are extended. In other areas, where few changes in terms of policy measures can be observed, they emphasize that “...the fact that governments are talking about sustainable development and its implications (rather than simply about national competitiveness, economic effectiveness and so on) matters” (p 451)

Their claim that our perspective is unsatisfactory may very well be true, but not on the basis of arguments they pursue. On the contrary, we do not “explain” the developments in environmental policies in terms of ecological modernisation, we analyse the interplay between actions and institutions in a given policy area, and in the context of other policy areas, and the structural imperatives and hence often contradictions the policy elite faces.¹⁰ Hence, we do acknowledge and have stressed the importance of the regulatory approach in important areas of environmental policy, from water-management in 19th century to regulation of pollution from industry and agriculture in the last century.

What we did argue, was that the policy strategy of ecological modernisation was predominant in important new policy areas, first and foremost in the area of climate policy. Also in this issue, our opponents argued against our position: “Consider the issue of CO2 emissions. For generations, businesses and consumers have been free to engage in CO2 generating activities as they saw fit. Now these activities are to be scrutinized,

⁹ See footnote 4 on p. 320 in J., O. & H., 1997.

¹⁰ Their serious misreading of our position - sometimes claiming that we are representatives of the “eco-modernist view” (implying that we support ecological modernisation), or that we are being naïve proponents for the extreme counter-position that structural should imply the abolishing of private property, the dismantling of the global economy (p 450) – is probably a result of confusion: they think we have the same analytical purpose as they have; i. e. address and promote the implementation of a certain policy strategy, in their case the strategy of sustainable development. Our analytical purpose in this book is, however, quite different; we try to analyse empirical developments in environmental politics, policy and organization. In Goodin’s formula; they have a theory of value, not a theory of agency (Goodin, 1992).

emitters are to be cajoled into changing their practices; and the possibility of formal regulative actions remain on the horizon. So it seems odd to interpret such innovations in policy instruments as ‘ part of the overriding project of the ruling policy elites to expand the logic of the institutional order of the market’ (Jansen, Osland and Hanf, 1998:318).” (p. 444)

Although we are reluctant to accept an invitation to enter into a discussion with critics making these types of short-cuts when referring to our line of argumentation, we do acknowledge that the developments in climate policy the last decade seems to be a clear case for examining the relevance of our different positions.

4 Ecological modernisation revisited: Should our hypotheses be seen as falsified or need for reformulation? Some observations from international climate policy:

If the interpretation we formulated a decade ago is adequate and valid for the area of climate policy, the following proposition could be formulated;

H 1. That ecological modernization as a policy strategy has become dominant in the era of climate policies, i.e. that the main strategy has been to

- i) establish win-win situation through technical improvements and hence decoupling the relation between economic growth and climate gas emissions,
- ii) make, on the one hand, extensive use of market mechanisms and economic instruments and, on the other hand, to a little degree make use of direct regulations
- iii) Improving the software of government, i.e. rather than altering the authority relations between the environmental administration and other parts (such as industrial sector, transport sector, lower level of government such as municipalities) – the main emphasis has been on procedural changes.

H2. There is a clear discrepancy between the strategy's dominance and credibility in political terms and its actual effects and results in terms of reducing climate gas emissions,

- i) Reductions in climate gas emissions are insignificant, also in countries adopting an active climate policy of this type
- ii) that these market mechanism does not function in a way that reduces climate gas emissions; partly this can be addressed as a question of theoretical conditions vs practice

Our third interpretation - that the policy strategy of ecological modernization, if being dominant in public policies, has achieved this dominance because it is instrumental for the governing elites at national, international and supranational level - can hardly be formulated as a hypothesis that can be tested. Such an interpretation is merely a matter of plausible arguments and counterarguments. We will briefly address this issue in the latter part of this paper.

What would be the implications in terms of hypotheses formulated on the basis of Lafferty and Meadowcroft's approach? We find this somewhat difficult to outline.

Probably, such hypotheses are not the O-hypotheses of the ones we have formulated above, perhaps with the exception of H2,i). Although they and we agree on the point that words are not free, it seems that they argue that official political commitment to environmental goals establishes a dynamics that ultimately is likely to lead to change.

Moreover, their thesis of moral injunction following from the discourse of sustainable development contrary to ecological modernisation is a possible implication. Possibly they would argue that one should observe a continuous debate over normative issues in moral terms. Contrary to that, the dominance of the strategy of ecological modernization would lead to development where this debate will increasingly be infused by the categories of market instruments and their normative implications, i.e. that the categories related to the market institutions increasingly will supplant normative discussions

4.1 Has the strategy of ecological modernization become dominant? Some preliminary observations and interpretations.

We cannot, and shall not, in this paper; answer the questions following from these hypotheses. This is quite a research project by itself. However, we shall make use of some observations, thereby addressing whether a first look at the empirical material indicates that these hypotheses are likely to be falsified or should be nuanced.

Has ecological modernization become dominant as a policy strategy in climate policy?

Our general impression— taking such different policy levels as the mechanisms under the Kyoto-protocol, EU-union and Norwegian climate policy as empirical evidence — is that, generally speaking, this hypotheses will not be falsified.

Three types of “innovative flexibility mechanisms” are defined and developed under the **Kyoto Protocol**; *Clean Development Mechanisms*, *Joint Implementation* and *Emission Trading* (see United Nations Framework Convention on Climate Change/KP/CMP/2005/8 add 1.2. and 3). Neither of these have characteristics contrary to the ones we have outlined as characteristics of the policy strategy of ecological modernization. The general picture is to the contrary: Emission Trading is a mechanism in accordance with market-based principles and the Clean Development Mechanism, which is aimed at generating credits for investments in emission reduction projects in developing countries, is clearly in line with this project as well. The mechanism of Joint Implementation between industrialised countries does not seem to falsify our hypothesis either. However, the characteristics of these mechanisms are somewhat different from the market-oriented mechanisms we outlined a decade ago as part of the policy strategy — taxes and covenants — and, therefore, the characteristics of this strategy should be further elaborated by including such mechanism in the analysis (see our outline on pp. 6-7 in this paper).

As to the **European Union**, the Communication from the Commission “Limiting global change to 2 degree Celsius- The way ahead for 2020 and beyond” clearly emphasize that “Market based instruments such as the EU ETS will be a key tool to ensure that Europe and other countries reach their targets at least cost” . The union has, as Norway, been among the parties who has established a system of emission trading.

As to **Norway** the establishing of an international Emission Trading system is of importance, not the least because the cost of fulfilling the country's obligations according to the Kyoto protocol, will be tripled if one is to take all the reductions in a cost-efficient way in Norway, compared to that of using the Kyoto-mechanisms (NOU 2000:1). Also the emphasis on technology as the primary solution in climate policy, seems dominant. This approach is perhaps most clearly pronounced in the case of the Norwegian low-emission commission, pointing to 15 large measures (*tiltak*) in order to reduce current emissions by 50 to 80 per cent by the year of 2050 (NOU 2006:18). Although the members of this commission are among the most optimistic ones on behalf of technology, they do not stand out as exceptional in the Norwegian politico-administrative system in terms of relying on technology as the ultimate solution. Nor is that the case as regards the choice of instruments to promote new technology; i. e. the use of taxes and charges.

As to implications and recommendations for the organization of the public sector, these are rather few and vague. To the extent that their role is mentioned, emphasis is put on public authorities' role as certifier of procedures for registering and estimating emissions, for setting the right level for quotas, and for controlling the level of pollution as well as sanctioning when obligations are not met.

4.2 What are the effects of the strategy?

How climate gas emissions are registered and calculated should of course be the object of several research projects. However, if one were to give such estimates on face value, as we will in this paper, one can draw some tentative conclusions regarding emissions. In general, emissions of climate gases have not been reduced the last decades. Only a few countries will fulfill their obligations in accordance with the Kyoto Protocol. First and foremost that is Great Britain (partly because of increased use of nuclear energy) and Sweden (important factor being bio-energy). The development in Norway, albeit the fact that this has been among the extremes, is illustrative. There has been a growth in CO₂-equivalents by approximately 10 % from 1990 until today (e.g. *ibid.* p 34). A significant part of that growth occurred in the 1990s. Studies on the relation between economic growth and climate gases in this period have indicated that this relation was dependent on the *type of emission* (Bruvoll et. al. 1999, Bruvoll and Larsen, 2002). For instance the growth in CH₄ and N₂O was significantly lower than CO₂. For these two types of emission, one could observe a partly decoupling between economic growth and level of emission, not the least due to technical improvements. That was, however, not the case when it came to CO₂. For CO₂ emissions increased growth is an important factor by. Consequently, the type of emission most closely linked to economic growth, CO₂, has an increasing share of climate gas emissions.

This variation among gases when it comes to terms of decoupling between economic growth and emissions is one of the reason why many countries in Eastern Europe and in developing countries, have, and is likely to have, a positive development in terms of climate emissions. The positive prospects are results of the composition of their emissions and the different components' relation to restructuring of industry and growth. In the case of Norway, as mentioned above, the country is not likely to fulfill its obligations if it were not possible to buy climate quotas in other countries. Currently, there is a heated discussion in public, and among politicians, as to whether or not one should decide that a certain percentage of the reduction of climate gases should be made within the territory of Norway.

Are market mechanisms effective? It is clearly a growing market for emission trading, its proponents are both welcoming the news that it has become a billion-dollar market and arguing that this trading is likely to reduce emissions (Hasselknippe, 2006). Whether the latter really is the case is not quite clear. The profession that has delivered the theoretical arguments in favour of such market-based instruments — the economists — are equally clear that there are certain conditions that has to be met in order to achieve the goal of reducing climate gas emissions. Some of these conditions are outside the scope of economic theory, e.g. the question of setting the right emission level. Other issues are *debated* among economists, e.g. whether the CDM mechanism is likely to give both the investor and the host of a project an incentive to overstate the emission reduction ensuing from a project (Hagem xx,) as well as arguments that quotas should be auctioned, not free as the Norwegian and the EU-system has been based on (Bye et al, 2007). On other issues the implications of economic theory are not clear cut. Some economists are arguing against restrictions on quota trade (e.g. NOU 2001:1) on grounds of cost-effectiveness. Other economists are arguing that there are economic arguments for restrictions, also including the point that “restrictions on emission trading are likely to encourage more rapid technological innovation since the quota price will increase, which could bring more opportunities for increased emission reductions in the future.” (Westskog, 2001)

To briefly conclude as to the relevance and potential adequacy of our hypotheses: A brief overview indicates that the hypotheses formulated under H1 — that the dominant policy strategy is characterized by emphasis on technological improvements to decouple the relation between economic growth and climate gas emissions, and on use of market mechanisms, and minor governmental changes — seem adequate, although further analyses of course are needed. As to the prospects for this strategy in terms of reducing emissions (H2), the hypotheses formulated should be nuanced and rephrased before further analysis, for instance in terms of distinguishing between and decomposing the climate emissions. The lack of decoupling we observed for CO₂ a decade ago, still seems largely to be the case. As to H2, i), the hypotheses should be further developed. A fruitful approach is probably to elaborate, both based on economic and political theory, the prerequisites for an effective quota trade (formulated in economic theory) and the conditions that such prerequisites are to be established (based on political theory).

What about the implications following from Lafferty and Meadowcroft? The question of “moral injunction”; changes in the political discourse, the labeling and framing of the problem, the role of media as managers of images of climate threats, the relation between moral and economic concepts and categories, e.g. the tendencies that environmental organizations are still neither involved in nor participating in the discourse of cost-effectiveness and yet entering the game of quota trading, is a big project by itself. It is a matter of empirical analysis. However, the counter-thesis to Lafferty and Meadowcroft’s thesis of moral injunction, was phrased as follows a decade ago: “...the common criteria for comparing environmental and economic values and goals that have been developed with the declared purpose of serving environmental purposes are to a great extent rooted in concepts and categories of economics. The inclusion of and redefinition of the environment into economic analyses and calculation implies that whatever the intentions, the environment is perceived in monetary terms and ultimately is deprived of any moral value.” (J., O. & H., p. 306).

5 Concluding remarks

When we are revisiting the field of social scientific analyses of environmental politics, a decade after our last analyses, it seems appropriate to revisit the interpretations we made at that time. Reconsidering the part of our analyses regarding ecological modernization as a policy strategy, based on critique as well as on a brief look on developments in climate policy, some hypotheses can clearly be elaborated and refined, and other ones can be added.

Our general impression, however, is that the policy strategy we have labeled the policy strategy of ecological modernization is hegemonic in terms of choice of measures in climate policy, and has a dominant role in the political debate. Whether that really is the case, needs further analysis. If it is the case, we will stand by the interpretation we made a decade ago, and that this dominance is related to the fact that this strategy is compatible with the more general political strategies which the ruling elites pursue in other, still more dominant policy fields, such as economic policies. We see this as intentionally rational responses to the imperatives with which these elites see themselves as having to deal with. This interpretation does not imply that we reject in empirical or normative terms that the balance of these imperatives may change in less disfavour of the environmental interests, e.g in terms of their weight in votes.

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Local climate governance: the example of Swedish municipalities

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Abstract

Municipalities have an important role in the local governance of climate change. In Sweden, a number of municipalities have taken the lead in climate action with ambitious policies, a high profile and a firm back-up from leading politicians. The aim of this paper is to start a discussion on the qualities and characteristics of climate governance in these 'climate municipalities' by using the concepts of input and output legitimacy. The paper is based on earlier literature and on some evidence from three municipalities in Sweden. It is found that decision making is mainly traditional top-down with limited citizen participation, which means that input legitimacy mainly depends on the overall legitimacy of the local political process. When it comes to output legitimacy, municipalities have contributed to several changes in physical output, the most common being conversion from fossil fuels to biomass in heating. However, there are many constraints on municipalities and their actions are very much dependent on the existence of government policy instruments. Regarding more thoroughgoing effects, such as changes in organisation, attitudes, priority of policy goals and co-operation with other actors, development seem slower. This raises the question whether physical output is enough or whether more long-term changes should also be expected of municipalities?

1 Introduction

Climate governance has evolved into a huge enterprise, involving a multitude of actors at all levels of society, from the local to the global. The local level is not the least important. Many emissions originate from actors at the local level and it is here much of the actual implementation of climate mitigation efforts have to be done. In a recent paper, Karin Bäckstrand (2007) has shown how global climate governance is organised by a variety of actors and partnerships, which includes everything from private self-regulation, public-private regulation to pure public regulation. In a similar way, a multitude of actors are working with climate change issues at the local level, leading to different forms of local climate governance. Companies, NGOs, civil organisations and citizens are organising climate mitigation efforts and are building different forms of partnerships. A recent partnership called Ethics and Energy between local parishes within the Church of Sweden, where the aim is to reduce energy use in churches and other building, is an interesting example (Etik och energi 2007). Other examples are the different climate change networks within and between university colleges in the US (e.g. Campus Climate Challenge 2007, CCAN 2007).

At the local level a central actor is of course the municipality. In recent years, many municipalities have been taking an active role in climate action and in the organisation of local climate governance. There are now many international and national partnership networks between municipalities with the aim of strengthening and supporting the work of individual municipalities (Betsill and Bulkeley 2004, Cities for Climate Protection 2007). This development has been pronounced in Sweden as well, where municipalities have a tradition of autonomy and self governance. Several areas where local governments have planning responsibilities are closely linked to climate change, such as land use planning, energy, housing, transport, waste and energy use of households.

In Sweden, we have thus seen the emergence of a handful of municipalities that could be called 'climate municipalities'. They build much of their (green) image on their work to combat climate change and they have carried through a number of concrete measures. Common characteristics are that the work to combat climate change is regarded as important within the political leadership, that there exists a climate action plan, that the municipality is successful in applying for subsidies through the government programmes and that they have received public reclaim for their work (either from NGOs, government agencies or international organisations). The climate profile thus becomes an important characteristic of the municipality, almost like a brand.

The aim of this paper is to start a discussion on how to assess whether climate municipalities manage to deliver on the policy goal of mitigating climate change. In order to do this the concepts of input and output legitimacy will be used. Input legitimacy refers to the democratic quality of the decision making process. Is there sufficient accountability and transparency in the process? Are those who will be affected by the decisions given the possibility to participate and influence decision making? Output legitimacy refers to the effectiveness and problem-solving capacity of the policy process.

It should be noted that environmental and climate policy is handled very differently among different municipalities in Sweden. It has been observed that there is a gap between progressive municipalities which have an ambitious environmental agenda and those lagging behind, where environmental concerns are not taken as seriously (Dahlgren and Eckerberg 2004). The reasons for these differences have not been fully understood. To some extent it has to do with the size of the municipality where larger municipalities tend to have more ambitious environmental policies. However, factors such as political will and the existence of an environmentally aware administration are also important. The choice to focus on those municipalities that are widely recognised to have an active and successful climate policy obviously limits the type of conclusions that can be drawn. However, by looking at best-case examples we can assess the potentials and limitations of climate action at the municipal level.

This paper will start examining the issues outlined above by using earlier writings on climate work in municipalities in general and in Swedish municipalities in particular. Three Swedish municipalities with a strong focus on climate action, will also be used in order to illustrate the discussions. These are Lund, Växjö and Kristianstad. It should be emphasized, however, that the empirical material from the municipalities is very limited and consists mainly of written documents regarding their climate strategy and the climate related projects that they have carried out. The next step in the research will be to study the questions more in depth in the selected municipalities, mainly through qualitative interviews and text analysis.

2 Municipalities and the climate in Sweden

The motivation for Swedish municipalities to engage in climate action comes from several directions and levels. On the international level municipalities have been identified in e.g. the Agenda 21 declaration from the Rio conference in 1992, as a key actor in the efforts to attain sustainable development (UN 1992). There also exist international and national networks between cities and municipalities who have declared that they want to be active in the work to combat climate change (Cities for Climate Protection 2007, Klimatkommunerna 2007, Energimyndigheten 2005). The Swedish state has identified municipalities as a key actor. The Agenda 21 work was primarily centred on municipalities and several government programmes are directed to encourage environmental work at the municipal level (Berglund and Hanberger 2003, Dahlgren and Eckerberg 2004). Since 2003, there exists a programme (KLIMP) which is specifically aimed at supporting climate action at the municipal level (Naturvårdsverket 2005). Swedish NGOs also put pressure and there is an ongoing campaign by the Swedish Society for Nature Conservation where the best and the worst climate municipalities are identified (Rylander 2005). Finally, there is also an internal motivation from within the municipalities. The existence of engaged politicians, civil servants and citizens may explain why a municipality becomes active in climate actions. Stig Montin (2007) also lists a number of reasons why municipalities might be reluctant to engage in climate action. First, many measures have already been undertaken which have decreased climate gas emissions (such as the expansion of district heating and conversion from coal and oil to biomass), which means that local decision makers can argue that they have done their bit already. Second, municipalities have many other responsibilities apart from climate change (education, health) which are felt as more pressing by local decision makers. Third, decision makers might perceive that there is a conflict between climate action and other goals such as economic growth, which works against any firm commitments and actions.

Some municipalities have been acting as pioneers in climate work, with an early focus on the problem and a concerted action that has been backed by the political leadership. Three of these are Växjö, Lund and Kristianstad. Växjö has a population of 80,000. Forestry and manufacturing constitute important industries and the city has a fairly new but expansive university. The climate strategy was introduced in the mid 1990s when it was decided that Växjö would strive to become free from fossil fuels. The municipality has received several awards for their work the latest one being the Sustainable Energy Europe Awards 2007 from the EU commission. Measures taken in the municipality include conversion to biomass for district heating and electricity, expansion of district heating network, subsidies to households to introduce renewable energy for heating, energy efficiency requirements on private building contractors who buy municipal land, energy efficiency programme in public buildings, construction of bicycle roads, development of local production of biofuel and information campaigns on transport habits. Lund is a typical

university city with a population of around 100,000. A large hospital and many knowledge intensive companies are other important sectors. The climate work of the municipality focuses on the transport sector with a comprehensive programme that started in 1997. The programme includes a mix of technical projects (cycle roads, bus lanes), information (door-to-door, campaigns) and economic incentives (free public transport cards to car drivers). Apart from the transport sector climate measures include e.g. energy efficiency in housing. Kristianstad has a population of 75,000. Agriculture and food production constitute the most important industries. In 2005, the municipality was identified as the best climate municipality in Sweden by the Swedish Society for Nature Conservation (Rylander 2005). Climate measures include conversion from fossil fuels to biomass in district heating, construction of a biogas plant, production of biogas for vehicles, energy advice to households and subsidies to households for energy efficiency measures (Kristianstad 2006a).

3 Input legitimacy in climate municipalities

In this paper, input legitimacy refers mainly to transparency, accountability and participation in the democratic process. Transparency means whether decision making is conducted in an open process which can be monitored by all citizens. Accountability means whether it is clear who is responsible for decisions and for the implementation of these decisions. In other words, who can be held responsible if policies fail or have negative consequences? Finally, participation refers to the extent to which those affected by policies have been given the opportunity to be engaged in, and influence, decision making.

Climate governance in Swedish municipalities is mainly carried within the existing municipal planning and decision making system. An important step is the adoption of a climate action plan, which is decided upon in the highest political levels of the municipality. The development and implementation of specific projects is normally done within those municipal administrations that are responsible for the relevant sectors. For example, energy related projects are developed by the municipal power company, traffic projects are developed by the technical administration and housing projects are developed by the municipal housing company. There is also often someone who co-ordinates the different projects, usually a civil servant within the environmental administration. The decision making process for developing and implementing projects follows the normal routines regarding the local policy process, where plans are developed by civil servants and then brought to the political bodies for decision making.

Local environmental governance is an area where citizen participation has been identified as having a potentially important role. During the 1990s when Swedish municipalities started working with Agenda 21, citizen participation was brought forward as an important part of the process (SOU 2003:31). There are several motivations for engaging citizens, the most important being that it is important that those who will be affected by decisions have the possibility to influence them, that local people have valuable ideas about what measures are most relevant and effective and that people who engage in the process will have better knowledge of environmental problems and will be more willing to change their own behaviour. However, apart from a few years of activities at the start, the efforts to increase citizen participation have been rather limited and municipal environmental work has instead focused more on technical projects (Eckerberg and Dahlgren 2005, SOU 2003:31).

In the climate area, the rhetoric on citizen participation has been less marked. In the regulations for the KLIMP-subsidies it is only stated that the municipality has to describe how the public has been involved in the decision making process. It does not say in what way or to what extent the public should be involved (SFS 2003:262, Naturvårdsverket 2006). The only type of involvement of citizens that is required is that there should be a plan for information and education to the public about the measures that are included in

the application (ibid). The view on participation is thus traditional and very top-down. From an overview of the types of projects that are carried out in municipalities, citizen participation does not seem to play an important role (Naturvårdsverket 2005). The picture is similar in the three municipalities that have been studied closer for this paper. In all three municipalities, communication with citizens has been an important part of the climate programme. In Lund, for example, measures to reduce emissions from traffic have been the main focus (Trivector 2001). Here a combination of technical investments (e.g. bus lanes, cycle roads, natural gas in buses) and softer measures (e.g. door-to-door information, information campaigns, free bus to car drivers) have been used. Thus, communication and information to citizens has been a very important part of the strategy. In Kristianstad, a special climate communication strategy has been developed in order to co-ordinate information activities to citizens and other actors. Activities that are listed in the strategy include networking, direct contacts with citizens, internet homepage, study circles and media coverage (Kristianstad 2006b). Thus, even though information to citizens are given high priority, it is not deemed necessary to involve citizens in developing or implementing the climate strategy. They are viewed more as receivers of information. In Växjö, there has been a recent initiative to establish a local climate commission, the aim of which is to promote co-operation in around climate action (Växjö 2007). However, the commission only includes participants from the municipality, local business and the university and will therefore not work as a channel for citizen participation.

A preliminary conclusion that can be drawn from this discussion is that input legitimacy of municipal climate governance depends essentially on the general legitimacy of local political decision making. It seems clear that local climate governance is not particularly innovative when it comes to trying new forms of citizen participation. Instead climate governance is carried out within the traditional forms of decision making. Another question is, however, if there is really a need for an increased citizen participation in order to achieve satisfactory input legitimacy? Maybe the normal political process is enough in this area? We will return to this question in the conclusions.

4 Output legitimacy in climate municipalities

Output legitimacy refers to the effectiveness and problem-solving capacity of the policy process. In this case it means whether municipal climate governance manages to contribute to addressing the problem of an increased greenhouse effect. Output can be of different kinds. First, there is the physical output, i.e. the extent to which emissions of climate gases are being reduced as a result of actions taken by the municipality. Second, output can come in the form of changed attitudes or behaviours among different actors, which in turn can lead to a long-term decrease in climate gas emissions. Third, output can be changes within organisations and institutions, which facilitate the implementation of climate measures. Below, all three types of output will be addressed.

4.1 What can be achieved by municipalities?

The first question concerns the physical output. What can actually be done by municipalities in terms of reducing climate gas emissions? In Table 1, a number of key policy areas are listed, which have an impact on the climate and where municipalities are involved. Examples of measures that can be introduced at the local level are given as well some important constraints in each policy area. The list is in no way comprehensive but serves as a way to illustrate both the potentials and limitations of local climate efforts.

From a survey of projects in the LIP and KLIMP programmes, it appears that the most common measures are within energy conversion and supply (Naturvårdsverket 2005). These measures include conversion from oil and coal to biomass for heating and the expansion of the municipal district heating net. There are natural reasons why these measures are common. First, the municipal energy companies and administration are traditionally the dominant actors within the energy field in municipalities and it is therefore no surprise that they constitute an important part of the climate strategy. Second, these measures are concrete and technical, something which is favoured by the project implementation form. Third, other factors, such as rising costs of fossil fuels and CO₂ taxes, have contributed to the need for investments in energy conversion and supply. Fourth, energy conversion and supply is an area where the municipality has control and where it is possible to see tangible results in the form of emission reductions, which makes it attractive for investments.

Apart from energy conversion and supply, municipalities have also been active in energy end-use, transport, waste management and housing, though to a lesser degree. In energy end-use, municipalities try to influence the attitudes and behaviour of households, towards more energy efficiency, by giving energy advice, by information campaigns and by giving economic incentives. In transport, two main types of strategies are pursued. First, there are measures to make people changing transport modes to more sustainable

types of transport (i.e. more cycling and public transport instead of car travel). This can be done by improving the infrastructure for bicycles and buses and by information and economic incentives to people. The second strategy is to introduce renewable fuels in public vehicles, such as buses, garbage vans and municipal official cars. A third strategy is to give people information and education on ecodriving, i.e. driving techniques that leads to less emissions. In waste management, the most common measure has been to build biogas plants, in which organic waste is biologically treated, leading to the extraction of biogas, which can be used in vehicles of for heating, and organic residues, which can be used as a fertilizer. In the housing sector, municipalities have tried to promote energy efficiency buildings both in municipally owned buildings and in houses built by private companies.

Table 4.1 *Climate measures and constraints at the municipal level.*

	Measures by the municipality to reduce climate emissions	Constraints
Energy conversion and supply	<ul style="list-style-type: none"> – Use of renewable energy in electricity production . – Conversion from oil and coal to biomass and other renewables in heat supply – Expansion of district heating 	<ul style="list-style-type: none"> – Almost all electricity and much district heating is owned by larger energy companies. – Energy prices is the most important influence on choice of fuel and this is beyond the control of municipalities.
Energy end-use	<ul style="list-style-type: none"> – Affect attitudes and habits among citizens, local firms and municipal administration – Economic policy instruments to promote energy end use efficiency. 	<ul style="list-style-type: none"> – Generally difficult to affect habits. – Habits are affected by economic incentives and these are often low in the energy sector, since energy use is a small part of peoples budget. – Limited capacity of municipalities to use economic policy instruments
Transport	<ul style="list-style-type: none"> – Promote walking, cycling and public transport by construction of infrastructure, campaigns and economic incentives. – Biofuel in municipal vehicles – Ecodriving – Mobility managemen 	<ul style="list-style-type: none"> – Car use has long been an indispensable part of people's travel habits. Difficult to break such trends. – Municipalities have little control over travelling between cities. – Municipalities are often not the owners of public transport companies.
Land use planning	<ul style="list-style-type: none"> – Decrease the need for travel by planning where to locate different activities. – Facilitate the establishment of wind power and other renewable energy sources. 	<ul style="list-style-type: none"> – Municipalities have often little real power over where activities are located. This is decided by private entrepreneurs. Municipalities can say no or yes but cannot force private firms to do as they want. – Pressure on municipalities to attract private investments. – Local opposition to wind power – Development of wind power and other renewables depends more on factors apart from land use planning
Waste management	<ul style="list-style-type: none"> – Waste management system that includes waste reduction, recycling, biogas etc. – Connect waste and energy by e.g. biogas and waste incineration. 	<ul style="list-style-type: none"> – Much of waste treatment is handled by regional (municipally co-owned) companies where the individual municipality has limited influence.
Housing	<ul style="list-style-type: none"> – Promote energy efficient housing. – Increase energy efficiency in buildings that are constructed by municipal companies.. 	<ul style="list-style-type: none"> – Municipalities have limited authorities to put requirements on housing standards. – Cost-efficiency is an important driver in the construction of buildings.

Even though municipalities are key actors in climate mitigation efforts it should be acknowledged that there are often significant constraints on what can actually be achieved at the municipal level. The constraints can be of a variety of different types. One fundamental constraint is that many things that happen in municipalities are beyond the control of local governments, either because decisions are made on a higher political level (e.g. housing standards or energy taxes) or because developments are determined by

market actors other than the municipal companies (e.g. regional waste companies or private energy companies). This means that while the municipality can introduce some measures other, stronger trends, can offset what is achieved at the local level. It also means that municipalities in many cases will have to co-operate with other actors in order to achieve effective results. Other constraints on municipalities include lack of resources, capacity and knowledge, problems which are particularly salient in small municipalities.

When it comes to energy conversion and supply, municipal capacity depends largely on whether the municipality has control over the production of heat and electricity. If this is the case, the municipality has the formal authority to decide on a change to a renewable fuel. However, even in this case the decision will depend a lot on fuel prices, since municipal companies are normally run on market terms with limited political steering (Palm 2004). The most important factor behind the conversion from fossil fuels to biomass in district heating has been the rising prices on coal and oil and the introduction of the CO₂ tax in the 1990s. Today there is an increasing trend in Sweden that municipalities are selling out their energy companies to larger private or state-owned energy companies, which will reduce their influence. Today, almost all electricity production lies outside municipal companies while their share of district heating has decreased from almost 100 % in the early 1990s to around 60 % in 2004 (Andersson and Werner 2005).

The transport sector is a good example of the complexities of the constraints facing municipalities in their efforts to reduce climate gas emissions. Municipal policies naturally tend to focus on transport within the municipal borders, where cycling and public transport is promoted. However, municipalities have limited possibilities to affect travelling between cities, even if there are intents to influence this. In Lund, there has been a deliberative strategy to make it easier for commuters to use the train, by introducing special bus lines that go directly to destination where many people work (hospital, big companies, technical university). In order to affect commuting it is furthermore necessary to cooperate with the often regional public transport companies. Another factor that makes it difficult for municipalities is that the whole society is to a large extent built around the use of cars, and the premise that most people have access to a private car. This car dependence is very difficult to break and is often beyond the scope of municipal planning.

In this section, an attempt has been made to outline the potentials of, and constraints on, municipal climate action. The discussion has not covered all areas of municipal action and no attempts have been made to assess what has actually been achieved by Swedish municipalities, in terms of reduction in CO₂ emissions. Some such estimations have been done by the Swedish Environmental Protection Agency (Naturvårdsverket 2005) and the Swedish Society for Nature Conservation (Rylander 2005). However, the discussion has introduced a way of thinking in terms of potentials and constraints, which can help to identify areas where municipal action can contribute substantially to the reduction of climate emissions and areas where municipal action will be more difficult and faces the risk of being of marginal benefit.

4.2 Climate change vis-à-vis other policy goals

One special type of constraint on municipal action is the fact that there are other policy goals that are important for local decision makers that can come in conflict with, or are perceived as coming in conflict with, the goal of reducing climate gas emissions. The fact that there are many different policy goals on the municipal level might thus be a

hindrance to an effective implementation of local climate measures. Looking at the situation in two cities in the UK, Bulkeley and Betsill (2005) show how climate protection received a lower priority when it came into conflict with other policy goals. In Newcastle this meant that the attempts to implement higher standards of energy efficiency in new buildings fell short when they were confronted with the goal to attract investment in housing construction. In Cambridgeshire it meant that the land use planning vision to reduce car travel was downplayed by another vision to promote business growth which, it was perceived, called for new investments in road infrastructure. The authors stress the importance of looking beyond the local level in order to understand why efforts to introduce climate measures fail to materialise even though there exists a strong rhetoric on the topic. They argue that the processes of economic competition between cities is so strong that local decision makers feel compelled to prioritise economic growth and business friendly planning when it is perceived to come in conflict with environmental goals.

The challenge for municipalities of different, and sometimes conflicting, policy goals exists also in the Swedish situation. Municipalities often try to portray themselves as economically progressive and business friendly and are willing to make investments to attract companies. In a study of municipalities on the West coast of Sweden, Borgstede et al (2007) have shown that climate change was not regarded as central on the political agenda. An important question is, thus, how municipalities with a distinct climate profile prioritize climate protection and whether they manage to reconcile the ambition of economic growth with the goal of climate friendly policies? Is it possible to design policies that both attracts business and contribute to important reductions in the climate impact at the local level? Or will climate measures be carried out at the marginal while the larger planning trends contribute further to an unsustainable system? So far the empirical evidence is too scarce to answer these questions. However, a quick look at the situation in the two of the municipalities that are covered in this paper, suggests that the question of conflicting policy goals is very much alive. In Växjö there has been a recent initiative to launch a new profile for the city and start a development dialogue with different actors in the municipality. The initiative is called "Expansive Växjö" and the aim of it is to "market the Växjö region, strengthen its attractiveness, attract new citizens and successful companies and thereby increase economic growth." (Växjö 2007) Three profile areas are highlighted as important for Växjö: good business climate, university city and unique living environment. While the starting up of a local climate commission is one part of the development work, the main focus of the initiative is clearly on economic growth and attracting business and people. A conflict between economic growth and climate action does of course not have to be something inevitable and an important challenge would be how to combine these goals. But, in the present situation, if the two goals *do* come in conflict in real decision making situations, it is likely that climate concerns will suffer. In Lund there is a similar situation. On the one hand, climate goals and actions are an important part of local policies, particularly in the area of transport. On the other hand, Lund has an ambition to be "Northern Europe's leading and most attractive areas for education, research and enterprise" (Lund 2007) and there are plans to expand the city towards the North East with new business locations. Also, there is an ongoing trend to locate shopping centres at the outskirts of the city while the inner city retailers experience a reduction in sales. Once again, there is no obvious conflict between the ambitions of growth and climate impact but there is certainly a possibility of conflict.

4.3 Organisation of climate work

An important question concerns whether the organisation of climate action is changed in any fundamental way in those municipalities that develop a climate profile. Municipalities that receive government subsidies for climate projects are required to make an inventory of climate emissions and develop a climate action plan with specified goals for the reduction of emissions (Naturvårdsverket 2006). This means that there will exist high level political decisions about the goals of climate action. However, in order to implement substantial and effective measures it might not be sufficient to have a political agreement on the general goals. Climate concerns also have to become salient in all decisions – on different levels in the municipal administration – that have a potential impact on the climate. Often, environmental work has been delegated to a specific part of the municipal administration (e.g. the Agenda 21 process) while it has been much more difficult to introduce environmental awareness in other parts of the administration where many of the important decisions are made. An important question is thus to what degree the organisation of climate action actually involves all relevant parts of the municipal administration. Climate work has a clear potential to act as a catalyst for the involvement of, and increased co-operation between, different parts of the municipal administration, since action is required in many different sectors, as has been discussed above. In many cases there are strong synergy effects to be gained from an increased integration between the different sectors. For example, between land use planning, traffic planning and public transport or between waste planning, energy planning and housing. However, it is far from certain that such an integration will be achieved. Traditionally, each of these sectors have their own planning culture and distinct perspectives on problems and solutions which makes co-operation more difficult. Furthermore, there is a lack of natural channels for communication between the different sectors. The fact that some of the sectors often are managed by regional organisations (e.g. public transport and waste) or private companies (e.g. energy and housing) further hampers the possibilities of an integrated planning. Still, there are good examples of municipalities and regions where an increased co-operation has led to tangible results in terms of reducing climate emissions. To what extent is such an integrated planning facilitated and promoted in municipalities that have developed a climate profile?

Much of the climate work is carried out in the form of projects, often aimed at the construction of something physical such as a biogas plant, district heating or cycle paths. For example, the government subsidy programme KLIMP gives money to specific projects even though all projects within a municipality have to be presented in the same application under a common framework (Naturvårdsverket 2006). Implementation through projects is an effective way of focusing time and resources to achieve a specific goal. However, there is a risk that it also contributes to a fragmented implementation, since sectoral integration and long-term planning are more difficult to include in the project form.

Of the three municipalities that are included as examples in this paper, Kristianstad seems to have come furthest with the integration and co-ordination of climate work between sectors. Here, a general climate strategy has been developed which is followed by specific strategies for the energy, transport and agricultural sectors (Kristianstad 2006a). This suggests an increased co-ordination of activities between the different parts of the municipal administration and a common view of the problem definition. In Lund and Växjö it is more difficult to trace evidence of increased integration between sectors. The fact that climate efforts in Lund have been strongly focused on the transport sector could

mean that other parts of the administration have not yet started working with climate issues in an ambitious way. This, however, needs to be studied further.

4.4 Attitudes within the municipal administration

In her dissertation, Jenny Palm (2004) showed how the views and perspectives on energy and environment can be very different, and partly contradictory, within different parts of the same municipal administration. By studying two municipalities in detail she found that three different energy policy discourses existed in parallel with each other. The first one, focusing on the supply of energy had developed within the municipal energy companies. The second, focusing on energy use and energy conservation had developed within the parts of the administration responsible for the municipally owned buildings and within the programme to give energy advice to citizens. The third discourse, focusing on the environmental effects of energy use had developed within the environmental administration, especially as a result of the work with Agenda 21. The main conflict between the discourses was that the supply discourse assumed that energy demand would increase steadily, while the other two discourses highlighted the need of measures to make energy demand go down. The rationale of the supply discourse was to maintain a cheap and safe supply of energy while keeping within the requirements in the environmental legislation. The other two discourses had a broader and more far-reaching view on what had to be done to reduce the environmental impacts of the energy system. Her conclusion was that a strong policy coalition – consisting of the leadership of the municipal energy companies and leading politicians – was formed around the supply discourse, which therefore had the strongest impact on important decisions regarding the use and supply of energy. Thus, measures to increase energy conservation and change energy habits of households received less priority.

How does an increased focus on climate change translate when confronted with the situation depicted by Palm? Does it mean that measures which do not challenge the dominant supply discourse will be the ones prioritized? Or is it possible that the perspectives within the supply discourse are changed as a result of an increased climate awareness? Is it possible to merge the different perspectives, which means focusing both on reducing the climate impact of the supply of energy while at the same time prioritising efforts to increase energy efficiency and change energy habits.? These are important questions that need to be studied in municipalities that have developed a climate profile.

A quick glance at the three municipalities in this study suggests that in these cases there exists a broader view on problems and solutions regarding energy and environment among the political leadership, than what was found by Palm in her research. In the climate strategies of all three municipalities there is an equally strong focus on energy conversion and supply compared to energy efficiency, attitudes and behaviour (Kristianstad 2006a, Växjö 2007b, Lund 2006). It seems clear that there is an awareness of the importance not only of shifting to renewable energy sources, but also to try to reduce energy demand by different ways. Also, the transport sector receives much attention in the climate strategies of the three municipalities. However, strategies is one thing and action is something else. When it comes to implementation of projects, measures on the supply side dominate in Växjö and Kristianstad, something that corresponds to the general situation in the KLIMP programme, which has been discussed above. However, a fair amount of projects have also focused on energy efficiency and the area is not completely neglected.

4.5 The involvement of local business

The involvement of local business has been stated as an important goal in the KLIMP programme (SFS 2003:262, Naturvårdsverket 2006) as well by individual climate municipalities (Växjö 2007a, 2007b). The reasons to involve business is that they contribute to much of the emissions of climate gases and they therefore need to be engaged in the mitigation efforts. An overview of the KLIMP programme, however, shows that a majority of the projects are carried out by municipal administrations, municipal companies, regional waste companies (which are co-owned by municipalities) and regional transport companies (which are owned by municipalities or by the county council) (Naturvårdsverket 2005). In a study on climate co-operation of Swedish municipalities, Granberg (2006) has also found that a majority of municipalities do not co-operate with local business. Despite the ambitions, private companies have thus been engaged to a very limited degree. Borgstede et al (2007) have shown that the willingness of companies in the private sector to engage in local climate co-operation is low, while there is a higher willingness to do this in the public sector. They explain the unwillingness of companies to join in local climate cooperation with the “fact that prescriptive organizational norms (what one ought to do) do not seem to encourage cooperative readiness for the private sector” (Borgstede et al 2007, p. 82). Borgstede et. al thus argue that when “a ‘new’ issue such as climate change appears on the agenda, organizational actors may be leaning back on engrained logics of appropriateness, rather than jumping into the unknown (ibid p. 83). Furthermore, when firms experience lack of resources this has a strong negative effect on their willingness to join in cooperation. In light of this, it is easier to understand that climate municipalities and the KLIMP programme, to a large extent, have failed to engage local business. The mere proposition of climate cooperation is not enough to convince companies to join in cooperation. And apparently, the level of subsidies to make climate investments has not been deemed sufficient in order for companies to join in. This suggests that in order to involve local business other types of incentives are also needed. Companies need to perceive that the involvement is good for their core business as well. An alternative would be to use other policy instruments, such as taxes or regulation, to influence the behaviour of companies. This, however, lies beyond the authority of municipalities.

5 Conclusions

When it comes to the output legitimacy of municipal climate governance, it can be concluded that there are clear changes in physical output in some policy areas, mainly in energy conversion and supply and to some extent in energy efficiency, transport and waste. The municipality can make a difference and can be effective in implementing measures. However, we can also see that the municipality is heavily dependent on government climate policies. Taxes and regulations are strong drivers for municipal action, while investment subsidies enable local measures that would otherwise not have been implemented. Furthermore, there are other external factors that influence the possibilities of municipal action, such as the fact that private, regional or state companies control energy supply, waste management or transport or the larger economic and cultural trends in society. As Bulkeley and Betsill (2005) has pointed out, the pressure of the global economy on municipalities to be successful economic units often makes it difficult to live up to the rhetoric of climate protection.

While we can see some physical output, it is less certain if there are more long-term changes within municipalities, regarding the organisation of climate governance, the views and attitudes within municipalities, the priority of climate change vis-à-vis other policy goals and the co-operation with other actors. A quick overview of the three municipalities in this study suggests that there are some improvements in e.g. the integration of climate action between sectors but a tentative conclusion is that more thoroughgoing changes are slow to materialise. This points to some interesting questions. Will the adoption of a climate profile lead to long lasting effects on municipal work on climate change or is it only business as usual with a little more focus on climate mitigation measures? Should we expect that climate work changes governance practises within municipalities or is it enough that there is an increased focus on carrying out physical measures? These questions address, on the one hand, the normative question of what municipalities *should* do and, on the other hand, the empirical question of what they *can* do. Is the changing of practices, organisations, views and priorities beyond the scope of municipal decision making and something that needs to be addressed on a much more general level and scale? Or can municipalities function as pioneers in this development as well? These questions are only raised here and no attempt is made to answer them.

Regarding the decision making process it can be concluded that climate governance in Swedish municipalities has not contributed to any innovations in citizen participation. Decision making is carried out in the traditional forms, within the municipal administration and political process. Input legitimacy thus depends on the overall legitimacy of local political decision making. However, the rhetoric on citizen participation has been fairly modest compared to e.g. the Agenda 21 process, environmental impact assessments or land-use planning, where citizen participation has been brought forward as an essential part of decision making, but where actual participation is often limited (Henecke and Khan 2002). Thus, the gap between rhetoric and reality has not been so pronounced. The question is then, is there a need for increased

citizen participation in municipal climate governance? Maybe it is fine that policy decisions are formed through an interaction between civil servants and politicians, as long as the policies are accepted by citizens and considered as legitimate? Looking at the types of measures that municipalities have implemented this argument seems convincing. Conversion from fossil fuel to biomass and expansion of district heating is hardly something that calls for extensive citizen participation. Likewise, for measures to increase energy efficiency or affect travel habits, information and subsidies seems to be the most appropriate form to engage citizens. But there are also strong arguments to be made for the need for an increased participation. To start with, there is a vital connection between input and output legitimacy. When more controversial measures are being introduced, such as the siting of wind power plants, the lack of participation can lead to a lack of input legitimacy, which in turn can hamper the introduction of wind power in the Swedish energy system (Khan 2004). Furthermore, if wind power is regarded as something negative among the local population this can mean that wind power in general will not be regarded as a legitimate response to combating climate change (Khan 2003). Thus, there is a benefit of involving citizens in a continuous discussion over the importance of climate action and the types of measures and solutions that are appropriate and legitimate at the local level. This is further strengthened by the fact that many of the measures used by municipalities aims at changing attitudes and behaviours among citizens. Success, thus, relies on the implementation of small measures by many people. It can be argued that active citizens who have had the chance to influence the agenda formation, are more likely to adopt new ideas and change their behaviours. A second reason not to be content with the low degree of citizen participation concerns the democratic quality of the process. Those who are affected by policies should be given the possibility to take part in decision making. With an increased citizen participation it is possible that the priorities of measures would have been different. There is a risk that the focus on technical projects serves as a way for local authorities to avoid other types of measures, which call for an increased level of citizen participation.

The aim of this paper has been to start a discussion on the quality and character of climate governance in municipalities that are regarded as pioneers in this area. This has been done by using the concepts of input and output legitimacy. Since the paper has been based mainly on earlier writings on the subject, and since the empirical material has been limited, the conclusions should be viewed with care. They are not definite statements about how it looks like in climate municipalities in Sweden, rather they constitute a starting point for further research.

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New institutions are not sufficient

By Anne Bregnballe

Abstract

In December 1995 I attended a national conference about Sustainable Development organised by The Research Council of Norway. The panel at the conference concluded in their report that: *“Today there is a certain degree of agreement that limits exist to material development, and that the material standards which distinguish our society are not attainable as a global average.”* And that *“Neither in Norway nor in other comparable countries (are) there processes or concrete changes of course adjusted to the extent of the problems.”*¹ After more than 10 years’ work we seem to be even further away from a sustainable development than we were. How is that?

In this paper I will suggest some answers based on my thesis. Empirically the thesis is based on a three years’ case study of a Local Agenda project from 1996 – 1999 and further text analyses of some of the most important Norwegian research programs about sustainable development from the middle of the 90s until today. I find a dominant tendency in these texts and practices to blame the population for so little being done. The problems in the work for a sustainable development are defined – explicitly or implicitly – to be their attitudes and interests. What is needed is more technocratic steering and more scientific knowledge; partnerships between public authorities, private enterprises and organizations and information campaigns to enlighten the population.

My interpretations are different. It is precisely these constructions of the population, of relations and of knowledge which are the problem. They contradict and undermine the purpose of dialogue with citizens concerning global environmental and development issues, and they hinder normative and challenging discussions and actions. In the first part of the paper I will illustrate how this happens by presenting some interpretations from the case study. Then I will introduce Foucault’s analyses of secular pastoral rationalities which are used as a frame of interpretation of practices in both the project and in the further analyses of research programs.

Foucault’s proposition is that new institutions seldom change practices if the rationalities remain the same. We therefore have to find ways to expose and unmask secular pastoral rationalities so that they can be defeated. In the last part of the paper I examine how this might be possible in the light of Habermas’ discourse ethics and deliberative democracy. I conclude the paper with some suggestions of what social scientists might do.

¹ My translation (Norges forskningsråd 1996:1, page 27)

1 The case study of a Local Agenda 21 project

In 1996 a pilot project called "Sustainable Local Communities" (SLC) started in 1996 in seven municipalities in Norway. It was initiated and managed by the Norwegian Pollution Control Authority, which is a directorate under the Ministry of Environment. In the national plan the goal was said to be to start dialogues between the local population and local and national authorities on global and local problems concerning the environment and development. Problems and strategies for change should be formulated in these dialogues and they should lead to concrete actions and long-lasting processes in all levels and institutions in society in order to attain "sustainable production and consumption".

The project seemed to have a rather radical understanding of 'sustainability'. The national plan stated that 'sustainable' is not only about distribution in time between present and future generations, but also about distribution in space, between rich and poor parts of the world's population. In addition, the plan also mentioned that "*both composition and level of consumption and production of rich countries must be assessed*".²

The project could be interpreted as having a normative basis similar to Habermas' normative theory about the necessity of a public sphere where there is an undistorted communication about the common good. My question was: What are the obstacles and possibilities for establishing a dialogue between lay people and public authorities about environmental and developmental problems which can lead to new discourses and changes of practice?

My study followed one sub-project in Sustainable Local Communities in one of the participating municipalities from 1996 - 1999. I chose the sub-project "Green families" because it was the only one where lay people and citizens (and not for example leaders in organisations) were supposed to participate directly.³ More than fifty families enrolled voluntarily as participants.

The empirical material was comprehensive. It included: (i) National and local plans for the project, (ii) written information to the families (newsletters, invitation to meetings, diverse information (including one book) about specific topics from governmental institutions and voluntary organisations), (iii) practice in the project – field work with observation and recording of what was said, (iv) evaluations of the project done by local and national project leaders and by research institutes and consultants and (v) three 2-4 hour in-depth interviews with 9 participating families (17 adults) during the course of the

² My translation from the national plan, page 5 (Statens forurensingstilsyn 1996)

³ The project has the same name as a project initiated by a voluntary organization, called Miljøheimet, but it was supposed to be something else than that. It was explicitly mentioned in the official plans that the SLC project in contrast to Miljøheimets Green families should be based on dialogues about problems and solutions and should have a holistic approach (Bregnballe 2005)

project from November 1996 to May 1999. For each of the texts and social practices I asked (with Foucault 1972, 1980): How are knowledge, subjects and social relations constructed and what are the relations to other texts and practices?

1.1 The construction of environmental and development issues by interested lay people

My interpretations of what the participating families told me in the interviews are as follows: The most important environmental and developmental problems according to the families are global: the greenhouse effect, the ozone-layer, pollution, consumption of non-renewable resources, global poverty and suffering, and the high consumption and lifestyle of (most) people in rich (and some poor) countries. The families said that these problems were important for them in daily life and for their life quality because (i) they fear that the problems will get worse in the near future, (ii) they think that the suffering of people in other countries is distressing and a moral problem for us in rich countries and (iii) they feel that the life style in Norway is causing stress and is too focused on material things and they find the pollution of food, air etc., scary and frightening.

The families joined the project partly because they were sceptical of the politicians' and institutions' ability and will to do what is necessary. They hoped to meet other people and form a community, which could discuss the problems and do something other and more than had been done up to now, by for example influencing public opinion and politicians. They also hoped that this community could help them to "choose the best of themselves". They felt that the power of the consumer society was so strong that they and other people needed help to choose what was right. While they distrusted the will of public authorities, neither had any hope connected to economic actors and did not "feel at home" in existing environmental organisations, they had a qualified hope that "ordinary people", the grassroots, could form a community and place pressure on public authorities.

What was especially characteristic of the families compared to the Norwegian population statistically was that they were families with two adults and 1-3 small children. I don't think that that is accidental. I have interpreted this as being attributable to (i) the future having another, more concrete meaning as being the time when our children/grandchildren are adults, (ii) that suffering of innocent children in the "normal" structural violence of our global system, in wars and in boycotts etc. which we primarily experience through mass media, is more distressing and appalling when you as a parent get close to children and (iii) the dark side of our consumer society is very obvious for parents with children made sick by pollution, having good neighbourhoods for play destroyed by traffic and parking places, seeing how their children are under pressure to be small "consumer-terrorists" and always feeling that they have too little time for their children.

I have borrowed some metaphors from other social scientists to describe the families' motivations for joining the project. One is their wish to overcome the "tragedy of the common" or "prisoner's dilemma" by forming a community to overcome the powerlessness of the individual. Another is that they wanted to "put sticks in the centrifuge of daily life" (Andersen 1997). This metaphor is used to describe how private life is felt to be too stressful and busy and that there will be a hole in the middle symbolising the missing community with other people, including family members.

The third metaphor is "responsible well-being" (Chambers 1997), which I find very illuminating. The families wish to live a "good life" which for them means security, good

health, social life, love, a meaningful job and leisure time and material goods. The material values are seen as important for them, both as consumers and as citizens. But at the same time they want to live a life based on responsibility for the environment, for coming generations and for poor people in the world today. It is as citizens, fellow human beings that the families wanted to participate in dialogues and in concrete public and private actions. They wanted to participate in an evaluation in society of the value of increased consumption and economic growth compared with other values and interests, such as life quality and consideration for the environment and fellow human beings. The families thought that we need to make priorities as individuals and as a society – we can't "have it all".

1.2 Processes and content of the project

So what happened in the project during the three years? The answers are dependent on who you ask. The families' evaluation was that there was no dialogue at all and, based on my interpretation of the practices in the project and my interviews with the families, it is also my conclusion. The families were constituted as listeners and spectators to experts' information and as informants who were asked to measure different things in the household, e.g. the content and wage of their garbage and their consumer habits. They were not constituted as active citizens with important contributions.

Furthermore, they were constituted as individual entities: They did not get to know other families and therefore no sense of community was established. This constitution of the families was done both in the texts of the project (what was being said and by whom in plans, meetings and newsletters) and in other social practices (for example how chairs and tables were placed in the meeting room, and how the project leader defined himself as the intermediary for all information in the project).

There were alternative voices, but in most instances very tiny ones. The national plan focused upon dialogue and participating learning and doing, but these concepts vanished in practice and in the concrete plans and texts written by the national and local project leaders. They were replaced by one-way communication from "experts" and project leaders to the families.

As to the construction of the problems in the project, the project leadership monopolised the definition of realities. The project focused, in my interpretation of the project and of the families' discourses, on traditional, individual, small things that the families could do at home or as consumers. The global dimension disappeared totally, and so did the idea of making changes in society. 'Knowledge' was constructed as what traditional "experts" (for instance the project leaders and people from the Energy Company and the big store selling some ecological products) could tell the families and as the measurement and statistics of consumer habits. As a consequence of dissatisfaction with both processes and content of the project, the nine families left the project after about six months and so did maybe 50 of the participating 54 families.

Then, what did the national and local project leaders, helped by consultants and social scientists, say about the project in their evaluations? The evaluation reports were very positive, and they stated that Green families in the SLC project had been a success and so had all the other sub-projects in all seven municipalities. In the evaluation reports the ideals from the national plan emerged again in the headings: holism, global environmental and development problems, including the global poverty problem and the need for thorough changes of society. The examples of actions taken in the project were

household garbage sorting, use of energy-saving bulbs and nature trips. This I interpret as the following: These ideals, including 'sustainable development', are co-opted by the system. The same happened to the concept 'dialogue'. It emerged again in the evaluations, and the activities, including information to the local population, were used as examples of dialogue and citizens' participation.

But, there was a 'but' in all evaluations: There seemed to be some problems with local people and the families. It was not always stated explicitly but was often more of a tacit assumption in the texts. The following statements and recommendations for new projects are more or less common in all the evaluations and illustrate this:

- It has been difficult to establish a network between the families (e.g. they are individualists)
- It is better to build on already existing organisations and use their key persons/leaders
- The families/local people need leaders, for instance politicians and local administrators, to inform, encourage and guide them
- The families/local people are not very interested in environmental problems, especially not global problems. It is difficult to activate them and projects should focus on private and neighbourhood activities
- It can be useful to use economic incitements and more individual measuring of household changes to motivate the families

The project leaders' recommendations are on the whole just the opposite of what the families had suggested in the interviews and what I would have suggested based on my interpretations of the project. The leaderships' suggestions are pretty much the same as the actual content and form of the project; they just suggested more of the same. My interpretation is that the project leaders (and also to a high degree the involved research institutions) were stuck in exactly the same discourse as when they started.

1.3 Why did the project develop as it did?

Neither during the project nor in the evaluations did the project leaders talk with the participating families. The researchers involved in the evaluations did not either, and they based the evaluations exclusively on what the project leaders said or wrote in the plans. They did not study the concrete practices in the project. My interpretation of the project leadership (together with municipal and national authorities) and the research institutions was that their constructions of the population (the participants), of democracy and of knowledge were opposed to the formulated ideals in the national plan and in LA 21 processes in general. If we already know who people are and what they want, we don't have to talk with them, especially not if they are so egocentric and consumer-oriented as we think they are. And if we already do have a "perfect" democracy, e.g. a society where leaders represent the population and know better than the population, then why have a dialogue? And if knowledge is the same as 'experts knowledge', why then bother to talk with lay people? These questions illustrate that in such a discourse, 'dialogue' as a 'two-way communication' loses its rationale and is better understood as 'information to people'.

The practices in the project seemed to build on such assumptions, and they were not challenged during the project. The families did oppose them in the interviews, in the research context of their own homes. But in the public context of the project they did not

show their resistance – they just left the project, quietly. The project leaders also opposed some of these assumptions in the interviews with the social scientists. They said, for instance, that the project was only about small consumer questions and that there was a necessity for challenging the political institutions and the capitalist economy. But in the official practices of the project they seldom talked like that or suggested actions to meet such challenges.

The case study inspired me to further studies of Norwegian social research of sustainable development and LA 21 processes. I wondered if these assumptions about population, knowledge and power relations/democracy were widespread in institutions involved in the government for sustainable development, e.g. in local and national government institutions and involved social science. If they were, they could help to understand the development of the project and more generally: Why the work for a sustainable development is characterized by high ideals and small practices and why so few protest.

2 Biopolitics and secular pastoral rationalities

My further analysis showed that the assumptions in the project seemed to be part of dominant discourses in central governmental and scientific texts about sustainable development.⁴ These discourses can be related to Michel Foucault's analysis of governmentality and biopolitics and thereby show how the politics of environment and development has become part of the biopolitics of the modern state (Foucault 1980, 1982, 1987, 1988a, 1988b, 1990b, 1991, 1995).

Foucault introduced the term 'biopolitics' in 1976 to express the way that life and its mechanisms become objects for calculation and government and power – knowledge becomes a factor that transforms human life (Foucault 1995). The exercise of biopolitics is accomplished by "*the associations formed between entities constituted as political and the projects, plans and practices of those authorities – economic, legal, spiritual, medical, technical – who endeavour to administer the lives of others in light of conceptions of what is good, healthy, normal, virtuous, efficient or profitable*" (Rose and Miller 1992:175).

According to Foucault, secular pastoral rationalities are the prototype of biopolitics in modern government. The concept of pastorship connotes both the relations between the good shepherd and his flock in Christianity and the relations between the abbey and the monks in the monasteries. Used in my analysis secular pastoral rationalities in the project can be described as the following:

Pastoral relations are moral relations: The leaders care for the population and for each individual and they help them to salvation. Through this moral commitment the leaders gain salvation themselves. In modern pastoral relations the salvation is not religious, but implies health, well-being and security. Through the technologies in the project, the participating families were offered help to improve their health and daily life, also economically, and to reduce their supposed bad conscience. Thereby they were participating in the important project of achieving a sustainable development and showing the nation's involvement and care for future generations and poor people in other countries.

As the flock needs the shepherd, the population needs leaders. The necessity of governance of project leaders was emphasized both explicitly and implicitly throughout the project: They know what's best for the whole population and for the individual, and

⁴ In the end of the paper I have attached a list of the analyzed texts. Most important amongst the analyzed scientific texts is two research programmes about sustainable development financed and organised by Norges forskningsråd (The Research Council of Norway), ProSuS and RAMBU. Considering ProSuS, I have analyzed most of the research accomplished about Local Agenda 21 from 1995 until 2005. RAMBU started in 2001 and I have analyzed the comprehensive plan for the project (Norges forskningsråd 2001).

they have to inform, inspire, organize, control etc. These tasks require that the leaders know people's minds, souls and details of their actions. The individuals are supposed to accept this guidance. In the project the families were supposed to confess their thoughts, actions and sins (for instance using a car to drive their children to the kindergarten or not having a hotbed) and to work with themselves to change attitudes and actions. They were not forced to do this, but according to pastoral rationalities it was in their own interest and it would prevent them from getting a bad conscience.

In pastoral rationalities the system is basically good and just. There are no deeper conflicts of interests or values, and the leaders in society are taking care of everyone. Consensus is a priori supposed to exist, and there is no need for normative dialogues or radical changes. This view on society and relations characterized the project and can be related to the focus on the families' tasks as being to work with themselves and their own attitudes and actions.

In the research programmes of sustainable development the population is primarily constructed as consumers and households, and seldom, if at all, as citizens, voters or participants in organisations and communities. The population is constructed as ignorant and is delegated the role as receivers of information from experts and as consumers. The knowledge needed in the work for a sustainable development is technological, scientific, administrative and not least economic. It is an objective knowledge which only science can provide. The programmes don't argue for the necessity of normative dialogues or for democratic and political processes. In fact, they don't mention such questions. Also the power relations are in accordance with pastoral rationalities: The institutions involved in the government are a priori good and just and no major changes are needed. The most important actors in the work for a sustainable development are public administration, research institutions and enterprises.

Many of these characteristics of the Norwegian environmental politics and politics for a sustainable development have been revealed by other researchers (Jansen and Mydske 1998, Mathiesen 2003, Nyhagen 2003, Reitan 2001, Straume 2005). The concept of secular pastoral rationalities illustrates how these constructions of knowledge, relations and the population are interrelated and how they are part of deep and powerful structures in modern societies.

A comparison of the research programmes and official governmental documents about sustainable development shows that they are so similar that it is reasonable to talk about a co-production of knowledge. This is also the conclusion of other Norwegian researchers concerning environmental politics (Asdal 2002). Social scientists are deeply involved in biopolitics, not least because they are involved in the knowledge production used in the governance of the population.

In the studied research programmes and in the evaluations of the project the population is treated in a way similar to Foucault's picture of scientific knowledge (Foucault 1967, 1973). He has argued that scientific knowledge treats human beings as objects of analysis in such a way that they are objectified and dehumanised and therefore have lost their rights to participate in the discussion. Foucault also argues that science "proves" its own prejudices because scientists impose their own presumptions and prejudices on the objects of analysis and invent the identities of the persons being studied. Later they read the behaviour of people as manifestations of the categories which they have invented, thereby reinforcing the assumption that they are producing a true account. This is precisely what happened in the studied project. The analysis of the research programmes indicates that these processes are widespread in those parts of social science which are deeply involved in the biopolitics of sustainable development.

3 The combination of a secular pastoral game and a democratic game

“Our societies proved to be really demonic since they happened to combine those two games – the city-citizen game and the shepherd – flock game – in what we call the modern state.” (Foucault 1990b:71)

When Foucault talked about the pastoral game of truth (the shepherd – flock game in the quotation), he wanted to illustrate how pastoral rationalities work. A game involves certain knowledge and certain rules which all actors have to follow if they want to participate in the game. In the pastoral game all actions must relate to pastoral rationalities. This does not mean that all actions in a society have to obey pastoral rationalities, but it means that all actions have to relate to them. The resistance and challenge of pastoral rationalities is always a possibility. The consequences of resistance might however be exclusion from the game.

Another game being played in modern societies is, according to Foucault, “the city – citizen game” or the democratic game. By this game, Foucault understood the juridical – political formal system guaranteeing a system of rights and free and autonomous citizens participating in a democratic government. The self-presentation and the formal principles of modern institutions are that it is the democratic game that is played, but concrete practices are rather characterised by the pastoral game according to Foucault. Biopolitics is legitimated through this self-presentation (Foucault 1980, 1990b, 1994, 1995).

Both the studied project and the research programmes of sustainable development consisted of these two games: the pastoral game and the democratic game, here understood as the Local Agenda 21 game. They were played simultaneously in most texts and in some practices. But lesser space and time was used on the LA 21 game and it seldom involved the use of other technologies than verbal. The LA 21 game was mostly referred to in formulated goals and headlines. Although the LA 21 game was little developed, it played a major role in the technologies at work. The reason is that the studied project and research programmes gave the impression that it was the LA 21 game that was played, while the dominant technologies in use showed that it was in fact the pastoral game that was played.

The consequences were that the LA 21 discourse of democracy and dialogue with the citizens were constructed and interpreted as information from experts and consumer democracy. The global environment and development discourse of LA 21 was interpreted in such a way that enlightened consumers could work with solutions to the problems. A requirement for the work of these translations of LA 21 discourses was the combination of the two games: The creation of the impression that it was the democratic LA 21 game that was played.

The secular pastoral game creates subject positions from which the game makes sense. Individuals must take these positions if they want to be part of the game and to be taken seriously. In that way they become the bearers of the power-knowledge of the pastoral game. But it is not inevitable that all individuals become the subjects of the pastoral game for resistance is possible, although it may be both difficult and “costly”. The families that I studied did not become subjects of the game, but they found it too difficult to oppose pastoral rationalities inside the project. Instead they left the game. If they had adapted to their subject-positions in the project and created themselves as sinful consumers with need for guidance and control, they could have been integrated in the project.

The other actors stayed in the project and did not oppose the game officially. In my interpretation, that might be related to their participation in the project as experts and professionals. Most professions involved in the government and biopolitics of the modern state are socialised in institutions characterised by the same secular pastoral rationalities. To be counted as an expert in modern institutions is to a high degree to accept the pastoral game. Professions, as well as representatives from the business, are invited to participate in the work for a sustainable development as experts representing the rationalities of their respective institutions and not as citizens. They are expected not to let their “private” moral standpoints influence their work.

When the pastoral rationalities were not challenged, the ideals and practices of LA 21 and sustainable development were interpreted according to these rationalities. At the same time the ideals were kept in formulated objectives and headlines as the self-presentation of the official work for a sustainable development. Thereby the population got both the responsibility for the problems and the responsibility for the (unsatisfying) solutions. That might be called – using Foucault’s words – demonic. And considering responsible and sufficient political actions to the global environmental and development challenges this double play is part of the problems, not of the solutions.

4 Is deliberative democracy the answer?

“It seems to me that the real political task in a society such as ours is to criticize the working of institutions which appear to be both neutral and independent; to criticise them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight them.” (Foucault in Rabinow 1991:6)

The objects of the LA 21 project of creating dialogues between citizens and political authorities can, as mentioned, be related to Habermas’ normative theory about the necessity of a public sphere where there is an undistorted communication about the common good. Habermas distinguishes between two different forms of rationality: (i) the technological-scientific-strategic, associated with the system world and (ii) the communicative-ethical, associated with the life world. He wants to strengthen the latter and thinks that the life world’s rationality is a necessary corrective to the rationality of the system world (Habermas 1975, 1981).

The case study shows that the rationalities, realities, values and interests of the participating citizens were other than those expressed in public by the public authorities and involved experts. If they had been heard, they could have been valuable and important contributions to political dialogues and decisions concerning the environment and development issues. In that way the study strongly supports Habermas’ normative theory about the necessity of a public sphere where citizens can be heard. The study also shows how dominant technological-scientific-strategic rationalities in the institutions involved in the governance need to be challenged by communicative-ethical rationality if we are to approach global problems and sustainable development in a more responsible and radical way than today.

So the case study confirms the relevance of the ideal of a deliberative democracy at the same time as it illustrates obstacles to the realisation of the ideal. The analysis of these obstacles supports Foucault’s analysis of how new institutions or changes in procedures and rules seldom change practices if the rationalities remain the same. Therefore the rationalities must be unmasked so that we can fight them, as stated in the quotation above. The question is how?

Habermas’ discourse ethics has inspired many theoretical discussions about, and further revisions of, deliberative democracy and also attempts to realise it in practical politics. In the following I will contribute to these discussions by showing how we have to look for ways to expose and unmask secular pastoral rationalities in the framework of deliberative democracy and discourse ethics. I present the discussion in five sections.

4.1 High ideals and good intentions

Concepts of a deliberative democracy as well as the concept of discourse ethics are ideals, e.g. something we can strive to achieve. Foucault was sceptical to the formulation of such concepts as ideals because “everything is dangerous”. He formulated an important critique when he argued that all institutions and relations are fused with power. This means that the ideals of an undistorted communication and dialogues without dominance are unrealistic. It is problematic and “dangerous” if institutions, including deliberative forums, present themselves as neutral and independent.

My study supports this view and illustrates how ideals can function as a cover for what’s really going on. Still I think that we need ideals, for instance that the dialogues should take place with as little dominance as possible.⁵ What is important however is to realise that neither laws, rules, ideals nor good intentions can guarantee the implementation of the ideals. One would think that it is unnecessary to point out that ideals are not the same as practices. But obviously it is not, as my study and other analysis of Norwegian environmental and development aid politics has shown. Examples of the latter are concepts being introduced, such as “the discourse/the regime of goodness” and “engagement politics” (Tvedt 2003, Østerud, Engelstad and Selle 2003).

A consequence of the necessity to separate ideals and practices is that we need to find ways to make the constant investigation and questioning of practices easy in deliberative forums. And it must be easy for all participants because the realities are not necessarily the same for all. It can not be taken for granted that e.g. the citizens share the same reality as the involved experts and project leaders. Therefore it is unacceptable to accomplish evaluations of processes and projects by only talking with the project leaders, as was done in the studied project. Critique of pastoral rationalities should be regarded as a normal and positive activity. The possibility for such a critique might be institutionalized in deliberative processes.

4.2 The participation of citizens is necessary

The concept of deliberative democracy is used in many different ways. It is often interpreted to indicate the importance of arguing and discussing before decisions are made. In that interpretation it is not important who the participants are. My study suggests that the participation of people constituted as citizens is essential for establishing normative dialogues about sustainable development. When the topic to be discussed might challenge established powerful institutions and practices, it is unlikely that the same institutions, eventually in partnerships, will suggest and work for such changes. Professions, leaders and employees in established institutions will probably represent the rationalities of their respective institutions in partnerships for sustainable development. And these rationalities seldom include care for e.g. the climate problem or global poverty. On the contrary, such problems are often incentives for new projects and income possibilities for institutions and professions.

In partnerships without the participation of citizens secular pastoral rationalities (technological-scientific-strategic rationalities) will barely be challenged by communicative-ethical rationality. My suggestion is therefore that we have to establish dialogues and cooperative institutions where the voices of the citizens can be heard. The easiest way is to invite lay people to participate. In addition we might start to reflect on

⁵ This was Foucaults suggestion when he was pressed to formulate an ideal (Foucault 1987:18)

possibilities for professions and experts to be constituted and to constitute themselves as citizens in partnerships for sustainable development.

4.3 All expressions and contents are welcomed

The discourse ethics of Habermas has been accused of emphasizing one way to talk (rational, logical argumentation) and excluding other ways such as narratives and feelings. (Benhabib 1992, Lyotard 1986). In addition it is criticized for the claim that only common and universal interests should be expressed. My study leads me to the assessment that many of the norms and rules of discourse ethics are undesirable. They might create fear, and they will favour dominant discourses and the professions and people in power. The consequences might be that dominant rationalities and discourses will remain unchanged.

In order to create new discourses and actions, we need freedom of expression in practice and the creativity of all participants. It should be allowed to express whatever one wants to, also private and sector interests. Furthermore emotional and engaged statements and critique should be welcomed. The possibilities for expressing laughter and paradoxes are also essential as it is part of lay people's languages and "means of struggle" against for instance oppression and presumptuous professions (Torgersen 1999).

4.4 The objectives of the dialogues

In connection with the former section is the fact that conflicts should be welcomed in deliberative processes. The objective of the dialogues should not primarily be to achieve consensus. In the studied project and in other experiments with deliberative democracy, consensus has been interpreted both as a necessary starting point of discussions and as a rule guiding all practices. This is undesirable. Common interests and common interpretations/realities should neither be the starting point, a rule or a measurement for the success of the dialogues. Common interests and consensus may however be created and be a consequence of the dialogues. The probability of this happening is, in my interpretation, higher if different realities and opinions meet in the dialogues. Conflicts between interests are productive, and they are not dangerous. The objective of the dialogues could, instead of primarily being the achievement of consensus, be for instance to give citizens the possibility to participate in open discussions and holistic assessments about politics, common interests and the development of society.

4.5 The power of established institutions must be challenged by design

The power of established rationalities and institutions work through many different mechanisms, and if the actors planning deliberative dialogues are not aware of these they will probably be reinforced. Deliberative dialogues where citizen's voices can be heard must be allowed to be decoupled from the traditional specialisation of governmental institutions. That includes both the horizontal and the vertical specialisation. Citizens' realities and communicative rationalities transgress such limits and the limits must by design be hindered to work in new institutions and practices of deliberative dialogues.

The power of professionals and experts must also deliberately be diminished. As mentioned, the families in my study did not challenge the practices in the project although they were very unsatisfied. One reason was that there was no room for that in the project: It was not part of the dominating pastoral game. It would have demanded a lot of courage and self-reliance to do so. Another reason – connected with the first one - was that they did not know if they were the only ones who were dissatisfied because they had no contact with each other. They blamed to a certain degree themselves or thought that they were different from all others and as such they felt powerless. A way to overcome this powerlessness is to make arrangements for communication between participating citizens a central element in deliberative projects. Participating lay people should get the opportunity to form a community to balance the power of professionals and experts. As a collective they can challenge secular pastoral rationalities and they can also help professionals to find and create new roles, e.g. as proper facilitators.

5 How can social science contribute?

“Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and to build up what we could be to get rid of (a) political double bind, which is the simultaneous individualization and totalization of modern power structures.” Foucault (1982:216)

For social scientists who believe in the necessity of an extended rationality in contemporary society and policy and who want to contribute to this, I think there is work to be done.

My study points to several possible tasks.

We have to recognise the discursive power of social science and its relationship to other, often dominant, rationalities as a basic. It is all too easy for social researchers to be more or less inscribed in the dominant discourses of society. We have to reflect on how our own and others' contributions are political, and we have to be ready to challenge and unmask secular pastoral rationalities. This is not an easy task!

It is necessary that we work actively against our own contributions being perceived as the objective picture of social reality, by showing that our interpretations are made by situated persons and by “opening up” for complexity and multiple voices. This is essential if social science wishes to contribute to deliberate dialogues in which lay people want to participate. Lay people are probably not very interested in using their time in discussions with “experts” who think they know better.

And who knows better? I think that it is essential that we eradicate the concepts ‘expert’ and ‘lay people’; that we destroy these binary oppositions (Derrida 1981, Hekman 1990). The environment and development problems demand, in my opinion, that we challenge these concepts and their implicit asymmetrical social relations. Who are the experts, on which topics are they experts and in which contexts? Is, for instance, the representative from the Energy Company who knows a lot about the economy in using energy-saving bulbs, or the social scientist who knows what the Brundtland Commission “really” meant, to be considered as more of an expert on how we want our future than the laywoman with three children?

I don't think so and therefore I suggest that we refuse to be the experts that we are (being constituted as)! Then we can begin to imagine and build up what we want to be instead. Several social scientists and philosophers have already started this work, for instance Flyvbjerg (2001), Irwin (1995) and Stengers (1997).

Pastoral rationalities and the related technologies often operate in small things. To see this power, we need intensive studies that are close to social reality (to people, texts,

institutions and processes) instead of studies primarily being close to ideals, plans and good intentions of dominant institutions. We also need more narratives showing lay peoples' realities and confronting them with the realities and knowledge of dominant institutions. And we need narratives showing the existence of citizens who care and who are interested in global environment and development issues. I am sure that we will find them, if we search for them.

Social science can help to construct new pictures of the population, of lay people and of experts in their role as citizens, and in contexts where we are at our best. We can try to amplify these stories. When presented in the public sphere, they can challenge dominant discourses and "open up" social reality – and influence who we think we are and who we would like to be. I think that this is a prerequisite for a more radical and responsible politic concerning the global environment and development problems.

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In addition documents from the local project

Discourse on democratic legitimacy of forest and nature conservation policy in Finnish print media: key principles and framework for analysis

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Abstract

Forest governance around the globe has been in transition from “top down” or hierarchical approaches to new patterns of interaction, known broadly as “policy networks”. The increasing number of institutions related to the latter type of governance underlines the importance of public discussion through which individual actors affect socially constituted, self-regulating mechanisms that create institutions and shape individual behavior.

The objectives of this study are to: 1) test and refine conceptions of democratic legitimacy and corresponding research instruments that especially facilitate study of public support to forest regime and 2) develop further the conceptual framework of legitimacy in order to better understand different dimensions of legitimacy, especially democratic legitimacy, and their relations.

The overall structure of the study is as follows: section 2 analyzes theoretical conceptions related to democratic legitimacy. The outcomes of section 2 are specifications concerning the structure of the legitimation statement; these are presented in section 3.2 and then applied in section 3.3. Section 3.1 describes the data. The analysis also suggests a reformulation of the framework of Hurrelmann et al. (2005a), presented in section 3.3. The empirical part of the study explores the print media discourse, based on the ‘letters to the editor’ in three newspapers and in one journal (n=547) and the comments received during the preparation of the Finnish National Forest Program (n=140). The empirical analysis depicts some of the most typical schemata found in the empirical data. The analysis also separates out a group of principles that are essential to the sovereign liberal democratic constitutional state and separates performance evaluations into distinct dimensions because these are considered as conceptually different from the principles of “core legitimacy”.

1 Background

1.1 Why are studies of legitimacy needed?

Matti Peltola [Managing Director of the Federation of Harvesting Enterprisers, 29.8.2003] denies the environmental movements' right to demonstrations by saying that "An organized society can not be ruled by the irresponsible extremist movements but has to set the limits for commonly accepted activities". In western societies, the freedom to demonstrate has traditionally been understood as a generally accepted and important value that should not be undermined lightly. The stigmatizing of nature conservation organizations as "irresponsible extremist movements" reminds me of UN Secretary General Kofi Annan's important message: "Terrorism [...] is used increasingly as an excuse for demonizing political opponents, for repression of free press, and for nullifying the justified demands for a change of social defects". The criminalization of demonstrations in forests represents exactly the same attitude. A balanced civil society will then be only a remote dream.

Sini Harkki, Forest Expert, Finnish Federation for Nature Conservation (a letter to the editor in *Helsingin sanomat*, 21.9.2003; translated by Rantala)

Forest governance around the globe has been in transition from "top down" or hierarchical approaches to new patterns of interaction, known broadly as "policy networks" (Glück et al. 2005). These patterns include a wide range of new institutional arrangements, such as international forest processes, national forest programs and forest certification, and emphasize voluntary self-organization of involved interest groups and devolution of power. A general understanding is that network governance has raised difficult questions of accountability, responsiveness, and effectiveness, and in general, the "rules of the game" in a new situation. In other words, the new forms of forest governance pose challenges to the *legitimacy of forest policy and forest regime* that are by nature different from those of hierarchically-organized regimes.

The forest regime of today consists of the legally binding institutions, sanctioned by the court system, and non-legally binding "soft" institutions that are in principle more voluntary and more open to interpretation. The increasing number of the latter type of institutions underlines the importance of public discussion in which "individual actors affect the discursive realm through the production of texts, as well as the processes through which discourses provide the socially constituted, self-regulating mechanisms that enact institutions and shape individual behavior" (Phillips et al. 2004).

The citation at the beginning, published in the 'letters to the editor' in the major newspaper of Finland, displays some of the main topics of this study. The stimulus for its writing was a legal reform concerning the limitation of public demonstrations in felling

sites that was introduced in the National Parliament. Matti Peltola, a representative of the Federation of Harvesting Enterprisers, opened the discussion by defending the initiative. Several responses were given and among them was Sini Harkki's reply that is cited above. The text uses vocabulary that refers to political community ("organized society", "western societies", "civil society"), society's key institutions (laws ["criminalization"] and "free press"), the normative principles that are suggested to be acceptable or unacceptable ("commonly accepted activities", "generally accepted and important value", "rights", "freedom", "repression", "irresponsibility", "extremism", "terrorism", and "balance" of civil society) in the context of a broader value system ("western" societies). The key theme of the writing was to defend one form of public participation, namely demonstrations.

Apparently, the patterns of network governance are also reflected in the discourses on forest policies. More importantly, the analysis of political texts can reveal how discourses are linked to each other. In addition to the citation of Matti Peltola's text, the writing cites Kofi Annan's speech and also refers to the wider international community ("western societies"). The policy networks exist not only through physical face-to-face communication but also in the forms of public texts that are cited in other texts. Phillips et al. (2004) take this even further and claim that institutions are constructed primarily through the production, dissemination, and consumption of texts, rather than directly through actions. Furthermore, "actions may form the basis of institutionalized processes, but in being observed and interpreted, written or talked about, or depicted in some other way, actions generate texts" (ibid.).

1.2 The conception of legitimacy and the focus of this study

Political legitimacy can be understood as an umbrella term for a family of concepts (e.g., Weatherford 1992, Searing et al. 2004:12). Its central notion is the condition of being in accord with established principle. Thus, citizens usually accept official decisions when they believe they have been made in accord with generally accepted principles. Citizens accept these decisions because (and to the extent that) they accept the principles. The principles are open to constant change and adjustment of their meaning and importance and can be interpreted in different ways in different times and places (countries, cultures, subcultures) (Saward 2003).

The general approach in this study is holistic in the sense that the overall framework (Hurrelmann et al. 2005a, 2005b) in which legitimacy is explored has been chosen for covering the widest range of the dimensions of legitimacy.

In general, the overall picture of legitimacy studies is that the concept of legitimacy is used narrowly and fragmentarily. Most studies have been limited to analyzing two or only a few dimensions of legitimacy and even the key definitions of central theoretical concepts, such as the input and output dimensions of legitimacy, appear to differ significantly among theorists.

The narrow theoretical focus is fatal from the point of view of empirical studies because legitimacy evaluations in real life may not be limited to only a fixed number of categories (cf. Hurrelmann et al. 2005a). Therefore, explorative studies are needed. The narrow focus of frameworks is especially problematic in survey studies in which the observations are completely dependent on the theoretical concepts available, but also in qualitative, explorative studies: if some essential theoretical concepts are missing, this reduces the

capability to make observations of potentially important phenomena. For these reasons, it seems that a wider framework on legitimacy would contribute to understanding the overall picture of legitimacy and also facilitate empirical studies (which, of course, always have to be more limited in their scope).

In this study, the legitimacy of forest regime is explored in the context of the overall framework by Hurrelmann et al. (2005a, 2005b) but the analysis focuses especially on democratic legitimacy, both in the theoretical and empirical parts. Democratic legitimacy can be defined preliminarily as support for the principles of democracy (see, e.g., Linde & Ekman 2003).

The objectives of this study are to: 1) test and refine conceptions of democratic legitimacy and corresponding research instruments that especially facilitate study of public support of forest regime and 2) develop further the conceptual framework of legitimacy in order to better understand different dimensions of legitimacy and their relations.

The empirical analysis presented below focuses more on defining some of the most typical schemata found in the empirical data rather than on a representative quantitative description of the distribution of positive or negative statements concerning certain institutions – these will be elaborated in forthcoming studies.

The overall structure of study is as follows: section 2 analyzes theoretical conceptions related to democratic legitimacy. The outcomes of section 2 are specifications concerning the structure of the legitimation statement; these are presented in section 3.2 and then applied in section 3.3. Section 3.1 describes the data. The analysis also suggests a reformulation of the framework of Hurrelmann et al. (2005), presented in section 3.3.

2 Theoretical conceptions

The analysis below draws from the following sources: Hurrelmann et al. (2005a, 2005b) suggest a certain theoretical positioning and an empirical tool for the analysis of legitimation statements; these will be critically analyzed by means of several distinctions that Norris (1999), Linde & Ekman (2003), and Saward (2003) have suggested. The conception of institution is used here mostly by following Scharpf (1997). Much of the examination is conceptual and analytical by nature but it is made hand in hand with empirical analysis and based on studies with much interest in empirically useful conceptions.

Hurrelmann et al. (2005a: 2-3) provide several useful starting points for an empirical analysis of legitimacy. Following Barker (2001) and Beetham (1991), they begin with separation of normative (a priori) and empirical (a posteriori) legitimacy; the former means acceptability in the light of criteria provided by democratic theories or other strands of political philosophy and the latter refers to the factual acceptance of nation-state institutions among the population. They argue that these two forms of legitimacy are not necessarily related and that normative criteria of democratic theories might be of limited relevance for citizens' attribution of legitimacy to their political system. As we will see later, the writers cited above (and also this study) have actually found many links with the key conceptions of democratic theories and empirical observations. However, the key point here is not to reject theories but to develop instruments for connecting theories and data. It is also important to note that an excessive commitment to theories may bias observations as, according to Hurrelmann et al. (2005a: 3-4), may have happened in the case of legitimation crisis theories. Therefore, an exploratory empirical analysis should not be limited only to fixed categories but rather focus on the different forms of legitimation in different cultural and political contexts.

The starting point for empirical analysis is that a legitimation statement has the following structure: [Object A] is (il)legitimate because of [Pattern B]. In the vocabulary of Hurrelmann et al. (2005a: 8-11), object of analysis refers to "the institutions and principles that are being legitimated or delegitimated". Their analysis is targeted to "particularly important objects at the core of national systems of government: the political system as a whole; political community (i.e. the nation and its citizenry); the dimensions and principles that characterize the modern western state in general (democracy, nation state, constitution/rule of law, welfare state, sovereignty/monopoly of legitimate coercion); types of democracy (parliamentary v. presidential, representative v. direct, etc.); specific institutions and branches of government (monarchy or republic, executive, legislature and judiciary), the electoral system, federalism/territorial organisation; and core groups of actors like the political class/elite, the party system, and the system of interest groups" (Hurrelmann et al. 2005a: 7). Statements about the legitimacy of sub national institutions, individual actors, and specific policies were omitted from their analysis.

The classification of objects of legitimation seems to need further clarification. Linde & Ekman (2003) have argued that the objects of political support are separated insufficiently in many empirical studies of democracy. The approach chosen here was developed by Pippa Norris (1999) who has widened David Easton's (1965) three-fold distinction between different objects of support (political community, regime and authorities) into a five-dimensional category of political support. Norris distinguishes between five levels or objects of support: the political community, regime principles, regime performance, regime institutions and political actors (see Table 2.1). The concept of support is understood as genuinely multidimensional and the different objects are treated as existing on a continuum; in Eastonian terms, ranging from diffuse support (for the national community) to specific support (for particular political actors).

Table 2.1 Objects of political support (Norris 1999, cited from Linde & Ekman (2003:393-394), simplified. (*) added by author).

Objects	Type of support
The political community	A basic attachment to the nation beyond the present institutions of government and a general willingness to cooperate together politically.
Regime principles	Support for 'democracy' as a principle or an ideal (i.e., as the most appropriate form of government).
Regime performance	Support for how the [(*) <i>democratic system as a whole or institutions or actors of the</i>] democratic political system functions in practice.
Regime institutions	Attitudes toward governments, parliaments, the executive, the legal system and police, the state bureaucracy, political parties and the military. Support for institutions rather than persons (e.g., support for the presidency as an institution rather than support for George W. Bush as president).
Political actors	Specific support for political actors or authorities.

Most democratic theorizing is based on the varying sets of aprioristic principles of democracy, e.g., political equality, inclusion, expressive freedom, and transparency, which are tied to each other with mutual references and implications (Saward 2003: 162-166). The principles form a basis for conceptions of democracy: "A common approach is deductive: equality, for example, can be deduced from a deeper religious (or contractarian) foundation, and in turn institutions and practices can be deduced from the principle" (Saward 2003: 163). Respectively, the evaluations of existing democratic institutions are based on principles of democracy. In addition to trust in the democratic system as a whole, one may speak about trust in particular democratic institutions, such as parliaments and elected governments (Grönlund & Setälä 2004).

Theorizing about institutions uses varying definitions: political scientists have traditionally focused on formal institutions (such as laws and other sanctioned rules and their implementation) while sociologists have operated with wider definitions of institutions that include not only formal rules but also more or less informal social norms (see, e.g., Rothstein 1996, Hall & Taylor 1996). Following Scharpf (1997:38-43), institutions are defined here as "system of rules that structure the courses of action the

actors may choose". Furthermore, "this system includes not only the norms that are sanctioned by the court system and machinery of state but also social norms that actors will generally respect and whose violation will be sanctioned by loss of reputation, social disapproval and withdrawal of cooperation and rewards". In other words, institutions include both the formal and informal institutions that are relevant to strategic political activities. According to Scharpf (ibid.) the actors "depend on socially constructed rules to orient their actions in otherwise chaotic environments and because, if they in fact perform this function, these rules must be 'common knowledge' among the actors and hence relatively accessible to researchers as well". Phillips et al. (2004) maintain that institutions are constructed through public discourse, to a large extent through production of texts that are visible and are cited in other texts.

According to Hurrelmann et al. (2005a: 8) "a legitimation statement may either be generic, i.e. the object of legitimation is evaluated as legitimate or illegitimate without further justification, or it may refer to a specific pattern of legitimation" which is "substantive criteria a speaker relies on when affirming or casting doubt on the legitimacy of an object". In this definition, the conception of "pattern" needs further scrutiny. Their empirical findings, presented in Table 2, will clarify the meaning of their conception of "pattern" in detail.

In their framework, the patterns of legitimacy are cross-tabulated into a two-dimensional table. The first dimension is formed according to Fritz Scharpf's (1999: 153-155) dichotomy of input and output legitimacy, and the second consists of democratic and non-democratic legitimacy. An input-oriented pattern refers to "the process of decision-making, in particular to the actors involved and the procedures followed" and an output-oriented one refers to "the results of the process, their quality and consequences" (note that these definitions differ from those of Scharpf 1999). Patterns of legitimation referring to decision-making processes or political outputs that are essential to the implementation of such a system are classified as democratic; they also make reference standard definitions of democracy. Not surprisingly, the non-democratic patterns are the ones that do not fit in the class of democratic ones.

In the legitimation statement, the concept of "pattern" that is used as justification of the object appears to actually be relatively close to the conception of democratic principle. Furthermore, the definition of objects of legitimation (Hurrelmann et al. 2005a: 7) presented earlier mentions democracy as one of the "dimensions and principles that characterize the modern western state in general" and again in the form of "types of democracy (parliamentary v. presidential, representative v. direct, etc.)". Can the democratic principles be used as justification of other democratic principles (or "dimensions" or "types of democracy")? The argument would be probably become more understandable if the democratic principle as object of legitimation could be understood as a general form of democratic governance with clearer reference to existing western states¹ and which is justified by the democratic principles (the "patterns" of democratic legitimation presented in Table 2.2).

¹In fact, Linde & Ekman (2003:393-394) defend the operationalization of democracy as a regime principle (democracy as a principle or an ideal, i.e., as the most appropriate form of government, see Table 1), with a wording that refers more to existing institutional order: "Our current system of government is not the only one that this country has had. Some people say that we would be better off if the country was governed differently. What do you think? [alternatives]." The respondents are then presented with a number of alternatives: 'we should return to communist rule'; 'the army should govern the country'; 'best to get rid of parliament and elections and have a strong leader

Table 2.2 Patterns of legitimation (Hurrelmann et al. 2005a: 9).

	Democratic	Non-democratic
Input characteristics of political processes	<p><i>popular sovereignty</i> – all power resides in the citizens</p> <p><i>accountability</i> – rulers can be controlled and removed</p> <p><i>participation</i> – citizens can actively contribute to decisions</p> <p><i>legality</i> – domestic legal rules are respected</p> <p><i>international legality</i> – international legal rules are respected</p> <p><i>transparency</i> – political processes are public and accessible</p> <p><i>credibility</i> – political processes conform to stated objectives, no hidden agenda</p> <p><i>deliberation</i> – political processes are based on a rational exchange of arguments</p>	<p><i>charismatic leadership</i> – strong personal leadership</p> <p><i>expertocratic leadership</i> – leadership by experts</p> <p><i>religious authority</i> – political processes follow religious principles</p> <p><i>tradition</i> – political processes follow traditional rules and customs</p> <p><i>moderation</i> – political style is conciliatory and non-aggressive</p>
Output characteristics of political results	<p><i>protection of human rights</i> – individual and political rights are guaranteed</p> <p><i>democratic empowerment</i> – material and cognitive conditions of meaningful participation are guaranteed</p> <p><i>contribution to public good</i> – political results serve the population as a whole</p> <p><i>reversibility</i> – political results are not irrevocable</p>	<p><i>effectiveness</i> – solution to common problems</p> <p><i>efficiency</i> – political results are cost effective, not wasteful</p> <p><i>distributive justice</i> – equal distribution of resources and burdens</p> <p><i>contribution to stability</i> – enhancement of political stability</p> <p><i>contribution to identity</i> – political results reflect or enhance the political community's sense of identity</p> <p><i>contribution to morality</i> – political results conform with moral standards</p> <p><i>contribution to sovereignty</i> – enhancement of a polity's autonomy, capacity, power, or interest</p> <p><i>good international standing</i> – enhancement of a polity's status in the international sphere</p>

The “types of democracy” can be more easily understood as existing institutions that can be evaluated by the “patterns” (which in my opinion should rather be called “principles”). Furthermore, we can now see that the approach of Hurrelmann et al. (2005a) defines the objects of the legitimation statement as “institutions and principles” but actually includes

who can decide things quickly’ or ‘return to monarchy’. The respondents also have the opportunity to reject all non-democratic alternatives.

also the conception of political community (“the nation and its citizenry”). In general, it seems to be that the definitions of these conceptions could be spelled out a bit more explicitly in many studies – several propositions for this will be given in section 3.3.

3 Results

3.1 Research questions, data, and procedure of analysis

The research questions are: What principles of legitimacy do citizens use in their evaluations of current forest regime? How should these principles and other dimensions of legitimacy be classified into a coherent theoretical framework?

The study explores the print media discourse, based on 'letters to the editor' in three newspapers and in one journal; these are supplemented with comments received during the preparation of the Finnish National Forest Program. So far, 687 relevant texts have been analyzed.

Of the newspapers studied, *Turun sanomat* (n=158 during 1999-2004) is a middle-sized newspaper published in the third largest city of the country. *Helsingin sanomat* (n=181 during 2002-2004) is the largest newspaper in Finland, *Maaseudun tulevaisuus* (n=185 during 2003-2004) is a newspaper published by the Central Union of Agricultural Producers and Forest Owners (MTK), and *Vihreä lanka* (n=23 during 1998-2004) is the weekly journal of the Green League of Finland; all of these are published in Helsinki, the capital of Finland. *Helsingin sanomat* (circulation 422,000) reaches 25% of Finns and 66% of the population of the Helsinki region (HS... 2006), and the audience of *Turun sanomat* (circulation 112,000) represents most social groups in southwestern Finland (Mediatiedot 2005). *Maaseudun tulevaisuus* (circulation 82,000) represents especially the rural population of Finland (Maaseudun...2005). *Vihreä lanka* is a small party journal with a circulation of 4000. These data sets were supplemented with comments received during the preparation of the Finnish National Forest Program (National... 1999) (N=140 during 1998).

The data included texts written by laymen, officials who represent public administration, and representatives of organized interest groups (Table 3.1). A layman as used here denotes that the writer used only his or her own name or a pseudonym with no reference to organizations, companies, etc.

In the first stage, the data included all texts that expressed any argument concerning forest use or forest-related policies. In the preliminary analysis, it became evident that the texts were related to a number of activities in different public policy sectors. The activities of people are definitely not limited to a certain sector of policy with a limited scope. Instead, the texts deal with a great number of things that occur simultaneously in people's lives or are connected in their mental representations and which may have relatively little to do with forests or forest-related policies.

The selected data of 687 writings consisted of those texts that included a clear reference to forest use or conservation as well as those involved in forest policy or forest-related nature conservation policy. Texts related to urban areas, such as urban parks and

suburban forests (governed by local decision-making), were rejected but texts referring to recreational use of the non-urban forests were included. The arguments that referred to forest and nature conservation policies or activities that are controlled by policies were included. The data also incorporated the arguments referring to the activities of administrative officials and the principles they apply. Many of the texts also evaluated the goals and activities of informal interest groups and political parties as well as their representatives; all these were set aside at this stage of analysis. The arguments discussing the general principles of political participation were included in the data but those referring to the informational authorities were excluded at this stage.

The analysis followed the principles of analytic induction (e.g., Koskinen et al. 2006: 233-241). The coding was done with Atlas.ti 4.2. The first stage of analysis started with preliminary coding of a data subset of 50 texts. The unit of analysis was an evaluative statement but this was interpreted by considering its meanings as a part of the whole writing. The coded quotations varied from one sentence to almost an entire writing. In the next step, the evaluative arguments were classified into categories and named according to different principles of legitimacy that were found in the data. After reaching the end of all the data, the coding was restarted from the beginning of the data in order to search for evaluations that belonged to the new categories found during the analysis. The classification was gradually developed during the analysis of main data into 230 categories. At the final stage of analysis, these categories were grouped into clusters (“families”) according to connections found between the categories and some of the most frequently used examples were selected for the demonstration of arguments.

3.2 Legitimation statement with specifications

The empirical analysis uses the legitimation statement defined by Hurrelmann et al. (2005a); however, some corrections have been made following the theoretical analysis in section 2 and experiments with empirical analysis. The legitimation statement has the following structure:

[Object A] is (il)legitimate because of [Pattern B]

where the “object” is some real-life institution; in the context of this study it refers to democratic institutions (formal or informal). The formal institutions include, e.g., the national parliament, government and participatory processes as well as their outcomes. The informal institutions include conceptions of good customs and practices that actors will generally respect and whose violation may be sanctioned by loss of reputation, social disapproval and withdrawal of cooperation and rewards, especially those that are relevant to strategic political activities.

In this context, the “pattern” refers primarily to democratic principles that are used in the legitimation of existing institutions. The principles are abstract and ideal by nature, and socially constructed and continually redefined.

The analysis separates a group of principles that are essential to the sovereign liberal democratic constitutional state into a distinct dimension. These principles include, e.g., popular sovereignty, equality, freedom and other human rights, legality, and contribution to public good, which are considered to be more constitutive by nature than other principles related to democracy. The performance is also separated into a distinct dimension because the evaluations of real-life institutions appear in every case to be related to performance. These separations will be further clarified in section 3.3.

Table 3.1 The distribution of the laymen, officials of public administration, and representatives of organized interest groups in the data, and the frequency of texts that include democracy-related arguments, %.

	Turun sanomat	Maa- seudun tulevaisuus	Vihreä lanka	Helsingin sanomat	National Forest Program	% of all writers
Laymen	94	128	-	71	14	45
Officials, forestry	2	4	1	11	26	6
Officials, nature conservation	1	2	-	5	5	2
Forest industry	2	1	1	1	1	1
Organizations of land-owners	5	7	2	1	9	3
Nature conservation organizations	14	13	11	31	24	14
Researchers	5	7	1	42	21	11
Professional organizations	-	2	-	1	6	1
Politicians	24	15	3	9	3	8
Other officials, organizations, and companies	11	6	4	9	31	9
Total	158	185	23	181	140	100
Democracy-related arguments, %	43	37	83	57	29	44

The empirical analysis suggests that institutions can also be legitimized through other institutions, in most cases through the supreme institutions. For example, the key institutions of forest regime, such as forest legislation and the National Forest Program are legitimized through national legislation and the EU's institutions and international institutions that are considered supreme in rank or authority. Furthermore, the supreme institutions can be legitimized through democratic or extra-democratic principles.

3.3 Empirical findings: examples of arguments and the revision of the theoretical framework

In general, the purpose of this section is 1) to demonstrate different forms of arguments related to democratic legitimacy that are used in real-life legitimation and illegitimation

concerning the forest regime, 2) to give examples of different principles of democratic legitimacy, and 3) to facilitate modifications in the general framework of legitimacy.

The examples and their translations – the arguments that are converted in the form of legitimation statements – are presented in Tables 3.2, 3.3, 3.4, and 3.5. The examples and the revised framework are further arranged by separating more dimensions (Tables 3.6, 3.7, and 3.8). The general principles related to the ‘sovereign liberal democratic constitutional state’ that are considered as supreme and/or covering relatively much of the legitimacy’s field in general are separated into their own dimension. The input dimension has been divided into two dimensions, namely a new input dimension (who decides?) and a throughput dimension (how decisions are made?). The non-democratic dimension is renamed as extra-democratic dimension because it apparently includes both factors that are contradictory to democracy and factors that are neutral or parallel to democracy². The performance (Table 3.8) is considered as a separate dimension as well because it appears to be related to all democratic and extra-democratic dimensions of legitimacy – apparently the performance evaluation always uses some principle when the performance of any kind of institution is evaluated (how do the institutions work “in practice”?). The framework is not considered to be definitive and finished in any sense but rather a demonstration of how difficult is it to separate the principles into watertight categories.

The examples are presented as follows: 1) The general principles related to the ‘sovereign liberal democratic constitutional state’ (Table 3.2), 2) The input characteristics of political process (Table 3.3.), 3) The throughput characteristics of political processes (Table 3.4), and 4) The output characteristics of political results (Table 3.5). In practice, many of the arguments use principles from several categories.

² The term extra-democratic was proposed by Peter Schlyter in the NESS workshop.

Table 3.2 General principles related to the ‘sovereign liberal democratic constitutional state’: popular sovereignty, equality, freedom and other human rights, property rights, and independence of judiciary

<i>Examples from data</i>	<i>Translations</i>
It is clear that forest owners have to be treated equally in all parts of country. This is a key task in the law enforcement of Forest Centers.	The law enforcement of Forest Centers [Object] is legitimate because forest owners are treated equally in all parts of the country [principle: <i>equality</i>].
The forest legislation weakens opportunities for livelihood and provides the potential for forest and nature conservation officials to consider and sometimes arbitrarily decide how the forest owner can be treated. [...] According to the Constitution the power belongs completely to citizens and this is an inalienable right. Now the power has been removed from the citizens for whom the system was created.	The forest legislation [Object] is illegitimate because it weakens opportunities for livelihood [principle: <i>right to pursue welfare</i>] and because provides the potential for forest and nature conservation officials to consider and sometimes arbitrarily decide how the forest owner can be treated [principle: <i>no arbitrariness /despotism</i>] and because power belongs completely to citizens and this is an inalienable right [principle: <i>popular sovereignty as inalienable right / constitutional rights of liberal democracy; supreme institution: the Constitution</i>].
No governmental body is specified as responsible for giving legally binding interpretations of section 49 of the Nature Conservation Act. This threatens compensation and it is against the Constitution, which guarantees the protection of private property.	The Nature Conservation Act [Object] is illegitimate because it threatens compensation of nature conservation [principle: <i>property rights, right to fair compensation, constitutional rights of liberal democracy; supreme institution: the Constitution</i>] and because no governmental body is specified as responsible for giving binding interpretations [principle: <i>no arbitrariness /despotism</i>].

Table 3.3 Input characteristics of political process: accountability, participation, transparency, democratic empowerment, and no preconditions in agenda setting.

<i>Examples from data</i>	<i>Translations</i>
The Ministry of Agriculture and Forestry appears to operate completely isolated from civil society. This situation will be the same as long as nobody is politically responsible for the activities of the ministry.	The activities of the Ministry of Agriculture and Forestry [Object] are illegitimate because it operates isolated from civil society [principle: participation] and because nobody is politically responsible [principle: <i>accountability / responsibility</i>].
In western societies, freedom for demonstrations [in felling sites] has traditionally been understood as a generally accepted and important value, which should not be undermined lightly.	The demonstrations in felling sites [Object] are legitimate because of having traditionally been understood as a generally accepted and important value in western societies [principles: <i>right to participate, freedom of expression, freedom in general</i>].
The National Forest Program is a process which develops the cooperation of all parties and which is characterized by openness and comprehensiveness	The National Forest Program [Object] is legitimate because it develops the cooperation of all parties [principle: cooperation] and because it is characterized by openness [principle: openness] and because it is characterized by comprehensiveness [principle: <i>comprehensiveness</i>].
The working group [for new natural conservation programs] has a senseless precondition: new financing for it will be given only after 2007.	The working group for natural conservation [Object] is illegitimate because it has a senseless precondition: new financing for it will be given only after 2007 [principle: <i>no preconditions in agenda-setting</i>].

Table 3.4 Throughput characteristics of political processes: credibility and deliberation

<i>Examples from data</i>	<i>Translations</i>
This [the public hearings of the National Forest Program] could have been a triumph of democracy in our country if the major lines of the program had not apparently been nailed down before starting public participation rounds.	The National Forest Program [Object] is illegitimate because the major lines of the program were apparently nailed down before starting public participation rounds [principle: <i>no hidden agenda</i>]. The public hearings of the National Forest Program are legitimate because of the public participation [principles: <i>public participation and democracy in general</i>].

Table 3.5 Output characteristics of political results: consensus, commitment, and trust

<i>Examples from data</i>	<i>Translations</i>
The Nature Conservation Association claims that the majority of the power [in the PECF certification committee] has been reserved for forest actors. This is completely untrue claim: all willing parties have always been invited, especially the environmental organizations. No majority has been reserved to any party and the goal of the decisions is consensus.	The PECF certification [Object] is legitimate because all willing parties have always been invited [principle: <i>open participation</i>] and because no majority has been reserved to any party [principle: <i>equality</i>] and because the goal of the decisions is consensus [principle: <i>consensus</i>].
The forestry actors have committed in the National Forest Program to conserve the threatened species and habitats in Southern Finland. No actor has wriggled out of that. If that is not enough [for the nature conservationists], what then is?	The conduct of forestry actors [Object] is legitimate because they have committed in promises given during the process of the National Forest Program [principle: <i>commitment</i>]. Indirect supposition: The conduct of nature conservationists [Object] is illegitimate because they do not trust in the commitment of forestry actors to process of the National Forest Program [principle: <i>trust</i>].
An explicit decision concerning the protection of biodiversity cannot be put off until 2007 but the conservation program has to be decided on immediately. Only then can the trust of environmental organizations be restored in the process of the National Forest Program and in Finland's genuine willingness to pursue ecological sustainability.	The process of the National Forest Program [Object] is illegitimate because of lack of trust concerning the protection of biodiversity [principle: <i>trust</i>] and because of lack of trust in Finland's genuine willingness to pursue ecological sustainability [principle: <i>trust, ecological sustainability</i>] and because good international standing has to be pursued [principle: <i>good international standing, commitment to international environmental agreements</i>]

Table 3.6 Revised framework of principles of legitimacy. A-dimension: “supreme principles of the sovereign liberal democratic constitutional state”

A.	<p><i>democracy</i> – as a general principle or an ideal that refers to many other principles above</p> <p><i>popular sovereignty</i> – all power resides in the citizens</p>
Supreme principles of the sovereign liberal democratic constitutional state	<p><i>equality</i> –citizens are treated equally</p> <p><i>freedom and other human rights</i> – individual and political rights are guaranteed</p> <p><i>property rights</i> – rights related to ownership are guaranteed</p> <p><i>legality</i> – domestic and international legal rules are respected</p> <p><i>independence of judiciary</i>: political forces are not allowed to influence decision-making of courts</p> <p><i>contribution to public good</i> – political results serve the population as a whole</p> <p><i>stability</i> – enhancement of political stability</p> <p><i>identity</i> – political results reflect or enhance the political community's sense of identity</p> <p><i>good international standing</i> – enhancement of a polity's status in the international sphere</p>

Table 3.7 Revised framework of principles of legitimacy. B-dimension: input / throughput / output legitimacy v. democratic and extra-democratic legitimacy

B.	Democratic	Extra-democratic
Input characteristics of political processes (who decides?)	<i>accountability</i> – rulers can be controlled and removed <i>participation</i> – citizens can actively contribute to decisions <i>transparency</i> – political processes are public and accessible <i>democratic empowerment</i> – material and cognitive conditions of meaningful participation are guaranteed <i>no preconditions in agenda-setting</i>	<i>charismatic leadership</i> – strong personal leadership <i>expertocratic leadership</i> – leadership by experts <i>religious authority</i> – political processes follow religious principles <i>fanaticism / extremism</i> <i>market-based or market-centered governance and globalization</i> <i>corporatism</i>
Throughput characteristics of political processes (how decisions are made?)	<i>credibility</i> – political processes conform to stated objectives, no hidden agenda <i>deliberation</i> – political processes are based on a rational exchange of arguments	<i>tradition</i> – political processes follow traditional rules and customs <i>moderation</i> – political style is conciliatory and non-aggressive
Output characteristics of political results	<i>consensus and compromise</i> : agreement on fairness of outcome <i>cooperation</i> : improved cooperation <i>commitment</i> : collectively binding decisions <i>trust</i> : participants trust government officials and each other	<i>effectiveness</i> – solution to common problems <i>efficiency</i> – political results are cost-effective, not wasteful <i>distributive justice</i> – equal distribution of resources and burdens <i>reversibility</i> – political results are not irrevocable (and <i>sustainability</i>)

Table 3.8 Table 5.3. Revised framework of principles of legitimacy. C-dimension: evaluations concerning the performance of actual institutions in practice.

C.	Satisfaction with and support for performance of political system in practice: the overall evaluation and evaluation of different institutions
Performance of actual institutions	Public discussion, rational deliberation Redefinitions and revisions of principles above as part of political system and as individuals Evaluation based on observations Always perceived by some actor or group: socially construed interpretations Strategic interpretations

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Attachment

Workshop 1: Authority, Responsibility and Justice in Environmental Politics

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Many of today's most pressing environmental problems share one important characteristic: they are cross-boundary, i.e., they disregard political and geographical borders. Obviously, this is challenging for several reasons. One is that present legal and political institutions have no effective reach beyond the nation-state. The same is the case with most political authority. Furthermore, the border crossing character of many environmental problems is also ethically challenging. What is a fair distribution of the burdens required to mitigate and adapt to e.g., climate change, chemical pollution and over use of marine resources and/or to make society less vulnerable to its' consequences? And perhaps even more difficult: Who has the responsibility to take action - those causing the problems or those in risk to suffer from the devastating effects? The papers in this section are discussing environmental problems from such points of view as authority, responsibility and distributive justice.

Workshop 2: Urban Sustainability

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Workshop 3: Sustainable Mobility

- Societal Trends and Planning Challenges

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Sustainable development is a concept few would disagree with at a general level, but is contested when put into actual practice. How is sustainable urban development discussed, defended and even coopted by actors in urban development? What is the actual urban development compared with the ideal? How useful are models and ideals in environmental policy-making? Urban governance in the Nordic countries has been marked by deregulation, privatisation and market solution. At the same time ecosystem management and the need for cross-sectoral and cross-boundary institutions have been underlined. What are the challenges, constraints and opportunities following from these trends in urban regions? New technology and urbanisation (both in terms of land-use and life-style) represent transport changing drivers with possibly environmentally friendly consequences. A new societal and political preoccupation with climate, energy and health issues might promote a more sustainable mobility pattern. However, the 'sustainable mobility' conceptualisation demands integrative policy measures and analytical planning tools to grasp – and communicate – the relationships and reduce the sustainable mobility complexity – across its causes, changes and consequences. The papers discuss the challenges, constraints and opportunities following from trends in urban regions and various societal (economic, political, social and cultural) drivers as important "policy and planning" challenges for a more sustainable mobility.

Workshop 4: Internationalisation of the Environment:

The local perspective

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“Think globally, act locally” is a slogan from the Brundtland-report twenty years ago. Since then several Nordic as well as other European cities and local communities have responded to this call for local action. Local Agenda 21 highlighted local responsibility for sustainable development through decentralisation and participation. Meanwhile, the internationalisation of environmental policies has resulted in international agreements and regimes influencing and constraining local policies and action on specific topics. International expectations and demands (EU-directives as one example) might constrain the autonomy of local governments in developing a local policy for sustainable development, but they can also represent opportunities for local action. The papers

discuss how local and regional governments face these challenges to local governance of combining the demands from above with the expectations from below.

Workshop 5: Environmental Governance and Policy Implementation

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Throughout the Nordic countries both the debate about, and the practice, of institutional arrangements and processes can be characterised by decentralisation, deregulation, privatisation and marked. Consequently the relationship between public authorities and private actors (business, NGOs etc) are being reshaped: Processes of *government* have been seen as transformed into *governance* which mean that a wider range of actors may be participating and simplistic hierarchical models are being abandoned. The papers address how these changes effect the implementation of environmental policy: Which actors are involved? Whose interests are served? Whose knowledge is included and whose is excluded? Why do particular perspectives on environmental change become so entrenched in policy?

Workshop 6 The Legitimacy and Effectiveness of Global Environmental

Governance

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Debates about sustainable development are increasingly dominated by questions of how to secure values such as participation, representation, accountability and legitimacy in global environmental governance. The participation of non-state actors, such as business and civil society, is regarded as critical for the effective implementation of sustainable development policies in the EU, UN and various multi-level governance arrangements. The transformation of political authority through the emergence of new forms of post-sovereign power (such as private governance and public-private partnerships), makes an assessment of the effectiveness and accountability of these networked governance structures important. How can democratic legitimacy, participation and accountability be secured without compromising effective environmental governance and well-functioning policies? The workshop includes papers on the creation of more effective and legitimate multi-governance arrangements in various policy domains.