

Private Environmental Regimes: Challenges for Governance



International Workshop, 5 September 2008
Vrije Universiteit Amsterdam

This workshop was coordinated by the Institute for Environmental Studies at the Vrije Universiteit Amsterdam, in cooperation with the Global Governance Project (www.glogov.org) and SENSE Research School. The workshop forms a part of the Vidi project of Prof. Joyeeta Gupta, “Intergovernmental and Private International Environmental Regimes: Compatibility with Good Governance, the Rule of Law and Sustainable Development”, funded by the Netherlands Scientific Organisation (NWO).

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1 Introduction

With globalisation, the 'rules of the game' of international problem-solving through intergovernmental treaties is changing. A number of different trends in international environmental governance involving non-state actors are becoming visible. We are irrevocably leaving behind the notion that only nation states are authorised to participate in international governance. Instead we are striving towards a global society with common but differentiated responsibilities, which are decided at international and/or national level by governmental and/ or non-governmental actors and may have to be implemented at national level in countries at different levels of development, and different cultural backgrounds.

On the one hand, this raises questions with regard to the transparency, legitimacy and democratic accountability of these new governance trends and risks the breakdown of these institutions in the long-term. Governance studies have focused on these conditions and possibilities for several years. On the other hand, the social sciences find the prospects to return to problem-oriented analysis of social phenomena which may guide and aid problem-solving by making it more reflexive and critical through the disclosure of underlying power relations. It is at this juncture that private governance is problematised and studied by the contributors of our workshop. *Implications, Transformations and Challenges* private governance brings, in relation to environmental studies, international law, and political economy constitutes the first stream of the workshop. The second session on *Biodiversity, Biotechnology, and GMOs* uses this issue area as a cross-cutting theme that relates to climate change, property relations, and corporate social involvement. The third session focuses on *Actors, Policies and Mechanisms* that emerge with the applications of private governance in global environmental politics.

2 Agenda

8:30 – 9:00	Coffee and cookies; welcome
Session 1	<i>Private Governance: Implications, Transformations, Challenges</i> Chair: Frank Biermann
9:00 – 9:30	<i>Changing Rules of the Governance Game: Implications for the Environment & North-South Relations.</i> Speaker: Joyeeta Gupta.
9:30 – 10:00	<i>Global Governance: From Radical Transformation to Neo-Liberal Management.</i> Speaker: Henk Overbeek.
10:00 – 10:30	<i>Discussion</i>
10:30 – 11:00	Coffee Break
Session 2	<i>Private Governance: Biodiversity, Biotechnology, and GMOs</i> Chair: Frank Biermann
11:00 – 11:30	<i>Interaction Management by Partnerships: The case of biodiversity and climate change.</i> Speakers: Bas Arts & Ingrid Vissermaker. Discussant: Henk Overbeek.
11:30 – 12:00	<i>Corporate Social Responsibility and GMOs.</i> Speaker: Jennifer Clapp. Discussant: Phillip Pattberg.
12:00 – 12:30	<i>Regulating the Market Beyond the Patent: On open source in biotechnology.</i> Speaker: Eric Deibel. Discussant: Joyeeta Gupta.
12:30 – 13:30	Lunch
Session 3	<i>Private Governance: Actors, Policies, Mechanisms</i> Chair: Klaus Dingwerth
13:30 – 14:00	<i>Collaborative Environmental Governance: Beyond the State?</i> Speaker: Neil Gunningham. Discussant: Bram Büscher.
14:00 – 14:30	<i>Foreign Investment Contracts: Unexplored mechanisms of global governance.</i> Speaker: Kyla Tienhaara. Discussant: Harriet Bulkeley.
14:30 – 15:00	<i>Privatisation of Governance: On myths, narratives and other inevitabilities.</i> Speaker: Ayşem Mert. Discussant: Jennifer Clapp.
15:00 – 15:30	Coffee Break
15:30 – 16:30	<i>Summary and wrap-up.</i> Chair: Joyeeta Gupta.
16:30 -	Drinks

3 Panel and Speakers

Prof. Bas Arts, M.Sc., Ph.D. (University of Nijmegen), is a Professor in Forest and Nature Conservation at Wageningen University, the Netherlands, and the co-chair of UNPOP (Utrecht-Nijmegen Programme on Partnerships) research group. His current professional focus is on the role and power of non-state actors in global environmental governance (particularly NGOs and corporations), and (2) the innovation of environmental policy arrangements at global level. He published several academic articles, book chapters and books/edited volumes on these issues.

Prof. Frank Biermann, M.A., Ph.D. (Freie Universität Berlin), LL.M (University of Aberdeen), Professor of Political Science and Environmental Policy Sciences at the Vrije Universiteit in Amsterdam, The Netherlands, where he also heads the Department of Environmental Policy Analysis at the Institute for Environmental Studies. Before moving to Amsterdam, he was affiliated with the Freie Universität Berlin, the German Advisory Council on Global Change, Harvard University, Jawaharlal Nehru University, the University of Maryland at College Park, the Potsdam Institute for Climate Impact Research, the Social Science Research Centre Berlin, and Stanford University. His expertise is in the area of governance and institutions for sustainable development. His most recent books are *Partnerships, Governance and Sustainable Development - Reflections on Theory and Practice* (edited with Arthur Mol and Peter Glasbergen, Edward Elgar, Cheltenham, 2008) and *A World Environment Organization: Solution or Threat for Effective International Environmental Governance?* (edited with Steffan Bauer, Ashgate, Aldershot, 2005). He is the founding director of the Global Governance Project, a network of currently eight European research institutes and is taking the lead in developing a new crosscutting research programme on governance and institutions within the Earth System Science Partnership.

Dr. Harriet A. Bulkeley, is a Lecturer in the Department of Geography at Durham University. She is also Associate Director of the Centre for the Study of Cities and Regions. Her research concerns the nature and processes of environmental governance with a particular focus on: the concepts of governmentality, scale, networks, and learning; the contested nature of urban sustainability; and the multi-scalar politics of climate change. Her book with Michele Betsill, *Cities and Climate Change: Urban Sustainability and Global Environmental Governance* (Routledge, New York, 2003) explores some of these topics. She was recently awarded a Climate Change Leadership Fellowship by the Economic and Social Research Council in the UK. In 2007, she was awarded a prestigious Philip Leverhulme Prize in recognition of her research achievements in the field of environmental governance.

Bram Büscher, M.A. (Vrije Universiteit Amsterdam) is currently a lecturer at the Institute of Social Studies in The Hague and a post-doctoral fellow at the University of Johannesburg, South Africa. A political scientist by training, Büscher now studies issues around conservation and development in Southern Africa, focusing specifically on the effects of neo-liberalism on interventions. He recently co-edited a special section of *Conservation and Society* on the politics of the engagement between conservation and the social sciences.

Prof. Jennifer Clapp, B.A. (University of Michigan), M.Sc., Ph.D. (London School of Economics) is the Chair of the Centre for International Governance Innovation and Professor in the Faculty of Environmental Studies at the University of Waterloo. She is also Director of the Centre for Global Governance Research at the University of Waterloo. Her expertise is in the areas of international agricultural trade and the WTO, international agricultural biotechnology and biosafety policy, international food aid policy, environmental implications of global trade and investment, and international hazardous waste trade. She is Co-Editor of the journal *Global Environmental Politics* and is an Editorial Board Member of the journal *Global Governance*. Her most recent books are *Corporate Accountability and Sustainable Development*, co-edited with Peter Utting (Oxford University Press, Delhi, 2008) and *Paths to a Green World: The Political Economy of the Global Environment*, co-authored with Peter Dauvergne (MIT Press, Cambridge, MA, 2005). In 2009, *Corporate Power and Global Agrifood Governance*, which she co-edited with Doris Fuchs (MIT Press, Cambridge, MA) will be released.

Eric Deibel, B.A., M.A. (Vrije Universiteit Amsterdam), is a doctoral candidate at Critical Technology Construction Group of Wageningen University and Research Centre (WUR), and the Athena Institute of Vrije Universiteit Amsterdam. His earlier studies focused on political theory and international relations in relation to the mandates of international organisations on indigenous peoples. His current research is about contradictory knowledge developments in genomics, with a particular focus on open source ideas about property rights in biotechnology. His initial research, titled "Common Genomes: Open source in biotechnology and the return of common property" was published in *Tailoring Biotechnologies*, and as a book chapter in *Reconstructing Biotechnologies: Critical social analyses* (Eds. Guido Ruivenkamp, Shuji Hisano and Joost Jongerden).

Dr. Klaus Dingwerth, M.A., Ph.D. (Freie Universität Berlin), is an assistant professor of international relations at the University of Bremen, Germany. He is the author of "The New Transnationalism: Transnational Governance and Democratic Legitimacy" (Palgrave Macmillan, 2007) and of several journal articles in *International Studies Quarterly*, *the European Journal of International Relations*, *Global Governance*, and *Global Environmental Politics*. His research focuses on the concept and theory of global governance, on the evolution of global environmental politics, and on the role of non-state actors in world politics.

Prof. Neil Gunningham, LLB, MA (Sheffield), PhD (Australian National University), is a lawyer and interdisciplinary social scientist who holds professorial appointments in the Regulatory Institutions Network and the Fenner School of Environment and Society. Previously he was Foundation Director of the Australian Centre for Environmental Law at the ANU, Visiting and Senior Fulbright Scholar at the Center for the Study of Law and Society, University of California, Berkeley, and Visiting Fellow at the Centre for the Analysis of Risk and Regulation at the London School of Economics. He has also been a consultant to the Organisation for Economic Cooperation and Development (OECD), to the United Nations Environment Program (UNEP) and to various environmental and occupational health and safety regulatory agencies in Australia. His research has been concerned to identify the contribution that broader, innovative forms of regulation can make to safety, health and environmental policy. His work on regulatory pluralism demonstrates the potential for resources

outside the public sector to be harnessed in furtherance of government policy, and how combinations of public and private orderings and can be integrated into an overall optimal regulatory mix. He has also sought to test empirically, the value of different approaches, and to identify the comparative advantage of different instruments in different institutional, economic and social contexts. His most recent books are *Mine Safety* (2007), *Shades of Green, Business, Regulation and Environment* (2003, with Kagan and Thornton), *Leaders and Laggards: Next Generation Environment Regulation* (2002, with Sinclair). He is also the author of numerous articles published both nationally and internationally.

Prof. Joyeeta Gupta, LL.M (Harvard) Ph.D. (Vrije Universiteit) is an expert in the multidisciplinary (legal, political and policy) analysis of international environmental agreements and multi-level environmental governance. In particular her focus has been on the climate change regime, which she has examined from the North-South perspective and the perspective of Europe. She has also looked at domestic implementation issues especially in relation to energy in countries like Brazil, China, India, Indonesia and Kenya. She teaches international and national water law. She is a member of the Scientific Steering Committee of Global Change System for Analysis, Research and Training (START) of IGBP, IHDP and WCRP; Member of the Netherlands Human Dimensions Programme Commission; Member of the International Law Commission of World Conservation Union (IUCN) and was lead author for the Intergovernmental Panel on Climate Change (IPCC) Special Report on Technology Transfer. She has been a member of the Board of Trustees of four Dutch Foundations. She is Associate Editor of *International Environmental Agreements: Politics, Law and Economics* and is on the editorial board of two other journals.

Ayşem Mert, M.A. (International University of Japan), M.Sc. (Boğaziçi University), is a doctoral candidate in international environmental governance at the Institute for Environmental Studies (IVM), Vrije Universiteit Amsterdam, and a research fellow with the international Global Governance Project's MECGLO research group. She is currently studying private environmental governance arrangements from a discourse theoretical view. Before joining IVM and the Global Governance Project, she conducted political and social research in Turkey; for Greenpeace Mediterranean, and taking part in and subsequently directing Eurobarometer surveys for European Commission between 2001 and 2004. She has worked with various NGOs and other political organisations, focusing on peace and environmental issues. She is the editor of *Üç Ekoloji* (Three Ecologies), a journal on ecology, politics, and philosophy, as well as the *Glogov Working Paper Series*.

Prof. Henk Overbeek, M.A., Ph.D (University of Amsterdam) is a Professor of International Relations in the Department of Political Science, Vrije Universiteit Amsterdam. He gained his Master's degree (with distinction) in international relations at the University of Amsterdam (1976) and his PhD in social sciences at the same institution (1988). He was a Senior Lecturer at the University of Amsterdam before joining the Vrije Universiteit in 1999, where he is currently Professor of International Relations and a member of the Department Management Team. In the latter function he is responsible for curriculum development and the internationalisation of the political science programme. He has also been Adjunct Professor at Webster University in Leiden since 1994. He has published widely in the field of International Political Economy, amongst others *Global Capitalism and National Decline: The*

Thatcher Years in Perspective (1990), *Restructuring Hegemony in the Global Political Economy* (editor, 1993) and *The Political Economy of European Employment* (editor, 2003). Overbeek's recent empirical work has dealt with employment and labour market issues and European and global migration. He is a member of the editorial boards of the *Routledge/RIPE Series in Global Political Economy* (which he co-founded and co-edited until 2003), *the Review of International Political Economy*, *the International Political Economy Yearbook* and *Globalizations*.

Dr. Philipp Pattberg, M.A. (University of Bonn, John Hopkins University), Ph.D. (Freie Universität Berlin), is a project leader at the Department for Environmental Policy Analysis at the Institute for Environmental Studies (IVM), Vrije Universiteit Amsterdam, the Netherlands. He coordinates the research group PARTNERS on the emergence and effectiveness of transnational public policy networks in global sustainability politics and acts as the deputy leader of the P3a work package within the EU FP6 ADAM project. He is also the research coordinator of The Global Governance Project (glogov.org). His current research focuses on the concept of transnational organisation, the effectiveness and accountability of global public policy partnerships and the future of the global climate regime. He has published articles in *Governance*, *Global Governance*, *Journal of Environment & Development*, *International Environmental Agreements*, *Third World Quarterly*, *Business and Society Review*, *Leviathan*, *PVS*, among others.

Kyla Tienhaara, B.Sc. (University of British Columbia), M.Sc. (University of Nottingham), Ph.D. (Vrije Universiteit Amsterdam), is a postdoctoral fellow at the Regulatory Institutions Network at the Australian National University in Canberra. Her research focuses on the relationship between international agreements and contracts designed to protect foreign investors and environmental regulation in developing countries. Her most recent publication, "Unilateral Commitments to Investment Protection: Does the Promise of Stability Restrict Environmental Policy Development?", appeared in Vol. 17 of the *Yearbook of International Environmental Law*.

Ingrid Visseren-Hamakers, B.A. (Erasmus University), M.Sc. (Utrecht University) is a researcher in the Section Environmental Studies and Policy at UNPOP (Utrecht-Nijmegen Programme on Partnerships), since 2005. Her research focuses on the role of international intersectoral partnerships in international biodiversity governance. Before starting at the Copernicus Institute, she worked for different environmental and animal welfare NGOs and the provincial government of Zuid-Holland. She studied Business Administration at the Erasmus University in Rotterdam and Environmental Studies at Utrecht University. She published in *Global Environmental Change* and *Business 2010*.

4 List of Participants

Name	Affiliation
Bas Arts	University of Utrecht
Frank Biermann	IVM, Vrije Universiteit Amsterdam
Harriet A. Bulkeley	Durham University
Bram Büscher	Vrije Universiteit Amsterdam
Jennifer Clapp	University of Waterloo
Eric Deibel	Athena Institute, Vrije Universiteit Amsterdam Critical Technology Construction, WUR
Klaus Dingwerth	University of Bremen
Neil Gunningham	Australian National University
Joyeeta Gupta	IVM, Vrije Universiteit Amsterdam
Ayşem Mert	IVM, Vrije Universiteit Amsterdam
Henk Overbeek	ARCCGOR, Vrije Universiteit Amsterdam
Philipp Pattberg	IVM, Vrije Universiteit Amsterdam
Kyla Tienhaara	IVM, Vrije Universiteit Amsterdam / Australian National University
Ingrid Vissermaker	University of Utrecht

5 Registration

Participation is free of charge. Please send an e-mail to [aysem.mert\[at\]ivm.vu.nl](mailto:aysem.mert@ivm.vu.nl) before the day of the workshop indicating your participation.

6 Venue

Institute for Environmental Studies (IVM), Vrije Universiteit Amsterdam
De Boelelaan 1087, 1081 HV Amsterdam, The Netherlands (see the campus map on the next page)

Directions to the Vrije Universiteit

Public transport

From Central Station:

Tram 5, direction Amstelveen Binnenhof, stop “De Boelelaan/VU” (25 minutes)

From Station Zuid / WTC:

Metro 51, direction Amstelveen Westwijk, stop “De Boelelaan/VU” (2 minutes) or Tram 5, direction Amstelveen Binnenhof, stop “De Boelelaan/VU” (2 minutes) or a 10 minute walk

By car

The A-10 Amsterdam ring road can be reached from all directions. Follow the A-10 to the Zuid/Amstelveen exit S 108. Turn left at the end of the slip road onto Amstelveenseweg: after about three hundred yards (at the VU Hospital building) turn left again onto De Boelelaan. VU Amsterdam can be reached via city routes S 108 and S 109.

Parking:

There is a limited amount of parking space around VU Amsterdam itself in De Boelelaan, which has parking bays, and also in Karel Lotsyiaan, There is paid parking on VU Amsterdam parking lot to the right of the Hospital Outpatient Clinic. There is even more parking space on the east side of Buitenveldertselaan at the junction with Willem van Weldammeaan, within 5 minutes walking distance of VU Amsterdam. A number of parking places for the handicapped are reserved in front of the VU Main Building and within its grounds.

From Schiphol Airport

Travellers arriving at Schiphol can take the train to Station Zuid/WTC (see 'Public transport: from Station Zuid/WTC').

If you require further directions please contact Aysem Mert (aysem.mert@ivm.falw.vu.nl).

