

**Transnational Public Private Partnerships and Environmental Governance in Africa: can new forms of governance solve the implementation deadlock?**

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**ABSTRACT**

The growing number of international environmental regimes with demanding commitments and binding rules has hardened many states' reluctance to accept further commitments. This vacuum has been filled by the participation of "private actors" (understood as business-related actors) in both treaty negotiation and implementation. Transnational Public/Private partnerships are part of this emerging "hybrid governance" raising many issues of legitimacy and accountability. However, this paper focuses on the issue of effectiveness/efficiency, and more specifically on the potential contribution of Johannesburg Type II partnerships to the implementation of existing regimes in the Third World. It then shows that a thorough analysis of the nature of the state in Africa points at difficulties to implement PPP similar to the problems encountered by traditional development assistance. The paper finally elaborates on the need to move from the current vision of PPP towards a more political form of partnerships, what we call "transcalar policy coalitions".

Keywords: partnerships, governance, environment, Africa, international regimes, statehood, policy implementation, NGOs

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## 1. Introduction

There are more than 150 Multilateral Environmental Agreements (MEAs) forming a complex web of international regimes varying in scope, membership, and degree of effectiveness (Biermann and Bauer 2004). Many countries, including some Western states, have found these MEAs increasingly demanding, and have been tempted either to opt out (such as the USA and formerly Australia in the climate change regime), or to reassess the nature of their commitments, re-interpreting a regime's provisions as mere guidelines and directions rather than binding rules. It is in the Southern countries that the implementation of MEAs has most often proved problematic. Yet, international regime analysis, like much of IR theoretical literature – especially neorealism and neoliberal institutionalism - in which the study of regimes has been grounded since the 1980s, systematically overlooks the proper dynamics of Third World actors and the specificities of the Third World (Neuman 1998; Ayoob 1988; Dunn 2001; Lemke 2003; for a critique, Brown 2006). Its analytical focus remains the international system as a whole, and the achievements and problems of inter-state cooperation through classical, yet always refined, game theory based utilitarian models. There is definitely a need to bridge the gap between theory and the realities of two-thirds of the world.

Research to date has extensively covered regimes formation, policy formulation, compliance measures as well as the (in)effectiveness of such regimes (Young 1997, Young 1999; Vogler 2000) but still with a holistic bias. On the contrary, field experience intuitively suggests that the causes of ineffective implementation, especially in Africa, lay primarily at national and sub-national levels and involve non-state as much as state actors. This is a neglected domain - and surprisingly so - in the literature, with only few exceptions such as the case study on MEA implementation in Cameroon (Blaikie and Simo 1998). However, a better understanding of structural obstacles to the enforcement of environmental agreements in the South is of paramount importance if the current trend of environmental degradation is to be reversed at the global level (UNEP 2002). The lack of effective implementation on the ground of the relevant policies is connected to a wide range of social and political factors. In particular, the characteristics of the African post-colonial state provide a key factor to explain underperformance or, more accurately, the incompatibility between domestic political dynamics and the grammar of international regimes. The nation state structure and the political elite's behaviour are crucial areas of analysis when trying to understand the interplay between global and local environmental regimes (Compagnon forthcoming). This line of analysis requires a

more thorough assessment of modes of governance in areas of “limited statehood” (Risse 2005), what is often understood by the notion of “fragile states”.

The Agenda 21 implementation deadlock, so blatant during the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002, prompted the search for alternative routes. State defect (in the South) or state retreat (in the West) provided the ideological background for a highly advertised, greater participation of “non-state actors” in both the negotiations and the implementation of MEAs. Both the UN Secretariat and the great powers were happy to deflect criticisms on their past record, and transfer their responsibilities to these non-state actors, if only to avoid a complete summit failure (Andonova & Levy 2003: 21-22). Therefore, non-state actors<sup>1</sup> were encouraged to fill the vacuum in the guise of the hastily forged category of “Type II partnerships”. This is in line with the recent surge of interest for private actors in global governance (Cutler, Haufler, & Porter 1999), in particular in areas such as climate change, biodiversity conservation, water and health provision, and forest management regimes among others.

There is indeed a growing literature on the role of non-state/private actors during the negotiation and the implementation phases of MEAs (Newell 2000, Levy & Newell 2005), and a systematic review would go beyond the limited scope of this paper. The new forms of international governance beyond the state (Risse, 2004) include (i) interactions between private actors that produce new institutional arrangements sometimes referred to as “private governance”, (ii) interactions between private and public actors towards regime implementation. Private governance “emerges at the global level where the interactions among private actors [...] give rise to institutional arrangements that structure and direct actors’ behaviour in an issue-specific area” (Falkner 2003: 72-73). Therefore, private governance “goes beyond common forms of private cooperation because it involves not only adjustments of behaviour toward mutual goals but also shared norms, principles, and roles” (Pattberg 2005b: 606; 2007). It takes the shape of various corporate social responsibility (CSR) schemes, private norm making and various types of public/private partnerships in a good number of sectors from water to energy, including food security and climate change (Pattberg 2005a). This hybrid governance also arises from business participation in multiple stakeholder dialogues such as the World Commission on Dams (Dingwerth 2005a, 2007). Public/private partnerships (PPP) are intended to address the deficits

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<sup>1</sup> “Non-state actors” should be understood here as encompassing business-related actors (private actors proper) and not-for-profit non governmental organisations (NGOs). Logically, it should also include sub-national public authorities such as autonomous provinces and big cities, which are non-governmental from a traditional International Relations theoretical perspective.

of intergovernmental politics by integrating into a common policy network NGOs, businesses and state bureaucracies (Reinicke 1998, Streck 2004). Although the growing influence of private actors may signal a decline of the state in a globalised world (Strange 1996) and a shift to non-state governance,<sup>2</sup> pure forms of private regimes are rather rare, and in most cases what we see emerging are “mixed” or “hybrid” regimes (Falkner 2003), increasingly blurring the boundary between the private and the public spheres. The ISO 14000 series is a case in point, being negotiated mainly by business representatives<sup>3</sup> and then endorsed by several governments and international organisations such as the WTO.

However, most of the literature on private regimes focuses on OECD countries, and largely ignores the Southern stakeholders, both in terms of their contribution to rule-making and in terms of the impact of these regimes on the South itself (Dingwerth forthcoming, Pattberg, 2006). There is a North-South inequality within the process of forging and implementing private and mixed regimes as Clapp pointed out with regards to the ISO 14000 series (Clapp 1998). Developing countries’ voices are often marginalized (Miller, 1998), and they lack the manpower and financial resources to counter corporate influence in this process. In many ways, it reflects their actual position in the global division of labour, and for many African countries, their limited contribution to global GDP and trade. This is not, however, strikingly different from what can be observed in intergovernmental negotiation processes or in the relations between Western and Southern NGOs within advocacy networks. Private and semi-private regimes do not necessarily disenfranchise the South in a greater extent than other, more traditional forms of global governance.

Nevertheless, a focus on the South, and more specifically Africa, is fully warranted because of the sheer importance of these countries’ involvement for the future of many MEAs – climate change to start with. Therefore, there is a need to look beyond the “new forms of governance” and “privatisation” somehow de-contextualised debates, and decipher the potential contribution of private actors to environmental governance in the South. To this end, the nature of transnational PPP, broadly defined as “institutionalised transboundary interactions between public and private actors, which aim at the provision of public goods” (Schäferhoff, Campe,

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<sup>2</sup> One should neither idealise nor stigmatise privatised governance: there is obviously a threshold beyond which companies will be reluctant to work against their material interest (profit making). Besides even when contributing to public or hybrid governance, industrialists might not be without self-serving – perhaps hidden - motives which are worth enquiring about.

<sup>3</sup> Although not a NGO in the traditional sense of the word, the International Organisation for Standardisation founded in 1946 is a hybrid organisation, the national delegations of which are drawn from private sector bodies working on standardisation at the national level (Mattli & Büthe 2003).

Kaan 2007), must be confronted to the political realities on the ground. Defining characteristics of political systems will necessarily affect any collaborative effort between indigenous partners and outsiders, its institutional forms and its effectiveness. At first glance, some of these partnerships seem to be mere corporate public relations schemes while others are thinly disguised traditional, intergovernmental cooperation projects. There are, however, some new forms of coalitions between various actors (including segments of state bureaucracies, NGOs and private firms) that may play an informal though decisive role in tackling complex issues, and overcoming traditional obstacles to policy implementation in Third World countries.

This paper explores the contradictions between the structure of PPPs and the political dynamics in South, and then suggests how transcalar policy coalitions – coalitions of actors across the spatial scale from local to global - that are also some kind of partnership may overcome obstacles to a better implementation in the South. To this aim, the next section of this paper will first provide a brief assessment of WSSD Type II partnerships with a focus on Africa. A reassessment of the post-colonial state will follow, to bring into the debate a perspective often neglected by authors writing on global governance. The last section will return to the prerequisites of successful intervention by coalitions of non-state actors, and identify some successful examples of such policy coalitions.

## **2. Impact of WSSD Partnerships in the Southern countries**

Although the importance of NGO participation to the implementation of various MEAs, including the Agenda 21 and later the Millennium Goals for Development (MGD), had long been acknowledged, the WSSD in 2002 promoted the Type II multiple stakeholder partnerships involving both NGOs and business partners alongside with public authorities. These voluntary, transnational policy networks were tasked to implement Agenda 21, the Millennium Development Goals (MDG) and other related MEAs. This shift supported by the UN Secretary General and by most member states, in the wake of Western powers' refusal to commit more public finances to meet the ten-year old targets, was intended as a means of transferring to the private sector a substantial share of MEAs' implementation costs (Hale and Mauzerall 2004). Type II partnerships became the magic formula for raising more (private) money and producing short-term results on the ground, unlike what had happened (or rather not happened) during the decade between Rio and Johannesburg.

Subsequently, more than 300 partnerships have been duly registered under the UN Commission on Sustainable Development (UNCSD).<sup>4</sup> These are meant to bridge the functional gap between intergovernmental regimes at the international level, which are increasingly seen as ineffective, and policy implementation at the grassroots' level, in order to address sustainable development issues. Yet it was never really made clear how these loose transnational policy networks were to succeed in filling this implementation deficit when more institutionalised regimes had hitherto failed. There were also some more narrow interest politics involved in this turn: representatives from the Third World – both states and Southern NGOs for once well represented - with support from the UN Secretariat, succeeded in Johannesburg to steer the shapeless concept of sustainable development in the direction of the developing nations' economic and social concerns, especially through the amalgamation of Agenda 21 and MDGs. Safe water, energy supply, poverty alleviation and food security became primary targets in the Johannesburg Plan of Implementation. It was obviously a way for Southern actors to obtain what had been denied to them by the Monterrey Summit in March 2002, when Western powers refused a substantial increase of their development aid. Consequently, the founding consensus on Type II partnerships is politically ambiguous.

Multistakeholder partnerships are alleged to have decisive advantages in knowledge dissemination and social learning, in “setting non-binding norms” - as opposed to MEAs -, building management capacities, and in “closing the ‘participation gap’ in global politics” (Andonova & Levy 2003: 20, 25), therefore contributing to a democratisation of global environmental governance (Bäckstrand 2006). However, they generated from the onset also many criticisms (Bruno 2002). We will briefly sum up these shortcomings - although the purpose of this paper is not to produce a thorough assessment of the CSD partnerships.<sup>5</sup> Firstly, all partners are not equal in resources, hence in power, although the partnership ideology claims these arrangements proceed from a balanced, horizontal relationship. More importantly, only 6% of the partnerships reviewed in one recent study were really multi-stakeholder (Andonova & Levy 2003: 23), i.e. involving all the categories of stakeholders, including local communities, which are most likely to be left out. There are usually skeleton governance and accountability mechanisms in the CSD partnerships – as least as far as detailed information is available – thus providing very limited transparency.

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<sup>4</sup> Some business-initiated partnerships are also registered through the WBCSD, and there are PPP in the areas of climate change, through the Clean Development Mechanism (CDM), in bio-prospecting under the CBD, and within the forest management regimes (Pattberg 2005a) among others.

<sup>5</sup> There have been several quantitative studies of UNCSD partnerships (Andonova & Levy 2003; Ivanova 2003, Hale & Mauzerall 2004) with broadly consistent findings. A more ambitious project is the UNCSD partnerships data base currently under way at IVM, Free University Amsterdam (see Biermann & al. 2007b).

There are also problems with the process. Partnerships are just registered by the UNCSO when following broad, weak and formal guidelines, and they are not properly vetted or evaluated. In the years since the WSSD, the CSO failed initially to put in place strong procedural rules to establish and monitor partnerships. Therefore, a good many of them are thinly disguised classical aid projects that will not benefit the poorest but, rather, will fulfil some state's objectives or fit corporate interests – for instance creating a local market for TNCs providing water supply services. Many of them are not even new projects. For instance, most of the UNCSO registered partnerships involving the Japanese government look obviously like some hasty re-packaging of traditional bilateral aid programmes (see UNCSO database).<sup>6</sup> Another case in point is the Nile Basin Initiative reclassified as a Type II partnership although it began in the late 1990s. Some WSSD partnerships hardly fit in any definition of sustainable development. For example, one partnership operating in Africa is led by Eskom, the South African electricity utility and aims at connecting the countries' power networks in Southern Africa to facilitate “sub-continental electricity trading,” in other words working to enhance South African electricity exports. Type II partnerships may also serve to “greenwash” TNCs targeted in advocacy NGO campaigns by diverting public attention from their standard practises that damage the environment – the oil industry being a case in point.

Up to now, “partnerships have failed to bring a substantial amount of new, multi-sectoral resources to sustainable development activities” (Hale & Mauzerall 2004: 235), and especially private funding. A majority of the UNCSO partnerships are still looking for additional funds many years after their announcement. In most cases the leading partner is from the North (either a governmental agency or an international NGO), and in few instances, only a private corporation: 2% only, and businesses are partners in less than 20% of total partnerships, accounting for less than 1% of total funding (Hale & Mauzerall 2004: 230-31). This reflects rather than challenges the existing power imbalance in the international system. Although a limited number of cases of TNC involvement were highly publicised, the private sector has not been supportive.<sup>7</sup>

Some of the WSSD partnerships are mere “ghost” projects with no activity reported since their announcement. Most partnerships do not directly contribute to a more sustainable environmental

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<sup>6</sup> To be fair, this observation might be true also for many other OECD countries, including France.

<sup>7</sup> Under the auspices of the Business Action for Sustainable Development, 95 industry-led partnership initiatives were announced in the lead up to the WSSD, but they opted not to register with the UNCSO.

management according to another study.<sup>8</sup> The primary findings of the Amsterdam database project point to the discrepancy between the claimed objective of fulfilling the Millennium Development Goals and the fact that OECD countries and not Least Developed Countries are the most frequent countries of implementation in CSD registered partnerships (Biermann & al 2007a: 9). Consequently, CSD partnerships “do not necessarily match the priorities set out in the multilateral process” (Hale & Mauzerall 2004: 234), create a new bureaucratic structure parallel to the existing inter-governmental institutions (Biermann & al 2007a: 9), and do not therefore contribute necessarily to a proper implementation of MEAs.

These trends are largely the product of a top-down approach, not significantly departing from traditional aid practices, and of a supply-side, donor-driven process (Andonova & Levy 2003: 23, 26). Given the nature of state/society relations and the distance in many Third World countries between political elites and local communities, it is doubtful that some greater participation of the latter is foreseeable in the short term. Among CSD partnerships registered by December 2006, less than 1% had marginalised groups such as farmers, workers, indigenous people, women, youth or children as partners (Biermann & al 2007a: 13-14). Social agents with resources (both material and symbolic) are more likely to become partners. Besides, on the ground, there is a huge discrepancy between the multistakeholder partnerships rhetoric emphasising greater participation of traditionally marginalised groups and the actual partnership management. According to a comparative study, the participation rhetoric is used mainly to legitimise top-down oriented projects and guarantee a smoother implementation (Kerebel 2007: 335-373).<sup>9</sup> It is a technique to foster project acceptance by the people – very much older “participation” techniques.

Although one may argue that these deficiencies are only implementation hiccups that might ease out in the coming years, and that there is room for improvement of the formula (Hale & Mauzerall 2004), it is astonishing that the partnership literature largely ignores a major factor in this debate on effectiveness/efficiency. The political context of partnership implementation, i.e.

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<sup>8</sup> “The majority of the partnerships do not provide direct environmental benefits. 28% of partnerships considered themselves to provide clear, direct environmental benefits... The figure of 28% producing clear, direct environmental benefits seems to be an overestimate. From the description of the partnerships available in the UNCSD database, it would seem that in several cases a more appropriate response in line with the intention of the question would have been ‘one step upstream’ – it likely that of the 32 partnerships only three or four had direct environmental impact with the rest facilitating impact further down the line” (OECD 2006: 24).

<sup>9</sup> However, there are slightly different records in the four cases studied by the author on this point.

the national political system, will have a strong bearing on the future of partnerships in the Southern countries. When the Indonesian government for example is involved in a record number of 53 UNCSD partnerships this should raise some credibility questions given the country's past and present governance performance. This is why we will now examine in more detail Third World state characteristics, with a more specific focus on Africa.

### **3. Post-colonial state and political dynamics in Africa**

Most African states are parties to many MEAs and African countries often rush to sign and ratify speedily new agreements. Their governments display also a certain degree of formal compliance, for instance by transposing provisions of the ratified agreements into the national legislation. What is problematic though is these states' effective capacity to implement these agreements within their borders – a problem of course not confined to the environmental domain. In practice “an increasing number of individual nation-states are no longer able to provide localised order and an adequate degree of environmental management within their own borders” (Hurrell 1995: 147). Within the Third World this applies particularly to the Least Developed Countries, two-thirds of which are to be found in Africa.

Although both International Public law and IR theory are based on the fiction that all sovereign nation states are equal in rights and prerogatives in the international arena, most of the states created in the wake of the decolonisation process are deprived of the major criteria of effective statehood. They do not fit the Westphalian, ideal-typical model of the fully functional nation-state. They have been described as “Quasi States” by some IR scholars denoting their limited capacity of autonomous action in the international system and their dependence on the UN and the great powers to maintain their independence (Jackson 1990). These states do not fully enjoy the attributes of “positive” sovereignty: military and financial capacities to protect themselves and defend their borders, as well as fully control their territory. Therefore, they tend to rely only on “negative” sovereignty, provided by international recognition by other states and membership in the UN system. Their governments display a ritualistic and sometimes frantic diplomatic activity, quite beyond their financial resources – e.g. number of embassies abroad and expensive foreign policy trips (Clapham 1996).

The Quasi States' eagerness to sign environmental treaties – or CSD partnerships to that matter - is fuelled by three important factors: the pressure exerted by international organisations that they are badly equipped to resist, the need for these states to “exist” on the international scene and

receive more consideration, and the desire to attract more funding from the West. Their governments rely on the international system to complement a weak national resource base: many of these states became independent without a viable economy and have survived on multilateral and bilateral development aid and external borrowing ever since – or squandered the little revenue base they had. It does not necessarily follow suit that these MEAs should be properly implemented at the national level. It is not just a question of lacking the means to do so: in most countries in Africa, ‘external’ formal sovereignty is disconnected from ‘internal’ sovereignty as it has been defined in the Western state since the Classical age.

Third World states are often characterised by political sociologists as “weak states” (Migdal 1988) – and more recently “fragile states” (Moreno Torres & Anderson 2004; DIFID 2005; Châtaigner & Magro 2007) - when focusing on their internal administrative capacities.<sup>10</sup> Some of these states such as Liberia or Somalia (Herbst 1996) have been properly labelled “failed” or “shadow” states (Reno 1998), and more recently Thomas Risse proposed the new category of “limited statehood” to integrate these external (Quasi State) and internal (Weak State) dimensions of the Third World state: “countries whose governments are only partially, if at all, in control of the legitimate means of force, those inside the country as well those which could be employed beyond its borders. Moreover, they are either not in the position, or only partially so, to implement political decisions of the central government and to enforce the law. In other words: areas of limited statehood lack full "effective authority" over their territory, a minimal characteristic of modern statehood.” (Risse 2005: 64). According to Risse, this large category encompasses a large spectrum of dysfunctional political systems on a continuum of areas of limited statehood from Brazil and Mexico on the one end to Somalia and Sudan on the other. This grading should be qualified though. In some cases (e.g. Mexico, Brazil, India, South Africa), there is a polarisation within the country between regions or various socio-economic segments: those where the state is almost as effective as in most Western governments – e.g. the capital city and its region, or the banking industry as a sector -, and others where statehood is limited in terms of the state apparatus’ physical presence on the ground as well as its administrative effectiveness. Environmental policy is usually a weak sector within the political dispensation and protected areas are situated in remote areas within the country – e.g. forest areas in many countries.

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<sup>10</sup> Of course, this is not a value judgement and it implies no prejudice against the people of the South and their cultural traditions. These characteristics of the contemporary Third World states are rooted in particular in the long-term legacy, often underestimated, of colonialism (Davis 2001, Mamdani 1996).

Despite a number of success stories – mostly in Latin America - the 1990s global trend of Third World transition towards democracy failed to consolidate during the subsequent decade, especially in Africa. We still find on this continent a majority of neo-authoritarian regimes, sometimes “personal rules” (Jackson & Rosberg 1982), relying on clientelistic neo-patrimonial systems of governance (Médard 1982, 1991, Clapham 1985), where a weak institutionalisation of the state and the correlated personal appropriation of office lead to some discretionary and widely corrupt enforcement of the law and of the state policies. Thus there is little accountability – towards either the people or foreign donors - from state bureaucracies and the central government. The donor-driven constant flow of new environmental laws and regulations is misleading since these are seldom or randomly enforced by understaffed, underfinanced state agencies. National or provincial “Big Men” (patrimonial barons) often bend national legislation to their advantage.<sup>11</sup> Contempt for the rule of law, in the extreme, ends up completely disrupting sustainable management, as has been the case of Zimbabwe since 2000. Its widely celebrated community-based wildlife management system and conservation policy was first undermined by corruption and patronage, then completely derailed by Robert Mugabe’s survival politics and the chaos it has generated in the countryside (Mapedza & Bond 2006).

There has been a great deal of effort to reform the African state and make local politicians more accountable, but with limited success to date. Quite often, attempts by international donors to impose some environmental conditionality stumble on cynical claims by corrupt governments that these conditions violate their national sovereignty. In addition and because of both colonial history and post-Independence politics, the state is often perceived as illegitimate if not oppressive by large sections of the population, and as failing repeatedly to deliver the minimum provision of public goods (including security). Central government policies – e.g. in sustainable management of natural resources - are resisted by local people against a historical background of abuses and distrust.<sup>12</sup> In this context, decentralisation – i.e. devolution of management authority to lower political/bureaucratic levels - has become in the late 1990s a popular option with both donor agencies and environmental experts (Ribot 2002). However, it falls short of circumventing the governance problem: either there is rampant re-centralisation of the authority to manage resources (Ribot, Agrawal & Larson 2006), or decentralisation creates a structure of

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<sup>11</sup> In one Western African state, the president entertained his guest in the 1980s by hunting an endangered antelope species in a national park. In a Central African country recently the president granted logging rights to foreign companies inside protected areas the same president had decreed a few years earlier.

<sup>12</sup> For example, in most African countries, local communities think of national parks and other protected areas as being a legacy of European colonialism and Western green imperialism (Anderson and Grove, 1987; Duffy, 2000:141-172). Repressive anti-poaching policies often targeted the poorest rural dwellers (Gibson 1999). In early 2007, there was a publicised incident in Cameroon where national park guards were accused of rare brutality against Pygmies accused of poaching.

opportunities for rent-seeking local officials and regional political barons who, for example, control the *de facto* access to protected areas (Oyono 2005; Wardell & Lund 2006). In addition, powerful transnational networks benefiting from the illegal exploitation of natural resources, sometimes linked to global mafias, and locally connected to corrupt key officials, subvert the state's conservation policies – e.g. in Madagascar and Indonesia (Duffy 2005, EIA/Telapak 2005). Weak/Quasi States are also prone to conflicts over resources and/or conflict impacting on the environment such as was the case in DRC, Liberia and so on.

UNCSD partnerships were tasked to “compensate for weak institutions or institutional deficits across levels of governance” (Andonova & Levy 2003: 20). These are even seen by many as the epitome of a nascent “post-sovereign” governance (Karkkainen 2004). However, they are not well equipped to overcome the policy implementation difficulties arising from public governance characteristics in most Third World countries, especially in LDCs. Although some partnerships attempt to address these problems through “capacity building” and the transfer of institutional models, their governance structures tend to mirror LDC deficient patterns. No wonder why more institutionally developed, middle-income economies in the Third World are more attractive to Northern partners, thus more often involved in partnerships than the poorest countries. Hence, according to the UNCSD database, out of 330 registered partnerships in early 2007, 27 involved the Chinese government, 26 the Brazilian government, 21 the Indian government, but only 8 partnerships involved the government of Burkina Faso, one of the poorest countries in the World. “Haiti and Somalia, for example, are not participating in any of the 231 partnerships, whereas Thailand and the Philippines are in 20 each” (Andonova & Levy 2003: 28). Fragile states are involved more often when an international organisation leads the partnership and makes a deliberate effort to include them.

Therefore, the claim that UNCSD partnerships will provide donor agencies and international organisations with an alternative (safer) channel to deliver assistance to the people most in need, reinvent their institutional role, and therefore overcome a history of policy failure, appears rather unwarranted. Very much like prior bilateral and multilateral technical assistance programmes, most of UNCSD partnerships are likely to become either irrelevant or highly corrupt – sometimes both. In many ways they carry all the political ambiguities of the UN system at large, including accommodation of Third World tyrants. More importantly, the afore-mentioned features of Southern political systems are so pervasive and resilient – like a chameleon they have adjusted to the end of Cold War and globalisation - that they are more likely to undermine this

new policy tool rather than the opposite. PPP will then become another means for Quasi States to extract resources and legitimacy from the international system.

#### **4. Transcalar coalitions as a strategy for policy change**

In spite of these numerous, inbuilt shortcomings of the UNCSD partnerships, the private sector's involvement in environmental policy-making and policy-implementation remains an important and potentially positive change. A pragmatic cooperation between various partners, including business corporations, NGOs and donor agencies to promote a policy reform agenda particularly in the South is more necessary than ever. This part of the paper looks at motives and methodology for building what we call "transcalar coalitions". It requires first a clarification of what we mean by "scale".

Scale as a noun refers to "levels at which a phenomena occur in the dimensions of space and time", and as a verb suggests that "the dynamics of the systems that differ from each other in terms of spatial or temporal scales are nonetheless sufficiently similar so that we can scale up and down in seeking to understand how they work" (Young, 2002: 26). Although less common in Political Science and International Relations (IR), the concept of scale is supported by a significant body of literature in Political Geography. Scale points at a "nested hierarchy of bounded spaces of differing size, such as the local, regional, national, and global" (Delaney and Leitner, 1997:93). Although these spaces are not pre-determined but socially (politically) constructed, in practice their boundaries often follow jurisdictional lines defined in the course of history (Meadowcroft 2002). However, the public authority deciding over a specific issue does not operate necessarily at the scale deemed the most appropriate, and has to take into account developments and problems at other levels. This dilemma is acknowledged by the literature on international environmental regimes, but scholars of public policy and governance tend to focus on levels of institutionalised authority – hence the concept of multilevel governance particularly in use for EU governance (McCormick, 2001) – rather than social spaces. Nonetheless, the notion of transcalar governance is increasingly popular in globalization studies (Scholte, 2005:186-187), and it appears to be appropriate to analyse interactions between actors at different scales.

Along the spatial scale the state remains a crucial level of policy management. Contrary to common wisdom, more effective global governance does not imply bypassing the state. Indeed the Quasi/Weak state in the South, as outlined above, is a major impediment to proper

implementation of environmental regime provisions. In line with economic neo-liberalism loaded with deregulation and privatisation policies, some powerful Northern actors such as development agencies were tempted to “do away” with Southern states and their inefficient, corrupt national bureaucracies and politicians. The sustainable development multistakeholder partnerships fit in such a strategy: the partnership discourse emphasises non-hierarchical cooperation between equally legitimate partners including NGOs and business corporations, and tend to de-politicise policy implementation. The PPP have been sold to the public and donors as a ready-to-use technical kit putting aside Southern countries politics, and aimed at producing fast results on the ground. Yet policy implementation is about politics, i.e. power as much as financial means, arm-twisting as much as knowledge, personal interest as much as politically correct consensus.

UNCSD partnerships might not deliver the goods without a more realistic assessment of the politics in the South. For example, there is a large literature that stresses the political dimension of conservation – in both international negotiations and localised implementation schemes - in various Third World countries (Mofson 1997, Agrawal & Gibson 2001), the involvement of “political” businessmen in the tourist industry in and around protected areas (Duffy 2000, Raftopoulos & Compagnon 2003), and “big men” sponsoring wildlife poaching (Gibson 1999). Industrial sectors such as energy provision or drinking water supply are also deeply penetrated by corruption and clientelism, especially but not exclusively in the South. How are partnerships supposed to overcome established patterns of illicit logging and timber trading (Dauvergne 2001, EIA/Telapak 2005)? Empirical cases show that Southern civil societies and economic actors are also deeply penetrated by neo-patrimonial tendencies. It will be as difficult to make local partners accountable in currently registered UNCSD partnerships, as it was the case in the past with more traditional forms of development assistance.<sup>13</sup>

Beyond the emotionally loaded controversy on Green imperialism, what is needed is a renewed environmental conditionality, in the form of specific commitments negotiated with the local partners but closely monitored, with precise benchmarks and potential sanctions. The most blatant weakness of most MEAs is the absence of sanctions to enforce policy decisions, the lack of effective monitoring mechanisms and the fact that intergovernmental politics dominate policy-making, allowing scientific findings to be ignored or skewed to fit the governments’

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<sup>13</sup> It is true that aid was diverted sometimes with the complicity of donor countries for geopolitical reasons, especially during the “Cold War”. There is no guarantee that this will not happen again with partnerships, especially when Western governments see them as a way to penetrate markets in emerging countries.

conflicting agendas. When parties to MEAs want to evade their responsibility to fulfil their international commitments, they often invoke state sovereignty. Indeed, international sovereignty remains the dominant ideology - and a great hypocrisy (Krasner 1999) - in the international system as it has been constructed by social actors (Wendt). For example, in the case of the oil pipeline built between Southern Chad and the Cameroon coast, partly financed by a World Bank loan, Chad's government predictably reneged in December 2005 on its former pledge to allot a major part of the oil revenue to investments for sustainable development (and 10% saved for future generations). President Déby easily got away with it because he enjoyed the support of French and US governments in his military confrontation with Sudan. Nevertheless, even when "high politics" do not interfere, making environmental conditionality work through traditional diplomatic means is problematic.

This is precisely why transcalar coalitions of various actors including translational corporations, NGOs, donor agencies and local communities are likely to be useful. To tackle a specific problem like deforestation, they work across the spatial and social divide to create consensus on some common policy objectives and then to enforce a sustainable management strategy. The policy framework is not imposed from above through international legal instruments; it is constructed through social interactions that include both formal negotiations and informal deliberation. By doing so they constrain national politicians' capacity of action top-down and bottom-up at the same time: when a local environmental NGO, forest indigenous dwellers, international NGOs and the World Bank join efforts, using both sticks and carrots, an African country's government cannot convincingly claim that it fell victim to an imperialist plot!

For example, Cameroon's small NGO the Centre pour l'Environnement et le Développement (CED), part of the international Friends of the Earth network, has combined the support of Western donors, the World Bank, international NGOs (including Greenpeace and the Forests Monitor) and the local tax collection administration – a segment of the national state – to force Cameroon's government and the logging companies to effectively implement the 1994 law on forest management.<sup>14</sup> In comparison, the Congo Basin Forest Initiative, a UNCSD partnership since 2002, with South Africa as a godfather and the involvement as lead partners of the USA first, and France after February 2005, typically reflects a top-down approach and has had predictably little impact on the ground: an improved legislation that is poorly enforced.<sup>15</sup> Weak

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<sup>14</sup> See the organisation's web site: <http://www.cedcameroun.org/>

<sup>15</sup> See the report submitted by a coalition of NGOs to the Ministerial Conference on Africa Forest Law Enforcement and Governance in Yaoundé in 2003 (CED & al. 2003).

institutions, personalised rulership and corruption once again come out of NGO reports as the major causes of failure.<sup>16</sup> However, there is room for enhanced cooperation between advocacy NGOs and the World Bank, to control deforestation in DRC in a more effective way (Debroux & al. 2007).

This internal/external concerted pressure can contribute to strengthen the initially weak local civil society<sup>17</sup> – especially in the context of neo-authoritarian regimes -, expose the corrupt behaviour of many politicians and civil servants, hence in the end contribute to a better institutionalisation of environmental governance in the South. When a government is led to implement its own legislation more effectively and fight corrupt, illegal dealings, some segments of state bureaucracies regain confidence in their own mission. Therefore, whereas a technocratic, ostensibly politically neutral vision of multistakeholder partnerships tends to by-pass the national state (thus ignoring the capacity to harm of political actors nested at this level of governance), a more tactical approach of transcalar multiple-actor policy coalitions might, in the end, strengthen state capacity. Substituting ‘coalition’ for ‘partnership’ puts the emphasis on conflict, thus on the contested nature of sustainable development policies as opposed to a consensual - yet unrealistic - vision of policy-making. Although private corporations must remain strongly committed through their investment policies (Garcia-Johnson 2000), the big advocacy NGOs and their local allies have a central role to play in forging these coalitions, since their political discourse links up local action with global regime agendas.

## **5. Conclusion**

Existing UNCSA or CDM partnerships, especially those that are primarily clever business ventures for TNCs, or recycled bilateral or multilateral aid programmes, will probably not, in the end, deliver a more participatory environmental governance, let alone global democracy as some scholars would like us to believe (Bäckstrand 2006). Nor will they fill the implementation gap in most MEAs, especially when Southern countries are concerned, because they fail to address governance problems properly as national and local level. However, the multistakeholder

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<sup>16</sup> A Global Witness report published in January 2003 stated that 42 logging companies, out of 58 inspected, had exceeded their logging permits' volumes of timber in 2002-2003, and breached Cameroon's forest law. See also Greenpeace's latest report on the situation in DRC: "In a context of corruption and poor governance in the DRC, the World Bank's attempts to reform the forestry sector are currently failing to control the expansion of logging" (Greenpeace 2007).

<sup>17</sup> However, external NGOs and donors should be careful not to disrupt local social movements or overload them with money and bureaucratic demands that might transform them into a donor-driven, docile civil society (Igoe 2003). The dominant culture among most donors is still very technocratic.

partnership discourse, as construed in the international arena over the last ten years, and especially in the wake of the 2002 WSSD, can contribute to legitimise the intervention of an array of non-state actors in a given country's internal affairs in order to promote a sustainable development transition.

Instead of denying or downplaying this - admittedly sensitive - political dimension of public/private partnerships, we should exploit on the contrary its potential in promoting policy reform in the South. Broad multistakeholder, transcalar coalitions might have the capacity to overcome the stumbling block of "negative sovereignty", and provide greater incentives for the implementation of environment friendly policies in "areas of limited statehood". However, policy rectification also depends on more dedicated efforts by greater powers and intergovernmental agencies to curb global trafficking – be it in natural products or in toxic waste.

On a theoretical level, these transcalar coalitions, should they further prosper will provide more substance to the notion of governance beyond the state agency. However, more empirical research is still necessary to identify such emerging coalitions, and when they do crystallise (or do not), identify some social, economical, and political enabling factors to that effect. The global ecological crisis sets a pressing agenda requiring some proactive thinking rather than an unconditional acceptance of the dominant discourse on transnational PPP's alleged benefits. The European Union as a prominent aid donor and as source of governance norm dissemination towards the South should not only support such transcalar coalitions but also play an enterprising role in their emergence, especially through a direct support to advocacy NGOs in the South.

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