Accountability in transgovernmental networks

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CHAPTER I

Introduction

1.1 International solutions by civil servants

Increasingly we hear of transboundary or international problems. Often these are tales of epic proportions, think of terrorism, climate change and so on. Problems which are more technical in nature but still count as international problems tend not to attract the same type of attention, even though these international problems often affect our everyday lives. These problems find their solutions by civil servants working together across borders. The following two examples show how civil servants resolve border crossing problems.

The Dutch capital city of Amsterdam announced that it would spend 8,2 million euro on the eradication of Japanese knotweed (Het Parool, May 17th, 2019). Japanese knotweed is a plant. Originally brought to Europe for ornamental garden purposes, it adjusted to the climate very well. This exogenous species has a detrimental effect on biodiversity as well as economic consequences. The effect on biodiversity is such that with its spread it has the potential to overgrow endogenous species, which cannot thrive due to shading effects. Next to this, Japanese knotweed has the ability to hamper the germination of seedlings of woody species, which stops succession of these species (e.g. Lohmeyer 1969). In addition, the plant enables erosion of banks of rivers and streams which could lead to floods. Also, the plant has the capacity to break through tarmac resulting in problems with sewage and pipes (Nobanis, nd.). Japanese knotweed is just one on a list of invasive species that poses a threat to European biodiversity. Its spread is continent wide. As such, to tackle the spread of this plant, the geographical extent of it should be taken into account. Governmental organisations have tried to tackle this invasion (and that of other invasive species) in a variety of ways. Yet the spread is so persistent that international cooperation in this field is necessary. For this reason, one of the recommendations at the Convention on Biological Diversity's sixth meeting of the Conference of Parties in 2002 was the collaborative effort to tackle invasive species. This led to the creation of NOBANIS (The North European and Baltic Network on Invasive Alien Species). This transgovernmental network on environmental issues has been set up to assess these invasions (among other things). Which eventually led to a risk assessment for the plant to be put on the European Union wide list of invasive species (EC, March 7th, 2019). Being put on the list would prohibit the sales and transportation of this plant.

At the start of 2020 the governor of New York signed a bill regarding elevator safety. Explaining the reason for doing so, he stated: "For too long unsafe and defective elevators have led to unnecessary injuries and even deaths, and this new law will help ensure all individuals working with elevators have the proper training and credentials to make sure these machines meet the safety standards necessary to provide reliable service." (Cuomo, A. in: Spectrum News, January 3rd, 2020). The necessity to create reliable and safe elevators has been recognized in the European Union in both legislation as well as transgovernmental collaboration ensuring the same interpretation of standards. Products such as elevators are subject to safety tests in the European Union. This is even proved by the placement of signs that indicate the date of the last safety test in elevators. These tests should follow certain criteria. In addition, the

organisation that executes these tests needs to be reliable. The trustworthiness to execute their tasks is checked throughout the European Union single market by accreditation bodies. These bodies cooperate to check whether testing bodies follow the correct criteria. By doing so, they ensure that within the single market a standard is in place. The accreditation bodies work together not just on elevators, but on all products and services that require performing conformity assessments (EA, n.d.). They have established a transgovernmental network called EA (European cooperation for Accreditation) which has formally been appointed by the European Commission to oversee issues regarding accreditation and mutual recognition of products and services throughout the European Union.

The problems mentioned in these two examples affect our day-to-day life. In addition, these problems are often connected to the major challenges posed by globalisation. These problems show how issues that we perceive as small or less prominent are solved by civil servants in border crossing cooperation. From these examples it is unclear how civil servants provide an account for decisions made in international cooperation. In both cases the necessity for cooperation by civil servants is provided. The impact of international problem solving by means of international cooperation can be seen in a lot of aspects of daily life, which is why we have chosen these examples. Precisely because international cooperation between civil servants impacts our day-to-day life, account giving over this type of cooperation is of importance. This dissertation will therefore address how accountability is arranged for in this type of cooperation.

The type of cooperation mentioned in the examples is defined in the academic literature as a 'transgovernmental network'. Transgovernmental networks are venues that allow public servants working in a specific policy field across state boundaries to have continued technical interactions (Shyrokykh and Rimkute, 2019: 751). In contrast to the, by now familiar, discussions of heads of state or ministers finding solutions to problems of globalisation, transgovernmental networks' participants are technical level civil servants. The idea of realism that the strategic level (i.e. that of ministers and heads of state) proved the sole venue to answer cross border challenges is being challenged at an accelerating pace. At the technical level, exemplified by the participants of transgovernmental networks, we see national-based experts on a specific policy come together. They convene to share information, best practices, and often converge policy. Transgovernmental networks operate in addition to venues at the strategic level to tackle issues without geographical confinement. By convening with their counterparts from other countries across borders, the experts essentially delve into the world of foreign affairs. It is therefore paramount that we understand how accountability is given by these civil servants in relation to their work within TGNs.

A transgovernmental network has the potential to create policy (f.i.Hobolth and Sindbjerg Martinsen, 2013; Maggetti, 2009). They do so under the guise of operating on behalf of a national central government. Yet, these networks' participants work at quite a distance from their political bosses. Not in the least because the participants often work for authorities that operate outside of a ministerial organisation. Often, they work for independently operating

authorities or governmental organisations which are not an integral part of a ministry. But even with this organisational distance, participants to these transgovernmental networks are civil servants. As such they are to be held democratically accountable. This is exactly where the problem with the existence of transgovernmental networks lies, according to scholars (see Papadopoulos, 2007).

The distance from national central government poses a challenge to traditional conceptions of accountability. Traditional conception of accountability are focused on the hierarchical nature of a single central government. This, of course, is challenged by the existence of transgovernmental networks. These networks operate outside the formal structures of international organisations and at a distance from centralised national bureaucratic structures (Shyrokykh, 2019). They are informal organisations in which civil servants partake. Informal in this instance refers to the fact that their existence is not based on a treaty or formalised in other legally binding ways such as is the case with international organisations. Civil servants in these networks discuss policies that have a reach beyond the national central government. They operate with minimal supervision of their national organisations and work on a peer-to-peer basis. They collaborate and meet with varying degrees of frequency but lack the ability to formally negotiate. The civil servants create institutional links in the form of policy networks. In doing so, transgovernmental networks (TGNs) "occupy a middle place between traditional international organisations and ad-hoc communication" (Slaughter and Hale in Bevir, 2013: 342). This type of network is on the rise, and particularly so in regulation (f.i. Hollis, 2010; Slaughter, 2001; Raustiala, 2002; Verdier, 2009). Even though they have the potential to achieve cross-border policy aims, they attract less attention than international organisations or transnational networks (Legrand, 2019).

The rise of TGNs is explained by functional and political reasons. The functional explanation is that TGNs offer a more effective way of cooperation. Due to its informal character and the short linkages between policy experts, transboundary problems can be resolved more easily (f.i. Coen and Thatcher, 2008: Eberlein and Newman, 2008). The political explanation takes into account the need for administrations themselves to work internationally. This offers them prestige. Working with or through an internationally created network provides acclaim for and strengthens interest in their own institutions (f.i. Wessels, 1997; Slaughter, 2004). The functional and political explanations for the rise of TGNs, are not mutually exclusive.

The importance of TGNs should not be underestimated. Scholars highlight the ability of TGNs to converge national policies (see Bach and Newman, 2010; Raustiala, 2002). In addition, in multi-level governance systems such as the European Union, the existence of TGNs could serve as a "fire-alarm oversight mechanism" (Hobolth and Sindjberg Martinsen, 2013). Transgovernmental networks create a new political space (Thurner and Binder, 2009), their impact instructs the necessity to study what is decided in this space.

It is not only national administrations that may find a need to collaborate more internationally. The European Commission can also be seen to spur on the creation of partnerships and networks between national bodies that are responsible for the implementation of European Union legislation (Curtin and Egeberg, 2008: 649). This results in the creation of what has been dubbed Europe's integrated administration (see Blauberger and Ritberger, 2015; Hofmann and Türk, 2007; Trondal and Peters, 2013), by means of transgovernmental networks. Literature on transgovernmental networks specifically operating in a European Union context has labelled these networks European regulatory networks (ERNs). In this dissertation we will make use of the term transgovernmental networks. ERNs also cover networks that are (somewhat) integrated within the context of the European Union (Magetti and Gilardi, 2013), for example expert groups of the European Commission. Moreover, the term ERN presupposes a European Union component in networks (Lavrijssen, 2009; Mathieu, 2016; Vestlund, 2017) whereas TGNs do not. The membership of components of central state government is not excluded, whereas in transgovernmental networks the membership lies with autonomous sub-state actors (Bach and Newman, 2010). In this dissertation, the focus is on networks that specifically operate outside the formal structures of international cooperation and at a distance from national central government (Shyrokykh, 2019). The challenge this brings to traditional concepts of accountability is the focal point of this dissertation.

The differences between the two forms of networks, as described above, shows the challenge in specifying the features of networks in general and TGNs in particular. The definitions sometimes (partly) overlap. This is also because networks come in a variety of forms. This variety is for instance related to the organisational set-up of TGNs as the OECD explains;

> "Trans-governmental networks are multiplying fast and vary widely in their constituency, governance structure and operational mode. Drawing an exhaustive list would not be easy" (OECD, 2018).

In this statement the OECD exemplifies the difficulty in researching the phenomenon of transgovernmental networks. The degree in which they differ is such that what links them together is based on a general definition. This is also what makes studying these networks challenging.

1.2 The problem: Democratic accountability and the unavoidable creation of networks

One area of research regarding these networks focuses on accountability deficits. This is also one of the most pressing questions pertaining to the existence of transgovernmental networks. The existence of TGNs lead to a change in the relationship between nationally based politicians and civil servants. In the descriptions of traditional democratic accountability, politicians will oversee the work of their subordinates. With the existence of transgovernmental networks,

this direct line between the politician and the civil servant who needs to be held to account is somewhat divorced. They are divorced in the sense that the civil servants often do not directly work within the organisation the politician oversees. The politician might carry responsibility for the task performed by the civil servant, but the organisation that is performing said task is not an integral part of central government. This distance forms the basis of the critique of the rise of transgovernmental networks from an accountability perspective (Maggetti and Papadopoulos, 2018). It could potentially create a form of governance in which the civil servant as opposed to the politician will become somewhat of an executive. The distance was created by divesting public tasks to independently operating organisations (Maggetti, 2009), while maintaining overall political responsibility for the fulfilment of that task. This phenomenon has been identified in articles concerning the rise and existence of TGNs and in articles on the delegation of political power from democratic institutions to non-representative bodies more generally (f.i. Curtin and Egeberg, 2008; Maggetti, 2009; Papadopoulous, 2007; Slaughter and Hale in: Bevir, 2013). This is also why some scholars state that networks engender a legitimacy deficit as accountability could be weakened (f.i. Legrand, 2015; Levasseur, 2018; Papadopoulos, 2003; Raustiala, 2002: Slaughter, 2001). Oversight of the actual performance of these public tasks would be hindered by the operational distance. In addition, due to the very nature of TGNs, oversight will be difficult. As Raustiala notes:

> "Their very informality and clubishness, however, invite exclusion and make monitoring and participation by non-state actors and other government officials often difficult" (2002: 25).

This distance created at two levels, can be linked to the emergence of New Public Management. As a mode of government this paradigm encouraged the divestment of public tasks and opened up the creation of new venues such as TGNs. It also ensured that the principle of accountability gained prominence. Even with the delegation of tasks the political responsibility remained intact. To fulfil this requirement of responsibility, political executives were reliant on the notion of accountability to ensure compliance and quality of public tasks. Accountability has become a central term in the democratic legal state, yet it does not hold a singular meaning (Bovens and Schillemans, 2009: 19).

Accountability refers to the practice of accepting oversight, providing accountability, and bearing relational responsibility to someone else (Mulgan, 1997: 27). Calls for greater accountability have increased in recent years, in academia as well as in public debate (Messner, 2009: 918). Working for government equals working for the public. This means that civil servants should be able to explain, justify and take responsibility for their actions to those whose interests they need to guard (f.i. Bignami, 2004; Papadopoulous, 2007). But what happens if these civil servants operate in a setting with peers from different and perhaps divergent governmental backgrounds? Especially when in these settings they acquire the ability to make decisions that impact national policies and lead to a policy converge between states participating in a TGN. This possibility of a trade-off between democratic accountability

on the one hand and the unavoidable creation of technocratic driven networks to tackle issues of globalisation on the other will form the backbone of this dissertation.

Research regarding TGNs and accountability as a concept has focused mostly on theoretical conceptions. By doing so, a meso level approach to TGNs has often been adopted. The literature focuses on the impact of the change (i.e. the creation of TGNs) in the sense that a new way of policy making is institutionalized (f.i. Kinney, 2002; Raustiala, 2002; Risse-Kappen, 1994; Thurner and Binder, 2009).

Multiple accountabilities could act upon a civil servant because of the conflicting demands of different stakeholders (Messner, 2009: 919) and a lack of hierarchical instructions or supervision. What does this entail for the public and the representatives that they elect? Can they make sure that civil servants act accountably to them? If a government is democratic, it should reflect the will of the people and the people should have the ability to check whether their agents act in accordance with their wishes. Accountability as a term has many meanings. In the words of Sinclair (1995):

> "How we define accountability is dependent on the ideologies, motifs and languages of our times" (1995: 221).

Civil servants who act with minimal supervision under the authority of a democratic government could interfere with the accountability of democratic principles that form part of the foundation of governmental action (Busuioc, 2010). Whether or not they actually interfere, has not yet been answered. To date, we know little of how civil servants in TGNs accommodate accountability. Nevertheless, normative stances and preliminary takes on the matter are readily available. What we do know is that concerns arise regarding the imbalance the existence of TGN's could bring to legitimacy and democracy at large. Of these democratic principles, accountability is understood to be the most predominant of these as Pelizzo and Stapenhurst refer to this principle by saying:

> "A central element of good governance is the question of how authority and power are allocated and applied in public life (..)" (Pelizzo and Stapenhurst, 2013: 1).

Sabel and Zeitlin refer to this in more detail by stating:

> "Accountable behavior in this setting no longer is a matter of compliance with a rule set down by the principal, as if the principal knew what needed to be done, but rather provision of a good explanation for choosing, in the light of fresh knowledge, one way of advancing a common albeit somewhat indeterminate project" (Sabel and Zeitlin, 2010: 12).

Accountability, as the relation between a principal and agent is put under pressure if the distance between the two increases. How the relationship between the two is devised is essential to the understanding of accountability. The distance between politician and civil servant is at the heart of the discussions regarding accountability deficits in TGNs. The depiction of the civil servant as being divorced from the politician paints a gloomy picture for accountability. These depictions of the relationship of the civil servant vis-à-vis the politician relationship are in abundance, however. They can be found beyond the concept of TGNs as well. The impact of distance between principal and agent is at the core of discussions regarding possible accountability deficits (Maggetti and Papadopoulos, 2018). Busuioc perfectly describes the setting of distance and its impact on accountability. She relates it to the context of agencies, which are often the type of organisations that form TGNs:

> "Given the relatively large degree of independence and institutional complexity of these agencies, and on the other hand, the importance of the tasks delegated to them, this raises significant concerns regarding their accountability" (Busuioc, 2010: 3).

The underlying assumption of these depictions is quite negative. Accountability will be threatened due to lack of oversight and the level of discretion of the civil servant. If we take a closer look at the literature, we see that the perceived threats to democratic principles such as accountability are not assessed in the same manner across the board. For instance, Raustiala (2000: 418) states:

> "The threats to sovereignty and democracy from multilateral cooperation are not large but they are real" (Raustiala, 2000: 418).

Raustiala claims that these threats arise simply because they are innate to the condition of multilateral cooperation. He argues we should "develop and refine institutional responses" (Raustiala, 2000: 419) to ensure democracy at the international policy making level. Maggetti and Papadopoulos agree as they state that "(..) accountability chains are much more complex than the chain of delegation and that political principals are not necessarily the main 'forum' that controls agencies" (2018:177). Kinney (2002) redirects that TGN may operate outside of formal frameworks and by doing so they have no obligation to adhere to democratic procedures. Slaughter warns us that:

> "Proponents of global governance, particularly through multiple parallel networks of public and private actors, must offer at least a partial response to the problems of democracy as traditionally defined, before redefining it" (2002: 1042).

Black (2008) goes even further by suggesting that civil servants within these networks "may attempt to create and manipulate perceptions of their legitimacy" (2008: 57). More broadly

speaking Gailmard and Patty contend that agents will influence policy if they care about the content of policy, attesting that it is intrinsic to the position of civil servants to create opportunities to steer and influence policy simply because they hold discretion (Gailmard and Patty, 2013: 25). The rationality that gives rise to these attempts to influence and move beyond the oversight of the political superior is also observed by Thurner and Binder (2009) who attest that civil servants carry out cost-benefit analysis when they are operating in TGN. These observations are indications that accountability might be in the crossfire when civil servants use their discretion beyond the oversight of their political supervisors.

The literature on TGNs focuses on the impact of this change in the sense that a new way of decision making is institutionalized (f.i. Kinney, 2002; Raustiala, 2002; Risse-Kappen, 1994; Thurner and Binder, 2009). The portrayal of civil servants in TGNs most often plays tribute to the technocratic nature of these arrangements (Brandsma and Schillemans, 2012; Grant and Keohane, 2005; Thurner and Binder, 2009). This is not to say that technocrats by definition use their position to do harm to democratic principles such as accountability. As Barr and Miller (2006) point out, civil servants or transgovernmental networks as a whole may set up procedures to increase the component of democracy. Slaughter also mentions this in her work (2004).

The debate on accountability in TGNs consists mostly of theoretical conceptions (Papadopoulous, 2018); the general lack of empirical studies on accountability in these new settings is telling. In an article in *The New Republic*, scholar Anne-Marie Slaughter is cited as saying that academia has no formal way of integrating conceptions such as transgovernmental networks into frameworks which are designed to be applied to states (Wynne, September 22nd, 2017). This would be the case for democratic accountability as well, especially considering the fact that the concept was often used in the context of states. Likewise, Maggetti (2009) as well as Curtin and Egeberg (2008) mention that we should be mindful that the new mode of governance (i.e. TGNs) raises questions as to whether it is enough to hold national governments to account or if accountability should be viewed differently to accommodate for these changes. In any case, according to Freyburg et al. (2017) transgovernmental networks are fundamental to our current governance structures, which is why research of their impact on democratic principles, such as accountability, is key. Particularly so because these concepts are touted as essential to ensure good governance. This is why in this dissertation we will focus on how accountability is accommodated for in the context of TGNs.

1.3 Contribution to research

Based on the discussion in literature as outlined in the previous paragraphs there are several reasons that outline the significance of this study. First, there is a clear agreement that accountability in TGNs should be studied (f.i. Kinney, 2002; Maggetti et al., 2021; Maggetti and Papadopoulos, 2018; Raustiala, 2002; Risse-Kappen, 1994), as scholars note that they are multiplying fast and are inevitable international arrangements (f.i. Hollis, 2010; Slaughter,

2001; Raustiala, 2002; Verdier, 2009). Second, TGNs are understood to be a political space with a clear impact on policy (f.i. Hobolth and Sindbjerg Martinsen, 2013; Maggetti, 2009; Thurner and Binder, 2009). Third, TGNs should be studied more in-depth (f.i. Freyburg et al, 2017; Papadopoulous, 2018). Next to these more general reasons for studying accountability in the context of TGNs, several gaps in literature have emerged. In this study these gaps are addressed. In this dissertation the gaps will be addressed by 1. combining literature from different academic fields; 2. creating a typology of TGNs; 3. taking a microlevel approach and 4. offering empirical evidence.

Literature on transgovernmental networks is dispersed as the definition for this type of networks is contended. Some scholars refer to transnational networks others to regulatory networks or European regulatory networks (ERNs). The latter of which has been given significant attention in recent years. Literature on ERNs is vast, and numerous studies pertain to the emergence, structures, tasks, and functioning of these networks (f.i. Tarrant and Kelemen, 2017; Vantaggiato, 2019; Vantaggiato et al., 2021; Van der Heijden, 2021). ERNs are described in the literature as specific types of networks operating within the European Union, which consist of "transnational groups that allow national regulatory authorities to formalize, structure, and coordinate their interactions pertaining to the governance of a number of important domains" (Maggetti and Gilardi, 2011). This definition aligns with the definition of TGNs, but nevertheless ERNs have been studied as a sui generis type of network (Blauberger and Ritberger, 2014; Tarrant and Kelemen, 2017; Mathieu, 2016). Literature on ERNs has also focused on how the European Commission could make use of these networks by ensuring harmonized implementation through them (f.i. Mastenbroek and Martinsen, 2018; Thatcher and Coen, 2008; Vestlund, 2015). European regulatory networks are seen as a way for the European Commission to create a European administrative space and by doing so address its own administrative deficit. ERNs were the extended arms of the Commission administration. This focus on the verticality of the network does not do justice to the variety of TGNs in existence. In this dissertation we intend to compare networks, which is why we make use of a singular definition of TGNs. In addition, we make use of an often-used definition, based on a historic and current amount of literature.

We understand the value of TGNs to be fundamental to our current governance system. We know that these networks vary widely in constituency and other components. This should, due to their position in our governance system, strengthen our desire to learn more from them rather than focus on theoretical assumptions. Broadening our empirical knowledge of the foundations of transgovernmental networks is long overdue (Papadopoulous, 2018). These foundations are the properties that reveal how a transgovernmental network operates. They go beyond formalities and focus on the practical implications for those participating in the networks. In this dissertation we will explore the different varieties of TGNs by combining literature on governance styles of networks with the function networks can fulfil. As studies on the workings of TGNs are missing we have turned to literature on networks in general.

This offered insight into the different governance styles that can be employed by networks. In this dissertation we argue that these different governance styles can also be adopted in the context of different TGNs. By taking this position several varieties of TGNs arise. Next to the literature of network governance, literature specific to transgovernmental networks was also assessed. From that literature we understand that there are three different functions that TGNs can have. These three functions were combined with the three types of governance styles of the network governance literature, resulting in a typology of varieties of TGNs. This typology of TGNs provides us with a base for a systematic study to understand the impact of TGNs on accountability. It will help the understanding of how TGNs operate. Moreover, the effect of the specific structure of a TGN can be assessed.

What is still missing in the literature on TGNs is a more bottom-up and state-centered perspective to the workings of TGNs. By adopting a micro-level approach, we can address this gap in the literature. This approach consists of a focus on the actions and perceptions of the individual civil servants partaking in TGNs regarding accountability. They are aptly placed to offer insights into the mechanisms of accountability. They essentially interpret the accountability relationship and are integral to it. To assess whether a trade-off between accountability and the functioning of a TGN exists, the day-to-day working of a TGN and the demands of accountability faced by those within them should be recognised. A micro-level focus on TGNs allows us to research the perceived clash between the demands of national central governments versus the networks more specifically. The clash is perceived to exist between the civil servant performing a task and the manner in which information of performance is relayed back to the national central government structure. Given that accountability should be understood as a social relationship, research should start with those involved in it. The civil servants partaking in TGNs thus offer a starting point to address how accountability is incorporated into the context of TGNs.

By taking a micro-level approach to the principal concept of accountability, we study how civil servants relay information on both performance and their actions for and within transgovernmental networks back to their national central government structure. Stating that the concept of accountability is designed for states does not make the concept of accountability obsolete in a new context of governance. Especially considering that: a. states still exist, and b. accountability is still considered a democratic principle that should underpin governance in a broader understanding as well. TGNs simply work alongside and often in support of these states. Discarding principles that underpin this simply because they are not designed for them is not the avenue we are taking. Rather we would like to see how civil servants in transgovernmental networks incorporate accountability in their work. This would allow us to see if the clash between the different structures is there and if so what the consequences for the traditional concept of democratic accountability are. Literature on accountability informs us that there are different types of accountability. These types differ both in the extent of control and the origin thereof. In this dissertation we argue that the type of accountability is

instructed based on structural dimensions such as governance style and function of a network. The structural dimensions can be placed on a scale that we align with the extent of control and the origin of that control. By doing so we created a theory that we test in multiple case study. As we adopt a micro-level approach, we explore to what extent and how civil servants in TGNs incorporate accountability and how this relates to the ideal types of accountability.

This brings us to our research question:
What is the effect of transgovernmental networks on the principles and practices of democratic accountability within national central governments?

1.4 Analytical frame

Literature on TGNs suggest that their arrangements impact accountability. The organisational structure of TGNs are said to create a deficit of accountability. The validity of the existence of accountability deficits in TGNs has not been tested. Therefore, expectations are developed in this dissertation to test if the overarching claim that these organisational arrangements affect accountability holds water. It is not unlikely that the organisational structure directs accountability (f.i. Koop, 2011). Formal structures have a stage-setting function; they create the context in which account giving and holding can take place (Busiuoc and Lodge, 2016). In this dissertation that approach is also taken.

The institutional set-up determines the type of accountability that is required. Given the variety of transgovernmental networks, the varied practices of account-giving need to be examined across predetermined stylized types of transgovernmental networks. By making use of the work by Provan and Kenis (2008), the variety of networks' institutional set-ups in general could be assessed. They distinguish networks based on their governance style. Three governance styles are acknowledged by them. They are placed across a line between two extremes, from the most decentralized towards the most centralized governance style. In line with this extreme the governance styles are: a. participant governed network; b. the lead organisation network; and c. the network administrative governed network.

As TGNs are assumed to have a particular effect on accountability the insights on network governance style in general with the work on TGNs in particular are combined. This allows for the addition of a further distinction based on the function of the network. The work of Slaugther (2004) understands TGNs to vary in the type of function they could hold. Three different types of functions are differentiated: a. information network; b. enforcement network; and c. harmonisation network. Based on the distinctions in governance style combined with the three types of functions a typology of TGNs was devised. This typology helps us distinguish existing varieties in types of networks that could lead to varied practices of account giving. The institutional context we assume will have an effect on how accountability is understood. We take the position that this will be determined in part by the organisational components of the networks. For this we developed an understanding of the development and rise of the

concept and the properties attached to it. Meaning that each variety will have its own set of components that will automatically gravitate to a particular type of accountability. The typology offers us a tool to link up with literature on accountability.

The work of Dubnick and Romzek (1987) on accountability also takes the position that institutional context matters in terms of accountability. Their work enables the move from a typology to a theoretical grid filled with expectations. The steps which permitted the creation of the theoretical grid indicate the deductive component of this research clearly.

Regarding the concept of accountability, we know that literature suggests that deficits arise in TGNs. However, we are currently unaware of how civil servants in networks arrange for accountability. This study will therefore take precisely that approach: how accountability is actually arranged for in the setting of TGNs. To do so we focus on the civil servants in the TGN and how they understand accountability. With a sharp focus on the empirical reality of TGNs we will be able to do so. For our study we will take the definition of accountability by Bovens (2007) as our starting point:

> "a relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences " (Bovens, 2007).

This definition is especially useful as it describes the traditional form of accountability that is ultimately reflected in the chain of accountability of the central state. This is where most concerns regarding accountability deficits also stem from. In addition, accountability defined in this manner allows for application at the micro-level. The reason for the existence of accountability is ultimately to justify actions to the people. In essence, the relation of civil accountability is considered to be conducted in a closed system. In this definition Bovens (2007) refers to accountability as a system with different stages: a direction to follow, giving account of the actions conducted, posing questions by the forum, and passing judgements. Moreover, in the case of TGNs we understand this line to be multiplied.

The definition by Bovens (2007) instructs that there should be awareness both on the part of the actor and the forum of the activities. Questioning actions whose existence one is not aware of will most likely not occur. In order to assess accountability as it is understood in the definition by Bovens (2007) we will focus on the different stages that exist in an accountability relationship. We will gauge the different lines of accountability within the context of TGNs. The question relating to hierarchy (singularity of direction) as well as the awareness thereof will also be addressed. And finally, we will look at the intention and the setup of activities, as this might offer a reason as to why a traditional understanding of accountability is not valid in this type of organisation.

This research makes use of empirical data stemming from both interviews of civil servants participating in these networks as well as from participatory observations and document analysis. A combination of these three sources and methods of data collection will offer the insight into the micro foundations of TGNs needed to assess the expectations. The research is by necessity of its topic qualitative in nature. As the concept of accountability is dependent on "our ideologies, motifs and languages of our times" (Sinclair, 1995), we are acutely aware that a focus on how civil servants in TGNs discuss this subject and arrange for it is of primary concern. This also necessitates a focus on the construct of social reality and the constrainment of situations that play a key role in this. In addition, we understand a grand variety of TGNs to be in existence. Their differences are greater than their similarities. This means that quantitative research at this point and on this particular combination of topics is a less obvious route to take, especially as this research presents the first instance of seeking out these varieties, based on a newly devised typology. As we want to assess the varieties and look at the perceptions of civil servants working in these networks, qualitative research is best suited for our purpose. It offers the opportunity to assess whether the varieties we theoretically distinguish exist in real life. As we take a novel approach a first assessment that hinges on the accumulation of in-depth knowledge would suit us best. We understand accountability to be a relationship between an actor and a forum. To grasp what this entails, and especially in a setting where the actor (civil servant in a network) is operating in two spaces, we need to understand how they perceive this experience. Moreover, we know there is a great variety in TGNs; however, as we will make use of a typology we inevitably will have to assess across this typology. As TGNs by their very nature operate in an informal manner, tracing them is a time-consuming task. Especially if we want to uncover the participants. In addition, we want to comprehend how they perceive accountability to exist in their special circumstances of working both nationally and internationally. TGNs remain empirically understudied; this means we are limited in knowing what to ask our respondents. We must place focus on them, as well as on the TGNs in which they are operating. Furthermore, a micro-foundations approach with a reliance on those working in the network will provide is with the knowledge we need. It is because of these considerations that interviews combined with participatory observations and document analysis would benefit the state of TGN research best.

1.5 Outline of this book

The structure of this dissertation is as follows. In the second chapter we will provide an overview of the emergence of transgovernmental networks. This overview provides us with the context for this dissertation. We will discuss the differences in nature and characteristics. Furthermore, in this chapter we will offer the reader a typology of the different types of transgovernmental networks. We will do this by making use of literature from Provan and Kenis (2008) combined with that of Slaughter (2004). This theoretical grid offers the backbone to our typology. In this chapter we shall also go into the legitimacy and accountability problems that TGN scholars perceive to exist.

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In chapter III a more in-depth discussion regarding accountability will be provided. We will address the different meanings given to accountability and state why we will adopt the definition by Bovens (2007). We will address the reasons for differing arrangements of accountability based on the principles that underline the different types and combine this with the theoretical grid of chapter two. This offers us an analytical frame based on the typology that includes expectations. Work by Romzek and Dubnick (1987) is added to the theoretical grid to create the analytical frame. This frame will be used to assess the empirical cases of TGNs and to determine which accountability type is absent or present in specific types of TGNs.

Chapter IV includes the operationalisation of the analytical frame as it describes the methodology that is used in this dissertation. The operationalisation discusses how the four types of accountability are to be characterized in real settings. Our methodological choices will then be discussed.

Chapters V, VI, VII and VIII are our empirical chapters. The practices of accountability will form the focus of these chapters. The analytical frame has provided us with nine varieties of TGNs. In four cases in this frame we expect a distinct accountability arrangement. These four cases are the empirical cases, which correspond with the most extreme positions in the typology, i.e. a participant governed information network, a participant governed harmonisation network, a network administrative governed information network and a network administrative governed harmonisation network. Chapter V will address a participant governed information network called European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL). Chapter VI will assess a network administrative information network called Association of European Vehicle and Driver Registration Authorities (EReg). Chapter VII will address a participant governed harmonisation network called Western European Nuclear Regulators Association (WENRA). Chapter VIII will assess a network administrative governed network called European co-operation for Accreditation (EA). Each of the empirical chapters will end with a conclusion on the assessment of the expectation.

The overall conclusion regarding the match or mismatch between the analytical frame and the empirics will be discussed in chapter IX. This chapter will offer an insight into all the different expectations per case but will also assess the overall analytical frame. It will furthermore, address considerations on accountability as a concept in the governance dynamic where territory is not necessarily coupled with authority. This reflection will detail the principles of accountability in the context of TGNs. By doing so in the conclusion we will thus reflect on both accountability in a national context as well as how accountability is reflected in TGNs. Finally, the concluding chapter will address how research in this field could be expanded upon.