



Universiteit
Leiden
The Netherlands

Accountability in transgovernmental networks

Osch, D.A.G.T. van

Citation

Osch, D. A. G. T. van. (2022, November 9). *Accountability in transgovernmental networks*. Retrieved from <https://hdl.handle.net/1887/3485553>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3485553>

Note: To cite this publication please use the final published version (if applicable).



CHAPTER II

Transgovernmental Networks

2.1 Introduction

This chapter provides an overview of both the history of transgovernmental networks and their variety. In order to examine the effects of TGNs on accountability practices, a clear understanding of both the type of network that is addressed as well as the variety in which it can manifest itself is necessary. This chapter therefore develops a typology of TGNs using the frameworks of Provan and Kenis (2008) and Slaughter (2004). The combination of these two frameworks, it is argued, captures quite well, albeit in a stylized manner, the universe of existing TGNs.

The work by Provan and Kenis (2008) addresses the type of governance styles which are used by networks. The work of Slaughter (2004) addresses three types of function a network might hold. These functions can also be placed on a continuum regarding the potential of policy impact or boundary shift (Lavenex, 2007). On one end there is less potential of a boundary shift whilst on the other end the potential is high. By combining the work of Provan and Kenis (2008) and that of Slaughter (2004) the effect of these differences in TGNs tested regarding the type of accountability deployed. The goal of creating a typology of TGNs is to be able to go beyond contextual dimensions and enable comparisons. This combination is innovative. It enhances the analytical tool available to TGN scholars.

By opting for structural dimensions, a categorization of TGNs is possible. It allows for the creation of an overview of the different types of transgovernmental networks. In turn, this will ensure a degree of consistency in case comparisons which is necessary for this research. Before introducing the typology, we will first take a closer look at TGNs by starting with what defines them.

Transgovernmental networks are predominantly informal organisations in which civil servants partake. They discuss policies that have a reach beyond the national state in a functional manner. Transgovernmental networks “occupy a middle place between traditional international organizations 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. Raustiala, 2002; Hollis, 2010).

Noteworthy is that the existence of TGN leads to a change in the relationship between central state level principals and civil servants. It could lead to what Weber called: *Beamtenherrschaft* (Weber, 1988). A form of governance in which the bureaucrat as opposed to the politician will become somewhat of an executive. This phenomenon has been identified in articles concerning the rise and existence of TGNs (f.i. Keohane and Nye, 1974; Slaughter, 2004). This is why some scholars state that TGNs engender a democratic deficit as accountability could be weakened. The fact that civil servants working in TGNs operate on the cross section between independence and authority based on territory, makes this of particular interest. The tension with traditional concepts of accountability and authority and the inescapable global interdependence is especially seen in this type of governmental collaboration.

The differences in types of TGNs could potentially have a differing effect on the way accountability is approached in these contexts. In this chapter we will first address the emergence of transgovernmental networks. This will be followed by an examination on how TGNs fit in the scholarly debate regarding modes of governance. Lastly, we will create a typology of TGNs and will address which problems regarding accountability occur within TGNs.

2.2 Globalisation and the emergence of TGNs

Speaking at the World Food Conference in Rome, 1974 secretary of state Henry Kissinger made an interesting remark:

“We are stranded between old conceptions of political conduct and a wholly new environment, between the inadequacy of the nation state and the emerging imperative of the global community” (US government, 1975).

Kissinger refers to an impasse with on the one hand the traditional nation state whilst on the other the increasing connectedness of societal environment. The government structures are described by Kissinger in the same address as being “at the margin of governments ability to control” (US government, 1975). The structures are inflexible and incapable to absorb the shocks posed by the pressures that globalisation places on society. Any reaction of one government will not suffice to counter problems of interdependence. Traditional government is facing a challenge if we follow the reasoning of Kissinger. This challenge essentially results in a paradox. The paradox is the necessity to address global challenges internationally but being unable or unwilling to do so because of the nation state structure constraints.

The paradox is vested in the idea that states are the primary actors in international relations. It is based on that “the classic state-centric paradigm assumes that states are the only significant actors in world politics and that they act as units” (Keohane and Nye, 1970: 371). This, to them, is not reflected in reality. As they reveal that: “A good deal of intersocietal intercourse, with significant political importance, takes place without governmental control” (1970: X). They also assert that these relations have existed for a long time already, yet that these relations have “greater political significance” than they did previously (1970:375). Although there have been some voices calling for a more centralized governance response regarding the paradox of globalisation (f.i. DeHousse 1997, Keohane, 2001), the creation of a sort of world-government has not seen the light of day. What has transpired is a shift away from government to governance (Eberlein and Newman, 2008) as a response to the paradox of globalisation.

Governance refers to the process of governing that could encompass more than just governmental actors being involved. Cooperation between governments is taking place in a way that no longer follows the rigid demarcations of state governments (Eberlein and Newman, 2008). It is a response to the changing nature of how policies were devised and

implemented. Where previously the focus was on the central role of government, awareness rose to the role that other actors played in the governing process. In addition, the centrality of governing that underlined the government paradigm of governing was being questioned as processes such as decentralisation and professionalisation of the civil service started to gain more prominence.

There are four developments which are significant regarding the contesting of the national state as a unitary actor and should be viewed in parallel to the paradox of globalisation. The first is multi-level governance, which prescribes the reallocation of authority upwards (beyond the realm of the central national government), downwards (in terms of decentralisation) and sideways (referencing the professionalisation of the civil service) ensured the steady development of what has been labelled multi-level governance (Hooghe and Marks, 2001, 2003; Stephenson, 2013). This in turn is clearly linked to the second development: network society (see f.i. Castells and Cardoso, 2005). This latter term is reflective of the structural transformation society has undergone that stipulates a more flexible and connected way of governing by using networks more notably. As Castells and Cardoso confirm:

“Indeed, the rational bureaucratic model of the state of the industrial era is in complete contradiction to the demands and processes of the network society” (2005:17).

This reaffirms the response to the paradox as discussed by Kissinger (US government, 1975). The paradox that global challenges should be addressed internationally but that the nation state structure is hindering this. By circumventing the nation state structure somewhat by means of network society and multi-level governance, this can be seen as a response to the globalisation paradox (Behr, 2008). A third development is that of technology advancement. With the increase in people’s ability to communicate easier at long distance via telephone, mail and so on, and the simultaneous progress in transportation both in cost, duration and accessibility, has made cooperation easier. This has ensured that the creation of linkages between institutions, organisations and individuals became a more straightforward process and has decreased the costs of maintaining the contacts. These linkages in turn are reflected in new, and more stable forms of transboundary relations. The fourth development, the rise of the regulatory state, also needs mentioning. We see an increase in the usage and formation of regulatory law to steer society (see f.i.: Bernauer and Koubi, 2006, Majone, 1994: Moran, 2002: Raustiala, 2002). Regulating societies develop in different ways and rates between states. With the interdependence between states increasing a need to coordinate or cooperate regarding regulating societies arose.

As a result of these four developments, new modes of governance were sought to overcome collective action issues. These modes of governance move beyond government and create new linkages. Linkages between actors within and outside of government became of such importance that they obtained the ability to steer policy making. As the linkages become

ever more crucial for the day-to day operations of policy-making and implementation, the formation of more institutionalised ties are increasing in number. These linkages range from networks of executives of governments, to networks of both public and private actors as well as networks of public administrators discussing specified policy fields. Yet, these new arrangements operate next to the still relevant traditional forms of government.

The understood coexistence between government and governance developed because of the globalisation paradox. Interdependence for alleviating policy issues is seen as the fuel that led to the coming into being of transgovernmental networks (Coen and Thatcher, 2008; Kahler, 2009; Slaughter, 2004; Swyngedouw, 2004). Even though interdependence has always been in existence (especially so regarding collective action problems transcending borders), it gained in traction in the early nineties.

The end of the Cold war is oftentimes mentioned as the cataclyst for systematic transformation of world politics (Levi-Faur, 2013, Coen and Thatcher, 2008). Cooperation between states increased after years of overall containment and stalemate in international relations. Additionally, the end of the Cold War coincides with the increase of policy issues being addressed by the European Union (f.i. Raustiala, 2002; Legrand, 2012) creating a need for regulatory cross-border cooperation. This has effectively catapulted the rise of TGNs.

TGNs are a specific form of these new modes of governance. The emergence of TGNs has been classified in literature as either a functional response or it is given a political explanation. The functional response references that the informal character of the network ensures a more effective response to transboundary problems, in that they fill a regulatory gap (f.i. Coen and Thatcher, 2008; Eberlein and Newman, 2008). The second explanation for the emergence is a political explanation. The emergence of TGNs is seen as a result of (political) leaders making use of these networks to strengthen their own interests or setting these networks up to give more importance to their own institutions (f.i. Wessels, 1997; Slaughter, 2004). In other words, the political explanation gives rise to the belief that administrations need to work together internationally to gain more standing and acclaim.

TGNs are defined by direct interactions between: “subunits of different governments that are not controlled or closely guided by the policies of the cabinets or chief executives of those governments” (Keohane and Nye, 1974; 43). Participants of transgovernmental networks fall under national political authority with regards to their position within the governmental sub-unit they work for. However, when they venture out to work in a transgovernmental network they are not closely guided by this national structure of authority. As such they experience independence in their work internationally. Transgovernmental networks are a form of governance that exists next to traditional modes of governance (f.i. Curtin and Egeberg, 2008; Eberlein and Newman, 2008; Keohane and Nye, 1974; Mastenbroek and Martinsen, 2018; Raustiala, 2002). Traditional modes of governance are understood to be aligned with (national) territory-bound authority. To make this more concrete it refers to the

system of policy making based on hierarchy which can be found (predominantly) in national governments. The definition by Keohane and Nye (1974) does not deny nor disregard the existence of the traditional forms of governance. The traditional form of governance very much relies on (national) territory. Transgovernmental networks operate outside of this territory, and thus works next to these traditional forms of governance.

There are terms, and other types of networks, also considered to belong to new modes of governance that hold a similar meaning such as transnational networks, or (European) regulatory networks. These terms are often used to describe the same phenomenon (Mastenbroek and Martinsen, 2018); as hubs that link organisations in resolving a common and public problem in an informal capacity in a national border-crossing manner. However, TGN is a name that is both distinct and like these other types (Keohane and Nye, 1974). Transnational networks for instance refer to networks with actors/organisations partaking in the network not necessarily belonging to government institutions. Within transnational networks companies or their representatives can also participate. Regulatory networks, although often used to describe networks of governmental regulatory agencies working together, could also include private actors or NGO involvement. Transgovernmental networks deal *exclusively* with governmental actors involved in the network.

Definitions of new modes of governance such as European regulatory networks (ERNs) are somewhat similar to the definition of TGNs. ERNs operate within the European Union and allow national regulatory authorities to coordinate their interactions in specific policy domains (Maggetti and Gilardi, 2011). This definition could fall under the umbrella definition of TGNs, nevertheless ERNs have been studied as a sui generis type of network (Blauberger and Ritberger, 2014; Tarrant and Kelemen, 2017; Mathieu, 2016). The focus on the role of these networks in the context of the European Union system excludes some type of TGNs. It also does not do justice to TGNs that have participants of outside of the EU. In addition, this body of literature has focused on how the European Commission can specifically make use of these networks to harmonize implementation (f.i. Mastenbroek and Martinsen, 2018; Thatcher and Coen, 2008; Vestlund, 2015) thus moving beyond the functional differences TGNs may have. In this dissertation a focus is on how networks influence accountability directed to the national central government which is why we focus on TGN literature rather than on the literature on European regulatory networks.

In addition, as previously mentioned TGNs operate in an informal capacity. This is reflected in that the actors involved are substate entities whose work is not based on a treaty. TGNs thus differ from international organisations. Informality in this context refers to the far more loosely based relationships between actors that define the strength of the network. This is different from other types of organisations where formal arrangements predetermine the institutional set-up more than the behaviour of individual actors. In this we follow Faude and Abbott who stated that this informality is based on: “their reliance on non-legally binding obligations and relatively uncomplicated operating procedures” (2020). This is not to say that

they cannot influence or even direct the creation of legally binding obligations but in the core of TGNs this is not the intention. Although the level of informality does vary across different TGNs, often cooperation is based on collaboration, memoranda of understanding (MoU) and results in soft law. In general terms, TGNs can be considered informal.

In this dissertation we will use these distinctions, especially regarding the governmental aspect of TGNs, as it is specifically this type of network that operates on the cross section between national authority and international independence. The clear and definite link with the traditional territory bound forms of governance are most entwined in this type of network. The participants are part of both the traditional as well as a new form of governance. This juxtaposition has arisen not simply due to the rise of TGNs. Globalization and international interdependence were instrumental. TGNs have thus arisen because of a change in society. They are however one mode of governance that emerged as a result of the globalisation paradox. In the section below we will address how TGNs are a new mode of governance, and we will address their significance.

2.3 TGNs as new modes of governance

In providing an overall picture of the different modes of governance and the institutional relations that are at play when discussing global governance, we turn to the work of Bach (2010). Bach (2010) asserts that global governance is characterised by a variety in institutions he divides the relations in four ideal types:

Table 2.1: Four Ideal Types of Global Governance by Bach (2010: 564)

Type of Global Governance		Constitutive actors
I	Interstate	Nation states
II Regulatory co-operation	Transgovernmental	Sub-state public actors
III	Transnational	Non-state private actors
IV Market governance	Market	Market participants

These ideal types shows that two of the governance relationships distinguished still have a clear link with government. These are the interstate and the transgovernmental type. Both are made up of governmental actors. Whereas the other two are not directly related to government, with actors stemming from the private sector. The transgovernmental relationship in global governance is of interest as its actors befall the authority of the central government but challenges the realist perspective set out by the interstate cooperation. Transgovernmental networks, more than the other types of global governance, exemplify the blurred line between government and governance. It embodies the cross line between the two.

International cooperation in the form of transgovernmental networks are seen as a way forward. They are considered arrangements that promote cooperation and help resolve conflict and will thus be developed further (Keohane, 2001: 1). These governance arrangements are administrative in nature in the sense that they involve civil servant participants. Civil service being the institution that forms the organisational and normative structure (Olsen, 2006: 2) is connecting governments beyond territorial borders in these networks. Civil services will develop their relationships beyond the realm of the central government. Seeking out counterparts will become essential considering the problems governments and society currently face. By doing so the transgovernmental networks will develop (see f.i. Abbott and Kauffmann, 2018).

TGNs are defined by direct interactions between: “subunits of different governments that are not controlled or closely guided by the policies of the cabinets or chief executives of those governments” (Keohane and Nye, 1974; 43). Transgovernmental networks are hailed as modes of governance that enable fluent cooperation – (by means of information-sharing and/or harmonization and or compliance) – between national states and international organisations. This is exemplified by the creation of benchmarks or guidelines for instance. The cooperation between national states and international organisations is best served by the inception of a transgovernmental network as they combine local expertise in that domestic civil servants of different nations come together to overcome issues that transcend borders. They have the ability to be “fast, flexible and decentralised” (Slaughter, 2001: 347). This is a key feature that is particularly helpful in the pace of the information age. And it balances the oftentimes difficult to achieve interstate cooperation.

The definition by Keohane and Nye (1974) has been long-standing. However, due to developments in the years since, with more knowledge about these networks accumulating, small additions have been made to the definition. Raustiala (2002) defines transgovernmental networks by dissecting the words that form the label as follows:

“They are “transgovernmental” because they involve specialized domestic officials directly interacting with each other, often with minimal supervision by foreign ministries. They are “networks” because this cooperation is based on loosely-structured, peer-to-peer ties developed through frequent interaction rather than formal negotiation. Thus defined, the phrase “transgovernmental networks” captures a strikingly wide array of contemporary cooperation” (Raustiala, 2002: 5).

He includes the international component as well as the specialization of the actors involved in the network. Moreover, considering transgovernmental networks deal with international issues he assumes oversight to lie with the foreign ministry. Although he mentions “specialized domestic officials” the line of authority to their specialized ministry is not mentioned. A further emphasis is placed on the peer-to-peer ties and the lack of formal negotiation. This is hinted at in the definition of Keohane and Nye (1974) but made more explicit in the definition

by Raustiala (2002). In an article by Legrand (2015) these peer-to-peer ties are also raised as he states: “(..) transgovernmentalism is concerned with groups of government actors working collectively in non-state-based networks to develop collaborative responses to transnational issues” (Legrand; 2015: 976).

The attention paid here to the collaboration is a clear indication of this type of cooperation within transgovernmental networks.

In relation to the cooperation but also to the fact that domestic specialists are involved, Slaughter (2004) detailed how actors involved in these networks work:

“They would each be operating both in the domestic and the international arenas, exercising their national authority to implement their transgovernmental and international obligations and representing the interests of their country while working with their foreign and supranational counterparts to disseminate and distil information, cooperate in enforcing national and international laws, harmonizing national laws and regulations, and addressing common problems” (2004:7).

By detailing these aspects, she gives us more insight into the workings of transgovernmental networks. She includes their objectives but also makes clear that civil servants partaking in the networks are both working in the national state and in the international sphere. As we see the definition is evolving still, but we lack empirical evidence about the phenomenon of transgovernmental networks. Inquiring the different aspects of the definitions empirically will therefore be part of this dissertation. This is additionally of importance as the OECD acknowledges that TGNs “are multiplying fast and vary widely in their constituency, governance structure and operational mode.”¹

Making this more concrete we understand that membership sets TGNs apart, as does their structure, the level of enforcing decisions onto others, the mode of decision-making, the nature of their work and the cooperation style between participants. TGNs being the playing ground of experts with similar technical and professional backgrounds ensures a shared value and knowledge systems that helps create a highly technical and functional network setting (Craik and VanNijnatten, 2016: 495). As civil servants of distinct central governments work together, they do so without creating a supranational entity and thus seemingly safeguard sovereignty. TGNs hold no binding powers over their members as they focus on cooperation rather than coercion. Ultimate authority, in the form of strict sanctioning, is not delegated to the network. This allows for more room to discuss at a highly technical level. However, TGNs do have a non-formalised way regarding authority by means of peer reviews and the setting up of guidelines that members are expected to adhere to.

¹ OECD (2016). *Transgovernmental Networks*. Viewed 12 august 2016 via: <http://www.oecd.org/gov/regulatory-policy/irc7.htm>

The different elements that need to be present before we can speak of a transgovernmental network enable us to compare the same type of networks. To make this more specific the different characteristics we understand TGNs to possess are listed in the table below. We have created this list based on the most widely used or referred definitions, which we have discussed above. These characteristics need all be present to speak of a transgovernmental network.

Table 2.2: Characteristics of TGNs

Transgovernmental networks		Author(s)
Membership	Civil servants/ non elected officials	Raustiala (2002), Keohane and Nye (1974), Bach (2010), Slaughter (2004) Legrand (2015)
Structure	Decentralized/ horizontal	Raustiala (2002), Keohane and Nye (1974), Slaughter (2004) Legrand (2015)
Enforcement	None/ self enforcement	Raustiala (2002), Keohane and Nye (1974), Slaughter (2004) Legrand (2015)
Decision making	Focused on consensus rather than coercion	Slaughter (2004), Legrand (2015)
Nature	Highly technical	Raustiala (2002), Keohane and Nye (1974), Bach (2010), Slaughter (2004) Legrand (2015) Craik and VanNijnatten (2016)
Relation between members	Trust based	Raustiala (2002), Keohane and Nye (1974), Bach (2010), Slaughter (2004) Legrand (2015) Craik and VanNijnatten (2016)

Next to the defining characteristics, the variety in TGNs can also be seen in contextual dimensions of TGNs. These dimensions are also defining for unique singular TGNs which is why we will address them in short but are not defining features of the concept of TGNs.

To give an example of the variety of TGNs regarding contextual dimensions one can think of the form of inception. TGNs either arise as a result of a supranational organisation that institute the network, or they derive from peer-to-peer collaboration resulting in the inception of a network (f.i. Keohane and Nye, 1974; Thurner and Binder 2008). A distinction in attributes can also be noted in membership rules. Lavenex and Wichmann (2009) distinguish between two levels of membership involvement in transgovernmental networks: meso and micro. These scholars have focused their research on the policy area of security and give examples of operational level functionaries in that field who work in transgovernmental networks.

“Transgovernmentalism is one form of ‘network governance’; it can occur both on the meso-level of law enforcement officials (e.g., magistrates) and, on the micro-level, where police officers and judicial authorities work together to enforce the law in a cross-border setting” (Lavenex and Wichmann, 2009: 88).

Although all participants in transgovernmental networks are public actors; it can be that particular agencies form the participants, it could allow for just one organisation per country,

or perhaps that multiple sub-units of governments work together in one network. This has to do with the subject matter and the level of decentralisation involved. As institutional backgrounds differ per policy field but also per country this issue of membership is something every TGN needs to deal with at one point or another. Domestic context is still the catalyst for cooperation or opting out (Bach and Newman, 2014). Moreover, the structural set up of TGNs diverges as some TGNs opt to work with working groups, or work project based.

By focusing on what combines a larger group of networks within the general population of TGNs (as defined above) we could compare between cases. Discussing these differences will help us in refining the concept and showcasing the sheer variety of TGNs. It offers an insight in the general population that we otherwise would not be able to achieve.

2.4 Typology of TGNs

The sheer variety in TGNs is explained by Klijn and Koppenjan (in Bovens ed:2014: 242) as they attest that government networks result from spontaneous and emerging rules and arrangements. We will be looking into the attributes of the networks based on their function and governance style which will result in a typology. This typology will offer a mapping of the varieties of transgovernmental networks. This is subsequently used to instruct a comparative analysis regarding how different types of transgovernmental networks deal with the process of accountability.

Concerning the function of a network we can take a more meta-approach in the sense that organisations can be categorized abstractly. Networks are connections combining resources towards a specific end, we see this end as the function of the network. The function of TGNs can be distinguished into three types: information networks, enforcement networks and harmonization networks (Slaughter, 2004). The type of network is related to the type of instruments the networks makes use of, which in turn is related to the capacity of a specific network to influence or steer policy (Lavenex, 2008). The enforcement and harmonization networks do not operate by means of traditional authority or coercion. These types of TGNs make use of instruments such as the creation of guidelines or the development of peer evaluations. These instruments are not imposed by means of a hierarchical central government but rather stipulated by the TGN, which consists of peers. By combining both the function and the instruments we will be able to assess the potential for interference by the network. The bigger the potential to steer policy the bigger the shift away from the home organisation of the network participants to the network itself. This will allow understanding of the distance from traditional governance *vis a vis* new modes of governance. We make use of the work by Lavenex (2008) as she offers insight into the ability of policy integration combined with the existence of networks. She demonstrates that integration of policy between states is to be construed as the highest level of policy influence because the capacity of the international network will ensure policy to reach beyond confined national borders, and influence policy beyond them. The capacity of the network speaks about the potential impact it has on

policy, which she sees as a scale. She has termed this scale boundary shift. It determines the potential of the influence of the network and how much it is independently operating next to traditional government structures. It enables us to determine how much of a boundary shift is taking place both in a regulatory and organisational meaning. In accordance with Lavenex (2008) understanding of boundary shift we shall go through the different types of TGNs to determine their level of boundary shift.

In the first type, information network, members come together and discuss their experiences and problems. They formulate best practices and exchange information. This exchange of information not just takes place in meetings of the networks but also in “technical assistance or training programs provided by one country’s official to another” (Slaughter and Hale in: Bevir, 2010: 344). The instruments this type of network makes use of are described by Lavenex (2008) as: voluntary, process oriented, and could consist of data, information or best practices. Based on that she concludes that this type of network would create only a “very moderate shift of regulatory and organizational boundary” (Lavenex, 2008: 942).

The mandate of the second type; enforcement network, stretches somewhat further than the information network. This type of network focuses on the enhancement of cooperation among peers regarding the enforcement of regulations on a domestic level. This cooperation is mostly on the operational level (Lavenex, 2008: 942). The regulations they enforce may stem from supranational organisations, but they may also just involve enforcement of existing domestic rules (Slaughter, 2004; 55). This would lead to a “moderate shift from regulatory and organizational boundary “(Lavenex, 2008: 942).

The third and last type of TGNs is the harmonization network. This type of network aims to harmonize regulations such as benchmarks and standards in a particular policy area. This type of network is often met by critics that state that these networks often quietly change domestic regulation whilst ignoring the domestic public (Slaughter and Hale in: Bevir, 2010). This type of network would lead to a “strong shift of regulatory and organizational boundary” (Lavenex, 2008: 942). In the figure below we list both the type of network which we base on Slaughters’ labels (2004) and combine them with the findings of Lavenex (2008).

Table 2.3: Typology network types based on Slaughter (2004) and Lavenex (2008).

Type of network	Instruments	Boundary shift
Information network	Voluntary instruments, process oriented, data, information, best practices	Very moderate shift of organisational and regulatory boundary
Enforcement network	Like information network, plus operational co-operation and capacity building	Moderate shift of organisational and regulatory boundary
Harmonization network	Like information network, plus adoption of benchmarks and standards	Strong shift of organisational and regulatory boundary

These functions do not give an indication as to how networks are governed, which is essential for understanding the micro-foundations of TGNs. The ability to formulate agreement is clear in the conditions or at least the expectation to do so. What is still left in the dark is on what and on how this agreement is possibly made.

The emphasis placed on the voluntary nature of TGNs to partake, the informality and the reliance on cooperation is however something that is included in the structure of each transgovernmental network (Slaughter and Zaring, 2006: 215). According to Hollis “(..) a standard rule for the structure of TGNs is that decisions must be non-binding and made by consensus.” (Hollis, 2010: 317). As Hollis also attest there is however quite a diversity in structures regarding networks: “while some networks are highly informal, others reflect a hybrid of decentralized and centralized structures. These differences have resulted in a patchwork of definitions pertaining to the structure of networks. (..) The varying degrees of formality in TGNs are significant as this may affect the choices available to participants” (Hollis, 2010: 318). With these choices Hollis (2010) is referencing that by including more formality in the structure participants could be deterred from participating due to the sensitive nature that could arise because of this. Even though we attest the variety in governance styles within TGNs there are some overall guidelines to distinguish between the varieties.

Governance styles in transgovernmental networks have so far been addressed in theory. The difference in the level of informality, the organisational chart of the network, the project or not project based type and so on all exemplify the existence of variations in TGNs but they do not offer the ability to form a clear typology yet. The distinctions have not been solidified in a clear overview of what is out there. We turn to other types of literature to help us understand the differences in governance style to distinguish and make the variations in TGNs clearer. Which is why we will turn to more general literature concerning networks first before we attempt to make a typology that is in line with what we already know of transgovernmental networks. Even though we already take a broader look by going into literature regarding networks in general, we found that networks have been studied in numerous ways. These studies have adopted a sheer variety of perspectives but that “(..) rather scant attention has been paid to the governance of network as a whole” (Antivachis and Angelis, 2015: 587), which is something Provan and Kenis’s work does offer (2008). In their work they take both a governance perspective by making the network the unit of analysis and create an analytical tool in assessing them as they offer a categorization of the variety of networks. By making use of this literature, we will be able to do same for transgovernmental network.

The work of Provan and Kenis (2008) offers guidelines in how we can assess the variations in the networks. They assess that there are three distinct ways in which networks in general are governed. They did not distinguish nor focus on transgovernmental networks. Nevertheless, their general assessment is applicable to this specific type of governance, as the components of a network as they see them do not deviate too much from the concept of TGNs.

The three governance styles they feature are participant-governed networks, lead-organisation networks and network administrative governance. The first type, participant-governed networks, hinges on the collaboration of the members themselves. There is no entity within the structural make-up of the network that coordinates or supports. This type of network is very dependent on the involvement of the members as they are solely responsible for the work of the network. Provan and Kenis (2008) explain this further by stating:

At one extreme, participant-governed networks can be highly decentralized, involving most or all network members interacting on a relatively equal basis in the process of governance. This is what we refer to as shared participant governance. At the other extreme, the network may be highly centralized, governed by and through a lead organization that is a network member.” (Provan and Kenis, 2008: 234).

What is specific about this type of governance model is that the responsibility of all internal and external affairs of the network is shared by all the members. They are in control. This type of governance style is reliant on active participation. And would be most appropriate in “small, geographically concentrated networks where full, active face-to-face interaction between network members is possible.” (Cristofoli et al., 2012: 79).

The second type, lead organisation-governed, is a more centralized governance structure in the sense that “all major network-level activities and key decisions are coordinated through and by a single participating member, acting as a lead organization” (Provan and Kenis, 2008: 235). In this scenario responsibility is no longer as shared as it is in the participant governance type. Power is assymetrical as every major issue needs to travel through the one leading member of the network. This type of governance style has also been referred to by Jarillo (1988) who coined the turn ‘hub-firm’ for it (1988: 32). Often a lead organisation offers administrative and secretarial support for the activities of the network. The lead organisation is often compensated for their role as facilitators by the network. What is essential for this type of governance style is for one organisation to have enough resources but also legitimacy among the other actors involved to fulfil this task (Cristofoli et al., 2012: 79).

The third and final type is that of network administrative organisation. In this type, an external administrative entity is set up to help steer and coordinate the network. It facilitates and governs the activities of the network. This form of network is highly centralized. As the entity is external, the members are no longer in the lead regarding the governance structure of the network. The network administrative organisation is effectively the network broker (Provan and Kenis, 2008). An example of this type of governance within the context of transgovernmental networks can be found in ASBA (Association of Supervisors of Banks of the Americas) (Jordana, 2017).

Cristofoli et al. (2012) provides us with some considerations regarding this type of governance:

“These organizations may have relatively informal structures revolving around single individuals who act as network facilitators or brokers, or they may be more formalized and complex organizations with a board and a management team.” (2012: 80).

The level of formalisation has an effect on the instruments available (Hollis, 2010). Formalisation could deter collaboration (Hollis, 2010).

These different types of network governance styles are applicable for each of the network types based on function. Slaughter (2004) provided us with the distinction of three different functions a TGN could have: information network, enforcement network and harmonization network. Lavenex (2008) offered us insight into how big the effect of each function type on the network was, which offers us the ability to rate the functions in terms of potential impact on policy. This is important as the level of boundary shift and the level of centralisation would have an effect on the type of accountability which we shall address later on in chapter III. We have created a typology by using insights from each of the authors. This combination is new and will allow us to move the scholarly debate further. It relies heavily on the work of others, but this combination has not been made. The combination will provide us with the analytical tool needed to assess the variety of TGNs on more than one dimension. It essentially combines the questions; what does the network do? (function), how big is the potential of that network (boundary shift) and how do they go about reaching that goal? (governance style). This will be instrumental if we want to link accountability to the type of TGN. As accountability is about giving account on what it is supposed to do, and we need information on how this goal is reached we need both of these dimensions to be able to answer questions pertaining to accountability in TGNs.

As we have seen in our discussion on the variations in characteristics, this leads to a general typology. But it will offer some guidance in analysing the differences within the family of transgovernmental networks. Whatever the outcome of the network, this international and specialized network of civil servants will have an effect on the development of policy within the national context as well. In the networks, civil servants with similar expertise work on specific matters that require specialized knowledge. We need this distinction based on these three characteristics as they determine what the networks do, how big the potential impact may be (Slaughter, 2004; Lavenex, 2008) and how decisions in the network are reached (Provan and Kenis, 2008; Hollis, 2010). This combined indicates how TGNs operate. Understanding the process of how and why TGNs function would enhance our knowledge of TGNs. Operating on the cross section between national governments authority with the international interdependence could spark more or less interest into the work of participants. This could very well be related to the potential of boundary shift of the network, which is related to the function of the network, but could also be connected to the governance style adopted. In addition, the

governance style demonstrates the decision-making structure within a network. The choices a national government makes regarding positioning its personnel could be emblematic to the importance given to the network's work. This, we expect, would be tied with the type of accountability they would employ. In chapter three we will dive into this assumption.

Going back to the typology, if we look to the boundary shift which is related to the function combined with the governance style, we can identify a difference in impact. An information exchanging network with a participant governed governance style will have to focus most on active participation of the members. As noted by Cristofoli et al. (2015) it is likely to involve a small group with plenty of face-to-face interactions. In the case of a transgovernmental network the inclusiveness of members and their resources for participation will be key to its development. This will of course also go for the other two functional types of transgovernmental networks but given the fact that their possible impact is larger it will be even more essential. If we take a harmonization network in the same governance style it will be more or less imperative to join in order to be part of the discussion table as policies might be devised here. If we look at the lead organisation governed networks, we notice that it will be crucial that there is a lead organisation willing, able and acceptable for other participants to take up the task. With a lesser boundary shift, as would be the case with information networks this might prove difficult. However, in case of highly salient policy issues this could prove to be worth the effort. These examples show how governance style and function need to be combined to understand how TGNs work.

This concludes our typology thus far. In the following chapter an addition to the typology is made by including the drivers of accountability to the types of TGN. In that chapter the visualisation of the complete typology is presented. This addition to the typology is needed in order to provide a full answer to our research question. It also instructs furthering the discussion on how the two elements (governance style and function) affect the relationship between the national government on the one hand and the participants collaborating in the network on the other will be discussed. As referenced in the introduction there is scholarly debate on the effect of TGNs on democratic accountability.

2.5 Problems of accountability with TGNs

Due to a rise in the number of TGNs power is delegated away from democratic institutions to organisations which are not democratically responsive (Maggetti, 2009: 465). TGNs have been identified as elements of broader patterns of “experimentalist” governance, with the recursive revision of goals, metrics, and procedures (Sabel and Zeitlin, 2008). This is reflected in their loosely structured characteristics. In addition, the existence of TGNs summon suspicion - of secrecy, technocracy, exclusion, and conspiracy (Slaughter, 2001: 522). This is due to a perceived lack of control of the principal (elected politician) and heightened by the technocratic nature of the knowledge involved in the day-to-day operations of the TGNs (f.i. Eberlein and Newman, 2008; Slaughter, 2004). However, it could also relate to the increase in

both the length of the chain of delegation and the number of forums to please in the chain of command (Curtin and Egeberg, 2008; Papadopoulos, 2010).

The existence of TGNs lead to unfamiliar territory concerning hierarchical relationships between executives, bureaucracy and citizens (Bakvis, 2013: 205). This is particularly linked to democratic accountability. Answering for and explaining actions by a civil servant to a political superior is understood to be under strain as a result of the existence of TGNs. TGNs are somewhat divorced from the national central government and as such the civil servants participating in them operate at a distance from their superiors.

With regards to the relationship between TGNs and national central government there is some variance amongst scholars on how this relationship should be perceived. For instance, we can see TGNs as part of the national central government and as such they need to adhere to the same standards concerning democratic accountability as national central governments (Raustiala, 2000). Kinney (2002) however redirects that TGNs 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).

With that she is taking a middle position to Raustiala (2000) and Kinney (2002), claiming that TGNs have an obligation towards eliminating problems of democracy but contesting that these democratic problems might be in need of a new configuration or definition. The problem of democratic accountability posed by TGNs is according to Black (2008) related to actors within these networks who “may attempt to create and manipulate perceptions of their legitimacy” (2008:157). By this she refers to actors building and seeking legitimacy in TGNs as they face pressures regarding accountability to do so. According to Gailmard and Patty agents will influence policy if they care about the content of policy. In their words: “That opportunity is simply discretion” (Gailmard and Patty, 2012: 25). The rationality that gives rise to these attempts is also observed by Thurner and Binder (2009) as they attest that bureaucratic agents carry out cost-benefit analysis when they are operating in TGNs. The literature focuses on the impact of this change 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). Oversight as a prerequisite for upholding the democratic principle of accountability is questioned by scholars. The portrayal of agents in TGNs most often highlights the technocratic nature of these arrangements (Brandsma and Schillemans, 2012; Grant and Keohane, 2005; Nye, 2004; Thurner and Binder, 2009). This does not mean that technocrats by definition use their position to harm democratic principles in the settings of TGNs. Barr and Miller (2006) point out that agents (or networks as a whole) may set up procedures to increase the quality

of democratic accountability. Moreover, it might also be that oversight itself is hampered because the principal is less able or willing to control the civil servant (Ansell, 2004).

The reasoning and interpretation of how democratic principles accountability of the national central government system are hampered due to the existence of TGNs, boils down to the fact that these networks are intrinsically different from traditional governance. The rationale for this is sought in actors venturing out, although some scholars point out that the problems of democratic principles might also be related to the fact that we are using an outdated definition of them. Regardless, the scholars do seem to agree that more understanding is necessary (f.i. Barr and Miller, 2006; Faude and Abbott, 2020; Maggetti, 2010; Papadopoulos, 2003). At the very least they hint to this, as their wording is quite careful, stating that things *may* be the case (f.i. Ansell, 2000; Black, 2008; Thurner and Binder, 2009). Empirical proof for their theoretical insights is limited. Which is why this dissertation will especially tackle this issue. In the following chapter we will detail how the different types of TGNs might affect democratic accountability. To address this effectively, an understanding of what democratic accountability entails and how it presents itself should be made clear. This is necessary as the challenge to accountability posed by TGNs is thought to be undermining of it. However, aware that accountability can be divided into subtypes like TGNs, we argue that the variety of TGNs should be taken into consideration. This consideration should also stretch to the differences that exist in the concept of accountability. With this dissertation we move beyond general statements and look to the specific nature of TGNs and their effect on accountability.

2.6 Conclusion

In this chapter the emergence of TGNs has been addressed. Secondly, how TGNs fit in the wider context of new forms of governance has been established. Thirdly, the differing characteristics of TGNs were considered which resulted into the start of a typology. Fourthly, the first considerations regarding accountability and TGNs were shared. In the following a summary of this chapter is provided. Some considerations regarding this chapter are offered, before addressing how the following chapter is linked to these.

As a result of four developments (multilevel governance, network society, technological advancement and the rise of the regulatory state) related to the paradox of globalization, new forms of governance have emerged. One of these forms is TGNs. This type of network features civil servants working for central government but venturing out to collaborate with their international counterparts in loosely structured arrangements. Between these networks we can distinguish in three types of functions they might hold: information driven, enforcement or harmonization networks. In addition, as we have noticed quite a variety in terms of attributes in this family of networks, we can still make a distinction on a more general level regarding their organisational structures. By making use of the work by Provan and Kenis (2008) we can distinguish TGNs based on participant governed structure, lead organisation governance and network administrative governance.

Focusing on dimensions that transcend the individual network has helped to provide a clear typology, which will be visualised and elaborated on in the next chapter. However, we need to assess the particularities of the individual network. By this we refer to the type of function but also the structural make up of a network. In addition, when we apply the typology, we need to be mindful of the loosely-structured nature of TGNs. Because of the flexible and adaptable nature of a network the governance style might change or form a hybrid form between functions or governance styles. For instance, a project-based network might be organised generally speaking as a participant governed network, but for a project a lead organisation tactic might be employed. However, the characterization will still be useful as the forms can be distinct from one another. We need to treat them as ideal types, rather than perfect matches. This has to do with the fact that no specific literature is available regarding governance styles of transgovernmental networks. We have used the more general literature of Provan and Kenis (2008) as a guideline. Their typology of governance style is however applicable to TGNs as well.

The sheer variety and lack of clarity regarding TGNs is due to the very nature of the informal network type it is. The peer-to-peer ties that are prevalent in these networks are the reason for some to label the character of the network as ‘clubbish’ (Raustiala, 2002). This also results in the fact that we need to assess from the micro level up in order to fully grasp a TGN. The features that make a TGN distinct need to be included in the assessment of said network, especially how these features refer to the applicability of traditional notions of political conduct such as accountability. The impact of these networks should nevertheless not be dismissed as they are a key feature to the new global order of governance (Slaughter, 2004). They have the ability to steer or even feed into the policy making process. At the same time, they give rise to problems of legitimacy. The fact that networks function both within and outside of the traditional lines of accountability in particular needs to be addressed.

Thus far, a clear answer on the effect of TGNs on accountability has not been provided in the literature. By using the typology as a guiding tool, we will look for the variations of governance styles and function of transgovernmental networks in practice. We will thus be able to provide more empirical evidence for whether the theoretical assertions in literature regarding democratic deficits arise in TGNs. By comparing the real networks with the assumed difficulties regarding accountability, we can attest whether traditional notions of political conduct still work as intended, or whether they need to be altered to be legitimate. The objective is to answer questions related to accountability as a concept and transgovernmental networks as a phenomenon. Are the civil servants that have the ability to form networks who discuss and decide upon public policy and perhaps do so in an executive way, the guardians of national-based democracy? Or as the linkages between principal (national state) and agent (national civil servant) are at arms’ length is democracy itself the victim of a central government faced with problems of interdependence? In the following chapter we will first address how accountability as a concept is perceived with regard to the ‘old conceptions’ as mentioned by

Kissinger of the inflexible and incapable government structure that cannot absorb the shocks of globalization. This will be followed by an understanding of accountability in this 'new' prevailing form of governance, where TGNs belong to.

