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Accountability in transgovernmental networks

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3.1 Introduction

The aim of this chapter is to develop expectations regarding the expected effects of various types of transgovernmental networks on forms of accountability. This will be done by combining literature on three subjects; 1. on network governance styles (Provan and Kenis, 2008) 2. the functions of transgovernmental networks (Lavenex, 2008; Slaughter, 2004) and 3. accountability types (Romzek and Dubnick, 1987). By combining these we can analytically derive which accountability type most likely occurs in which network setting and forgo discussions on which type should occur. Expectations of accountability type based on the type of network are formulated. We argue that the type of accountability is dependent on the level of formality with regards to governance style combined with the potential policy shift the function of the network could create.

Accountability is of “growing importance in contemporary governance” (Schillemans, 2015: 433). Accountability is labelled by authors as lacking currently in transgovernmental networks (f.i. Levasseur, 2018; Papadopoulos, 2003; Raustiala, 2002; Slaughter, 2001), a trait that is seen as crucial to democracy. This could also be the reason as to why accountability, and its apparent deficit, is highlighted so often and accountability is often equated with a lack in legitimacy (Anderson, 2010; Black, 2008; Majone, 1999; Sorensen and Torfing, 2009; Van Beek, 2019; Zürn, 2004).

There is a lack of studies that study the effects of transgovernmental networks on the accountability of national civil servants vis-a-vis their national political principals. The problems raised in literature regarding accountability deficits highlight the difference between network governance and more traditional forms of governance. As we understand there to be differences in networks on two dimensions, we would argue that these differences are also important in understanding how issues of accountability would affect each of them. Institutional design has been taken out of the assessment of accountability issues thus far but needs to be included. Deleon explains the reason for this: “(..) the appropriateness of various methods by which accountability may be ensured are also a function of organization structure” (Deleon, 1998: 540).

That the concept of accountability is pliable to circumstances is also noted by Romzek (2000). Accountability is understood to be the most affected in the new settings of transgovernmental networks (Bignami, 2005; Mastenbroek and Martinsen, 2018; Papadopoulos, 2010). We will be addressing how the concept of accountability is affected in transgovernmental networks. This shall be done by discussing the problems of accountability in TGNs. Moreover, we will be taking into account the different types of TGNs and their effect on accountability. In order to understand how the traditional concept of accountability relates to this new type of governance. Afterwards, we shall address the different varieties of accountability. This will be followed by a discussion on the four modes of accountability in TGNs. Subsequently we shall present a model and expectations with regards to which type of accountability is likely related to which type of TGN.

3.2 Problems of accountability in transgovernmental networks

TGNs are changing the traditional understanding of democratic accountability. Particularly in relation to the administrative relations between political superiors and civil servants. Slaughter explains the concerns regarding accountability in TGNs well when she states:

“The image of national regulators coming together of their own volition and regularizing their interactions either as a network or a networked organization raises the spectre of agencies on the loose, unrestrained by democratic accountability” (Slaughter 2004, 4).

Civil servants have been the recipients of power because of delegation. For politicians to keep them in check, the mechanism of accountability is put in place. This principle seems to be given more prominence considering internationalization of governance, as is the case in the establishment of TGNs. Fisher explains:

“It is the ultimate principle for the new age of governance in which the exercise of power has transcended the boundaries of the nation state. It is a pliable concept that can seemingly adapt to novel modes of governing while at the same time ensuring such modes are legitimate” (Fisher, 2004: 495).

Where the relationship between the central state government on the one hand and accountability on the other seem to have been a close knit, this is now contested (Pierre, 2009: 592). Where theoretically a vertical line was to be drawn between the people and government and back via the bureaucracy to the citizen (Fukuyama, 2014: 520) this is no longer the case (Yesilkagit, 2012). The multilevel aspect that has seeped through government and has formed governance as a new mode of management instead, resulted in this singular vertical line to become opaque (Hofmann and Türk, 2007). The direction of account giving can therefore not automatically be assumed to be directed at solely the national government when discussing TGNs as supranational institutions might also be involved as well as other peer organisation across borders (f.i. Curtin and Egeberg, 2008). Regardless, the line between the civil servant and the public remains intact even if opaque.

The way in which accountability is organised in TGNs has, however, not been addressed empirically. TGNs represent a divergent form of policy making from a more hierarchical mode to a horizontal mode of cooperation, in essence from government to governance (Eberlein and Newman, 2008: 25). Considering the different dimensions that come into play, we need to assess the effect on accountability as a practice in order to substantiate claims regarding accountability deficits (Curtin and Egeberg, 2008). It is unclear if there actually is a deficit in accountability, due to the lack of empirical studies. Normative and conceptual literature about this subject can readily be found, empirical support is what is missing.

Moreover, it is unclear how TGNs and their actors define or deal with matters related to accountability. Papadopoulos (2007) sums up the possible explanations for a deficit as he mentions four properties: the weak representation of citizens, a lack of visibility from the democratic circuit, the importance of peer-to-peer accountability, as well as the multi-level aspect. With all these different positions, the general lack of empirical evidence for this, is telling as the debate exists mostly in the theoretical conceptions. We shall delve into these theoretical conceptions in detail.

Civil servants who act with minimal supervision under the authority of a democratic government could interfere with the democratic principle of accountability that form part of the foundation of governmental action (Busuioc, 2010). This could be the case for civil servants working in TGNs. We to date know very little of the ways in which civil servants in TGNs as agents give account to their political principal. We need to understand how authority and power are allocated (Pelizzo and Stapenhurst, 2013: 1) in TGNs in order to assess accountability in these networks. 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).

With this statement they argue that the relationship between the civil servant and the elected politician has changed. The technical nature of TGNs is such that the principal might be unable to assess the information that is provided by the actors in TGNs. In addition, this might also lead to a lack of awareness on the part of the principal. The fact that the actors also operate at quite a distance from the principal further limited oversight by the principal. This depiction of the relationship between the civil servant vis-à-vis the politician are in abundance in both literature but also public debate. Busuioc describes the difficulty of oversight over the actions of the civil servant in a TGN perfectly:

“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).

Oversight over the conduct pertains to the control of the principal. Busuioc (2010) explains this by stating that accountability precludes direct control on the part of the principal. She furthers her reasoning by saying that:

“The direct principal is the body or institution delegating certain powers or authority to an agent. The ‘principal’ is not necessarily synonymous with the ‘accountability forum’.

Usually, after the delegation of powers by the principal, agents are subject to oversight of multiple accountability forums, which can include the direct principal, but also third parties or even institutions with partially opposing mandates” (Busuioc, 2010: 35).

By this statement Busuioc raises an important question on the matter of accountability, the existence of plural accountability relations at the same time. In essence, there could be several accountability relationships at the same time. They need not focus on the same elements of behaviour but exist next to each other. This could create confusion for the civil servant working in the TGN, regarding which standards to prioritize for instance. Multiple accountabilities placed upon a civil servant can create confusion because of conflicting demands (Messner, 2009: 919).

Moreover, Bovens (2009) states that if accountability is truly in place that civil servant and their principal are aware of their activities. It implicitly states that the civil servant works under the authority of the principal and adjusts its behaviour to fit the desire of the principal. In order for this to be possible pre-conduct acknowledgement of both position and the discretion should be set out. Otherwise, the superior(s) is (are) unable to check if the conduct is done in accordance with their desire and does not abuse discretion granted to the civil servant.

In the setting of TGNs we understand that the elected politician, is not necessarily monitoring nor directing the actions of the civil servants they need to oversee (Keohane and Nye, 1974; Papadopoulos in Bovens ed, 2014). Nor is the elected politician the only principal involved in the work of TGNs. The evolvement of the mandates or better the objectives that the civil servant needs to obtain via the network is a concern. Being unaware of the conduct that is expected or the expectation one needs to obtain hinders the ability of the civil servant to act in accordance with the wishes of those they need to appease. As actors in TGNs are part of multiple accountability relationships, they need to adhere to multiple expectations of differing constellations of these accountability relationships. This makes it harder to know who to justify actions to, who should be aware of what, how and when.

Within TGNs there are at least three direct relationships noticeable. First, the actor in TGNs often works for an agency which operates at arms’ length of national central government ministry. Second, the ministry the agency gives account to is also part of the accountability line of the actor. Third, the TGN itself could also be considered an accountability line.

Another concern is that networks are characterized as being in constant change. They evolve due to the stakeholders involved, but also because of their changing role and tasks. The role of a network and the tasks it fulfils is negotiated by the actors involved. As these actors change so does the role and the tasks. Given that these networks also operate in a multilevel setting the negotiations take place on different levels making the evolution of networks even more difficult to assess. Klijn and Koppenjan (2014) claim that accountability is subject to these new roles

that emerge within a network setting. Holding the civil servants partaking in the networks, to account, is a rather difficult task. Actors working in settings with limited oversight and interest due to the amount of technical knowledge involved, diverging from the objectives of principals is not unimaginable. This is because the parameters that are set, are vague or sometimes non-existent, leaving an actor to fill in the blanks. If there is no policy stating what defines the boundaries or even the outcomes, it might be quite impossible to give account and hold to account. The singular principal-agent relationship is undermined with regards to TGNs. The process of accountability thus starts before a civil servant ventures out into the network, it continues thereafter with both the conduct and the results obtained in the network.

What is becoming clear is that the micro level, between the participant of the TGN and their superiors, is at the very start of accountability problems. We know that a participant of a TGN is caught between accountability problems relating back to national central government structures and the network itself. To address how accountability in TGNs is arranged for, we need to be mindful to cover the entirety of the process of accountability.

In relation to civil servants working in TGNs we distinguish three lines of accountability: 1. between the civil servant and the network; 2. the civil servant and the administrative superior, 3. the relation between the civil servant and political superior (culminating to parliament). In this research we focus on democratic accountability, which is why we emphasise the position of the civil servant. The civil servant is expected to execute or implement the will of the people. Given the crucial role of civil servants in TGNs, it is these actors that need to be researched. Specifically, so as the literature so far has pointed to them regarding possible democratic deficits. These different lines still need to be researched. As mentioned, civil servants working in settings with limited oversight and interest due to the amount of technical knowledge involved, diverging from the objectives of elected officials is not unimaginable. Furthermore, the diversity of levels involved, and the lack of singular direction introduces yet another difficulty to the holding to account.

Before we can assess accountability in TGNs, we first need to provide an overview of how accountability is defined and which definition we will use in this dissertation. Moreover, we will address the different varieties of accountability. As we know multiple lines of accountability are in place in TGNs we need to understand how they differ. For this we have to understand the term accountability and its varieties.

3.3 Varieties of accountability

Demands for increased accountability of government and civil servants have been made over the last decades (Olsen, 2015; Messner, 2009). Yet research on how accountability in new modes of governance, such as TGNs, are addressed is missing still. The need to assess the complexity of accountability in the dimensions of network governance in particular is explained by Klijn and Koppenjan:

“The accountability mechanisms that are present in networks, the standards that are used, the roles that accounters and accountees fill, and the ways actors deal with accountability problems as identified in this contribution, are largely a *terra incognita* and remain an important and actual research challenge. When it comes to governance networks, the research on accountability has only just started.” (in Bovens ed., 2014).

What needs assessing is how civil servants are able to explain, justify and take responsibility for their actions regarding their work in TGNs to those whose interests they need to guard. The difficulty in doing so does not solely lie in the realm of the institutional structure of networks. It is also connected to the variety of meanings given to accountability.

Bovens, Schillemans and ‘t Hart (2008) mention a transatlantic divide in the academic literature on accountability. The American literature predominantly focuses on the normative concept that accountability entails whereas the other side of the Atlantic focuses on a more narrow and descriptive sense. The American literature focuses on the virtue side. It links behaviour of officials to responsiveness and responsibility. It is used in a way to qualify behaviour. It tries to answer questions relating to the more-or-less debate regarding accountability. Literature from Europe and Australia however, direct their attention to the mechanism of accountability. They take a descriptive stance in studying the concept. They focus on the arrangement and the relations that underline the structure of the concept. Accountability to them is not an individual attribute but rather “a means of connecting public agents to a variety of audiences” (Brandsma, 2013: 46).

Regardless of the stance though, accountability is a concept with a multitude of definitions. It has been described by Sinclair as a chameleon (1995: 219). The term accountability remains opaque due to the differences. Moreover, the concept of accountability has been used in a myriad of settings. It has become a contentious and ambiguous concept. Sinclair explains this diversity in definition as follows:

“The research shows that accountability changes: it exists in many forms and is sustained and given extra dimensions of meaning by its context. Accountability will be enhanced by recognising the multiple ways in which accountability is experienced, rather than by attempting to override this chameleon quality” (Sinclair, 1995: 219).

She states that we should embrace rather than eliminate the range of definitions. A recognition of the sheer variety would give more meaning to the concept. The ‘golden’ concept of accountability (Bovens, 2008) is per definition a dependent variable as it changes shades due to the perception of the structures it is part of.

A systematic study of accountability on a ‘new’ form of governance can only be obtained by making use of the narrower definition that the European/Australian literature provides us

with. The European/Australian stance offers students of accountability the opportunity to study the concept as a social mechanism. The behavioural aspect and the bigger questions pertaining to the normative virtue stance in the literature is not to be discarded by any means but for this study, it offers more analytical abilities.

Understanding the value of the 'golden' concept but also bearing in mind that the concept is pliable to situations, adopting a narrow definition of the concept will be best suited. A narrow definition offers the potential of distinguishing genuine forms of accountability (Busuioc, 2010: 32). It offers the opportunity to analyse behaviour that is consistent with accountability and leaves the normative and more general debate to the side, for now. By limiting the range of the definition, we can focus on the more visible and distinctiveness of accountability. We can classify accountability more precisely. In this we follow the reasoning of Collier and Mahon (1993) that stable concepts and shared understanding should be valued especially when doing comparative work. Bearing in mind the position of Sinclair (1995), that we should embrace the variety of definitions, deciding on a definition that allows for differences based on the structures it is part of is also necessary. For these reasons, we are opting for a definition that is agreed upon among by many scholars but is broad enough to allow for specific differences due to structures. This provides us with a core and basic form of what accountability is and is not.

Fortunately, there is such an agreement on accountability (f.i. Schillemans, 2008: 176, Mulgan, 2003). This agreement is on the basic and core form of accountability. In the words of Mulgan accountability should be: "(..) understood in its core sense as the obligation to answer for duties performed (..)" (2014: 4). This definition implies a relationship. An obligation refers to being compelled to act. This would entail that someone is required to do something. The answering part suggests that the someone needs to act in response. Something took place which now needs to lead to possible consequences or retaliation. It essentially boils down to a question of power. The explanation by Mulgan (2014) regarding agreeance of the core characteristics of accountability need to be reflected in the definition this study will use and it needs to be mindful of the position of Collier and Mahon (1993) and Sinclair (1995). This study therefore adopts a definition devised by Bovens (2007):

"Accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences." (Bovens, 2007: 450).

This definition has become influential in European scholarly literature (Black, 2008; Lindberg, 2013: 203; Papadopoulos, 2007), moreover it is in line with definitions by others as well (f.i. Olsen, 2013, Mulgan, 1997; Mulgan, 2014; Romzek and Dubnick, 1987). The definition furthermore fulfils the point made by Sinclair (1995) as accountability in the definition by Bovens (2007) reveals a type of mechanism to be applied to a variety of social relationships.

For instance, this definition ranges from a child that has the task to make his bed in the morning, to a civil servant instructed with the task of awarding subsidies. As Mashaw notes:

“Accountability seems to be a relational concept, but the parties to the relationship remain unspecified” (Mashaw in: Dowdle, 2006: 117).

The actor nor the forum are specified by Bovens (2007) as he concurs that they may constitute an individual but could also be an organisation or entity. Distinguishing who is responsible to whom and for what is a necessity in order to understand the relationship. The direction of the relationship tells us how the actor and forum relate to one another. In other words, to whom is the actor accountable and why. According to Schillemans there are three types of accountability relations;

- Vertical: based on authority/hierarchy.
- Horizontal: non-hierarchical lines, authority based on expertise.
- Diagonal: a third organisation has been delegated the task of oversight by the hierarchal authority of the actor (Schillemans, 2007: 67).

In the first type the obligation is clear, and perhaps this is also the case for the third type as this is a form in the shadow of hierarchy. The second type of relation has no linkage to hierarchy; there are no formal obligations to give accountability on the part of the actor nor forum. This could have an effect on the execution of providing answers, shedding light on conduct and so on. Meaning that peers are assessing each other. And based on the acceptance of their assessment the effectiveness of accountability is established. If an actor according to the forum in the horizontal relationship is at fault, that actor is not obliged by reasons of authority to comply to consequences imposed. However, if the actor *feels* an obligation the accountability relationship can be there. Accountability relationships arise due to a felt obligation and acceptance to be part of a moral community (Bovens, 2007; Dubnick, 2002). In the third type this obligation could be present. This is however related to the authority of the third organisation. If the forum has been given the authority to oversee the actors' behaviour this is the case. Even though the distance is greater than it is considered in the vertical relationship, where the actor and the forum are part of the same hierarchy. If the task of oversight has been taken on by a third party (f.i. media, interest group) this is not the case.

By introducing the element of a relationship between two distinct types: the actor and the forum, accountability becomes a process or in the words of Bovens a mechanism (Bovens, 2010: 948). The process consists of consecutive elements. First, the actor is obliged to explain and justify conduct. Second, the forum can pose questions based on the explanation and/or justification. Third, the actor may face consequences given by the forum. This process or mechanism serves both the actor and the forum in doing their job. Accountability offers the actor the opportunity to take responsibility, to get feedback and to learn. The forum is helped by the mechanism of accountability as it ensures having oversight as well as the ability to coordinate and correct developments.

The mechanism of accountability is divided into three distinct phases. These are the information phase, the debating phase and the sanctions phase (Mulgan, 2003; Bovens, 2005). The information phase refers to the stage of the relationship in which the actor provides information regarding conduct to its forum. The debating phase subsequently offers the forum a platform to discuss the information with the agent. The final phase is the sanction phase which determines which consequences should follow specific behaviour by the actor.

A necessary prerequisite for each of the phases is that the rules of the game are known. By this we mean that the actor is aware it needs to provide information to a forum (Bovens, Schillemans and 't Hart, 2008). Bovens concurs with Mulgan on this as the latter makes the following point:

“Accountability does not come into play until procedures are required for enforcing the rules and guidelines, for determining how public servants are to be made to answer for their conduct and, if necessary, made to accept sanctions” (Mulgan 2003: 19).

These procedures also ensure that the forum is knowledgeable of the actions it has the ability to render account on (Bovens, 2007). In addition, it is paramount that the forum understands the information provided but also is aware of the type of actions that necessitates the behaviour of the actor. In case of highly technical expertise on the part of the actor the forum might be unable to process and sufficiently understand the account given (Bovens, 2007). What is clear is that the actor and forum are crucial regarding the setting up of procedures on accountability. They determine the mechanism of accountability.

The relationship between the actor and the forum determines the model of accountability employed. Having established the definition on democratic accountability as a general benchmark we now move to discuss the different forms of accountability.

3.4 The different forms of accountability in TGNs

In this section we will address how accountability can be further specified. The work of Romzek and Dubnick (1987) in creating a typology for accountability is specifically of interest. Their typology has been used in academic literature ever since (f.i. Koliba et al., 2011; Busuioc and Lodge, 2017; Mills et al., 2018; Mulgan, 2000; Sinclair, 1995).

According to Romzek and Dubnick (1987) accountability revolves around the managing of public organisations and their workers of expectations both from within and outside their own organisation (1987: 228). Therefore, the structural dimension is what should guide research on accountability. They further explain the structure of the social mechanism of accountability by dividing it into four types. The division into four distinct types, however, does not mean that only one of the types can exist in one organisation. As Romzek (2000) in a later article articulates:

“In theory, any one individual or agency can be answerable for performance under all four different types of accountability simultaneously. More often, one or two types of accountability relationships are primary, with the others ‘in place’ but underutilized, if not dormant” (Romzek, 2000: 29).

In this dissertation we follow this assertion by Romzek (2000). Our focus on accountability in transgovernmental networks will be on analytically deriving which type(s) are visible in which type of TGN and which is/are prevalent.

The division between accountability types is based on two factors related to the structure of the accountability relationship: how much control a forum has over the agency it oversees in terms of duties performed, and where the control stems from. These two factors should be seen as a scale that direct the typology. Whether the control stems from within the same vertical structure of command or not will hold implications for the type of accountability. The table 3.1 pictured below shows the division of the accountability relationships based on these two factors.

Table 3.1 Romzek and Dubnick (1987) typology of accountability

Degree of control over agency actions		Source of control	
		Internal	External
Low	Low	Professional accountability	Political accountability
	High	Bureaucratic accountability	Legal accountability

The two factors Romzek and Dubnick (1987) used to distinguish between the two forms (control over actions and source of control) have different functions within the relationship between the actor and the forum.

The dimension of source of control hints at where the authority to judge stems from. In internal sources this authority might be due to hierarchical relationships between actor and forum or it might just be informal peer-to-peer types of authority. The external source derives its authority either from legal arrangements or hierarchical relations outside of the preliminary organisation, in this study the preliminary organisation would be the organisation by which the actor in the transgovernmental network is employed.

The second dimension entails the level of scrutiny a forum (the control over actions) might have over the actor, with a high degree reflecting the forum’s ability to determine the range and depth of actions by the network and its members, and a low degree reflecting the limited degree to which it can do so (Romzek and Dubnick, 1987: 228). This dimension is equal to how we perceive autonomy of the actor. In case of a high level of control over the actions,

frequent contact and close monitoring by the forum is necessary. Compliance with the forum is highly valued in this relationship, whereas this is less obvious for the low degree of control over actions. In that case discretion of the civil servant is higher.

There are four distinct types of accountability: bureaucratic, legal, professional and political accountability. The first type identified by Romzek and Dubnick (1987) is bureaucratic accountability², in this type the degree of autonomy of the actor from the forum is high, and the source of control is internal meaning that the vertical line between actor and forum is within the same organisation. The relationship is based on close supervision as the subordinate-supervisor role is stressed, and the subordinate faces internal controls within the organisation (Romzek, 2000). Furthermore, the emphasis by the forum on obedience by the actor is high. Codification of rules and directives are particularly visible in this type of accountability. The most classic example of an accountability system with this type of relationship is the military (Romzek and Ingraham, 2000). This type of accountability clearly falls within the vertical dimension (Klijn and Koppenjan, 2014).

The second type of accountability relationship is legal accountability has an external source of control, meaning that the forum is outside of the organisation. In the case of TGNs it needs to be an organisation for which the actor participating in a TGN does not work. Different than with the previous types of accountability the actor and forum in this relationship can act rather autonomously of one other, provided that the actor in this situation complies with legislative strictures. The process of the actors' conduct is under scrutiny, not the actor itself. In other words, the actions of the actor are tested based on whether procedure as stipulated has been followed.

“The underlying relationship of legal accountability is that of principal-agent; the accountability standard focuses on whether the agent has complied with the principal's (externally derived) expectations” (Romzek, 2000: 25).

Legal accountability is however not limited to courts of law as administrative law review committees may also be established. Auditing reviews can also be seen as part of legal accountability. The accountability given is on process and set standards by an external source that offers the actor a low level of discretion. The direction of the accountability line in this sense is diagonal, which means that the forum is not part of the same organisation as the actor it operates distinct from it. Compliance with externally set standards is emphasized.

² In later work both Romzek labels this type as hierarchical accountability see Romzek (2000). In this study the term bureaucratic accountability will be used as hierarchical accountability would suppose that the distinguishing feature is hierarchy between actor and forum. This feature can however also be seen in political accountability in the context of TGNs.

Regarding type three, professional accountability, the actor and the forum are peers. Based on professional norms and standards an actor may be scrutinized. The source of the control is internal, in other words that control stems from within the same organisation, and the level of discretion of the individual actor is high. The standards and norms are not as clearly demarcated or listed as those of the previous types. This has to do with the technical nature of the job performed. The relationship between the actor and forum is horizontal as actors are giving account to peers based on set standards of professional conduct. These standards are based on expertise, best practices in the field, organisational conventions, personal conviction and consistency therein (Romzek, 2000: 26).

The final type of accountability is political accountability. Similar to professional accountability the actor has been awarded a high level of discretion to perform tasks. The source of control is, however, external because the actor must give account to representative bodies. The standards here are less demarcated than is the case with legal and bureaucratic accountability. The focus on the expertise of the actor is high, due to the technical nature of the job of the civil servant in the TGN. The primacy of democracy is exemplified in this relationship, as responsiveness to the voters is key (Klijn and Koppenjan in: Bovens ed. 2014).

The focus on the source of control and the level of control over actions determines the type of accountability according to Romzek and Dubnick (1987). The types that they distinguished based on this have been studied further by scholars particularizing the characteristics of each. This eventually culminated into the Comprehensive Accountability Framework (CAF) as put forth by Christie (2018). She has linked the most prominent components of accountability of each type together. As said, she makes use of the work of others in doing so. She divides the characteristics along the lines of the stages as identified by Bovens (2007), the information phase, debating phase and the sanctioning phase. Moreover, each component of the definition by Bovens (2007) is addressed. For instance, she specifies for each accountability type who the actor and forum are. The CAF is based on questions: 1. relating to how accountability is given, 2. on what type of activity account is given, 3. which values are emphasized most by the accountability relationship, 4. what the debating phase focuses on most, 5. what type of sanctions are dominant for each type. The answers to the questions have been determined by other scholars.

Regarding the answering of how account is given, i.e. the techniques for review deployed in the accountability relationship, Christie (2018) turned to the work of Dicke and Ott (1999). They have identified which techniques for review exist and which are predominant in which type of accountability (Dicke and Ott, 1999). These techniques are auditing, monitoring, licensure, markets, contracts, registries, courts, whistleblowing, codes of ethics, outcomes-based assessment. Each technique is, according to Dicke and Ott, more suited than others for achieving some of the types of accountability (1999: 510). This means that a technique can be expected in more than one type of accountability, but the type of accountability determines

its suitability. In the study they make predictions regarding which technique fits which accountability best. They base their predictions on the work of Romzek and Dubnick (1987) as well. We will go through each of the techniques first before we provide the overview.

The first technique is auditing. This technique is a systematic test to evaluate performance on established standards. Dicke and Ott (1999) expect this technique to be deployed in bureaucratic and legal accountability relationships. The second technique is monitoring. This is a method that focuses on continuous or ongoing oversight over the actions by the actor in the mandate provided for by the forum. This technique is to be expected in the bureaucratic and legal accountability relationships. The third technique is that of licensure. Licensure is given the actor a legal permission to perform professional duties (Dicke and Ott, 1999: 506). A clear example of a license based actor is for instance a lawyer being allowed to practice law by his license. The sanctioning of the breach of norms set forth in the license is often conducted by committee of professional peers but this could also be done by a government agency providing that they gave out the license. This technique is suited for bureaucratic, legal, and professional accountability. The fourth technique is markets. In this case competition is the main driver ensuring actors' use of resources is as efficient and effective as possible. It does operate under the premise that there is a choice between actors performing the task delegated to them. In the case of TGNs with civil servants we expect this to be an unlikely technique but nevertheless it is considered most suitable for political accountability (Dicke and Ott, 1999). The fifth technique is contracts. These are formal agreements made between an actor and forum that stipulate "to do or not to do a certain thing" (Dicke and Ott, 1999: 506). It is expected to occur in legal accountability. The sixth type of technique is registries. Registries are lists with records regarding conduct. They are designed to prevent misconduct by following the professional conduct of an actor. This technique is most likely to occur in bureaucratic, political and legal accountability. The seventh technique for review is that of courts. These are institutions specifically set up to be able to judge and sanction an actors' conduct. This technique is most suited to the legal accountability type (Dicke and Ott, 1999). The eighth technique is that of whistleblowing. This is the act of exposing information on misconduct, illegality, abuse, or fraud. This act is expected to be best suited for political or professional accountability. The ninth technique is codes of ethics. These are (written down) agreements on norms for professional conduct. It determines the expectations and standards that need to be upheld in a certain field. Codes of ethics are mostly non-binding but operate as a sort of nonformal agreement. This technique is best suited for professional accountability. The last technique is that outcomes-based assessments. This technique focuses on the end-result of a program. Evaluation with this technique places emphasis on performance.

The second question the CAF answers is that of what type of activity account is given on. The answer to this question is closely related to question 3, which values are emphasized most in the accountability relationship? Christie (2018) makes use of the work by Romzek and Dubnick (1987) and Romzek and Ingraham (2000) to answer this. Christie details the

differences between the accountability types based on values and the question regarding giving account on what, as follows:

“Specifically, the bureaucratic/hierarchical type puts value on efficiency, and the associated behavioral expectation is obedience to organizational directives. The legal type emphasizes the rule of law and uses compliance with external mandates as the expected behavior within such relationships. The professional accountability type emphasizes expertise and expects deference to individual judgment and expertise. Political accountability values responsiveness, and the behavioral expectation is responsiveness to key external stakeholders.” (Christie, 2018: 85).

The fourth and fifth question of the CAF, regarding the debating phase and the sanctioning phase of accountability are answered by means of the work by Bar Cendon (2000) and Romzek and Ingraham (2000). Bar Cendon provides an overview of the different types of accountability and discusses the various components the accountability relationships consist of. A table in which the differences between the types of accountability are highlighted show that bureaucratic accountability is on debating regarding forms and procedures followed by administrative action (Bar Cendon, 2000: 33). The sanctioning that occurs in this type of accountability is the resignation or dismissal of the actor not adhering to the forms or procedures. In the legal accountability type the debate focuses on the compliance with legal requirements such as rules and procedures. The sanctioning phase in this type revolves around three things, 1. revision of the administrative act, 2. the sanction or recognition of the official involved and, 3. compensation for the citizen (Romzek and Ingraham, 2000). The debating phase in professional accountability focuses on results of professional performance and/or if professional rules are followed (Bar Cendon, 2000: 33). The sanctioning phase in this type of accountability emphasises the role of the professional involved as the professional is either recognized for their performance or sanctioned for it. The last type of accountability, that of political accountability, debate is centred around the result of administrative performance (Bar Cendon, 2000). The sanctioning in this type is the actors’ action facing political criticism or recognition. The actor itself or a (political) supervisor might also be sanctioned, this could result in dismissal or resignation. The answers to the questions posed, combined with the work of Romzek and Dubnick (1987) and the general definition of Bovens (2007) who specified the stages of accountability offers us the ability to measure which type of accountability is present. In chapter IV we outline how in this research we make use of the CAF. The components of which we have addressed already yet based on our own research we have formed a comprehensive overview combining these.

Knowing how the different types of accountability manifest itself is however only part of the puzzle, which type of accountability will likely occur is the second part. In the following section we will address the expectations which can be made for each of the TGN types.

3.5 Model and expectations

Each accountability type is related to a specific setting. Romzek and Dubnick (1987) go into what determines which type will be preferred in a particular situation, as they state that:

“The appropriateness of a specific accountability system to an agency is linked to three factors: the nature of the agency’s tasks (technical level accountability); the management strategy adopted by those heading the agency (management level accountability); and the institutional context of agency operations (institutional level accountability)” (Romzek and Dubnick, 1987: 230).

Romzek and Dubnick (1987) also state that attaining alignment with accountability and all three layers is impossible as a primary accountability relationship will prevail. The likelihood that one type of accountability will prevail over the others in a particular context needs to be discussed. The reason for external or internal control over actions is linked to the function a network holds. For instance, a network with a limited scope and impact on decision making will be less likely scrutinized from an outside source as would a network with a far-reaching scope and impact on decision making. The potential of boundary shift that a function has offers the best indication for the interest of an external source to be triggered. This is also established by Lavenex (2008) and Slaughter (2004) in their description of function and impact as they attest that the type of function is linked to the potential policy shift. An information network function has a lesser potential for policy shift than a harmonisation network. In addition, although Romzek and Dubnick (1987) rightly point to the source of the forum as a way to distinguish the type of accountability that can be derived from it, it excludes the internal structure of the network altogether. The internal structure of the network is the governance style the network itself adopts. The sole focus on the agency to which account should be given does not do justice to the context in which TGNs operate. Both the internal structure of the TGN and that of the agency account should be given to need to be taken on board. As the structural dimension is perceived as vital, we feel that the internal structure should therefore also be considered. In this we follow both DeLeon (1998) and Romzek and Dubnick (1987) who argue that accountability is construed based on institutional context.

In their typology Romzek and Dubnick (1987) focused on factors pertaining to a forum. They relate accountability to the work of an agency. In the case of a transgovernmental network that agency would be the governmental sub-unit the civil servant is employed by. However, this would not do justice to the position TGNs are playing in the accountability relationship. Also, if we would focus solely on the position of an agency, we will not be able to study the specific nature of TGNs that could drive an accountability deficit. This is why the network itself should also be included as part of the levels as discussed by Romzek and Dubnick (1987). Which is why the inclusion of the work by Provan and Kenis (2008) is of key importance as they offer insight into the structure of the governance style of the network. The organisational

set-up of a network will determine the composition of an accountability relationship as well. In this we follow and expand the reasoning of Romzek and Dubnick (1987) for including institutionalization as a factor. Like Hupe and Hill (2007) we argue that:

“Institutionalization may influence both the extent to which and the level on which the inherent presence of substantive degrees of autonomy produces self-binding mechanisms” (1987: 282).

This would also include an effect on accountability as we see this as a mechanism. To include the organisational set up of TGNs in an assessment regarding accountability we have chosen the work by Provan and Kenis (2008). Their work distinguishes between three governance styles in (transgovernmental) networks: participant governed, lead organisation governed and network administrative governed. These different styles will have their effect on the relation with the source of control, as defined by Romzek and Dubnick (1987), as well. The division in governance style can be seen as a ranking of formalization of the organisation. By this we mean that participant governed networks rely heavily on the input of all members, the focus on cooperation, equality and peerage is evident here. Formal procedures with strict rules, and enforcement is less likely as there is no actor able to authoritatively impose this on the others. In the case of a lead organisation governed network, we can already see a different dynamic. Procedures and enforcement are more likely than in a participant governed network, due to the fact that the lead organisation is in essence still a peer of the other organisation, actual enforcement is difficult and solely based on peer-to-peer and professional responsibility. The network administrative governed has the highest level of formalisation as the governance style introduces an independent body to actually oversee their actions. The level of enforcement of organisations’ rules is expected to be the highest here. If we include the dimensions of Romzek and Dubnick (1987) we would expect that high levels of control are most likely in the most formalised way of governing. Whereas low levels of control will occur in less formalized networks such as a lead organisation or a participant governed network. However, we need not forget that the function of the network needs to be considered as well. As we distinguish between three functions this will help indicate the expected level of accountability as well.

The more formalised the governance structure, the degree of control over the actions will increase. If we look at the typology, we have devised in chapter II which combines type of TGNs with governance styles in networks and combine it with the work of Romzek and Dubnick (1987) we will be able to formulate some concrete expectations regarding accountability in transgovernmental networks. Before we do so we will however first address how the different components fit into the typology we devised.

Following the discussion of types of TGNs, we understand two things: 1. there are three types of functions a TGN could hold, 2. there are three types of governance styles a TGN could have. The type of function a TGN could hold is related to a level of impact that accompanies it. For instance, an information network has a lesser impact regarding policy integration

than an enforcement network. An enforcement network in turn has a lesser impact on policy integration than a harmonisation network. This is based on the work of Slaughter (2004) combined with that of Lavenex (2008). The second, the different types of governance styles are linked to a level of formalization. Where the participant governed governance style is considered the least formalized, formalization in terms of governance processes is increased in the lead organisation governed network and is most formalized in the network administrative governed network. This is based on the work by Provan and Kenis (2008).

Although this tells us something about the varieties in TGNs it does not help to identify how accountability fits in to it. In the next section the rationale behind the typology regarding accountability relationships in TGNs we propose is outlined. This typology is based on the academic work by Lavenex (2008), Slaughter (2004), Provan and Kenis (2008), and Romzek and Dubnick (1987), the typology consists out of six assumptions which are listed below:

1. TGNs can be differentiated based on the function they hold. These functions are information, enforcement and harmonisation (Slaughter, 2004).
2. The function of a TGN determines the potential policy shift, with the information function having a lesser ability for a policy shift than the enforcement and harmonisation function (Lavenex, 2008).
3. TGNs are networks that make use of governance styles. In the literature on networks three distinct governance styles are distinguished: participant governed, lead organisation governed and network administrative governed (Provan and Kenis, 2008).
4. TGNs can be distinguished based on the governance style, which have a variance in terms of formalization. The participant governed being the least formalized form of governance and the network administrative governed the highest formalized form, with the lead organisation taking the middle position. Combined with the build-up in potential policy shift this leads to nine possible varieties of TGNs.
5. There are four distinct types of accountability. These are: professional, bureaucratic, legal and political accountability. Determining the type of accountability are the degree of autonomy the actor has from the forum and the degree of control a forum has over the actions of an actor (Romzek and Dubnick, 1987).
6. The degree of autonomy is linked to the potential of policy shift, which is linked to the function of the network. The degree of control is however determined by the governance style and the formalization of it.

By looking at the work of Romzek and Dubnick (1987) we found that accountability can be split up into four distinct types: a. professional, b. bureaucratic, c. political or d. legal accountability. Which type of accountability will prevail is determined by two factors: 1. source of control 2. degree of control over actions. We know that source of control is linked to the function of a network. The potential impact of the network determines the source of control with the network. In other words, if the network has a lesser impact, the source

of control will likely be internal. The line of accountability can be dealt with, within the confounds of the own organisation there is a lesser impact regarding policy shift meaning less interest and concern from outside the organisation. When impact is expanded, the likelihood that the source of control would be external would increase. This is due to the potential policy shift that could occur.

This is very much related to the second factor: degree of control over actions. This factor is essentially the ability by which the forum can secure oversight over a network. To establish oversight and have the ability to oversee the actions of a network the level of formality regarding procedures and governance is essential. When a TGN is organised in the least formalized way, participant governed, it operates based on the ties in the network. Oversight in this case is hindered as the likelihood of strict procedures, rules and regulations is less. When formalization is more prevalent in a governance style, for instance in the lead organisation and the network administrative governed TGNs, the implementations of procedures and rules as well as the implementation of these are better safeguarded due to the existence of organisational components in a capacity to oversee these. This is the reason why in the case of TGNs we need to combine the degree of control over actions with the type of governance style. The ability to hold oversight is increased if the institutional structure of a network becomes more formalized. Procedures and statutes as well as clear organisational components would work advantageously in the ability to control actions. When we combine all these aspects, we can fill in the table. We can make clear in which type we would expect the different types of accountability that Romzek and Dubnick (1987) have provided us with.

We do have one reservation regarding this. As understood from the work of Romzek and Dubnick (1987) multiple accountabilities can be present in one accountability relationship. However, they have stated that one accountability relationship would be more predominant than the others. Because of this we shall focus on four ideal types in which we could, more so than in the other varieties, assess one type prevailing over the other types. These ideal types would occur in the outer corners of our typology. This is because we understand the degree of control over actions, and the governance styles to be a continuum, but also a scale. In addition, the lines between the varieties of TGNs and the types of accountability cannot be drawn as strictly. An information network for instance may hold some characteristics of a harmonisation network or an enforcement network, however determining in which box to place a TGN is about the best fit. We should therefore view the typology presented below as a continuum with four distinct corners. The typology should be viewed as presenting a scale on both the horizontal and the vertical axes. Nevertheless, given the fact that varieties of TGNs nor the type of accountability cannot be distinguished strictly, hybrid forms may occur.

Table 3.2: Typology type of network (Slaughter, 2004) combined with governance styles (Provan and Kenis, 2008) and accountability type (Romzek and Dubnick, 1987)

Degree of authoritative element / control actions	Characteristic	Source of control		
		Internal		External
Low High	Participant Governed	Information network	Enforcement Network	Harmonisation network
	Lead Organisation Governed	Professional accountability		Political accountability
	Network Administrative Governance	Bureaucratic accountability		Legal accountability

In accountability relationships, the type of accountability is dependent on source of control: control over actions; the type of governance style; and the function of the network. In the most extreme cases of our typology, we would expect the clearest prevalence of one of the accountability types. Which is why we shall focus on the outer corners of our table. The types of TGNs in between would logically have a prevalence expectancy of accountability types in between the corners closest to them. In accordance with the typology that would lead us to the following expectations:

Expectation 1: When a TGN is an information network and participant governed, the TGN incorporates professional accountability in its and day-to-day functioning.

Professional accountability has a horizontal actor-forum relationship as the two are peers (Romzek and Dubnick, 1987). The source of control is internal and the level of discretion by the actor is high. There is a referral to professional norms and standards, which are based on expertise (Romzek and Dubnick, 1987). The governance structure of the network itself is the least formalized. This type of governance style hinges on the input from and the cooperation of the participants to function properly (Provan and Kenis, 2008). There is no entity within the structural make-up of the network that coordinates or supports. This would result in a low degree of control.

Expectation 2: When an information network is network administrative governed, the TGN incorporates bureaucratic accountability in its day-to-day functioning.

Bureaucratic accountability is a type of accountability that is based on close supervision with a subordinate-supervisor role stressed (Romzek & Dubnick, 1987). The emphasis on obedience is high (Romzek & Dubnick, 1987). This type of accountability has a strong vertical dimension with codification of rules and directives being particularly visible here. We expect to find this type prevalent over the others because the impact of an information network is not considered great (Lavenex, 2007). A lesser impact would not necessitate a stringent

accountability relationship with oversight from third parties but rather keeping accountability within the organisation attending. However, due to the network administrative part, the network has a formalised component to it which would make supervisors involvement more likely than if the network was participant governed.

Expectation 3: When a harmonisation network is participant governed, the TGN incorporates political accountability in its day-to-day functioning.

Political accountability should be expected for a TGN with a great potential for boundary shift (Lavenex, 2007). A harmonisation network would fit with this expectation. The less demarcated standards hint at lesser oversight over actions which is most likely to coincide with a less formalised governance style; i.e. participant governed (Provan and Kenis, 2008). Political accountability is defined as a vertical relationship between an actor answering to a forum in which the source of control is external and the degree of control over actions is low (Romzek and Dubnick, 1987). This type of accountability has a strong emphasis on responsiveness. This is assessed based on results of administrative performance.

Expectation 4: When a harmonisation network is network administrative governed, the TGN incorporates legal accountability in its day-to-day functioning.

Legal accountability is likely to occur in a TGN type which has a high degree of autonomy for participants combined with a high control over procedure. This is most likely in a TGN with a harmonisation function, with more formalised governance style. Legal accountability is a type of accountability which is based on a diagonal relationship (Romzek and Dubnick, 1987). The source of control is external and the level of discretion for the actor is high (Romzek and Dubnick, 1987). The emphasis of account giving is placed on procedure, as the forum is a court or auditors from outside of the organisation. Accountability is given based on compliance with set rules and procedures.

3.6 Conclusion

In this chapter the different problems for accountability related to the emergence of TGNs were addressed. Secondly, the different varieties of the concept of accountability were addressed. Thirdly, the link between different forms of accountability in TGNs was made. Fourthly, the accumulated knowledge of the previous paragraph resulted in the presentation of the filled-in typology. In addition, the expectations were introduced.

Problems related to accountability revolve around the changing relationship between civil servants and their political superiors. Were once the connection between the two was clear and uninterrupted, this has been challenged by the rise of TGNs. The participants of TGNs are civil servants. These civil servants often work for an agency at a distance from national central government. Their work for a TGN might be overlooked. This could be due to the

distance between actor and forum but could also be related to the technical nature of TGNs. This technical nature might render a principal unable to assess the information provided by an actor. Moreover, because of lacking oversight the mandate could be unclear or be left to the actor to create. This would have due effect on accountability.

In order to establish whether or not accountability is threatened, understanding the varieties of accountability is crucial. In this dissertation the often-used definition by Bovens (2007) is used. It details the obligations of an actor and a forum with regards to the sharing and judging of information on actions. Moreover, four sub-types of accountability have been identified that could be deployed in TGNs. These types are: bureaucratic, professional, legal and political accountability (Romzek and Dubnick, 1987). These types can be distinguished based on two dimensions: 1. the source of control, which can be internal or external and 2. the degree of control over actions, which can be high or low. By adding these dimensions to the typology of TGNs of chapter II, we were able to create expectations. In the following chapter we will discuss how we will assess if the expectations hold. We will do so by setting out our methodological choices. Moreover, we will provide the analytical frame that we may use to assess our expectations in empirics.

