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**Sixth Pan-European Conference on International Relations, Torino 12 – 15  
September 2006  
Section Seven: Global Governance, a Critical Encounter**

## Liberal Norms and Global Environmental Governance

### 1. Introduction

The mainstream theories (neo) realism and neo(liberal) institutionalism have set boundaries for discourse on norms in the field of IR studies. They have made a clear distinction between international norms and international power relations. Accordingly, the mainstream theories acknowledge the states as basic units in the international system and the norms, rules and treaties reflect the power relationships among states.

Constructivism has restored the role of norms in international relations. According to the constructivist position, common norms imply common identity. This means that the actors have the same rules which make their interaction meaningful and cooperation possible. This position does not mean that interpretations of the norms are identical. Different interpretations can join different actors in governance, but they can also be factors making for distinctions between the actors.

The concept of governance constitutes a challenge for the mainstream theories. They are interested in policy outputs made according to the rational choice model, whereas governance involve more vague policy outcomes. In the established language, the term has usually referred to the exercise of political authority in a given sphere. Despite its use in situations where no formal political bodies have present, the concept has implied a political process, including the interplay of different interests and the aspiration to consensus (Alcántara 1998, 105). In contrast to the concept of order it is purposive. It differs from the concept of regime, which is institutionalised and contains one issue-area. (Biersteker 1992, 102 – 103) Typically governance is a compromise among different interests, issues and areas.

This setting – governance as a more or less obscure state of political authority reaching into different issue areas – is the starting-point for setting questions between governance and norms. Hence the main interest is in what is the smallest common denominator in norms (what are the common norms) which joins the actors? Second, what kind of governance do different kinds of norms produce? The third question is

derived from these, namely, what kind of communities or regimes do different combinations create in global environmental governance? The point of departure is liberal political and economic norms and their relationship with two basic environmental norms and discourses, conservationism and preservationism.

## **2. Norms and Governance in the IR Literature**

Apparently the inferior status of norms in mainstream theorising is emphasised in a neo-neo synthesis of realism and institutionalism. The mainstream theories assume that norms as such are fairly stable. Sovereignty as the ground norm characterises the anarchic international system. To put it precisely, sovereignty is rather an institution than a norm and reflects to a great extent on the international system. However, when other political and social norms are addressed, for example, human rights, equality, democracy or various environmental and trade norms, the situation is rather different. These norms are not considered to have very much to do with the nature of the international system. Realism examines whether the norms are ignored or whether they are applied, not how they work. The norms reflect the international power relations and realism does not discuss whether they create these power relations. Institutionalism is interested in how norms support the international regimes which states have established around particular issue areas such as humanitarian, development, trade and environment regimes. Neoinstitutionalism does not contest the anarchical nature of international relations, rather this approach emphasises that states are utility-maximising rational actors engaging in cooperation with other states in order to best achieve their goals in a more stable context of regimes than a purely anarchic environment. Thus the role of the norms in the neoinstitutionalist approach is limited to the technical value of regimes. (For a general discussion, see Baldwin 1993)

Surely, this is a plain interpretation of norms in mainstream theorising. Norms are equally discussed in realist discourse. Particularly E.H. Carr contemplated their role in international relations. Interest lies in how norms are formulated in the power struggle. (Carr 1939) In the realist tradition Scott Barrett, discussing the general nature of environmental treaties, claims that to be effective they should be “fair”, acknowledging the normative element in international relations. (Barrett 2005, xiv) The neoinstitutionalist approach examines how norms work in a regime. The focus is on bargaining and how different kinds of rules and norms are applied in this game based on a rational choice by the actors. (Keohane 1984, 57 -59).

Nevertheless, the concept of regime brings norms back to IR theory. The concept is defined as a set of norms, rules, principles and directives which drive cooperation in certain issue areas. Hence the definition of norms is very much bound to action and makes no clear distinction between other concepts of rule, principle and directive. As Friedrich Kratochwil has noted, however, in this context all rules are norms, but not all norms appear as rules, and while all norms are directives, not all directives function like norms. (Kratochwil 1989, 10)

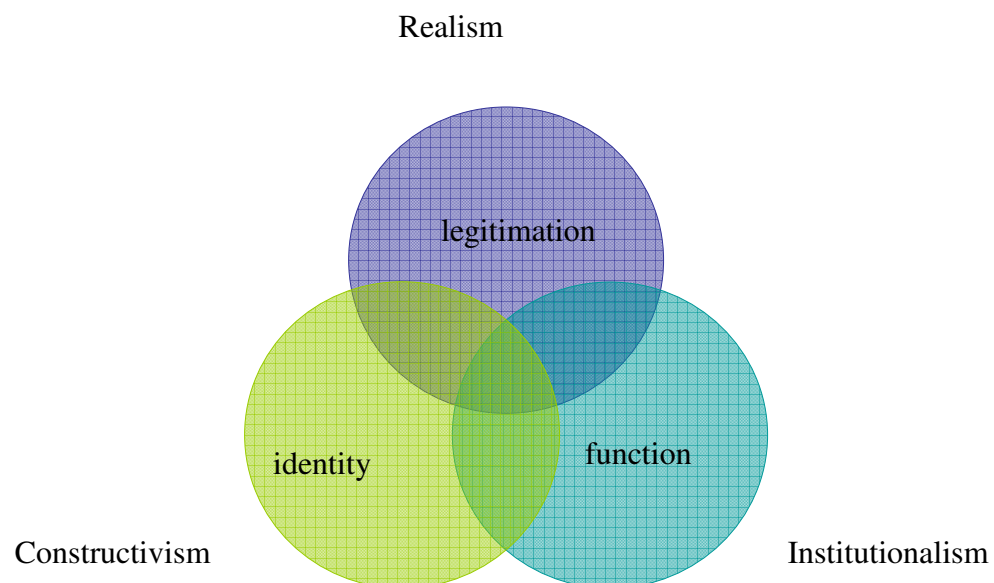
While neorealism discusses environmental issues as a part of the international power game (Sprinz and Vaahtoranta 1994; Barrett 2005), neoinstitutionalism contemplates environmental questions in regime theory also from the functionalist point of view – how effective are these international attempts to halt environmental deterioration. Realism is not interested in whether environmental norms refer to

certain environmental goals. Although the idea that human action is “rule-governed” touches with regime theory, it is not fully developed by the neoinstitutionalists either.

*Rule-governed* means that norms are not only “guidance devices” as supposed by regime theory, but also the instruments by which actors may “pursue goals, share meanings, communicate with each other, criticise assertions and justify actions”. (Kratochwil 1989, 11) This idea of norms is shared by the “English School” of international relations, (Bull 1977) but so far its interest in environmental norms has been limited and it has concentrated more on humanitarian norms in human rights and human intervention issues. The recent developments in the English school, which combine social construction, enforce the idea of norms as shared meanings. They also give possibilities to include non-governmental actors in the discussion of international norms. (Buzan 2004)

The constructivist approach connects norm with identity. Accordingly, a norm is seen as a standard of appropriate behaviour for actors within a given identity. However, the concept as used by constructivists in IR largely resembles the concept of institution used by sociologists. For example, referring to the norm of sovereignty, scholars in fact means sovereignty as an institution with different practices and not as a ground norm, for example, determining rules and other norms of international behaviour. (Finnemore and Sikkink 1998, 891) This does not deny the fact that some norms are stronger than others norms and combinations of different norms can be hierarchical – a strong norm determining the interpretation of weaker norms.

Figure 1. The role of norms in IR approaches



In realism norms refer to the result of a power struggle, institutionalism examines how norms facilitate decision-making in regimes, and constructivism how they create common identity. There is, however, no clear distinction between realism (legitimation), institutionalism (function) and constructivism (identity) when we ask what are the political aspects of different kinds of application of norms in

governance? It is possible, of course, that identity is adopted after a power struggle. Similarly it can be asked, what is the difference between a facilitating norm in a regime and a norm as a shared meaning? The purpose of the present paper is to analyse different norms in global governance and their relationship to environmental management. Thus the interest is in the combination of different norms and the political aspect of the different environmental management models they support.

Why are certain norms more binding than others? This presupposes that norms are considered to be legitimate by the members of international society. At state level sovereignty as a *grund norm* stands out in relief together with its applications of equality, reciprocity and the right to self-defence. Both structuralists and constructivists pay attention to the broader set of constitutional rules and regulations. These rules are focused on a liberal world order and the norms are connected to it from the perspective of both economic and political theory. Liberal norms, or part of them, are adopted by the actors in global economic, political and, as I wish to emphasise, environmental issues (see Bernstein 2000; 2002).

How does this take place in global governance practices? Neo-institutionalism refers to the concept of regime and the *grund norms* can lead to legalisation of the international system. Others regard this as a juridification of political, social and economic life in globalisation, not only in international trade law under the GATT/WTO system, but also in the increasing influence of international private law in general. (Cutler 2003) Christian Reus-Smit claims that a norm of pure procedural justice, together with a shared belief regarding centralised political organisation and the principle of sovereignty, is one of the constitutive elements of international society. (Reus-Smit 1997) However, some other constructivists and some structuralists are inclined to conceive the nature of governance as more stochastic.

This reflects the general trend in non-state centric theorising. One broad common denominator in this literature is civil society or the global civil society, both in its economic and its political aspects. The literature has followed international developments: on the one hand the general distrust of the social movements in international organisations and environmental movements in state-led environmental governance. In environmental governance this is due to setbacks sustained in international attempts to deal with major environmental issues such as conserving biodiversity and halting climate change.

Broadly the IR literature dealing with non-governmental organisations and social movements is divided into two. First, the governance literature focusing particularly on the relationship between international organisations, non-governmental organisations and social movements. Their theoretical starting-points originate from structural explanations developing into different kinds of governance approaches. Second, the literature originating from the epistemic communities and other expertise groups to network analysis and civic activism forms the other side of these studies. The theoretical premises of these approaches developed from regime theory into constructivist approaches. However, the theoretical dividing line between these two groups is obscure, as one crucial issue in both broad approaches is the significance and the role of norms. There are certain other apparent similarities, particularly in the contemplation of the feedback effect in the relationship of international organisations (IOs) – non-governmental organisations (NGOs). Together with the emphasis on norms it obscures the basic division between the structural explanation emphasising the economic basis of governance and the constructivist approach which discusses the development of identities and interests through interaction.

The discourse on global governance in the structuralist approach has brought new variations to the interpretation of international norms. According to Robert Cox, the new emerging world order is based on power relations as the realists have argued, but in contrast to the view of classical realists and neo-realists these relations are not addressed solely state relations but between different states, institutions and social forces. The important difference from the earlier construction of the world order lies in multilateralism, the attempt to arrange global governance between these different forces. (Cox 1997, xv – xviii)

Accordingly, in global governance liberal norms, both political and economic, play a crucial role. These norms are emphasised in the programmes and on the agendas of international organisations, development agencies and international non-governmental organisations. In practical policies, particularly those of global financial institutions such as the IMF and the World Bank, and other economic institutions such as the OECD and the WTO which dominate global governance in many aspects, the emphasis is on liberal economic norms in their concrete programmes such as free markets, private property rights and the minimal role of the state. Liberal political norms, including democracy, equality, the rule of law, not even to mention various social and ethical norms connected to liberal thinking, are disregarded and ignored in practical policies. The approach includes, together with the above-mentioned elements of power and multilateralism, normative elements. Contrary to the idea of regime, where the role of norms is to support interaction among states based on the status quo, in the new realism the norms contain the potential for system change. (Cox 1997, xvi – xix)

Nevertheless, global governance based on multilateralism, as Robert Cox and Stephen Gill argue, offers an opportunity to escape from the economic straitjacket of dominating international capitalism, making it possible for different social groups to cluster on different issue areas and political, economic and social issues. Interestingly enough, this alignment takes place by the same liberal norms which many important international organisations are addressing. However, this alignment relies on precisely those liberal norms which are largely ignored in the international organisations, namely political and social norms. It gathers different social strata globally and forms the movement against those organisations which, to borrow a concept from Karl Polanyi, are called the *double movement*. In summary, the concept goes against the deterministic interpretation of norms and governance and instead emphasises the stochastic nature of global governance and international norms. (Cox 1997, 255 and Gill 1997, 2 – 3, 6)

This conception has been shared in many governance studies. The concepts of *complex multilateralism* (O'Brien et al. 2000) and *multi-scalar public governance* (Scholte 2005, pp. 202 – 214) similarly concur on the important role of liberal norms in forming the glue of governance. The common denominator in these concepts is that governance is spread among different actors. In Cox's and Gill's thinking the international organisations occupy a central role, although their aim is to analyse the possibilities of GSMs to establish counter-forces to prevailing neo-liberal agendas. Multi-scalar public governance includes public actors at different global levels and their governance mechanisms. Complex multilateralism pays attention to diverse institutional adjustments in response to civil society actors in situations where the major participants are divided by conflicting motivations and goals. The results of this are to reinforce or weaken the state's role depending on their position in the international hierarchy (O'Brien et al. 2000 pp. 5 – 6).

Governance studies focus on civil society, the concept of which is difficult to fit in with the basic state-centric premises of the mainstream theories. The concept of global civil society, despite its vague operational value, (Doherty and Doyle 2006, 701 – 2) is often used to describe the transnational aspect of non-governmental activities. Studies have mushroomed during the last ten years. They may emphasise the diminishing role of the state and the growing role of trans-national activism, (Wapner 1996) or joint governance with IO and non-governmental organisations (Duffy 2006), or the struggle between GSMs and international organisations (see Doherty and Doyle 2006). Most of them, however, share the power-oriented point of departure and the success of the GSMs is seen to be due to the skilful use of their networks, modern communications and the media. Many of them swing from institutionalism (Wapner 1996) to constructivism (Keck and Sikkink 1998).

Nevertheless the role of norms and values clearly indicates a constructivist social theory. The *transnational advocacy network* relies on the idea of a counterforce to established rules, introducing the expression *boomerang effect*, a parallel to the double movement. Transnational network activists try not only to influence policy outcomes, but also to change the terms and nature of a given debate. They promote the norm and pressure their targets to adopt new policies. All this is close to the general governance approach, but their main point of departure is that these networks affecting world politics are joined by common norms, shared values and common discourses, not by material interests. (Keck and Sikkink 1998, 2 - 3).

Over and above this, one has to ask whether the view of these networks really pursues a challenge to inter-governmental governance. It is necessary to ask whether and when a distinction between state and non-state actors should be made when examining international governance. Opposite to the advocacy network models emphasising the independent role of activity groups and organisations, the concept of *governance state* joins IOs, states and NGOs into a single unity. The concept refers particularly to the African developing countries, where donors, IOs and NGOs drive and formulate national policies. (Harrison 2004) The emergence of governance states is attributable to the changes in the policies of the IOs, the World Bank particularly, in toning down the policy of conditionality. Accordingly, the IOs have supported the role of (international) NGOs in taking part in policy formulating, and particularly in many African countries they have gained a strong position vis-à-vis national governments. This is particularly true in environmental governance in some developing countries, where international environmental organisations have a strong hold on national conservation policies (Coldman 2001; Duffy 2006).

This new type of governance, where the formal borders of authority have been obscured, emphasises the role of common norms which bind different actors together. The importance of this model clearly reflects the development of the economy and political institutions of each country. However, the norms as such are universally applied: in different places and in different situations they are interpreted in different ways.

### **3. Norms in Global Environmental Governance**

The starting-point in this paper is the assumption that the norms which dominate global governance in general also prevail in environmental governance in particular. The central norms in global governance have comprised liberal political and economic norms together with the general principle of sovereignty. In environmental

governance this combination is related to basic environmental norms formed between two extremities: from absolute preservation to the economically profitable exploitation of natural resources.

The paper does not assume that norms merely maintain the status quo. In fact, the co-existence of different norms creates the possibility for change and for different kinds of interpretations as to what would constitute proper environmental governance. This possibility for change and a variety of different construals are expressed in structural approaches and in advocacy network studies. It is assumed here, however, that these norms form the combination or matrix by which different actors in environmental governance can find common denominators. This means that the interpretations of the norms are not always identical and can therefore create conflicts or represent symptoms of conflicts.

### 3.1. Liberal Norms

Liberal norms comprise here the whole gamut of political and economic norms which have evolved during last few centuries in Western developed societies. On the political side they involve political freedoms, equality and democracy as well as the rule of law and the distinction between private and public. Liberal economic norms emphasise private property rights, free markets and their primary role in prize formation. There are, of course, a variety of interpretation of liberal political norms varying from emphasis on individual freedoms and rights to the prioritisation of equality. Similarly, liberal economic norms do not form a single doctrine, but give a possibility for the justification of different kinds of market-based economic systems.

The connections between economic and political liberalism are obvious and the common denominators also reflect to environmental management. Accordingly, most functions of society have to be left to the private sector. Strong institutions concentrate on securing the performance of the markets. In republican tradition this is emphasised by civilian activities in the public sphere, in economic liberalism by a sharp division between markets and states or between private and public. (Weintraub 1997, 7 – 16) Global environmental activism is usually placed in a republican context addressing the state's inability to set adequate environmental standards and the government's inability to implement their own environmental legislation.

Neoclassical economics provides a broad range of politico-economic applications, from Keynesian models to neo-liberal political and economic projects. In recent decades, in neoclassical economics, the primacy of markets has been increasingly emphasised and the role of the state in economic regulation neglected. This has taken place in economics as an academic discipline as such, as well as in governmental policies and particularly in the policies of international funding institutions. (Biersteker 1989; 1990) For this reason, neoclassical economics and neo-liberalism sometimes tend to appear identical, although neo-liberalism is principally a political project which contains the market values not only in economics but also within social and political life. (Rodan 2004, 1)

Despite the fact that international organisations recognize both liberal economic and political norms, their positions are not equal. Naturally, they depend on the purpose of the organisation and on the purpose of funding. However, economic institutions which have also political power, have a strong grip on developmental and environmental issues. It is assumed here that neoclassical economic norms regulate environmental management in different forms all over the world and particularly in the developing world. The matter addressed here is what is the mixture of economic,

political and environmental norms in global environmental governance? This paper asks how these norms are reflected in the identities and interests of different actors in environmental management and in global environmental governance?

Whether liberal norms have a constitutive character over the regulation of other issue areas is debatable. In international society *sovereignty* seems to be the only undisputable norm, whereas other norms such as human rights, not to mention liberal political norms, have a less defined status. The weak status of liberal political norms is due to the stature of sovereignty in international system. (Buzan 2004, 28-29) Political freedoms have been traditionally defined by the respective states and their ability to do this depends on their economic and political position in international relations. Liberal economic norms – due to the structure of international society, the role of funding institutions in developing countries and their commitment to neoclassical economics – would appear to have this kind of constitutive character. The reasoning of neoclassical economics can be found in certain main principles of the World Trade Organization's legislation. Therefore the principles of the WTO, the legislation of which also binds rich developed countries, obviously have an even stronger constitutional character.

### 3.2. Environmental Norms

Environmentalism as such is a very much norm-based endeavour. Its roots lie in ecology, a branch of biology, which examines the relationship between living organisms and their environment. Ecology is a multidisciplinary approach, relying on such subjects as geography, geology and genetics. Ecological knowledge came to be politicised when it was connected to industrialisation, a quantified approach of biological diversity and population dynamics. These issues culminate in the concept of ecological crises. (Laferrière and Stoett 1999, 13 – 17, 22 – 28; Wissenburg 2001, 100 - 103) Environmental norms are related to the issues of how to deal with/preserve the ecological system.

The ultimate goals of environmentalism are conservation and preservation. In their simplest forms conservation refers to the exploitation of natural resources with minimal harm to the environment and providing a clean ecosystem and natural resources for coming generations. Preservation implies the intention to preserve the environment in its natural condition. It attempts to maintain the areas of the Earth so far untouched by humans in their present condition, or simply to remove the population from areas whose ecosystem is in danger. In the broad context of environmental management, preservation emphasis protection and conservation exploitation. While conservationism follows an anthropocentric ecology or “shallow” ecology, preservationism originates from “deep” ecology, which emphasises that no-one possesses legal or moral domination over the rest of nature. (Schmidt 1997; Laferrière and Stoett 1999)

The norm of preservation is particularly prominent when the conservation of large mammals such as whales, dolphins, elephants, lions etc. is dealt with among the environmentalists and the broader public. In fact the idea of protection of endangered species was the first environmental norm adopted by international society. (Epstein 2006) The idea of preservation is also materialised in “fortress conservation”, which has taken place particularly in (African) developing countries where local (over)population has been seen as the main threat to the pristine ecosystem and endangered species. This is realised in the establishment of natural parks where human settlements are minimised or excluded. This idea was first adopted in the US

in the 19th century and then spread particularly to the British colonies. (Epstein, 2006, 35 – 38; Siurua 2006)

The idea of conservation – controlled use of natural resources in order to protect nature for further generations – is much newer environmental concept. It developed particularly in the UN system trying to combine the development needs of former colonies and the protection of the whole ecosystem. Thus emphasis changed from species to ecosystem. (Epstein 2006, 40 – 42).

These two starting-points, however, do not refer directly to any direct political or economic norms, but appear in different combinations of political, economic and environmental norms. Conservationism was reformulated as *sustainability*. This concept, introduced by the Brundtland Commission, clearly indicated a fusion of economic and environmental protection. Its main focus is on amalgamating the profitable exploitation of natural resources and concern for environment. (Bernstein 2000 and 2002, 9) According to the rough interpretation, environmental concerns are not the priority; the whole idea is that environmental assets be incorporated into the economic system in order to secure the sustainability of this system. (Doyle 1998, 774; Wissenburg 2001, 103)

Accordingly, the word sustainability has been a convenient term for both the developed and developing countries. Its usage shows clearly that neoclassical environmental economics is approved as a mainstream approach to environmental management. Neoclassical economics has sought to deal with the environment (protection) as a market commodity and to determine the costs of environmental degradation. The point of departure is to set a price on degradation. This means that property rights should be clearly defined in order to determine the harm caused to outsiders in production or in the use of resources. The debate on the tragedy of the commons pointed to two different solutions in the property rights question: state property or private property (see for a classical presentation on this; Hardin 1968).

The neo-liberal trend in environmental economics suggests a straightforward answer leaning on public choice theory, the virtue of the market and self-regulating individuals. This assumes that natural resources and land, including land use rights, should be left to private bodies. Private market forces would drive environmental protection much more efficiently than public governance. If resources are owned by a state or a local authority, the price of protecting or not protecting the environment is not determined in the markets. Accordingly, the basic reason for efficiency is the transferability of property rights which determines the costs of protection. (Anderson and Leal, 1998)

In political practice sustainability does not directly refer to private environmental management, to the policies of transnational corporations, or to free market mechanisms. Therefore, particularly, sustainability does not directly link conservation and the markets, or conservation and liberal norms. There are cases where large international companies together with IOs have supported the establishment of nature parks in order to carry out business elsewhere. In practical environmentalism, among ENGOs, experts and researchers, the division between conservation and preservation is not always clear; they work as an analytical tool in examining the policies of different organisations and institutions. (Coldman 2001; Brockington 2002; Duffy 2006) Therefore conservation and preservation comprise moral and ethical starting-points, the first concentrating by the interaction of human beings and the environment, and the second emphasising the precedence of the nature as such. In human action and when combined with other norms and societal institutions these become politicised.

### 3.2. The Combination of Liberal and Environmental Norms

The practice of global governance in different issue areas strongly suggests the combination of political, economic and environmental norms. International organizations combine different issue areas in their general policies and this is true particularly of multilateral funding institutions (MFIs) such as the World Bank and international and national development agencies, but also of such institutions as the IMF. Even the WTO, which has strictly sought to avoid dealing with other than trade issues, introduced the Trade and Environment Committee to consider the compatibility of international environmental agreements and trade agreements. The growing interaction of these institutions with non-governmental organisations, including ENGOS, has led NGOs and INGOs to adopt agendas, which fit with that of the IOs.

Ostensibly this interaction is particularly strong in developing questions, but applies usually to industrialised countries. The emphasis and the combination of the norms may differ, but they all belong to a global agenda. The different combinations produce different kinds of political, economic and environmental governance. In Figure 2, there is a broad norm combination between environmental norms and market-based (liberal economic norms) and non-market-based (the sovereignty norm):

Figure 2. Environmental management models and environmental norms

	Conservation	Preservation
market-based environmental management	Markets determine the equilibrium between use of natural resources and conservation	Markets are used to fund the costs of preservation
non-market-based environmental management	The legislation and public authorities regulate the use of natural resources and decide on the level of conservation	The public authorities decide and control the preservation areas and preservation of species.

Logically, economic norms assume a certain political approach and an emphasis of on certain political norms. The market-based approach presupposes that individual rights and freedoms, as well as a minimal role of the state, are central in political norms. Neo-liberalism assumes that private actors shall provide most of the societal services and the role of the state is to contribute to institutions which give the legal base for private property rights and the free markets. In environmental governance, the market-based approach relies on equilibrium between demand and supply. The assumption is that consumers are conscious of environmental degradation and are ready to pay for conservation. The level of conservation is thus determined by the markets. Hence, central liberal economic norms are *transferable (private) property rights, free competition* and a *minimal state role* in the economy. In politics the neo-liberal trend emphasises the minimal role of political institutions and *individual rights and freedoms* without particularly referring to other liberal political norms. In environmental management models, including market-based models, however, other liberal political norms can be more sharpen emphasised. *Democracy* can appear in different kinds of participatory approaches, where the local population and other stakeholders are taken into environment-related decision-making and management.

In the non-market-based approach conservation decisions are made by the public authorities. This does not mean that liberal norms are excluded from environmental governance. On the contrary, the democratic process, either as a democratic legal procedure or civic activism to support it, may play a central role. This is emphasised in the civil society approaches; civic activism has the central role in forcing the authorities to conserve nature. The negative role of the state – even a liberal state – in some approaches (Wapner 1996) obscures the role of liberal political norms in a state-centric approach. Hence, the liberal political norms in transnational activism are focused on *republicanism*, individual virtues concentrating on the defence of the environment and working against public authorities.

The political freedoms which constitute a central norm in transnational civil activism are not, however, the typical norm involved in non-market-based conservation. The norm of *equality*, is rather the basis of many local and minority rights issues when environmental governance is dealt with. Equality as a norm is widely used at state level in global environmental governance, when the costs of conservation are discussed. This is very obvious both in biodiversity issues and in climate change questions.

A question of great importance is whether these norms, or a combination of them are shared by the relevant actors in global environmental governance. Or how many actors share these norms? If the question is put in the words of Hedley Bull and other proponents of the English School we can ask “how is world society represented in international relations dealing with environmental management?” It is relevant to ask whether some of these norms works like a *grund norm* i.e. they have a constitutive nature in environmental governance

In international relations, through the concept of sustainability, conservation seems to be the main trend in international governance. However, the constitutive value of environmental norms is even more questionable than that of liberal political norms in the practise of international relations. The ambivalence of the concept of sustainability reduces its constitutive value even further. Its extensive application refers more to the different interpretations of it than to its implementation. The different interpretations reflect the dominant role of economic considerations. Sustainability acts as an interface for different international actors in environmental governance, but does not of itself regulate environmental conservation and economic activities or structures. (Wissenburg 2001, 104 – 108)

Many writers on international governance (Biersteker 1992; Gill 1995) argue that economic theory, or certain elements of neoclassical economics, posses such constitutive importance. Sustainability is an attempt to include conservation in these elements. Therefore, the concept of sustainability is rather a symptom of the constitutive role of free markets and not a norm as such. Steven Bernstein’s concept liberal environmentalism refers to this. (Bernstein 2002)

#### **4. The Combinations of Norms in State – IO – NGO – Environmental Management: Three Dimensions**

Environmental governance is a combination of IOs, states’ and private (non-governmental) activities and their interaction. Analytically three dimensions of the development of norm combination can be separated: those pertaining to interstate relationship, the dimension of IO – state – NGOs and finally, civic activism and market-based mechanisms which independent of the public sector. This division is

made by the tentative assumption of common norms in each dimension and trendsetting norm combination: sovereignty and liberal economic and political norms.

Despite the fact that non-governmental and private bodies increasingly participate in global environmental governance on certain levels and in certain institutions, the role of states and governments is undisputable. Such levels are the negotiations on multilateral environmental agreements and conventions (MEAs), trade negotiations and the disputes and institutions connected to MEAs. Increasingly important for environmental governance is particularly the World Trade Organization (WTO), which interprets the compatibility of international trade laws and the MEAs (Trade and Environment Committee) on the one hand, and on the other, the compatibility of domestic environment-related legislation within its member countries through trade disputes.

On this state level of environmental regulation, environmental norms are included in MEAs such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Montreal Protocol, the Convention on Combat Desertification (CCD), the Convention on Biological Diversity (CBD) and the Framework Convention on Climate Change (FCCC), to mention but a few examples. Most of them include both conservation and preservation norms. Similarly, most include international trade-related regulations and points of view. In most cases, these regulations and the emphasis among norms are purely under national authority, as the MEAs are based on sovereignty. Some of them, for example CBD and FCCC, include liberal economic norms, market-based regulations, for example. The norm combination of the CBD would resemble this:

Figure 3. Norm combination in MEAs

	Conservation	Preservation
Sovereignty		
Reciprocity		
Property rights		
Free markets		

As far as the implementation of MEA environmental norms, or combinations of environmental and political norms are delegated only to the governments, they do not have constitutional character. Some cases such as Clean Development Mechanisms in the FCCC call for cooperation between the subscribers to the protocol. Hence, the idea of the market as a regulative instrument seems to gain strength. They do not work, however, without a very strong intergovernmental institutional framework. Therefore the market mechanism does not follow the model of a neo-liberal environmental economy, but a regulated economy with regulated markets.

However, when the compatibility of MEAs with WTO legislation and particularly the compatibility of national environmental regulation with world trade law are examined, the constitutive character of economic norms assumes more independent role. This is due to the exceptional character of WTO legislation. Through its Dispute Settlement Mechanisms (DSM) these regulations are effectively implemented among the WTO members. Interestingly enough, the validity of the WTO legislation is based on the ground norm of sovereignty which gives formal equality to its members. Despite the fact that membership is based on sovereignty, the implementation of legislation is enforced by a transnational body.

From the basic norm of sovereignty, certain important trade norms may be traced. The norm of reciprocity emphasises the equal position of sovereign members and

most favoured nation (MFN) treatment and transparency reflect the legal equality of the trading nations. There are, however, new issues which have included new norms such as national treatment (NT) and intellectual property rights, which clearly point to the basic principles of neoclassical economy and have no apparent connection to sovereignty. The environment-related trade issues constitute cases which establish norm combinations for environmental governance.

Figure 4. Norm combination of environment-related cases in the WTO

	Conservation	Preservation
Reciprocity		
MFN		
Transparency		
NT		
Intellectual property rights		

It may be asked, however, whether the state-to-state based examination on this level is the only appropriate approach. The non-governmental organisations and private bodies have been taking part increasingly in the summits of different MEAs and even in the WTO DSM. Their roles have been mainly as observers, but, for example, some ENGOs have been heard as experts in some environment-related trade disputes. Nevertheless the state centric approach is justified in that the roles of non-governmental bodies are totally dependent on governments' approval in these institutions.

The formation and the application of norms in the WTO undoubtedly reinforce international society. As economic globalisation is very much embroiled with different aspects of trade issues, the trade laws seem to spill-over into other issue areas. Environmental degradation has a great deal to do with economic development and trade and the national and international conservation measures deal with them.

The different kinds of development of norm combination take place in the IO – state – NGO relationship. Hence, environmental governance often merges with development issues. The international organisation, mainly the funding institutions and economic institutions which participate in preparation of developing agendas, are the main actors. They, however, increasingly cooperate with international non-governmental organisations in developmental and environmental issues. Besides different kinds of private and business bodies, the international non-governmental organisations (INGO) propagate liberal political as well as environmental norms. The common agendas of IOs and INGOs and their policies in recipient countries have partially replaced the direct conditionality of the IOs. (Goldman 2001, Duffy (2006) The strong economic power of the IOs in the developing countries has strengthened the role of liberal and economic norms in economic governance. This suggests the following norm combination in this dimension of governance:

Figure 5. Norm combination of IO – State – NGOs

	Conservation	Preservation
Private property rights		
NT		
Public/private division		
Pluralism		
Democracy		

The linkage of the IOs and the NGOs may vary, as the transnational activity networks dimension and the governance state concept indicate. Therefore the NGOs may have strong and independent advocacy role as is expected in the developed countries. This activism and the norms in environmental activism particularly, connect environmental governance in developing and developed countries. Global environmental activism is usually placed in a republican context addressing the states' inability to set adequate environmental standards and governments' inability to implement their own environmental legislation. Paul Wapner calls this activism in republican terms "world civic politics". (Wapner 1995, 312.)

Even more interesting aspects of this norm combination have been brought out by different environmental certification schemes, first of all forest certification. They have been supported by both the IOs and environmental and other non-governmental organisations and they may include both political and economic liberal norms. Interestingly enough, forest certification, originally developed to protect tropical rainforests, are more wide spread in the developed countries and in boreal forests. Similarly, the market mechanisms work there in a more independent manner as the role of the IOs is rather weak and the adoption of schemes takes place by business. These schemes, however, connect the norms and environmental governance globally. See Figure 6:

Figure 6. Civic activism & independent environmental certification

	Conservation	Preservation
Political freedoms		
Democracy		
Human rights		
Free markets		
Private property rights		

## Conclusion

Owing to the general nature of global environmental governance, where there exists no uniform political authority and which instead is split among several actors, the norms formulating environmental governance do not apply only to nature and the environment. Rather, environmental governance is supported by norms from the fields of different social activities – particularly the economy and politics.

The combination of norms forms a matrix which is reflected in different dimensions of environmental management. The norms which penetrate all the dimensions of governance are the smallest common denominator of global environmental management. They may be called grund norms in environmental governance, to which different environmental management models, regimes and communities have to refer.

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