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Agents, assumptions and motivations behind REDD+

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2. Theoretical and Analytical Framework

2.1 Introduction

This chapter presents the theoretical basis and analytical framework to assess the role of actors in the REDD+ policy arena, their level of agency, and their motivations. The theoretical framework draws on political science and law. Based on a systematic literature review, it discusses generic theories of regime design (2.2) and power-, interest- and knowledge-based approaches to regime development (2.3). It discusses the role of coalitions, negotiation strategies and discourses as related to agency (2.4), and subsequently addresses agency theory itself (2.5). A case is made for applying the concept of global environmental governance as it encompasses the agency of both State and non-State actors in regime development (2.6) and lists the main categories of agents in international law, including State agents, IGOs and non-governmental actors (2.7). It also elaborates on the role of individual negotiators or campaigners as agents, and the extent to which their individual capacities or motivations can justify their role as agents taking into account different theories on agency including that of leadership and policy entrepreneurship. The chapter concludes by elaborating on the four indicators that were chosen to measure the level of agency and the three indicators that were chosen as indicators of the motivations and strategies of agents (2.8), how they relate to regime development theories and how they fit within the theoretical framework of the research (2.9).

2.2 Theories of Regime Design

A regime is “a set of interrelated norms, rules and procedures that structure the behavior and relations of international actors so as to reduce the uncertainties that they face and facilitate the pursuit of a common interest in a given issue area” (Le Prestre cited in Smouts, 2008: 429). Krasner (1982: 2) defines a regime as “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.”

Regimes are distinct institutional elements of a global environmental governance architecture, which form the governance meta-level (Corbera and Schroeder, 2011). A global environmental governance architecture comprises all the public and private institutions and decision-making procedures that are relevant to, and active in, a certain issue area of global policy (Biermann et al., 2009b).

Within an international regime, one or more policy subsystems can be distinguished (Weible et al., 2008). Subsystems bring together actors and institutions that focus on a particular policy issue and/or focus on a particular territorial area. Most policy subsystems are both interdependent horizontally, and nested vertically. They enable actors to focus on highly complex policy issues that require long-term commitment and specialization and partitioning of responsibilities (Weible et al., 2012). Using this definition, REDD+ (see 1.1) could be seen as a policy subsystem of the broader international climate regime. It could even be classified as a “sub-regime”, but as this term might have a diminutive connotation this study will simply use the term “regime” to describe the REDD+ policy subsystem.

While international regimes set rules and norms, most international regimes in the field of environmental governance do not provide for sanctions in case of non-compliance

with those rules and norms, often because negotiators cannot agree to do so. At most they provide for a compliance monitoring mechanism in combination with financial incentives for countries that comply with the regime and, in some cases, a dispute settlement mechanism (Haggard and Simmons, 1987; Smouts, 2008). Such regimes can be described as soft governance systems. The assumption in soft governance systems is that institutional rules are at least as important as financial transfers and that the mere existence of the regime will encourage countries to obey the rules (Eyckmans and Finus, 2007).

In light of the lack of sanctions and other hard compliance mechanisms, there are political and academic concerns about the potential lack of effectiveness of global environmental governance regimes. The effectiveness of an international regime has two dimensions: the extent to which its members comply with its norms and rules and the extent to which it achieves its objectives, taking into account the output, outcomes and impact of the regime (Hasenclever et al., 1997; Underdal, 2011). Especially in the field of environmental governance, there often is a “yawning gap” (Chester and Moomaw, 2008: 188) between the aspirations and actual implementation of international regimes. One of the reasons for this lack of compliance is that governments are inclined to minimize the costs of compliance with global environmental rules and regulations that may fall on politically important groups within their country (Haggard and Simmons, 1987). Gupta and Sanchez (2012) point out that there is a lack of rule of law in international environmental governance, and a shift toward soft governance in terms of non-binding rules and norms, weak or non-existing enforcement mechanisms, or weak formulations in hard law. They also point out that environmental governance is incoherent across related sectors, and that it only has tools for sectoral management, but not the cross-cutting tools to enable a “fundamental reordering of society” which would be needed for integrated and systemic management (Gupta and Sanchez, 2012: 17). As a result, international environmental governance tends to be reactive rather than proactive:

“If current governance trends continue, such governance may remain reactive, fragmented, inequitable, unable to deal with systemic problems, ad hoc rather than principled, more spontaneous than predictable, and may protect current and new hegemonic interests at the cost of the rule of law and respect for global values. This could well imply that without a trend break, law will be unable to address the problems of the world in 2050” (Gupta and Sanchez, 2012: 17).

This conclusion seems particularly relevant for the climate regime, which has not been able to set long term targets on global warming until 2015 (Paris Agreement, 2015), and the regime seems to have failed to deal with the systemic, underlying causes of deforestation and other sources of GHG emissions in a proactive, holistic, equitable, principled and systematic manner (Gupta, 2014).

2.3 Theoretical Approaches to Regime Development

The question in regime development theory that is most relevant to this research is why do actors decide to develop an international regime or policy subsystem and how do they influence such regime development. Underdal (2011) suggests that regimes are determined by the configuration of party interests, the institutional setting and the distribution of power, and hints at egoistic self-interest as the main cornerstone of international regimes

(see also Krasner, 1982). Young (1991) suggests that the unanimity rule in international negotiations provides an incentive for certain actors to block consensus until a deal is offered that serves their specific interests.

Hasenclever et al. (1997) and Smouts (2008) distinguish three different theories on regime-building. First, power-based theories argue that States are the main agents, and the game of international relations is seen as inherently conflictual within the context of global anarchy. There is no mutual adjustment; the less powerful are required to adjust to the powerful and cooperation and institutions mainly serve the latter (Hasenclever et al., 1997). The function of a regime is not to maximize the common good, but to distribute the costs and benefits associated with cooperation in a manner that is convenient to the most dominant player. The definition of rules, norms and procedures reflects the distribution of power between the main actors and cooperation serves to institutionalize the interests of the powerful, which use them to extend their power and establish “hegemonic stability”. A hegemon is assumed to provide public goods because it has the self-interest and capacity to supply them, and only then is it willing to shoulder the costs of rulemaking and enforcement. A hegemonic actor is well placed to impose the terms of international regimes on others due to its overwhelming bargaining leverage, leaving others with virtually no leverage at all (Young, 1991). According to power-based theory, agents will only cooperate if they feel it is absolutely necessary, resulting in defensive positionalism (Smouts, 2008; Hasenclever 1997).

Second, according to interest-based theories, which are rooted in neoliberal thought (Hasenclever et al., 1997), self-interested, rational agents are assumed to be able to overcome collective action dilemmas through institutional bargaining (contractualism) that results in negotiated agreements and commitments. The function of the regime according to interest-based theories is to help actors maximize their interests on a rational basis for the common good. Regimes and institutions shape preferences and facilitate cooperation, and the reputational effect of compliance with agreements is considered important. In this bargaining process, two modes of conflict may arise: dissensual conflict and consensual conflict. Dissensual conflict can be a conflict about values (in which case there is little possibility for cooperation) or a conflict about means, i.e. there is agreement about the goals but not about the methods. In the latter case, there is medium possibility of cooperation. In the case of consensual conflict, there is no basic conflict about values or means, so the possibility of cooperation is high in cases where everyone benefits from a solution, but it is low if the benefit of some actors is relative to the benefit of others. Hasenclever et al. (1997) also suggest that agents who operate under a “veil of uncertainty” regarding the distribution of benefits and costs will be more interested to cooperate as there is no open conflict about distributive issues. Cooperation and regime-building can be triggered by external events like exogenous shocks, provided the issue-area is amenable to a contractual solution (Hasenclever et al., 1997; Smouts 2008).

Third, knowledge-based theories (cognitivism) show that knowledge shapes agents’ behavior and identities and norms (Hasenclever et al., 1997). Cognitivism is particularly relevant for environmental regimes, as altruistic values play an important role in influencing the values and actions of individuals related to the environment (Steg et al., 2011). Weak cognitivism assumes rational actors but investigates the impacts of norms and other factors on their preferences, assuming that they will be influenced by knowledge changes. This highlights the importance of knowledge shapers and epistemic communities that inform policymakers. Institutions themselves contribute to consensus through knowledge and information sharing. Strong cognitivism investigates how knowledge and beliefs constitute

agents and enable both power and cooperation. It assumes that the identity and behavior of agents is defined by groups and institutions, and that agents act according to a logic of appropriateness rather than an utilitarian logic of consequences that is based on a rational consideration of their self-interests (Young, 1991).

Some scholars have cautioned that information sharing and learning do not necessarily lead to regime change, as actors are inclined to use new information in a selective, conservative manner given the limited abilities to process information. Moreover, learning will often result in reinforcement of existing positions rather than change due to the tendency of actors to select, interpret, and sometimes distort information (Weible et al., 2012: 8).

According to these cognitivist approaches the function of a regime is to change the behavior of State and non-State actors through a process of learning and socialization, building on a discourse that reflects a common perception of the problem at hand, and the best responses (Smouts, 2008). According to knowledge-based theories, social and ecological movements are considered to play a dominant role in regime-building because they use persuasion to influence policy (see also Pattberg, 2005).

The strong cognitivist approach assumes that States will comply with rules they consider as legitimate even when it is not in their direct interest, and that reputation and trust are important building blocks of regimes. However, an important stream in strong cognitivism emphasizes that the identities and norms in the current world order are constructed by powerful elites and industrialized country ideologies that control the dissemination of ideas and marginalize radical conceptualizations or alternatives that might threaten the stability that benefits the current elites. This stream emphasizes that knowledge is an ideology that benefits certain groups only (Hasenclever et al., 1997; Okafor, 2006).³¹

Regime theories originally focused mainly on the importance of interests, power and institutions in regime development, emphasizing the role of States as unified, political actors. Subsequently, the focus has shifted to factors like individual leadership and knowledge (Underdal, 2011), which indicates a cross-fertilization of international political science with other social sciences. As will be described in Chapters 7 and 8, and further elaborated in 2.6, individual stakeholders or so-called policy entrepreneurs can have a significant influence on regime development (Lejano, 2006; Huitema and Meijerink, 2010), especially if they succeed in building coalitions (Huitema and Meijerink, 2010). Policy entrepreneurs tend to be most successful if they develop new ideas, build coalitions, manage and orchestrate policy networks, recognize and exploit windows of opportunity and recognize, exploit, create and/or manipulate multiple venues (Huitema and Meijerink, 2010) and/or provide clear leadership in international regime development.

The analysis of leadership in international negotiations is of particular importance for research on agency. Grubb et al. (2011), distinguish three types of leadership. Structural leadership is based on the use of incentives based on material power attributes such as wealth and military, which are used as bargaining leverage (Young, 1991). Hegemony is the extreme case of this form of leadership, which is also classified as coercive leadership (Underdal, 2011; Young, 1991). Directional, unilateral or intellectual leadership uses ideas and examples of domestic implementation to influence the position of other actors

³¹ See for example <http://www.jstor.org/discover/10.2307/25659346?uid=2129&uid=2&uid=70&uid=4&sid=21103535976367>.

(Young, 1991; Underdal, 2011). The third type of leadership is considered instrumental or entrepreneurial (Young, 1991) and focuses on problem-solving through building like-minded coalitions using diplomatic skills (Young 1991; Underdal, 2011). Additionally, Sun Park et al. (2013) distinguish intellectual leadership, in which an individual uses his/her intellectual capital to shape the perspectives of other actors, instrumental leadership, in which they use their skills and status to persuade other actors, and directional leadership in which individuals convince others by demonstrating certain solutions. Entrepreneurial leaders tend to function as agenda setters who draw attention to the importance of the issues at stake and subsequently invent innovative policy options and act as brokers to make a deal around these policy options. Both intellectual and entrepreneurial leaders are typically individuals rather than institutions, and the latter often use the ideas generated by intellectual leaders in negotiation processes – as such, different types of leadership can reinforce each other even though they are seldom found in one and the same individual as they require different personality characteristics (Young, 1991). However, in general, there is still relatively little attention for the roles of particular individuals and their negotiation strategies and tactics in international relations research (Underdal, 2011).

Other potential factors that are of importance in regime development include context, an ongoing process of visioning and definition, events that are either external or internal to the policy subsystem, and what Lejano (2006: 202) calls “the effect of improvisation” (see also Weible et al., 2012). Sotirov and Memmler (2012) point out that policy change is mediated by actor behavior, including the tendency of actors to color the impacts of external events, and constrained by institutional rules and available resources. However, there is little specific research on the question when and if specific events will actually influence a subsystem sufficiently in terms of generating the resources, attention and new knowledge needed to develop a new regime. Factors that are of relevance include a commitment amongst Parties to negotiate, adequate funding, leadership, trust, the lack of alternative options and for example a focus on empirical issues (Weible et al., 2012). In Chapter 4, the relevance of these factors for the REDD+ negotiations will be assessed. Weible et al. (2012) also highlight two obstacles for negotiation and consensus-building. One is what he calls “the self-interested, uncommunicative individual found in the tragedy of the commons”. The other consists of actors who try to protect their interests against an adversarial coalition (Weible et al., 2012, p.8).

2.4 The Role of Discourse

Discourse plays an important role in regime building, especially according to constructivist approaches. Actors use arguments to frame policies that reflect their interests and beliefs (Brockhaus et al., 2013). Common understandings are required to agree on goals, and communicative action is applied to convince other actors so as to build such a common understanding, which is the basis for the common norms, principles and standards that are at the heart of international regimes. A discourse is defined as:

“...an ensemble of ideas, concepts and categories through which meaning is given to social and political phenomena, and which is produced and reproduced through an identifiable set of practices”. (Hajer and Versteeg, 2005: 175).

The foundation of discourse theory is a *homo interpreter* who is driven by knowledge, the search for meaning, collective ideas, social practices and the resulting societal change. This is in contrast to the rational interests-driven *homo economicus* and the social norm-driven *homo sociologicus* (Arts and Buizer, 2009). Discourses shape how a policy problem is perceived, which solutions are conceivable and what the best solution might be. As such they are critical in public policymaking (Hajer and Versteeg, 2005) and international regime building. Language has the capacity to shift power balances and make politics, including through exposing events or rendering them harmless, and through the creation of time- and location-bound realities (Hajer and Versteeg, 2005, Winkel, 2012). “Each society has its regime of truth...” (Hajer and Versteeg, 2005: 182).

Discourse plays an important role in policy-oriented learning, which is considered one of the main drivers behind policy change, together with events and negotiated agreements (Weible et al., 2012). It is an important mechanism for agents to influence other actors, but according to post-structuralist perspectives in critical policy analysis, discourse also plays an important role in shaping the social identity and subject position of the agents, turning them into creations of the discourses in which they move (Stevenson and Dryzek, 2012). Arts and Visseren-Hamakers (2012) point out that discourse exercises power over agency and that it disciplines the subject toward what is considered normal behavior.

Dryzek (2005) classifies environmental discourses along two dimensions. One distinguishes reformist discourses that embrace economic growth as a pre-condition for sustainable development from radical discourses that reject continued growth. The other dimension distinguishes prosaic discourses that accept existing societal structures from imaginative discourses that embrace a transformation of existing political-economic structures in society. The combination of these two dimensions results in four types of environmental discourses: 1) environmental problem solving discourses, which are reformist and prosaic, 2) sustainability discourses, which are reformist but imaginative, 3) survivalism, which represents a radical but prosaic discourse, and 4) green radicalism, which represents a radical and imaginative discourse.

Several scholars highlight the role of coalitions in promoting certain discourses using persuasive strategies of knowledge production. They try to convince their adversaries that their set of beliefs makes better sense of external realities (Bulkeley, 2000; Sotirov and Memmler, 2012). Brockhaus (2013) argue that a discourse coalition achieves dominance in a policy arena if it persuades central actors to adopt its discourse, includes key State actors that have binding authority to make policy decisions, and succeeds to incorporate its discourse in institutional practices (Hajer and Versteeg, 2005). As such, discourse plays an important role in the shaping of global regimes.

2.5 Agency Theory within the Framework of Political Sciences

Agency theory has its roots in information economics. It originally concerned the contractual relationship between a principal (e.g. the owner of a private enterprise) and the agent that is acting on his/her behalf (e.g. the manager of that enterprise) (Eisenhardt, 1989). The theory around the role of agents and policy entrepreneurs in international environmental governance is relatively new. International public law is developed in decision-making processes where only States have a formal role, so State governments are normally the main agents in international law (Schroeder, 2010). Young (1991) also refers

to agents as the representatives of States, which he considers as the principals. However, the definition of agency normally applied in international relations is broader, and refers to the capacity to influence policy processes (see also Dellas et al., 2011). Agents can contribute either directly to international governance, by steering those who have given their explicit or implicit consent to be governed, or indirectly, by influencing the decisions of others (Dellas et al., 2011). Especially non-State actors can also deliberately or non-purposefully work through a chain of agency in which certain actors influence other, more powerful actors that are in a position to convince key decision-makers (see also Brockhaus et al., 2013). Seen from this perspective, an agent is a vector of change or, as Schroeder (2010) describes it: “An agent of Earth System Governance... is an actor who possesses the ability to prescribe behaviour and to obtain the consent of the governed; an agent is an authoritative actor” (Schroeder 2010: 320; see also Dellas et al., 2011).

Important conceptual considerations in agency theory are the nature of power and authority in the global arena, the nature of private and public authority, the dynamics between structure and agency, and the actual practice and processes of governance (Okereke et al., 2009). Non-State actors that lack governmental coercion use a range of positions, tactics and practices to influence national and international politics (Okereke et al., 2009). One well-known tactic is to choose the most beneficial level of governance or the most beneficial sector or policy subsystem through applying the politics of scale or forum shopping (Gupta, 2008; Huitema and Meijerink, 2010; Schroeder, 2010; Gupta, 2014).

Especially in realist approaches, there is a tendency to see States or non-State organizations as holistic entities in agency theory, but this tendency risks neglecting specific forms of power that depend on human agency (Lederer, 2012). Okereke et al. (2009) argue against treating the State as a “black box”, a homogenous, sovereign entity. In line with Kantian liberal tradition, interest-based regime theories put a lot of emphasis on the agency of individuals (Royo, 2012). In the reality of international negotiations, agency often depends on the behavioral features, preferences, ideology, expertise, economic interests, enthusiasm and/or negotiation skills of the individuals representing a certain country or non-State institution, which are determining factors in their leadership (Gsottbauer and van den Bergh, 2012; Sun Park et al., 2013). Gsottbauer and van den Bergh (2012) even suggests that country behavior may look like the sum of individual decisions. They emphasize how political choices generally deviate from perfect rationality due to personal stress, time constraints and imperfect information, which is often filtered, also because of cognitive dissonance, professional biases and potential mistakes due to intuitive judgments like the underestimation of risk in negative frames and risk aversion in positive frames. They further highlight the importance of communication and positive incentives for a large number of parties as factors that can facilitate cooperation and regime formation and the importance of altruistic value systems amongst negotiators, arguing that negotiators themselves often dislike unequal negotiation outcomes and inequities.

Weible et al. (2012) highlight the role of individuals rather than collectives in policymaking. They add that these individuals have a tendency to be goal-oriented but that they are often not capable of understanding the entire contextual environment. Assumptions that are often taken for granted in economics, like the assumption that actors would be perfectly rational, able to process relevant information and that they would strive to utility maximization, have empirically and theoretically been proven to be inapplicable to policy processes (Weible et al., 2012). Partzsch and Ziegler (2011) and Biermann and

Siebenhüner (2009) also highlight how national and international organizations depend on certain personalities and their ideas (see also 2.3).

Weible et al. (2012) identify three successful strategies for influencing policy development applied by individual agents: the first is to develop deep knowledge of the policy issues; the second is to build networks; and the third is to participate for a longer time in a certain policy process. The latter is important as it can take a lot of time before scientific information is accepted by policy-makers and translated into policy change. The first two correspond to directional and instrumental leadership; the last is staying power. An important dimension of deep knowledge that can support the success of agents, aside from analytic knowledge, is an awareness of the fact that many technical and scientific disputes are actually disputes about values, and that one's belief's system plays a role in knowledge gathering. They also emphasize the importance of making use of windows of opportunities: "...agenda setting and policy change require the catalyst of a policy entrepreneur to take advantage at the right time to achieve his or her goals when the politics are right and the right ideas are matched to the problems" (Weible et al., 2012: 15, see also Huitema and Meijerink, 2010). Finally, there are some contextual factors that influence the chances that a certain actor becomes an agent in international policymaking, such as the macro-political system, major events, learning, negotiation and cooperation and the emergence of parallel policy subsystems that result from the tendency and/or need of individual actors to focus on specific sectors and issues (Huitema and Meijerink, 2010; Weible et al., 2012).

2.6 Global Environmental Governance and the Role of Non-State Actors

As pointed out in 2.5, international governance processes can be influenced substantially by non-State actors. Research organizations, corporations and their networks and lobby organizations, non-governmental organizations (NGOs), IPOs and social movements participate through multiple ways in international regime development, including through knowledge sharing, awareness raising and other forms of persuasion (Biermann, 2007). "Governments are still the lead actors on the world stage, but they themselves seem to be questioning whether it is in their best interests to have the stage to themselves" (Chester and Moomaw, 2008: 192). In fact, over the last 100 years the role of NGOs in international negotiations has changed considerably and they increasingly play a more prominent direct and indirect role (Gupta 2003; 2005).

The role of non-State actors in international policy processes is conceptualized by the notion of global environmental governance, which implies a multi-actor perspective on world politics. Governance in general is conceptualized as "that part of human activity concerned with creating the conditions for ordered rule and collective action." (Dingwerth and Pattberg, 2006: 188). The term global environmental governance not only highlights the role of different State and non-State actors in international policy processes, but it also conceives international policy processes as inseparably linked to local, national, and regional political processes (Dingwerth and Pattberg, 2006). Governance concerns the multiple ways in which public and private actors govern public issues at multiple scales, autonomously or in mutual interaction (Arts and Visseren-Hamakers, 2012: 4). As such the concept analyzes multiple spatial and functional levels of politics and new mechanisms of producing and maintaining global public goods (i.e. non-rivalrous and non-excludable

goods) and highlights the establishment of new spheres of authority beyond the nation-State by including non-State actors (Pattberg, 2006; Dellas et al., 2011). The shift from government to governance has led to authority and competencies of States moving to other bodies (Dellas et al., 2011). Corbera and Schroeder (2011) argue that the term governance suggests forms of steering that are less hierarchical than traditional governmental policymaking. While there will be some level of hierarchy in most governance systems, the concept suggests systems that are more decentralized, self-organized and inclusive of non-State actors like industry, NGOs, scientists, indigenous communities, city governments and international organizations (Dellas et al., 2011). REDD+ itself is seen as a good example of governance as it actively involves many actors (Corbera and Schroeder, 2011).

Biermann (2007) has specifically applied this concept to sustainable development policy by elaborating on the concept of Earth System Governance, which is built on five pillars: architecture, agency, adaptiveness, accountability and allocation and access. He defines Earth System Governance as:

“the sum of the formal and informal rule systems and actor-networks at all levels of human society that are set up in order to influence the co-evolution of human and natural systems in a way that secures the sustainable development of human society—that is, a development that meets the needs of present generations without compromising the ability of future generations to meet their own needs” (Biermann, 2007: 329).

He also emphasizes that the consent and involvement of non-State actors is a requirement for credible, stable, adaptive and inclusive Earth System Governance. The involvement of stakeholders is assumed to enhance the relevance, responsiveness, accountability, transparency, inclusiveness, legitimacy, effectiveness, efficiency and equitability of decision-making (Gupta, 2014) and thus contributes to better governance.

Governance for environmental regimes includes social norms and political assumptions that will steer societies and organizations toward collective decisions. It forms an essential process to facilitate collective action to address global common challenges like environmental degradation and climate change (Thompson et al., 2011). The essence of global environmental governance is formed by those norms, rules and standards structuring social activity, rather than by the existence of specific actors (Dingwerth and Pattberg, 2006: 199).

However, some critical footnotes to the global environmental governance concept should be added. Some scholars fear that the concept is prescriptive and will be used to establish global steering mechanisms beyond the State that facilitate a trend toward “reregulation of the world economy that conceals the negative tendencies of late capitalism” (Dingwerth and Pattberg, 2006:196). However, the suggestion that the global environmental governance concept and increased role of non-State actors will inevitably lead to a decrease in hegemonies and a less hierarchical form of decision-making might be misleading:

“..[t]he successful establishment of hegemony implies that the ruling class need not enforce discipline by coercion but rather that hegemonic stability is rooted in consensus as manifested in the everyday operation of the institutions of civil society.....We suggest that the ways in which public and private authority are

configured, and the relations between them, are shaped by structural constraints at multiple levels and that these structural constraints work to privilege some actors, ideas and policies over and above contending alternatives in relation to national and international climate governance” (Okereke et al., 2009: 67-69)

2.7 Main Categories of Actors in Global Environmental Governance

Classic international relations theory distinguishes three types of actors: States, private companies, and civil society actors (Partzsch and Ziegler, 2011). States are obviously the main category of actors in international policymaking, as most international agreements are agreements between States only. As will be elaborated further in Chapter 7, States tend to form groups or coalitions of like-minded and/or geographically connected countries that see a strategic advantage in coordinating their negotiation position and strategy on certain issues. These groups and coalitions can differ per negotiation process, although some groupings function in almost every UN-related negotiation process, like the EU and the Group of 77.

IGOs and their bureaucracies are an important agent in international regime development. While the official positions of IGOs are assumed to reflect the consensus position of the State members to that organization, the positions of IGOs can also be influenced by professional biases and economic and other incentives for either the bureaucracy as a whole, or specific individuals within that bureaucracy. Bauer et al. (2009) highlight the role of international bureaucracies as independent agents in international policymaking. They point out that previously, realism did not only create a focus on States rather than non-State actors, but also a focus on international organizations as a logical consequence of State influences, but failed to assess the independent role and influence of international bureaucracies that are driven by constructivist notions of effective public policymaking. However, he cautions that there are significant differences between a profit-driven, efficiency-focused private sector company, and the principal-agent relations between shareholders and managers within such a company, and the effectiveness-driven focus of international bureaucracies. The latter are partly guided by States as their main principals, but they tend to have a certain level of autonomy as agents.

As stated in 2.6, classical international relations theory distinguishes at most two categories of non-State actors, namely profit-oriented business entities, and NGOs. However, Agenda 21³², the comprehensive action program for sustainable development adopted in 1992, distinguishes nine rather diverse so-called “major groups” of non-State actors: NGOs, business and industry, women, Indigenous Peoples, workers and trade unions, the scientific and technological community, children and youth, farmers, and local authorities. The UN Department on Economic and Social Affairs has increasingly been using this so-called major groups structure to reach out to non-State actors and involve them in different UN processes, including the Commission for Sustainable Development (CSD), which functioned from 1993 until 2013, and the recent UN Conference on Sustainable Development (2012). As said, several influential social sectors are excluded from the nine major groups listed in Agenda 21. Scholars like Weible et al. (2008) recognize additional categories of actors, including consultants, members of the media, and judges. Bouteligier (2011) highlights the particularly influential role of global environmental

³² Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference, resolution 1, annex II.

consultancy firms in global environmental governance. Some social sectors that did not feel represented by these broad categories, like organizations representing disabled people, have tried to challenge this major groups structure.³³ In organizations like UNEP, the major groups structure has been questioned (Gupta, 2014). However, while “other stakeholders, including local communities, volunteer groups and foundations, migrants, families and older persons and persons with disabilities”³⁴ were explicitly recognized in the Rio+20 Outcome Document “The Future we Want”, no formal major groups were added and the major groups structure continues to be the cornerstone for the participation of these non-State actors in the follow-up process to Rio+20, including the negotiations on the SDGs.³⁵ As described in Section 8.2.2, most of the international policy processes related to forests are gradually adopting a similar classification of major groups.

It is important to distinguish stakeholder groups like NGOs and business from movements and organizations representing rightsholders, like Indigenous Peoples, women, children and youth, workers, and farmers. Rightsholders’ movements represent the interests of specific social groups and, ideally, have a clear legitimacy that is rooted in broad global representative structures like the International Confederation of Trade Unions (representing workers), La Via Campesina (representing small farmers), the International Indigenous Forum on Climate Change (IIFCC) or the International Indigenous Forum on Biodiversity (IIFB) (both representing Indigenous Peoples).³⁶ Meanwhile, NGOs have often been criticized by social movements, in particular grassroots movements that have deliberately avoided a formal organization structure³⁷ as not being necessarily representative of the aspirations and priorities of the social groups they claim to speak for. As Bernauer and Betzold (2012: 64) point out:

“Many civil society representatives claim to speak for the public at large, but neither the positions nor the actions of these actors emanate from that public. Decisions are taken by a small number of persons who may or may not be elected based on standards that are benchmarks for liberal, representative democracies. The general public – and often not even the membership of civil society organizations – usually has no possibility to hold the leadership of civil society groups accountable for their action or inaction. Also, it might not care either.”

This caution is particularly relevant for a regime like REDD+ where a specific group of civil society organizations (CSOs), namely non-governmental conservation organizations, has a strong economic stake in a certain regime as it could provide significant resources to sustain their organizational structures (see 8.3).

³³ http://www.un.org/disabilities/documents/information_brief_rio+20.doc (last visited 1 January 2014).

³⁴ The Future We Want, Outcome Document of the United Nations Conference on Sustainable Development, A/RES/66/288, par. 43

³⁵ <https://sustainabledevelopment.un.org/aboutmajorgroups.html> (last visited 4 February 2017).

³⁶ The IIFCC and IIFB are informal forums without secretariat or other formal structure, but open to the participation of any Indigenous person or organization, and as such they are considered representative bodies, also taking into account the participatory democracy governance tradition that is fostered by many Indigenous cultures (Colfer, 2011).

³⁷ This includes forest peoples’ movements like the All Indian Forum of Forest Movements, farmer movements like La Via Campesina and many activist movements, especially those that have embraced anarchistic discourses and structures like Occupy, Los Indignados and the European “black block” of radical anti-establishment activists.

2.8 Toward an Operationalization of Indicators of the Level of Agency

2.8.1 Identification of the Indicators

This final section discusses the indicators that have been chosen to assess the level of agency of different actors in the REDD+ regime, and the indicators that have been chosen to assess their motivations.

Within the scope of the analytical framework four indicators to assess the level of agency of different actors are used: (a) legitimacy, (b) the assumption of authority in the eyes of co-actors, (c) the capacity of actors to influence a regime in line with their original goals and objectives, and (d) the assumption of agency in the eyes of co-actors.

Legitimacy and authority are closely related indicators of agency (Dellas et al., 2011). The core elements of legitimacy are the acceptance and justification of certain rules or institutions by the community as being authoritative. Legitimacy can be distinguished in terms of input legitimacy, which is related to responsibility, participation, accountability and transparency, and output legitimacy, which is determined by the results the actors produces (Backstrand and Lovbrand, 2006, Vatn and Vedeld, 2013). Legitimacy describes the state or quality of being coherent with established legal norms and requirements, recognized principles, or accepted rules and standards of behavior (Biermann and Gupta, 2011). Legitimacy is conferred through formal or informal social consent (Schroeder, 2010). Corbera and Schroeder (2011) argue that legitimacy can be based on the accountability of governments to their constituencies. This accountability is operationalized through public scrutiny, including of the processes through which rules and policies are negotiated, and the subsequent acceptance of decisions, which means they will be adhered to by these constituencies. They also highlight a fair distribution of decision-making power as a factor of legitimacy (Corbera and Schroeder, 2011).

Normally, the legitimacy of a State is uncontested, although in specific cases the legitimacy of specific representatives of a State could be contested (see also Chapter 7). According to the assumption of formal democracies, people, which can be seen as principals, elect their government and are subsequently represented by it. The government thus functions as an agent that legitimately acts on behalf of the people, is accountable to them, and can be voted out in case of dissatisfaction. (Partzsch and Ziegler, 2011). As such, representativeness and accountability are important indicators of legitimacy. Governments subsequently negotiate international agreements, which are normally adopted based on consensus.

The legitimacy of non-State actors is not a given (Dellas et al., 2011), especially because their representativeness is not a given. Rather, it is seen as a determining factor in their agency. Non-State actors are not elected through a formal democratic process so their agency is mostly justified by other factors (Dellas et al., 2011). Partzsch and Ziegler (2011) identify utility, embeddedness and education as potential sources of legitimacy of non-State actors. They also identify the role of certain agents as advocates for more transparency and empowerment of affected people as a potential source of legitimacy. As such, legitimacy is a relative concept – legitimacy is in the eye of the beholder (Biermann and Gupta, 2011, see also Dellas et al., 2011). Having that said, representativeness is also an important indicator of the legitimacy of non-State actors.

Legitimacy is closely linked to accountability, which requires transparency of governance processes and outcomes. Global environmental governance creates a challenge

of securing accountability, because traditional accountability mechanisms like electoral accountability and legal representation are not applicable to global environmental governance, including even State-led governance. Biermann and Gupta (2011) further distinguish internal accountability and external accountability. In the latter case, the actors whose lives are impacted by certain decisions are not directly linked to the actors that should be held to account for those decisions. This is of particular relevance to global environmental governance. The effects of transboundary environmental harm caused by failing national governance reach beyond national borders, but the affected actors have no electoral means to hold these failing decision-makers accountable (Biermann and Gupta, 2011). They also identify temporal interdependence in terms of an accountability challenge relating to future generations, and accountability relations between past and present generations.

Authority, the second indicator of agency chosen, is defined as “the legitimacy and capacity to exercise power” (Schroeder, 2010: 320). Especially in the case of non-State actors, their authority is often contested, and the recognition of their authority as innovative problem-solvers is an important factor in their agency (Dellas et al., 2011). As discussed in 2.6, the shift from government to governance assumes new spheres of authority beyond States, which are based on persuasion rather than coercion (Pattberg, 2005; Dingwerth and Pattberg, 2006; Arts, 2012). For that reason, authority is a relative concept and much related to the assumed expertise, influence and moral authority of the actor and social interactions. It is a quality actors acquire rather than possess (Biermann et al., 2009a). Bouteligier (2011) distinguishes five different types of authority: institutional authority, delegated authority, expert authority, principled authority, and capacity-based authority.

Partzsch and Ziegler (2011) argue that the definition that “an agent of Earth System Governance is an actor who possesses the ability to prescribe behavior and to obtain the consent of the governed” (Schroeder 2010: 320) implies that such an actor obtains the authority on behalf of others. This means that we need to investigate the legitimizing reasons that turn this exercise of power into authority (Partzsch and Ziegler, 2011), since States cannot simply transfer their democratic legitimacy to non-State actors. However, Partzsch and Ziegler also identify innovations as a potential source of authority, for example, in the case of social entrepreneurs as agents in environmental governance (Partzsch and Ziegler, 2011).

Expertise, which underlies authority, is subjective, and is directly related to the epistemology and knowledge of the actors that judge another actor’s expertise (Stewart-Harawira, 2005). There is a (neo-) colonial dimension to the concept of expertise, as Indigenous and other non-Western forms of expertise are often less appreciated by scientists with a Western background, and even scientists with a Non-Western background (Apgar et al., 2015). For that reason, the main indicator chosen is whether the expertise and/or authority of a certain actor was questioned by co-actors, taking into account the background of the judging actors themselves.

The third and fourth indicator that will be used in the analytical framework concern the assumption of agency of an actor in the eyes of co-actors and the effectiveness of agency as indicated by the capacity of an actor to influence the process according to the original goals and objectives of that actor (see also Dellas et al., 2011). The assumption of agency has been tested through short, open interviews, in which key actors in the REDD+ regime have been asked who, or which organization, they would consider the main agent behind the REDD+ regime, independent of their authority and legitimacy.

The capacity of an actor in reaching his/her original objectives through the final regime is an important indicator of the influence a particular actor has had on the regime. As an indicator of the objectives of the different agents, the position of the different agents regarding REDD+ will be analyzed and compared with the final REDD+ regime as it was incorporated in the 2015 Paris Agreement.

2.8.2 Analytical Framework

Table 2.1 shows the analytical framework that has been elaborated based on the theory discussed and which allows for a systematic analysis of all the data reviewed and for the elaboration of consistent conclusions regarding the level of agency and motivations of different actors in the REDD+ policy arena. It consists of the four indicators described in 2.8 (legitimacy, authority, capacity to influence the process and agency in the eyes of other actors).

Table 2.1 Analytical framework to test the level of agency of REDD+ actors

Actors ⁱ	Legitimacy ⁱⁱ	Authority ⁱⁱⁱ	Capacity to influence the process according to the actor's goals and objectives ^{iv}	Agency according to interviewees and literature ^v
Actor 1:				
Actor 2:				
Actor 3:				
.....				

Notes:

- (i) Actors include: States, IGOs, and Major Groups.
- (ii) Legitimacy is seen as an important indicator of agency. The main indicators are representativeness and accountability toward the constituency represented (see 2.8.1).
- (iii) As discussed in 2.8.1, authority is seen as another key indicator of agency. It is a relative concept, especially for non-State actors, so the authority of different actors in the eyes of co-actors will be analyzed based on interviews and literature, taking into account specific indicators like assumed expertise and moral authority.
- (iv) The third indicator of agency chosen is the capacity to influence the process according to one's objectives, which will be assessed based on a comparative analysis between the objectives of the different actors and the final outcome of the negotiations.
- (v) The assumed agency will be indicated by the opinion of other actors in the REDD+ debate of whether a certain actor has been an agent. The interviews will form the main source of data for this part of the analysis.

An estimation of the level of agency of each actor will be given, based on actor assessments and data and reactions gathered through literature review, legal and political analysis of relevant policy documents, interviews and meeting observations.

Table 2.2 shows the analytical framework used to test the motivation and strategies of the REDD+ agents identified and assess how the different regime theories apply to the reality of REDD+.

Table 2.2 Analytical framework to test the motivations of REDD+ agents

Actors	Political influence ⁱ	Economic interests ⁱⁱ	Knowledge base ⁱⁱⁱ
Actor 1:			
Actor 2:			
Actor 3:			
....			

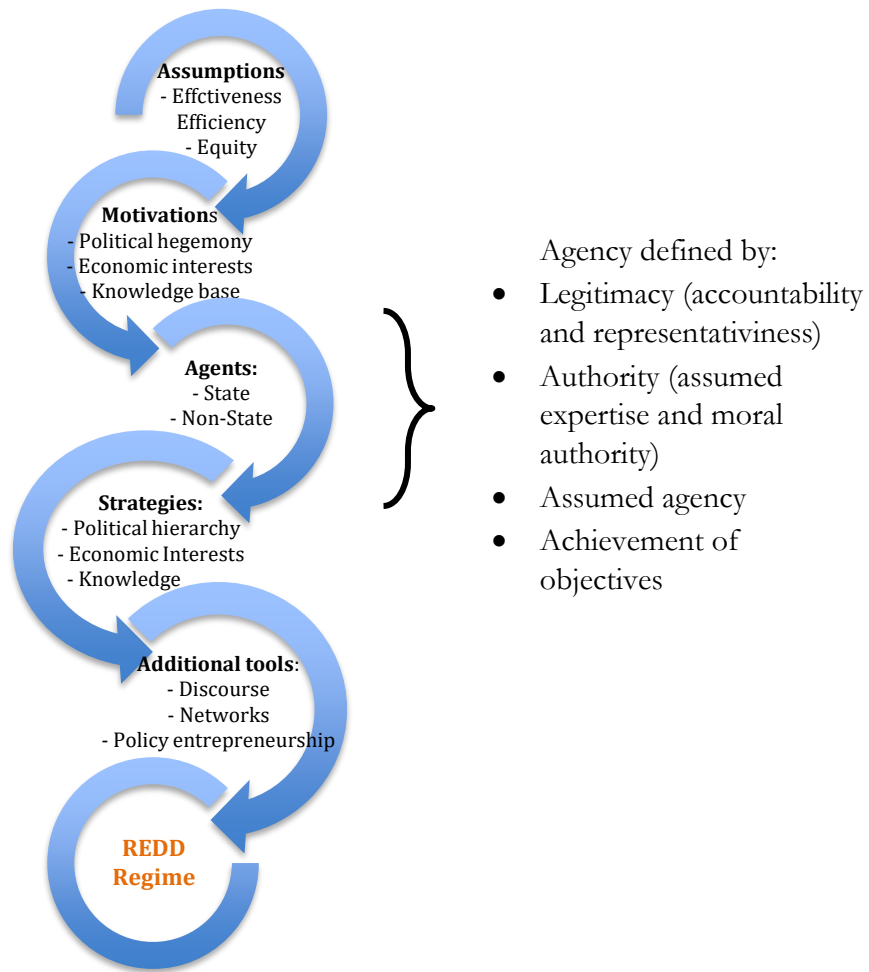
- (i) To analyze the applicability of power-based theories to REDD+, the power of the different agents as indicated by political power and economic power will be studied. The assumption is that, as REDD+ is a payment-based regime, economic power is an important factor.
- (ii) To analyze the applicability of interest-based theories to REDD+, the economic and other relevant interests and strategies of the different agents in the REDD+ regimes will be assessed.
- (iii) To analyze the applicability of knowledge-based theories to REDD+, factors that influenced the knowledge base of the different agents (e.g. research, discourse, ideology) are examined. An important indicator is whether they consider the REDD+ regime effective, efficient and equitable in light of their ideology and the information they possess.

2.9 Conclusions

This chapter has elaborated on the theory underlying the analytical framework that guides this research. It has defined the key terms used, including agency, and regime. It has described some theories about the role of discourse, policy entrepreneurs, policy networks and other relevant factors in regime development. It has described some of the most important theories related to regime design and regime development, including agency and global environmental governance theories and presented a clear distinction between power-based theories, interest-based theories and knowledge-based theories. The research intends to contribute to these theories by testing their applicability to the development of a specific new regime, the REDD+ regime.

The four main indicators that will be used as part of the analytical framework to test the level of agency of different actors. Finally, the chapter has described the indicators that will be used to analyze the motivations and strategies of these agents, and thus the relevance of these regime theories to the role of agents in the development of the REDD+ policy subsystem: political influence, economic interests, and knowledge base. Figure 2.1 shows the relationship between the elements of this analytical framework.

Figure 2.1 Agency within the framework of regime theories



Source: Compiled, based on Hasenclever et al. (1997), Smouts (2008), Biermann et al. (2009a), Schroeder (2010) and Biermann and Gupta (2011).