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## Accountability in transnational relations: how distinctive is it?

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## **Accountability in transnational relations: how distinctive is it?**

Mathias Koenig-Archibugi

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### **Abstract**

In recent years, an increasing number of scholars have used the concept of “accountability” to describe and assess relationships among actors who are primarily based in different state jurisdictions, or involving actors transcending state jurisdictions. Is there something inherently distinctive about accountability in transnational spaces as compared to the more familiar instances of accountability observed in domestic contexts? This article examines the distinctiveness of transnational accountability in relation to: (1) its general meaning and specific forms; (2) its aims and importance; (3) its empirical existence and the relative frequency of its forms; (4) its causes; and (5) its effects. The article cautiously concludes that on most of these dimensions the similarities outweigh the differences and that it would be unfruitful for research on transnational accountability to develop separately from that on domestic accountability.

## Introduction

Few fallacies are frowned upon by International Relations (IR) scholars more than those related to naïve applications of the so-called “domestic analogy”. In Hidemi Suganami’s classic definition, the domestic analogy consists of “presumptive reasoning [...] about international relations based on the assumption that since domestic and international phenomena are similar in a number of respects, a given proposition which holds true domestically, but whose validity is as yet uncertain internationally, will also hold true internationally” (Suganami 1989: 24). In recent years, an increasing number of scholars have used the concept of “accountability” to describe and assess relationships among actors who are primarily based in different state jurisdictions, or involving actors transcending state jurisdictions – in short, transnational relations.<sup>1</sup> To what extent does this trend reflect an unwarranted application of the domestic analogy? Is the conceptual baggage associated to the term “accountability” unsuitable for travelling beyond state borders?

In a sense, those questions appear futile, since the language of accountability is unlikely to disappear from debates about transnational relations. A more fruitful way of addressing the sceptics’ concerns is to ask whether there is something inherently distinctive about accountability in transnational spaces. If there is, this would provide at least a strong case for inverting the domestic analogy and for presuming that any given proposition about accountability which holds true domestically will probably *not* hold true internationally. Analyses of domestic and transnational accountability may then progress more satisfactorily if they proceed on separate tracks. To be sure, distinctiveness can occur at various levels and concern different dimensions of the concept. In this paper, the distinctiveness of transnational accountability is examined in

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<sup>1</sup> A small selection: Held 1995; Woods 2001; Keohane and Nye 2003; Clark et al. 2003; Scholte 2005; Grant and Keohane 2005; Kahler 2005; Slaughter 2005; Macdonald and Macdonald 2006; Zweifel 2006; Risse 2006; Ebrahim and Weisband 2007; Newell 2008. To be sure, in the IR literature accountability is still much less used than other concepts, such as hegemony, balancing, bargaining, signalling, norm diffusion, epistemic communities, or two-level games. In article “transnational relations” is used in the broadest sense and includes intergovernmental institutions.

relation to (1) its general meaning and specific forms; (2) its aims and importance; (3) its empirical existence and the relative frequency of its forms; (4) its causes; and (5) its effects. Each of these dimensions or levels is examined in a separate section of this paper. The paper cautiously concludes that on most of these dimensions the similarities outweigh the differences and that it would be unfruitful for research on transnational accountability to develop separately from that on domestic accountability.

## **1. Conceptualization**

Studies on the nature and significance of accountability often start by lamenting the fuzziness and manipulability of the concept. However, accountability can be used as an analytical lens that may help observers capture certain relationships of communication and power better than other analytical concepts. In other words, conceptualizing a cluster of interactions as an accountability relationship may illuminate, rather than obfuscate, their core features, dynamics and implications.

The potential contribution of the concept of accountability has been enhanced by a number of generally compatible attempts at defining accountability in an analytically useful way. For instance, Allen Buchanan and Robert Keohane identify three core elements of accountability: “first, standards that those who are held accountable are expected to meet; second, information available to accountability holders, who can then apply the standards in question to the performance of those who are held to account; and third, the ability of these accountability holders to impose sanctions—to attach costs to the failure to meet the standards.” (Buchanan and Keohane 2006). Mark Bovens writes that “[a]ccountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences.” (Bovens 2007: 450, emphasis removed).

The fact that similar definitions of accountability are developed in the literatures on public administration (e.g. Bovens 2007), democratization studies (e.g. Schedler 1999) and international relations (e.g. Grant and Keohane 2005) is a strong indication that its core meaning is not dependent on assumptions about the political context defined

simply in terms of the presence or absence of statehood. This also suggests that any differences between within-state and transnational manifestations of accountability are not located at the highest level of conceptual abstraction. This opens the way for meaningful comparisons between levels without an immediate danger of conceptual stretching.

There is also a relatively high level of agreement at a lower level of conceptual abstraction, namely with respect to the identification and classification of different forms or types of accountability mechanisms. For instance, in the field of public administration Romzek and Dubnick (1987) identified “bureaucratic”, “legal”, “professional” and “political” accountability, while Dwivedi and Jabbra (1989) distinguished among “administrative”, “legal”, “political”, “professional” and “moral” accountability. Analysing accountability from an IR perspective, Grant and Keohane (2005) list seven mechanisms of accountability: “hierarchical”, “supervisory”, “fiscal”, “legal”, “market”, “peer” and “public reputational”. The substantial overlap between these and other typologies is a further indication of significant similarities across domains.

To be sure, typologies do not coincide perfectly. For instance, Grant and Keohane (2005) include the market as a mechanism for accountability, while the market is not one of forums of accountability listed by Bovens (which are political, legal, administrative, professional, and social – but he specifies that the list is not exhaustive). This attention to market accountability – that is, to consumers, buyers and investors – may be due to the importance that market-based power relationships have in a political domain that lacks overarching stateness. There is also some conceptual ambiguity in the relationship between “political”, “electoral” and “democratic” accountability. For Bovens, elections are only one, albeit seemingly necessary, component of political accountability. Schmitter (2004) defines political accountability in a broader way in which elections are not a necessary aspect – indeed any accountability relationship between rulers and citizens qualifies. Grant and Keohane (2005) exclude electoral accountability from their list of accountability mechanisms because it is “not relevant to contemporary global institutions”. This exclusion rests on the argument that there is no global public that could function as forum for global democratic accountability. But this amounts to throwing out the electoral baby with the democratic bathwater. Electoral

mechanisms of accountability are not necessarily democratic, in the sense of aiming for political equality among those who are affected by the outcome of an election. Member states that vote for candidates to become heads of international organizations, individuals who vote for executive officers of non-governmental organizations, or shareholders who vote for members of company boards exercise a form of electoral accountability that is not necessarily democratic.

Two conceptual distinctions are arguably important in relation to the distinctiveness of transnational accountability. Grant and Keohane (2005) suggest that there are two “basic models” of accountability, which provide fundamentally different answers to the question: “who is entitled to hold the powerful accountable?” “In the participation model, the performance of power-wielders is evaluated by those who are affected by their actions. In the delegation model, by contrast, performance is evaluated by those entrusting them with powers.” (2005: 31) The distinction is said to be crucial not least because the two basic models mandate different strategies and mechanisms for accountability. Four of the seven mechanisms they identify (hierarchical, supervisory, fiscal, and legal accountability) rely heavily on delegation, while three (market, peer, and reputational accountability) involve forms of participation. The distinction between delegation and participation is useful, but not without problems. Consider a claim for accountability based on the support that an actor gives to another, for instance by providing the resources that the latter needs to be perform a task (e.g. individuals making a donation to a disaster relief agency). To the extent that the supporting actor demands accountability from the supported actor, this demand may be based neither on an authorization to act (e.g., the relief agency may have obtained that from other sources) nor on the mere claim that the supporter is “affected” by the performance of the supported actor. Support fits uneasily in the delegation-participation framework (Keohane 2003). Another difficulty of the framework is that legal accountability is not usually based on delegation, as are many forms of “horizontal” and “diagonal” accountability relationships (see Bovens 2007). In practice, the distinction between delegation and participation may be less relevant than Grant and Keohane maintain.

The second potentially important distinction is between what Rubenstein (2007) has called standard and surrogate accountability. In the former, accountability holders endorse standards, receive information about the power wielder’s compliance with those

standards, and (help to) sanction power wielders. In surrogate accountability, each of those actions – endorsing standards, receiving information about compliance, and sanctioning power wielders - can be performed by a third party “on behalf of” the accountability holder. This typically occurs when accountability holders are themselves too weak to control and sanction power-wielders. A crucial aspect of surrogate accountability is that accountability holders cannot sanction the surrogate or, in other words, surrogates are not links in chains of accountability. The distinction between standard and surrogate accountability is important theoretically and normatively, but it is usually difficult to apply in practice because of the difficulty of determining empirically when an actor genuinely acts on behalf of another, less powerful actor, instead of simply promoting its own interests and values. Claims to be representing another actor and to be exercising surrogate accountability are ubiquitous in domestic and international politics, and the need to ascertain which claims are valid and which are not makes the distinction between standard and surrogate accountability difficult to wield for descriptive and explanatory purposes.

## **2. Aims**

Accountability is demanded, supplied and studied mainly because of the expectation that it will contribute to establishing, maintaining or enhancing legitimacy. Arguably, accountability is neither necessary nor sufficient for legitimacy (and legitimacy is neither necessary nor perhaps sufficient for obedience). But there are reasons to believe that accountability is likely to enhance the legitimacy of power in the eyes of those who have delegated it and of those who are affected by it – as well as being normatively desirable from a more impartial point of view. But are there substantial differences in the aims of, and expectations towards, accountability systems in national and international domains?

Bovens has identified three perspectives on the (prescriptively desirable) effects of accountability: the democratic perspective, the constitutional perspective, and the learning perspective. Each of them is reflected in discussions about transnational accountability. According to the democratic perspective, accountability is important

because it helps citizens to control those holding public office. This aim is obviously particularly relevant in the context of liberal democratic states. However, it is not absent from debates on international relations and global governance. Political theorists such as Daniele Archibugi (2008) and David Held (1995) argue that globalization binds together the fortunes and prospects of political communities around the world, creating new “overlapping communities of fate”. If one accepts that “those whose life expectancy and life chances are significantly affected by social forces and processes ought to have a stake in the determination of the conditions and regulation of these, either directly or indirectly through political representatives” (Held 2005: 250), the degree to which accountability systems are congruent with those transnational “communities of fate” is an important yardstick for determining their legitimacy. “Cosmopolitan democracy” is advocated as a multilayered governance system that can increase the congruence in the accountability relationships between power-wielders and affected communities.

According to the constitutional perspective, the main concern is to prevent tyranny, corruption and the overbearing power of elected and unelected leaders by means of ‘checks and balances’, i.e. institutional countervailing powers (Bovens 2007: 463). Also this perspective is represented in debates about transnational relations. For instance, Grant and Keohane (2005) reject the democratic perspective as unhelpful in the context of global politics and instead conceive accountability as a way of mitigating the risk that various actors – governments, international bureaucracies, companies, NGOs – will abuse their power.

Finally, the learning perspective sees accountability as a way to improve the effectiveness of policy making and implementation. “The crucial questions from this perspective are whether the accountability arrangements offer sufficient feedback, but also the right incentives, to officials and agencies to reflect upon their policies and procedures and to improve upon them.” (Bovens 2007: 466). Many debates about the accountability of transnationally active NGOs, international organizations, and transnational corporations focus on this effect. Public administration and non-profit management analysts have considered in depth the question of which management structures, reporting requirements, evaluation procedures and incentive systems are more suitable to improve the performance of organizations involved in international

development aid and other forms of service provision (e.g. Cracknell 2000). Donors and international agencies promoted and implemented a range of organizational reforms in response to shifting perceptions about performance-oriented management, often exporting paradigms developed at the national level to the international level (Mizutani 2004).

### **3. Existence and frequency**

The fact that accountability can be conceptualized and justified in similar ways in national and transnational domains obviously does not answer the empirical question of whether and how existing accountability systems at the transnational level differ from those that are familiar within states, or more specifically within liberal democratic states. This section first suggests that differences between governance at the domestic level and at the transnational level are not so fundamental as to render any comparison meaningless (a). Then it asks whether all accountability forms identified in section 1 can actually be found at the transnational level (b). Finally, it considers whether there are reasons to expect systematic differences in the nature of accountability forms and their relative frequency between domestic and transnational settings (c).

#### **(a) Modes of governance**

In some “realist” interpretations of world politics, there is a fundamental difference between domestic and international politics, and therefore it makes little sense to compare the operation of more specific social mechanisms, such as accountability, across the two spheres. The highly influential theory of Kenneth Waltz, in particular, posits a clear divide between anarchy as the political ordering principle of international relations and hierarchy as the political ordering principle of domestic societies. This rigid distinction has been the target of sustained criticism over the years (e.g. Milner 1991), and indeed the increasing use of the concept of “governance” to describe forms of political interaction and policy-making in domestic as well as international contexts is not only an indication that a rigid analytical separation is unwarranted, but also that accountability mechanisms, problems and solutions may apply equally or similarly in the two domains (e.g. Benz and Papadopoulos 2006a and Koenig-Archibugi and Zürn

2006). It has also been argued that there is a trend towards convergence in the forms of governance in the two domains. On the one hand, domestic governance is sometimes said to be increasingly exercised through networks and negotiation systems rather than traditional hierarchical rule. On the other hand, various authors have pointed at a trend towards the supranationalization of international governance (e.g. Zürn 2005).

There are certainly remarkable differences between domestic and international governance. Above all, the latter remains governance without government, i.e. without a world state. This means, amongst other things, that “[h]orizontal consensus seeking, negotiation and deliberation are not only established parallel to hierarchic subordination, but actually replace it” (Benz and Papadopoulos 2006b: 18). But also the similarities are significant. At both levels, there is substantial variation among governance arrangements with regard to key institutional characteristics, which elsewhere have been grouped into three key dimensions: publicness, inclusiveness and delegation (Koenig-Archibugi 2002). Delegation is particularly relevant for this paper as it is closely linked to accountability. Delegation of tasks and responsibilities to international agents has largely the same causes as delegation to domestic agencies. Some delegation occurs because of expected efficiency benefits: gains from specialization and the reduction of ex ante and ex post transactions costs (providing focal points in negotiations, monitoring compliance, adjudicating disputes, etc.) Some delegation occurs because it increases the credibility of commitments in cases of time-inconsistent preferences. Also “distributional” considerations affect the incentives to delegate to domestic and/or international agencies. For instance, politicians manage blame by selecting those institutional arrangements that avoid or minimize it, and specifically by choosing between direct control and delegation (Hood 2002). Internationally, the blame-shifting incentive is often mentioned in the context of the relationship between the IMF and its borrowers (e.g. Smith and Vreeland 2006), but it also has been invoked to explain delegation to private actors, such as the delegation of security tasks in conflict zones to private military contractors (Deitelhoff and Wolf 2008). Moreover, political leaders whose policy preferences are closer to those of their foreign counterparts than their own principals may collude and delegate decision-making to international agencies to circumvent domestic opposition (Koenig-Archibugi 2004a). In such cases, avoiding accountability to constituencies is one reason why

politicians delegate tasks to agencies in the first place – as pointed out below, this incentive in turn affects the design of accountability systems between politicians and agencies.

### **(b) Presence of accountability forms**

In the transnational domain there are empirical instances of all forms of accountability mentioned in section 1. A few examples must suffice. The relationship between the member states of the United Nations and its secretary-general is a relationship of political accountability: the former select the latter, who has to justify his/her decisions and can fail to be re-elected if his/her performance is deemed unsatisfactory. The same kind of relationship exists between governments and heads of other international organizations, who may be forced to resign if the principals lose confidence in them. Legal accountability is exercised through a range of international courts, such as the International Court of Justice (state accountability), or the International Criminal Court (individual accountability), but also through quasi-judicial agencies such as the WTO Appellate Body. Administrative accountability is exercised through the regular auditing of the accounts and management practices of intergovernmental organizations, but also through novel institutions such as the World Bank Inspection Panel (Clark et al. 2003). Professional and peer review is exercised by a broad range of transnational forums. For instance, NGOs that work together in humanitarian emergencies also monitor and assess each other's performance; and participants in World Health Organization committees on standards perceive themselves as a "transnational Hippocratic society", detached from international power politics and bound by professional norms of conduct (David Fidler, quoted by Aginam 2005: 72). Market accountability is exercised by consumers and investors who, generally after public campaigns conducted by activists, may put pressure on companies on labour standards, child labour and other issues concerning their global supply chains (Koenig-Archibugi 2004b). Some of these accountability relationships are vertical (e.g. the relationship between member states and heads of intergovernmental organizations, and between the latter and the staff) while others are horizontal, for instance the relationship between governments that made commitments on human rights, labour rights, arms control, macroeconomic policy, environmental protection, and then hold each other accountable for compliance through peer review.

As noted above, electoral accountability is not completely absent from transnational arenas. Heads of UN agencies and other international organizations are appointed as a result of votes or agreements that are concluded under the shadow of a vote. The International Council Meeting (ICM) of Amnesty International consist of delegations from over 50 nationally organized sections and structures worldwide (in proportion to their size) and elects the members of the International Executive Committee and other governance bodies. In 2000, the Internet Corporation for Assigned Names and Numbers (ICANN), which controls the centralized domain name system that routes the majority of global internet traffic, held a global Internet-based election to choose five of its nineteen directors (76,000 people registered to vote), and Internet users can participate remotely to meetings where the directors take decisions. Such elections may not qualify as “democratic”, but it would be wrong to conclude that electoral accountability lacks empirical instances in transnational relations.

### **(c) Systematic differences**

While present both nationally and internationally, some forms may differ across the two levels. Accountability relationships are often parts of larger chains of accountability, by which ultimate accountability holders are linked to the ultimate accountability providers by intermediaries (Curtin 2007: 525). A distinctive feature of transnational accountability is the frequent role of governments as “gate-keepers” in such accountability chains. Since most governance beyond the state occurs through intergovernmental organizations, governments are in a crucial position of power. For instance, in most international courts only states can acts as plaintiffs and defendants (Keohane et al. 2000). On the other hand, even in the domain of IGOs, governments can no longer always claim a pivotal role in accountability chains. For instance, the World Bank is accountable not only to its shareholders but also to international private investors who supply capital for its projects. In 2006, UNICEF drew 58 per cent of its income from governments and 29 per cent from the private sector and NGOs (UNICEF 2006). Of the total resources of WHO in 2006-2007, 72 per cent came from voluntary

contributions, and of those 11 per cent came from companies, NGOs or foundations – notably the Gates Foundation.<sup>2</sup>

A second systematic difference concerns the relative frequency of those forms at the national and international level. For instance, relationships of social accountability are probably more frequent than legal accountability because “soft law” is more common than “hard law” in international relations. Even ILO conventions, which are binding international law for states that ratified them, depend entirely on peer review and social accountability for their effectiveness. The ILO Committee on the Application of Standards can draw public attention to the worst breaches of conventions by highlighting them in its reports to the International Labour Conference, but the enforcement mechanism is significantly weaker than those usually associated with domestic legislation on labour issues.

Finally, for all forms of accountability, surrogate versions are particularly common in transnational relations because of three factors: (1) structural inequalities in the global system mean that the power differentials between accountability holders and power wielders are usually greater than domestically; (2) at the transnational level there is a lack of formal institutions that would allow the operation of standard accountability; and (3) the larger social and physical distance between accountability holders and power wielders reduces the breadth and depth of common life-world experiences as well as the intensity and velocity of communication, which hinders standard accountability.

#### **4. Causes and trends**

What causes the creation and modification of accountability regimes? More specifically, what explains variation of accountability regimes across issue areas, geographical domains, and institutions? The creation of accountability regimes can be interpreted in terms of the interplay between the demands for accountability expressed by principals and affected parties on the one hand and the responses of power wielders on the other

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<sup>2</sup> [http://www.who.int/about/vision/voluntary\\_contributions\\_en.gif](http://www.who.int/about/vision/voluntary_contributions_en.gif) (accessed on 19 September 2008).

hand. This section considers the demands (a) and the responses (b) before examining whether there are reasons to expect that the relationship between demand and response is more contentious at the transnational level than it is in domestic contexts (c). Given that most accountability regimes require a multicausal and complex explanation, the following remarks should be seen as exploratory.

### **(a) Demands**

The demand for accountability depends to a significant extent on three bundles of factors: (i) the characteristics of the governance arrangement to which it is directed; (ii) the characteristics of the issue that the governance arrangement is supposed to address; and (iii) trends in the broader political, social and cultural environment in which policy making takes place.

With regard to (i), some authors maintain that “the very nature of accountability depends on the model of governance that one employs” (Keohane and Nye 2003: 393). But, interestingly, there is less fit between governance modes and accountability modes than one might expect. First, as Keohane and Nye (2003: 403) recognize, in reality the models of governance they identify are usually blended, and so are accountability forms. Second, several forms of accountability are exercised in virtually every kind of organization and network: intergovernmental organizations are subject not only to administrative accountability, but also to market accountability and reputational accountability; conversely, private actors may delegate powers to third parties and this creates principal-agent problems that are similar to those to be found in intergovernmental organizations. In short, there is no simple one-to-one relationship between modes of governance and accountability forms.

However, it is certainly possible to identify links and correspondences between governance characteristics and accountability dynamics. If we refer to the three institutional dimensions of inclusiveness, publicness and delegation (see above), all else being equal, lower inclusiveness (defined as the presence of significant policy externalities) stimulates the mobilization of those negatively affected by decisions and demands to justify those decisions in a public forum. On the contrary, when the externalities are positive, the “insiders” may demand accountability from the “free-riders” who choose to remain outside of the governance arrangement. Publicness is a

less obvious determinant of accountability demands, but it is plausible that the greater coercion potential that derives from the exercise of public power generates a stronger interest in having that power checked through accountability mechanisms. In other words, it is not only the presence of external effects but also the voluntary/coercive nature of inclusiveness that stimulates demand. Finally, delegation has arguably a strong effect on accountability demands: the more functions and discretionary powers are delegated to agents, the more the principals may have reasons for wanting mechanisms for holding them accountable. Principals typically employ *ex ante* as well as *ex post* mechanisms to control their agents, but the former – such as the use of detailed rules and the selection of agents whose preferences are similar to those of the principal – generate some problems that may highlight the benefits of *ex post* control based on reporting and sanctioning (Hawkins et al. 2006: 26-31). But also *ex post* control requirements may reduce the benefits of delegation to the principal if they become too demanding. This applies to situations in which delegation is motivated primarily by efficiency concerns. For instance, it can be argued that principals such as the US Congress often prefer to create accountability mechanisms that empower affected parties through administrative law because such “fire alarms” limit the efficiency benefits of delegation less than “police patrols”, i.e. intense and comprehensive oversight by Congress itself (McCubbins and Schwartz 1984). But it also applies to situations in which delegation is motivated primarily by the desire to shift blame: clearly high levels of accountability of agents to political principals would make this strategy less credible (Hood 2002).

The sources of accountability demands that have been mentioned so far may result largely from a “logic of consequentialism”: actors demand accountability mechanisms if and when they rationally expect those mechanisms to further their interests. However, also the “logic of appropriateness” plays a role (March and Olsen 1998). Even people who may not benefit directly from accountability mechanisms may believe that the existence of such mechanisms is necessary to confer “legitimacy” to governance arrangements and transnational actors such as international bureaucracies and NGOs (Zürn 2005). The demand for accountability mechanisms is then not targeted at a specific governance arrangement, but generically at all governance arrangements of a certain type. What exactly is considered “appropriate” may still differ depending on

institutional characteristics – such as publicness, inclusiveness and delegation – but the upshot is that we cannot assume a close fit between the costs and benefits of alternative institutional designs for specific groups on the one hand and the preferences of these groups for the existence and form of accountability mechanisms on the other: beliefs about legitimacy may intervene in this relationship.

An increased demand for accountability as a condition of legitimacy can result of the macro-trends that characterize contemporary global politics according to James Rosenau. He specifically points at “authority crises” that encourage individuals to replace traditional criteria of legitimacy with performance criteria; but also at a “skill revolution” that expands peoples’ horizons on a global scale and sensitizes them to the relevance of distant events; an “organizational explosion” that increases the capacity of opposition groups to press for alternative policies and divides publics from their elites; and “microelectronic technologies” that enable like-minded people to be in touch with each other anywhere in the world (Rosenau 2003: 71).

While the orientations and capabilities of either issue-specific or general publics affect the intensity and content of accountability demands – regardless of whether they are based on principal-agent relationships or claims of affectedness – some pressure to conform to general legitimacy requirement can also result from the diffusion of norms within specific organizational clusters, such as the idea that multilateral organizations should adopt budgetary procedures in line with Result-Based Budgeting (RBB) approaches (Mizutani 2004, Scott 2005). In the area of private transnational governance, a similar diffusion effect has occurred with regard to the idea that companies should be reporting systematically on social and environmental performance and implement codes of conduct or – less commonly – that they should engage in multistakeholder partnerships on social and environmental issues (Koenig-Archibugi 2004b; Ruggie 2003).

While factors triggering demands for accountability mechanisms may be the same in domestic and international contexts, for instance corruption scandals, important differences need to be kept in mind. Steffek (2003) points out that states are subject to special legitimacy expectations, as the relationships of domination they embody are largely involuntary, backed by highly coercive powers, and potentially covering any issue. Most if not all non-state governance arrangements do not possess these

characteristics, and thus the demands on their legitimacy are different, and generally weaker.

### **(b) Responses**

Agents have usually little choice about how to respond to accountability demands from their principals. Accountability mechanisms can be specified at the time of delegation and built in the “constitution” of the governance arrangement, or they can be added later, for instance in the form of increasing reporting requirements. In any case, agents are unlikely to be able to resist the imposition of accountability requirements, at least when the demands of the most influential principals converge. Of course, this convergence does not always occur. An example of (initial) divergence are the debates about the shift to Result-Based Budgeting within the United Nations. In the late 1990s the UN member states that had reformed their public administrations in line with New Public Management (NPM) doctrines, such as Australia, Canada, New Zealand, the Nordic countries, the United Kingdom and the United States, supported the adoption of RBB within the UN, but the reluctance of developing countries (but also Japan and Russia) slowed down the reform process for three years, until the General Assembly adopted a comprehensive resolution in December 2000 (Mizutani 2004). Grigorescu (2008) shows that in the early 1990s Western democracies disagreed on the nature and the level of independence of what would become the Office of Internal Oversight Services of the United Nations.

If accountability demands voiced by a broad coalition of principals are irresistible, the impact of accountability demands voiced by supporters who are not formally principals, for instance donors, is more indeterminate. In such cases, agencies may resist accountability demands, as long as competition for resources among agencies does not create a substantial incentive to accommodate requests. For instance, the WHO found itself in a more competitive environment for health policy funding since the early 1990s and had to establish new accountability mechanisms.

### **(c) Contentiousness**

For the comparison between domestic and transnational accountability regimes, the question of the contentiousness of accountability relationships and the existence of a

gap between demands and responses is probably more important than a simple mapping of either demands or responses. The question is whether we can expect to see more contention about accountability relationships in transnational contexts than in domestic ones. For Grant and Keohane (2005), the politics of accountability is less contentious in states, or at least in democratic states, because the participation view and the delegation view of accountability converge in what they see as appropriate accountability mechanisms (e.g., democratic elections), whereas participation-based demands and delegation-based demands often clash at the international level. The convergence is more problematic at the international level partly because of the lack of coincidence of jurisdictions and boundaries of interdependence, which means that there is a more general incongruence between decision-makers and decision-takers (Held 1995). But contentiousness may not be due primarily to a conflict between the delegation and the participation view of accountability. On a normative level, there is widespread and probably increasing agreement that being affected by a decision generates some kind of entitlement to participation, also in those cases when power is exercised across state boundaries. To the extent that obstacles to accountability are normative and not based purely on self-interest, contention is thus less likely to stem from some actors' rejection of affectedness as legitimate reason for demanding accountability, and more likely to result from the difficulty of reaching agreement on how to verify and aggregate competing claims of affectedness in specific situations. In democratic states, the adjudication of competing affectedness claims is ultimately performed by voters. In transnational relations, "stakeholder identification" is a problematic and continuously contested process. Some governance arrangements "solve" the problem by assuming that states adequately represent all relevant interests within their jurisdictions and hence state-based consent and accountability mechanisms should be sufficient to legitimize policies. But this "solution" is itself contested, given the fact that some states are not considered to be representative, and that intergovernmental modes of cooperation do not guarantee a distribution of influence that can be widely perceived as "fair".

## **5. Effects of accountability**

There is no single and generally accepted metric to assess the effects of accountability mechanisms. As noted above, Bovens identifies three general approaches to the justification of accountability, which offer quite different yardsticks for assessing its consequences: they focus on (a) its capacity to promote learning and policy effectiveness, (b) its capacity to limit abuses of power, and (c) its capacity to realize popular control and democracy, respectively. This section offers some exploratory remarks on each of these approaches in relation to transnational relations.

### **(a) Enhancing learning and effectiveness**

The link between accountability and effectiveness in transnational governance is curiously under-researched. This is partly due to the difficulties of defining what effectiveness is, which in turn partly depends on the fact that most policies, even when agreed in principle, are likely to remain controversial in practice because of their uneven impacts on interests and values.

Evaluation teams assessing major programmes of international organizations usually try to evaluate the effect of decision-making and implementation procedures on outcomes. However, they usually do not evaluate the basic accountability systems of those organizations, as such a task would normally exceed their terms of reference. Systematic attempts by donor governments to assess the comparative “effectiveness” of international organizations as a whole normally focus on procedures rather than outcomes (Meier 2007). For instance, the Multilateral Effectiveness Framework (MEFF) developed by the UK Department for International Development (DfID) focuses on organisational aspects and specifically on corporate governance, corporate strategy, resource management, operational management, quality assurance, staff management, monitoring, evaluation and lesson-learning, and results reporting, rather than the actual results achieved (Scott 2005). Similarly, the Multilateral Organisations Performance Assessment Network (MOPAN), which consists of eight donor governments, conducted several surveys on various international organizations since 2003, which however are limited to examining the “partnership behaviour” of those organizations in the countries in which they operate.

Academic studies of effectiveness are more likely to connect effectiveness (as behavioural effectiveness or as problem-solving) with basic institutional features<sup>3</sup>, but there are few studies that conceptualize institutional features in terms of accountability mechanisms, and general conclusions about the link between different accountability regimes and different aspects of effectiveness are still scarce and tentative. On the whole, there is still little evidence that the distinctive constellation of accountability mechanisms that exists at the transnational level has specific effects on effectiveness, however defined. A comparative study of compliance with domestic, EU and WTO law, for instance, finds that compliance with domestic law is not higher than compliance with EU and WTO – a finding that leads the authors to reject the hypothesis that “legal equality and high compliance rates require an agent that can generally enforce rules on the basis of a superior availability of material resources and can cast a shadow of hierarchy” (Zürn and Joerges 2005: 3).

#### **(b) Curbing abuses of power**

Authors such as Grant and Keohane are cautiously optimistic that various accountability mechanisms can contribute to curbing abuses of power in global politics. However, the ability of imposing sanctions is crucial for the performance of this function, and “sanctions remain the weak point in global accountability since they can only be implemented by the powerful” (Grant and Keohane 2005: 41). While transnational accountability mechanisms potentially counteract abuses of power mainly by mobilizing already existing powerful actors, this does not mean that those powerful actors are always the beneficiaries of the behavioural change induced by the possible or actual application of sanctions. For instance, international investors may impose sanctions on mining companies that are suspected of harming the interests of indigenous communities, as it happened in 1996 when Rio Tinto share prices declined allegedly as a result of the opposition of Australian indigenous groups to the Century Zinc Mine in Queensland’s Gulf of Carpentaria (Trebeck 2007). In such cases, investors may not act with the goal of changing a company’s behaviour towards affected communities. In other circumstances, (the threat of) sanctioning often emerges as part of a deliberate

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<sup>3</sup> See for instance Miles et al. 2002; Young 1999; and Underdal and Young 2004.

strategy implemented by transnational advocacy networks (Keck and Sikkink 1998). This is the essence of surrogate accountability as it has been discussed above, and indeed it appears to be the case that labour rights activists emerged as counterweight to the power of companies in several contexts. This is one of the reasons why, as Benz and Papadopoulos (2006b: 21) note, “[i]n international governance, private actors [...] draw attention as actors who can improve legitimacy, while in national and subnational arenas these actors are often deemed to cause legitimacy problems.”

Are there reasons to believe that surrogate accountability – beyond its intrinsic limitations discussed by Rubenstein (2007) – is less effective in mitigating abuses of power in transnational contexts than it is in domestic contexts? One major problem is the fact that the larger physical and social distance between the surrogate sanctioners and the intended beneficiaries reduces the ability of the former to understand the preferences and situation of the latter. For instance, it is widely believed that the measures taken by several US trade unions and labour rights groups and directed at US companies importing garments from Bangladesh after revelations of extensive use of child labour in the Bangladeshi garment industry in the late 1980s and early 1990s resulted in the rapid dismissal of an estimated 30,000 to 40,000 children from factories and a deterioration of child welfare (White 1996, Hertel 2006). Responsibilities for these developments as well as the long-term impact of the consumer action campaign is still debated, but it is plausible that the communication barriers between (well-meaning) US consumers, activists and legislators on the one hand and the supposed beneficiaries of their sanctioning power on the other hand made the market-based accountability mechanism less effective than it might have been in a domestic context. In the latter, the decisive leverage on behalf of workers’ interests is usually exercised by the workers themselves – either directly through trade unions or indirectly through pro-labour political parties – rather than by foreign activists, consumers and investors. Such a constellation alleviates the basic problem of surrogate accountability, which is the danger that surrogates “will sanction in the wrong cases, with the wrong intensity, or in the wrong way (where “wrong” means doing something other than what accountability holders would have done)” (Rubenstein 2007).

### **(c) Realizing democracy**

The assessment of transnational accountability from a democratic perspective raises two major questions: (i) As a matter of principle, is “democratic” accountability possible at the transnational level? (ii) If so, which, if any, existing experiences of transnational accountability do qualify as “democratic”?

This paper cannot even start to address the very extensive debate on question (i).<sup>4</sup> Reflecting the views of many sceptics, Grant and Keohane (2005) note that the absence of a global public rules out the possibility of democratic forms of world-wide accountability. If this is true, the key question then becomes whether the formation of a global public is empirically possible. Scepticism is often explicitly or implicitly rooted in beliefs about “necessary conditions” for the existence of a “demos” that would be able to sustain democracy, such as a minimum level of cultural homogeneity, economic prosperity and economic equality. Since a detailed criticism of these arguments is presented in Koenig-Archibugi (2008), the remainder of this section assumes that, if the experiences of democratization within states provide any insights, global structural conditions do not pose an insurmountable obstacle to global democracy.

Affirming the possibility of transnational democratic accountability is compatible with recognizing the distinctive problems that it faces. Both from a delegation and from a participation perspective, important aspects of democratic accountability can be expected to be weaker in transnational than in domestic settings. From a delegation perspective, chains of delegation and accountability are likely to be the longer the higher the governance level. The potential for “agency slack” is increased. From a participation perspective, two problems are particularly salient. First, claims based on delegation still carry much more weight than claims based on being affected by the actions of the power-wielders. In other words, accountability is too much oriented towards formal principals than would be democratically “optimal”. Second, even if affectedness was the key criterion for accountability relationships, participation would be diluted as a result of the larger scale of transnational governance (Dahl 1999).

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<sup>4</sup> See for instance Held 1995, Dahl 1999, Kymlicka 1999, Keohane 2003; Archibugi 2008.

Even people who would answer “yes” to question (i) above may still answer “no” to question (ii) - in other words, transnational democratic accountability may be possible in principle, but for some reason it has not been realized yet. The reasons why existing accountability regimes may be seen as falling short of reasonable thresholds of democratic quality are manifold. For instance, it has been argued that most or all intergovernmental institutions violate principles of political equality, among member states and/or among their citizens. This may be because some member states have a disproportionate influence on decision-making as a result of superior extra-institutional resources and hence better exit options, and/or because such superiority is reflected in institutionally formalized differences in voting and veto power (Zweifel 2006; see also Moravcsik 2005).

Non-governmental organizations have been hailed as agents able to stimulate and sustain democratic accountability in global governance.<sup>5</sup> James Rosenau (1998) interprets the activities of businesses, non-profit NGOs and social movements as providing “functional equivalents” of important aspects of territorial democracy in the globalized space (Rosenau 1998: 41-43). “Global civil society” is seen as having a two-fold role with regard to democratic accountability. On the one hand, it may promote the democratization of governmental and intergovernmental centres of authority. For instance, in their discussion of the legitimacy of international institutions, Buchanan and Keohane (2005) note that “a functioning transnational civil society channel of accountability—an array of overlapping networks of external epistemic actors—helps to compensate for the limitations of accountability through democratic state consent.” Jan Art Scholte (2005) has provided a comprehensive inventory of the ways in which civil society organizations increase the democratic accountability of global governance, but he has also highlighted significant challenges to their potential contribution.

On the other hand, it has been argued that civil society organizations may promote transnational democratic accountability by contributing to the establishment of governance arrangements that operate independently from state power. In an important article, Kate and Terry Macdonald (2006) have argued that global democratic accountability can potentially be achieved through non-electoral mechanisms embedded

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<sup>5</sup> See for instance the critical analyses by Nanz and Steffek 2005, Wolf 2006 and Glasius 2008.

in non-state transnational governance arrangements. They illustrate their argument with reference to transnational institutions promoting labour standards in the global garment industry. To the extent that in such institutions a set of citizens hold power-holders accountable on behalf of a distinct set of citizens, for instance when consumers impose sanctions on companies on behalf of workers in global supply chains, they represent a form of surrogate accountability. Surrogate accountability can without doubt be valuable in promoting the interests and rights of people affected by power-wielders. However, since a crucial aspect of surrogate accountability is that accountability holders cannot sanction the surrogate, their functioning hardly fulfils principles of political equality and thus their democratic nature is questionable.

Even if non-electoral accountability mechanisms cannot be considered functional equivalents of electoral mechanisms based on democratic representation, they may still be considered as second-best solutions to promote “government for the people” under conditions in which “government by the people” is not (yet) possible. However, the relationship between non-electoral and representative-electoral accountability becomes more problematic in such situations in which the former develops at the expense of the latter. Yannis Papadopoulos, for instance, has noted that the “peer” accountability on which most forms of network governance are based “can hardly be achieved without some loss of accountability ‘at home’ The ‘logic of influence’ tending to prevail among elites involved in mutual deliberation and negotiation seldom coincides with the ‘logic of membership’ consisting of mirroring the preferences of their constituencies.” (Papadopoulos 2007: 482).

## **Conclusions**

Not surprisingly, this overview of transnational accountability has found differences as well as commonalities with accountability in domestic settings. The key conclusion is that there is no clear-cut and consistent divide between those two governance levels with regard to the conceptualization, the normative importance and justification, the empirical manifestations, and the causes of accountability mechanisms. Few actors operating in transnational spheres are “unaccountable”, or accountable only to a strictly

national constituency. Moreover, the range of accountability relationships to be found at the transnational level resembles those that are familiar in domestic politics. These findings provide strong support for allowing concepts, hypotheses and methods developed for studying accountability mechanisms within states to be employed in the domain of International Relations, and vice versa.<sup>6</sup>

Disagreements among analysts concern mainly the consequences of accountability regimes, and whether any of those manifestations of transnational accountability deserves to be called “democratic”. Accountability is obviously different from democratic accountability. This article suggested that, partly because institutions reproduce prior inequalities and partly because of the prevalence of surrogate accountability mechanisms, few transnational governance institutions meet even minimal democratic criteria. However, observers are divided over what explains the lack of democratic accountability in world politics, and hence over the prospects of changing this state of affairs. Some regard it as structurally determined and largely unavoidable, while others see it as a contingent outcome of political agency and subject to change through strategic action and institutional design.

The developments explored in this article justify some cautious optimism. For instance, electoral accountability *does* have a role in transnational relations and its democratizing potential is not necessarily exhausted. Perhaps more importantly, few still argue that only strictly defined principals are entitled to hold global organizations accountable, as prescribed in what Grant and Keohane called the “delegation” view of accountability. The idea that accountability is also due to those most directly and intensely affected by decisions is gaining ground as a potentially hegemonic global norm. Even if this norm does not directly translate into demands to establish fully-fledged democratic institutions at the global level, there is wide consensus on the desirability and feasibility of institutional changes that could reduce the gap between affectedness and inclusion in transnational accountability regimes. The ascendancy of “democratic” accountability in world politics is far from assured, but the odds are

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<sup>6</sup> A study that demonstrates the payoffs of comparing analogous accountability mechanisms in domestic and international settings is Grigorescu (2008).

sufficiently high as to justify sustained efforts in institutional imagination and experimentation.

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