A transparency turn in global environmental governance

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I

Transparency in Broader Context
A century after this enduring insight Justice Louis Brandeis uttered these prescient words, we live, seemingly, in an era of transparency. Transparency is equated most often with openness and is considered to be the opposite of secrecy, to be secured through greater availability and increased flows of information (Florini 1998; see also Fenster 2010). Whether to enhance global security, secure human rights, discipline borderless business, or hold to account faceless bureaucrats, transparency is increasingly seen as part of the solution to a complex and diverse array of economic, political, and ethical challenges in our increasingly
interconnected world (Finel and Lord 2000; Fung et al. 2007; Soederberg 2001).

Aided and abetted by the rapid diffusion of information-communication technologies, transparency is implicated in many of the most high-profile controversies of our times. These range from the much-publicized 2010 WikiLeaks disclosures of US diplomatic cables and wartime activities to design of “robust” international monitoring, reporting, and verification systems for global climate mitigation to calls for transparency to combat opaque business practices implicated in the global financial crisis. In each of these cases, the benefits sought through transparency include empowering the weak and holding accountable the powerful, by reducing informational asymmetries between authority holders and affected actors (e.g., Grigorescu 2007; Roberts 2004; Stasavage 2003). Transparency is also implicated in the pursuit of substantive regulatory outcomes, such as environmental improvements, stabilized markets, reduced corruption, or enhanced human security (e.g., Weil et al., 2006; Stephan 2002).

Yet can and does transparency live up to its many promises? A growing number of transparency analysts have revealed not only the promise, but also the pathologies and limitations associated with the growing uptake of transparency by public and private actors across a range of policy areas (Bannister and Connolly 2011; Fung et al. 2007; Hood and Heald 2006; Lord 2006). For example, a requirement under a domestic freedom of information...
act to disclose minutes of government proceedings may result in minutes not being formally recorded, thereby increasing secrecy and hindering accountability (Roberts 2006). Debates about the consequences of the wide-ranging WikiLeaks disclosures support the uneasy conclusion that ever-greater openness may not only breed greater secrecy but also have other undesirable impacts, such as exacerbating conflict or mistrust (see also Birchall 2011). In the same vein, opposition to aggressive US governmental investigation of media leaks in 2013 was grounded in the belief that secrecy (in this case, maintaining anonymity of journalistic sources) is sometimes a prerequisite for the very disclosure that can hold the powerful to account.

The relationship between transparency and more accountable, legitimate, and effective governance is thus far from straightforward. The ideal(s) of transparency may be contested or may not be attained in practice. Our objective in this volumebook is to scrutinize these ideals and their rendering in practice across a diverse set of global governance initiatives. We focus, in particular, on the global environmental domain, as a paradigmatic case of transparency being embraced as an unmitigated good. In doing so, our point of departure is that transparency is becoming a central component of global environmental discourse and practice. Our aim in this volumebook is thus to identify the configuration of factors fueling such a posited “transparency turn” in global environmental governance, as well as its breadth and quality, and potential transformative effects.
We proceed as follows: in the next section, we first address definitional issues and specify our focus in this volumebook on “governance by disclosure” as symptomatic of a transparency turn in the global environmental realm. In the next section, section 2, we then draw on various theoretical traditions in (global) environmental politics scholarship to outline a distinctive theoretical approach—critical transparency studies—that informs the analyses in this volumebook. The next section, Section 3, draws on this perspective to outline an analytical framework to assess the uptake and effects of transparency in global environmental governance. We identify a set of overarching questions and hypotheses with which the empirical chapters engage. We conclude with an overview of contributions and a summary of key findings.

**Conceptualizing Transparency as Governance by Disclosure**

In a most general sense, transparency is associated with openness, communication, the opposite of secrecy, and information flows. Yet there are few widely accepted definitions of the term, and it is often conflated in scholarly writings with related notions such as accountability or publicity (on the latter, see Gilbert 2007). Scholarly reactions to this definitional diversity range from lamenting the lack of a shared definition (e.g., Etzioni 2010; Seidman 2010).
of specific understandings of transparency (e.g., Birchall 2011), to developing typologies and taxonomies of the concept as a way to clarify its scope and meaning (e.g., Heald 2006; Mitchell 2011).

Our point of departure in this volume is that different understandings-framings of transparency by different actors in diverse contexts itself merits critical scrutiny and explanation, rather than being a conceptual flaw or practical failure to be remedied (see also Langley 2001).

Etymologically, transparency connotes rendering visible or seeing through (Michener and Bersch 2011). An association of transparency with visibility leaves aside, however, its relational and normative dimensions, such as what is to be made visible, by whom, and for whom; the desired quality and/or quantity of transparency; and the (governance) effects expected to flow from it. Our aim in this volume is to further understanding of such relational and normative aspects of transparency, including how such aspects are differently framed and institutionalized in specific instances, and with what consequences for the processes and outcomes of global environmental governance.

It is important to note at the outset that our study of transparency is both broader and narrower in scope than specific lay usages of the term might suggest. First, transparency tends to be associated, in common parlance, with governments disclosing information to interested publics. We go beyond this narrow understanding of (the scope of) transparency in this volume. In
line with the changing dynamics of multilevel and multi-actor global
governance, our point of departure is that transparency is being deployed in a
much broader context than that of states being transparent to their domestic
publics or even, in a global context, to other states. Our focus here is rather on
the multiple instigators, architects, and recipients of transparency in global
governance, going beyond states to include corporations, civil society groups,
international organizations, consumers, and citizens (see also Langley 2001).
As Michener and Bersch (2011, 5) have observed, both the demand and supply
of transparency is now “multidirectional.”

At the same time, given our interest in governance, we focus here on a
specific manifestation of a transparency turn in global politics: the reliance on
targeted disclosure of information as a means by which to evaluate and steer
behavior, that is, as a means by which to govern. We refer to this phenomenon
as “governance by disclosure” (Gupta 2008) by which we understand public
and private governance initiatives that employ targeted disclosure of
information as a way to evaluate and/or steer the behavior of selected actors.
We view the proliferation of governance by disclosure initiatives in the global
environmental domain as clearly reflective of a transparency turn in this realm.
Our focus on governance by disclosure permits a manageable delimitation of
the scope of this study, even as it allows for a systematic comparison
of the uptake and effects of transparency across a range of public and private
environmental governance initiatives.
We select the global environmental policy domain for two reasons. The first is that a wide array of multiple state and non-state actors are now increasingly embracing transparency as a necessary feature of decision-making and regulatory action to address global environmental challenges. Diverse actors champion transparency as a means to enhance efficiency, accountability, or effectiveness of global environmental governance, a phenomenon that we believe deserves a comprehensive theoretical and empirical examination. The normative rationales underpinning a multidirectional embrace of transparency in this realm are also diverse. Thus, private actors may promote transparency as a voluntary means by which to further corporate sustainability goals, and perhaps thereby to avoid mandatory regulation. By contrast, public actors and civil society may promote transparency as a way to correct perceived democratic deficits in environmental decision-making, or ensure informed choice in risk and sustainability governance. These multiple (and often opposing) rationales for transparency thus may include extending the reach of the state in order to enhance effectiveness of state-led policy, or scaling back the state in advocating for voluntary private governance. Similarly, transparency may be deployed to further a morally grounded right to know in order to hold government or private actors accountable, or as a means to facilitate individual lifestyle choices and market-based solutions to sustainability (Langley 2001; Mason 2008b).
Notwithstanding the diverse architects of transparency and the diverse rationales to embrace it, a common underlying presumption underpinning “governance by disclosure” is that transparency matters; yet, a systematic analysis of how, under what conditions, and for whom remains to be done.

Despite the increasing importance of transparency in global environmental governance, the concept remains surprisingly little scrutinized in this field (but see Langley 2001 and Mitchell 1998 for important exceptions). This is in contrast to, for example, international financial and economic relations, global security, human rights, or and diplomacy, where-in which transparency studies have a longer and more established trajectory (e.g., Graham 2002; Grigorescu 2007; Lord 2006; Roberts 2004; Stasavage 2003).

This lack of attention to transparency is the second reason we select the global environmental realm as our focus. Even as transparency, as such, has received less attention here, closely related concepts such as information and (scientific) knowledge have long enjoyed pride of place in scholarly analyses in global environmental politics from diverse theoretical perspectives (e.g., Gupta 2006; Haas 1989; Litfin 1994; Mitchell et al. 2006). Transparency is intimately related to these fields of inquiry, but appears to have fallen between the cracks of their core analytical concerns. This holds as well for analyses of legitimate and democratic global environmental governance that routinely evoke the link to transparency (e.g., Bernstein 2001; Dryzek 1999; Keohane
This link, however, remains more stated than scrutinized (but see Dingwerth 2007).

The recently launched international research program on “Earth System Governance” emphasizes as well a need to examine such posited relationships. Earth system governance is defined in this global research program as “the interrelated system of formal and informal rules, rule-making mechanisms and actor-networks at all levels of human society (from local to global) that are set up to steer societies towards preventing, mitigating and adapting to environmental change and earth system transformation” (Biermann et al. 2010, p. 279). Accountability (including its relationship to transparency) is identified here as one of the five core analytical challenges of earth system governance research, and one that has been relatively less studied (Biermann and Gupta 2011; Mason 2008a).

We address transparency in global environmental governance in this volume book by bringing together three conceptual overview articles and ten in-depth empirical analyses of analyzing both state-led and private disclosure initiatives in the global environmental realm. The rationale to include both public and privately fueled disclosure is to reflect on the multidirectional nature and consequences of the transparency turn in the global environmental realm. The environmental issues covered include climate change, deforestation, marine pollution, access to and benefit sharing from sustainable use of genetic resources, technological and chemical risk
reduction, safe trade in genetically modified organisms, sustainable natural resource extraction, safe trade in hazardous chemicals, reducing reduced environmental harm from foreign direct investment, and improving improved corporate sustainability performance. Such a wide-ranging and comparative analysis of diverse disclosure-based governance in the global environmental realm has not yet been undertaken, making this the first volume book to do so.

Prior to outlining an analytical framework for this comparative assessment, we first advance below in the following section We turn next to the critical transparency studies perspective that informs our analysis of governance by disclosure in this volume book.

A Critical Transparency Studies Perspective

Multiple writings on transparency in various the social sciences fields yield a range of insights regarding the uptake and effectiveness of transparency-based governance. Transparency has been analyzed at some length in national-level (environmental) policy analyses, where it has received significantly more attention than in a global context. This body of work has extended the frontiers of transparency scholarship under the rubric of what it terms “regulation by revelation” as a third wave of domestic environmental rule-making since the late 1990s (Florini 1998). According to this literature, a third wave of disclosure-based regulation has been stimulated by the ineffectiveness and implementation gaps dogging the first (command-and-control) and second
(market-based) waves of national environmental policy making (Fung et al., 2007; Graham 2002; Konar and Cohen 1997; Stephan 2002).

In one of the most extensive analyses, Fung and colleagues examine the conditions under which what they call ‘targeted transparency’ (i.e., disclosure of specific types of information, in contrast to a more general right to know) can be effective. Through detailed comparative analyses of various national-level, and to lesser extent, global transparency policies, they find that effective transparency requires disclosed information to become embedded in the decision-making processes of both disclosers and recipients. This, they note, is difficult to obtain in practice, ensuring that transparency often falls short of meeting its desired aims (see also Weil et al., 2013).

These studies are important precursors to our analysis of ‘governance by disclosure’ in a global environmental context. They have tended, however, to be more or less aligned with a dominant liberal institutionalist perspective on the role of information and power in global environmental governance scholarship. Such a perspective holds that openness, communication, reporting, and information exchange can aid in more effective global environmental governance, by correcting for information asymmetries between the powerful and those seeking to hold them to account, and/or by facilitating more evidence-based, rational decision-making (see, for example, Esty 2003: Mitchell 1998 and 2011).

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These are some of the most prominent transparency scholars currently and their article in Science attests to this; hence it helps situate our work (and how it is different from theirs’) if we add this most recent Science reference here.
Analyses informed by this approach have been very useful in highlighting the promise, but also the many dysfunctions of disclosure-based governance, which may impede its potential to empower, hold governors to account, or further specific regulatory aims. Such dysfunctions can include disclosure of incomplete or unreliable data; lack of comparability, comprehensibility, or accessibility of disclosed data; and a lack of capacity on the part of recipients to interpret and use disclosed data (Fung et al. 2007; Graham 2002; Weil et al. 2006). While these are important insights into the hurdles to the effective functioning of disclosure-based governance, transparency analyses from a liberal institutionalist perspective tend to attribute lack of effective disclosure to such inadequacies of institutional design or bureaucratic capacity, to a lack of attainability of “full disclosure” (Fung et al. 2007), or to the fact that transparency not having proceeded “far enough, fast enough” (e.g., Florini 2007).

In contrast, our point of departure in this volume is that transparency’s uptake and effects can only be understood within the broader, often contested, normative and political context within which disclosure is being deployed. We adopt a critical perspective on transparency that analyzes disclosure as a site of political conflict, and hence transparency itself as fundamentally contested political terrain. We label this a critical transparency studies perspective, by which we mean approaches that
(i) problematize transparency and governance by disclosure; (ii) account for the historicity and socio-political embedding of transparency and disclosure practices; and (iii) acknowledge the unavoidable normativity (value-laden structure) of transparency and disclosure. In developing this perspective, we draw on theoretical groundwork laid by constructivist and critical political economy approaches in global environmental politics scholarship.

*Constructivist analyses* of science, knowledge, and information have long highlighted the changing authority and accountability relationships around the generation and sharing of (scientific) information in governing environmental challenges. As such, this strand of scholarship is particularly relevant to studies of governance by disclosure. As writings in this vein suggest, current global environmental challenges, such as climate change or safe use of biotechnology, are characterized by fundamental normative conflicts and scientific uncertainties over what is valid knowledge and whose information counts. If so, agreeing on what is “more and better” information, that is, on the scope and quality of information, is inevitably a matter of political conflict (Jasanoff 2004; Litfin 1994; see also Gupta 2006 and 2008). As Fischer (2009, 185) notes, even environmental information presented as technical is shaped by the situational and social-political contexts of its production, dissemination, and reception. Furthermore, as science acquires ever-greater prominence as a source of authority in global environmental
governance (Gupta et al. 2012), the imperative to disclose scientific data and knowledge-generation processes also increases. This implies that political conflicts over valid knowledge shape the contours of governance by disclosure as well.

Drawing on these insights, a critical transparency studies perspective holds that the effects of transparency in the global environmental realm will turn not so much on reducing information asymmetries in order to promote more rational outcomes, but rather on whose information counts and is accorded primacy in environmental decision-making and governance. It postulates, furthermore, that the very processes of negotiating the scope and practices of disclosure serve to selectively frame, and hence constitute, the object of governance (see, for example, Jasanoff 2004; Lövbrand 2011).

Critical political economy perspectives in global environmental scholarship (e.g., Clapp 2007; Clapp and Helleiner 2012; Levy and Newell 2005; Newell 2008a and 2008b) inform our thinking here as well. Such perspectives build on influential early analyses of the sources and location of power in international politics (Strange 1988, 1996) to more recent studies of the distinct and unequally distributed forms of public and private power authority and vulnerabilities in shaping global environmental governance (e.g., Fuchs 2005).

Such research emphasizes, for example, the current (unstable) dominance in global environmental governance of what Steven Bernstein
(2001) labels “liberal environmentalism”—an authoritative complex of norms that frames environmental governance challenges according to market liberal values and interests. The institutionalization of liberal environmentalism may legitimate governance practices and further ecological goals insofar as these do not challenge underlying structures of market or political power.

In line with this, a critical transparency perspective holds that transparency’s uptake and effects in global environmental governance need to be understood within this broader (unequal) political economic context, one in which private actors, furthermore, are likely to have a major role in shaping and deploying public modes of information disclosure. Insofar as liberal environmentalism has political and policy currency, transparency, if adopted, is likely to have minimal market-restricting effects, and may be skewed by state economic development or corporate interests.

Such a perspective allows that transparency may reproduce rather than disrupt socially and ecologically harmful concentrations of public and private power. It is of particular relevance to an analysis of transparency in a global context, characterized by North—South disparities in the power and capacity to demand disclosure, and to access and use disclosed information. It may help to explain, as well, a potential paradox of the transparency turn in global politics: that the desired quality and quantity of disclosed information (such as its breadth, comparability, comprehensibility, comprehensiveness, or accessibility) may follow from rather than precipitate changes in the broader
normative and political context. Thus, greater levels of “actionable”
transparency may only be obtainable only after broader democratic,
participatory, and environmental gains have been secured in a given context—
rather than precipitating such gains (Gupta 2010b, 2010a).

This leaves open a fundamental question: is transparency
epiphenomenal? Even as transparency becomes ubiquitous in global
environmental governance, its transformative potential remains uncertain and
contingent. From a critical transparency studies perspective, we can identify a
continuum of views—ranging from the more skeptical to the more
pragmatic—on the transformative potential of transparency, each of which is
present, to greater or lesser extent, in the contributions to this volumebook.

From a more skeptical perspective, there is little hope for transparency
to transform entrenched structural imbalances of power or unequal life and
livelihood options (for a similar view, in the case of global peace and security,
see Lord 2006). Such a perspective would characterize transparency as, for
example, a “red herring” of modern political culture (Brown 2002, 1). As
Brown argues, one response to a perceived crisis of trust in dominant
governance institutions is a demand for greater transparency to foster and
hence greater trust in both public and private decision-making processes and
outcomes. A widespread assumption is that transparency can build trust, yet
transparency as an antidote to a crisis of trust is failing (but see also O’Neill
2006). As O’Neill argues, this is because disclosure is not embedded in “the
epistemic and ethical norms required for successful communicative acts” (O’Neill 2006, 81). Brown argues, however, that this is unlikely because “…the causes of mistrust have nothing to do with how much or how little information is made available” (2002, 1).

From this perspective, transparency, instead of merely mirroring the broader meta-normative and political economic conflicts that shape global governance, and hence can only acquire meaning and relevance in such a context (see, for example, in this volume, Mason, chapter 4; Gupta, chapter 6; Gupta et al., chapter 8; and Knox-Hayes and Levy, chapter 9). Transparency’s transformative potential, particularly if understood as structural change, thus remains severely attenuated.

A more pragmatic perspective emphasizes that, while although transparency is no panacea, context-specific incremental gains in empowerment, accountability, and environmental improvements are feasible and attainable (see, for example, in this volume, Jansen and Dubois, chapter 5; Orsini et al., chapter 7; Dingwerth and Eichinger, chapter 10; and Auld and Gulbrandsen, chapter 12). In such a perspective, disclosure may be viewed as a default option or as “the only game in town,” given the difficulties of negotiating more far-reaching or costly regulatory options in contested issue-areas (Haufler 2010). Even as a default option, however, it need not be lacking in empowerment or effectiveness potential (e.g., Van Alstine, chapter 11; and Ehresman and Stevis, chapter 13). Some scholars in this tradition
claim as well that transparency can deliver governance gains, but only under relatively demanding conditions that may not obviate the need for other regulatory tools (e.g., Etzioni 2010).

Going further, and most optimistic about transparency’s transformative potential, are critical perspectives that nonetheless emphasize that transparency’s engagement with the institutions and practices of power is more dialectical, that is, shaped by but also able to shape in turn the dominant norms and practices of global governance (e.g., Florini and Jairaj, this volume, chapter 3; see also Picciotto 2000). In line with this, Mol (2006 and 2008) observes, for example, that information provides a resource for political transformation— as a growing constitutive element of environmental governance—what he labels informational governance (see also Mol, this volume, chapter 2).

The above previous foregoing discussion reveals that, even from within a broadly critical transparency studies perspective, the prospects for, and nature of, transformative effects of transparency’s transformative potential is differently understood and framed, and can range from structural to incremental change. What the transformative effects of transparency might consist of remains, then, an a context-specific empirical question. As we elaborate below in the following, we argue nonetheless that only by assessing a broad range of governance ends— normative, procedural, and substantive—can we capture the difference that transparency makes in particular contexts.
We turn next to our analytical framework to study governance by disclosure, which runs through the cases in this book. In advancing this framework, we suggest that only by assessing a broad range of governance ends—normative, procedural, and substantive—can we capture the difference that transparency makes in particular contexts.

**Governance by Disclosure: An Analytical Framework**

We bring the our critical transparency studies perspective previously outlined above to bear on the central concerns of this volume, relating to the nature and implications of a multidirectional transparency turn in global environmental governance. We do so by outlining an analytical framework here that specifies a set of research questions and hypotheses relating to three aspects of governance by disclosure: its uptake, institutionalization, and effects. The empirical chapters then explore in-depth these three aspects.

**Uptake of Transparency: Drivers of Disclosure**

In line with our aim to historicize and contextualize the role of transparency in global environmental governance, the first element of our analytical framework relates to explaining the uptake of transparency in a given issue-area. All empirical contributions thus analyze the question: why transparency now? In posing this question, we draw on the existing state of the art in
transparency studies to hypothesize about possible drivers of transparency’s uptake in global governance.

A growing body of literature suggests, first, that a rights-based democratic push for individual liberty, choice, and participation is driving a growing embrace of transparency in global politics (Florini 2008; Graham 2002; Gupta 2008; Mason 2008b). We label this a democratization driver, insofar as democratic forms of governance seem to require more open and inclusive forms of collective choice.

A democratization driver of transparency is seen to underpin, for example, the spread of the “right-to-know” and freedom-of-information laws in multiple national contexts over the last quarter century since at least the 1980s (Florini 2007; see also Florini and Jairaj, this volumebook, chapter 3). This has now evolved, however, into a broader association of transparency with securing multidirectional accountability, and a more legitimate and democratic global polity (e.g., Bernstein 2005; Dingwerth 2005; Keohane 2003).

Those positing such relationships assume that disclosure of relevant information is often a necessary step in holding actors to account for their (in)-actions according to set environmental standards. A reasonable expectation is that, insofar as information is disclosed by those responsible for decisions that significantly affect the interests of others, such disclosure will facilitate individual and institutional answerability or even change. However, this
involves assumptions about the capacity and responsiveness of particular actors, as well as the political systems within which they operate (Fox 2007), including the assumption that democratic institutions foster greater accountability for environmental harm.

An empirical question for this volume as a whole is thus the extent to which the democratic rationale for transparency is significant for the environmental governance initiatives studied, and if so, whether it is necessarily liberal democratic: we return to this in our conclusion. While there is a substantial literature on the relationship between democratic decision-making processes and ecological sustainability, much of it informed by theories of deliberative democracy (e.g., Baber and Bartlett 2005; Bäckstrand et al. 2010; Dryzek 2000; Dryzek and Stevenson 2011; Paehlke 2003; Smith 2003), the relationship between democratization and the uptake of transparency remains much less examined.

Included in a democratizing imperative for disclosure is an increasing pressure to democratize science and expertise as well, which is of particular relevance to the global environmental realm. As we noted above previously, an ever-growing role for science is evident in global environmental governance, insofar as the framing of cause and effect of global environmental challenges are increasingly influenced by expert bodies (Mitchell et al. 2006; Moore et al. 2011). As Ulrich Beck notes in Risk Society, it is a paradox of our times that the most politically and scientifically contested environmental and risk
governance challenges, where the authority of science is most likely to be questioned, are also those that most need scientific input (Beck 1992). This intensifies the need to subject scientific processes of knowledge generation to greater public scrutiny and engagement (see also Jasanoﬀ 2003a and 2003b).

Much writing on the science-policy interface the need to democratize science in the environmental realm focuses, as a result, on the institutional and normative challenges of designing participatory and inclusive processes of knowledge generation and validation, as a way to democratize science (e.g., Leach et al. 2007; Lövbrand et al. 2010, 2011). Our point of departure interest here rather is in how that disclosure of knowledge-generation processes and expert data is an equally important element implicated in the push to democratize science, democratizing the science-policy interface.

In sum, as a first driver of disclosure, we hypothesize that a multifaceted democratization imperative (including calls to democratize science) is driving transparency’s uptake of transparency in global environmental governance.

Tensions arise, however, from the fact that efforts to improve the democratic quality of (global) environmental governance, by embracing information disclosure, often go hand-in-hand with a neoliberal privileging of market-based solutions to global sustainability challenges, and “light touch” regulation of the private sector (Moore et al. 2011; Bernstein 2001). This can,
in turn, stimulate an uptake of market-based and voluntary transparency, often as a way to avoid more stringent, mandatory, or costly governance options (on this point, see also Haufler 2010).

In line with this, we posit marketization to be a second driver of transparency’s uptake in global environmental governance. In contrast to a democratization imperative for disclosure, a neoliberal market-driven uptake of transparency may seek to minimize the scope of (potentially market-restricting) disclosure; and exempt corporate actors from stringent disclosure (Florini 2008; Haufler 2010). Alternatively, however, disclosure of (certain types of) information might well be seen as essential to the establishment and functioning of newly created markets in environmental goods and services, such as those for carbon or genetic resources. In such cases, transparency might be promoted by powerful actors, such as corporations and policy elites, as desirable and necessary in order to create and facilitate markets, rather than being perceived as a regulatory burden that can restrict markets, a threat in its potential to restrict markets (in, for example, environmentally harmful products).

An empirical question we address is thus whether (and what kind of) marketization imperative drives uptake of transparency in global environmental governance. In addressing this, we are also interested in whether a marketization rationale for disclosure facilitates, follows, or restricts markets.
Our discussion above yields a general hypothesis (H1) that all empirical chapters engage with, in addressing “why transparency now” for their case: that *democratization and marketization are driving uptake of transparency in global environmental governance*. More broadly, the theoretical and empirical task we set ourselves, both individually and collectively, is to analyze how these drivers of disclosure may intersect with each other and the conditions under which one or the other may dominate.

A logical next question is how specific drivers of disclosure shape the manner in which transparency is institutionalized and how it functions in practice. We turn next to this second element of our analytical framework.

**Institutionalizing Transparency: Scope and Modalities**

The second element of our analytical framework—and second question addressed by all contributions—relates to how transparency is being institutionalized in a given issue-area. By institutionalization, we refer to specific configurations of the scope and modalities of disclosure in a given case-instance.

One much-debated aspect of institutionalization relates to the *quantity* of disclosed information that is provided. Much scholarly and policy attention in mainstream transparency studies has focused on the desirability of—and challenges facing—complete or “full” disclosure. In the policy realms of international finance, security, and diplomacy, an oft-posed question turns on
whether full disclosure is feasible and/or desirable. Most analyses conclude that complete disclosure in such areas is both unattainable and undesirable, given the merits of retaining varying degrees of secrecy, anonymity, or privacy in many instances (e.g., Birchall 2011; Lord 2006).

This raises, however, an intriguing question: is the (global) environmental realm distinct? The imperative to balance transparency with secrecy, privacy, and anonymity may not hold in this policy domain to the extent that it does in others, yet this eventuality has not been systematically analyzed. What specific features of global environmental governance challenges might either impede full disclosure, or make its pursuit more or less desirable? Impediments to full disclosure in this realm may relate, among others, to corporate confidentiality concerns or proprietary ownership of environmental information (see, for example, Orsini et al., this volumebook, chapter 7); or to scientific uncertainties and unknowabilities in governing complex (transboundary) environmental challenges. It may also relate to the materiality of the environmental resource in question, whereby the physical properties of, for example, carbon, genetic resources, oil, or forests—and their location in wider circuits of material production and consumption—will shape the scope of disclosure obtainable in a given context. An empirical question task for this volumebook is thus to examine the limits of full disclosure, and the merits and demerits of partial transparency in global environmental governance, given the geopolitical and material contexts for disclosure.
Turning from quantity to quality of disclosed information, much scholarly and policy attention has focused, as well, on desired attributes of disclosed information as central to the success of transparency-based governance. These attributes include disclosed information being (perceived as) accessible, comprehensible, comparable, accurate, or relevant (Dingwerth and Eichinger 2010), and whether it is standardized or non-standardized.

Such attributes of disclosure may make transparency more or less actionable, i.e., usable by recipients to further their desired ends (e.g., Fung et al. 2007; Michener and Bersh 2011; see also Dingwerth and Eichinger, this volume, chapter 10). Non-actionable transparency can result not only from the scope of disclosure being limited, but also from “drowning in disclosure” when too much (or “irrelevant”) information is provided (Gupta 2008). An empirical question task for the volumebook is thus also to consider whether and why (or why not) the desired attributes of actionable disclosure are obtained in practice.

In securing actionability of disclosure, an increasingly important development in transparency politics is the rise of information intermediaries or infrastructures that seek to validate or increase the utility of disclosed information for specific stakeholders (Etzioni 2010; Fung et al. 2007, Graham 2002, Gupta 2008; Lord 2006). These include auditors and verifiers of disclosed information, or civil society groups seeking to render disclosed information more user-friendly (see also Langley 2001 for...
an early and detailed discussion of this). Such new transparency “powerbrokers” may produce shifts in the loci of authority and expertise in environmental governance that shape how disclosure will be institutionalized are also important to examine.

In sum, this second step-component of our analytical framework calls for examining, individually and collectively, the scope, quantity, and attributes of disclosed information, and whether and how transparency’s intermediaries enhance the “actionability” of disclosure for diverse actors. In line with our critical transparency studies perspective, we view the hurdles to securing actionable disclosure as going beyond inappropriate design of disclosure systems or bureaucratic incapacities to transparency’s embeddedness in broader political-economic and geopolitical contexts. In assessing these dynamics, we propose a second hypothesis (H2) to be examined by contributions to this book: that institutionalization of transparency decenters state-led regulation and opens up political space for new actors.

In assessing the institutionalization of transparency as previously outlined above, an overarching concern for this volume/book is whether transparency-based arrangements reconfigure public and private authority to govern specific environmental issue-areas. Our analytical concern with shifting sites of authority in governance—This hypothesis derives from a prominent view in transparency analyses that private actors and civil society are crucial agents in institutionalizing disclosure-based governance,
particularly in a neoliberal environmental context (e.g., Langley 2001; Mol 2006). As such, it permits detailed comparative analysis of whether transparency-based arrangements, including their scope and modalities, reconfigure public and private authority to govern specific environmental issue areas.

Our analytical concern with shifting sites of authority in governance also stems from writings that emphasize a changing role for the state in newer modalities of (global environmental) governance (e.g., Eckersley 2004; Strange 1988 and, 1996; for a more recent assessment, see Compagnon et al. 2012). In assessing the relevance of broader debates about public/private authority for governance by disclosure, we propose a second hypothesis (H2) here to be examined by contributions to this volume: that institutionalization of transparency de-centers state-led regulation and opens up political space for new actors. For instance, institutionalized disclosure may qualify state sovereign authority, if it facilitates the generation and dissemination of streams of information beyond the legal and epistemic control of governments. This may result in a shift away from state-led regulation, even as it opens up political space for other actors (on this point, see also Mol, this volume, chapter 2).

With regard to the first part of the hypothesis relating to hypothesizing a potential de-centering of state-led regulation, we do not
consider “states” to be a homogenous category. Instead, we are interested in whose sovereign authority may be impacted through institutionalized disclosure. We assume that this will vary across developed versus developing countries or emerging economies versus so-called “failed states” (on the changing role of different types of states in global governance, see Campagnon et al. 2012).

*Taken as a whole, our aim in postulating this hypothesis is to assess the multidirectional nature of transparency’s demand and supply, and the evolving roles of state and non-state actors in institutionalizing disclosure.*

The second half of H2, positing that institutionalized disclosure opens up political space for other (non-state) actors, stems, as we previously noted above, from the current multidirectional nature of transparency’s demand and supply, and new functions that non-state actors play as transparency intermediaries in institutionalizing disclosure (e.g., Langley 2001). This potential consequence of institutionalized disclosure merits comparative scrutiny as well.

*With this,* we turn next to the third element of our analytical framework, the effectiveness of governance by disclosure.
Effects of Transparency: Normative, Procedural, and Substantive

The third and final component of our analytical framework—and third question addressed by all contributions in this volume—relates to the effects of transparency. Transparency, as we noted at the outset, is associated with more accountable, democratic, and/or effective governance. Our third strand of inquiry focuses on whether governance by disclosure furthers these diverse aims. We are interested thus in assessing the effectiveness of governance by disclosure.

Assessing effectiveness of (global) environmental policies is a long-standing concern in scholarly research and political practice, with effectiveness most often conceptualized as reduced environmental harm (Mitchell 1998; Young 1999). A prominent typology here is the “output, outcome, impact” distinction in effectiveness research, which seeks to distinguish different aspects and stages of policy effectiveness, but retains a dominant ultimate concern with environmental improvements (EEA 2001).

Governance by disclosure, however, seeks to further a broader set of governance ends, requiring an analytical openness to a variety of effects. These go beyond environmental gains to include a right to know and enhanced accountability and inclusiveness of decision-making processes. Such broader effects are captured, at least partially, in another long-standing distinction in
effectiveness analysis, that between input and output legitimacy. Sch appare (1997) developed this distinction to assess the legitimacy and effectiveness of European decision-making processes and outcomes. By input legitimacy, he referred to legitimacy conferred on the rule-setting process by virtue of its procedural characteristics (such as how open and inclusive it is). By output legitimacy, he referred to legitimacy garnered through the (perceived) ability of governance processes and outcomes to effectively address the underlying environmental problem. Output legitimacy is thus akin to environmental effectiveness, yet with an important difference: it assesses perceived effectiveness among stakeholders rather than actual reductions in environmental harm or improvements in environmental quality. It thus circumvents a key causality challenge facing analyses of environmental effectiveness, that of ascertaining direct and indirect causal pathways between governance measures and environmental improvements (see also Dingwerth 2005 and 2007).

We build on these various conceptions of effectiveness in our analytical framework, but adapt them to capture the diversity of governance aims associated with transparency. Specifically, we propose a typology of three categories of effects expected from governance by disclosure: normative, procedural, and substantive effects. This typology builds on the different ways in which transparency is conceptualized in multidisciplinary writings, including as a norm, a procedural principle, and/or as a mechanism of
governance. These diverse ways of conceptualizing transparency give rise, in our view, to an associated set of aims pursued by governance by disclosure. These include a normative right to know of information recipients, procedural aims of holding the powerful to account, and/or securing enhanced choice or voice in environmental governance processes, and substantive aims of improving environmental performance or reducing harm.

Such a typology of effectiveness permits us to engage also with a long-standing debate in global environmental governance, that relating to synergies or trade-offs between legitimacy of global environmental governance processes, secured through enhanced participation or voice in decision-making, and effectiveness in delivering desired environmental improvements (e.g., Andresen and Hey 2005; Bäckstrand 2006; Bernstein 2005). Our assessment of procedural and substantive effects of disclosure in this volume book permits us to assess linkages or trade-offs between these governance ends. We elaborate further on our typology of effects below in the following section.

Normative effects

Underlying an embrace of transparency in governance is often the normative belief that those exposed to potential harm have a right to know about damaging environmental behaviors or products (Beierle 2004; Rowan-Rowan-Robinson et al. 1996). Such a moral "right to know" is then a first-order
normative goal that governance by disclosure may seek to further. Analyzing whether this goal is being met requires analyzing, among others for example, who is pushing for a right to know, whether such a right is contested, how it is being institutionalized, and how it is functioning. Such an analysis can shed light on the normative effectiveness of governance by disclosure—i.e., the consensual strength and currency of a right to know in a given governance realm and the extent to which this right is institutionalized and furthered.

In short, the question we collectively address relating to normative effects is whether transparency informs (and if so, whom, and under what conditions).

**Procedural effects**

Going beyond a right to know are a range of important procedural aims associated with transparency. In political theory and legal analysis, transparency is typically linked to *empowerment*, understood as enhanced prospects for more participatory, accountable, and legitimate global governance (e.g., van den Burg 2004; Graham 2002; Keohane 2006; Pattberg and Enechi 2009; Rose-Ackermann and Halpaap 2002; Stasavage 2003; van den Burg 2004). These desired effects of disclosure are closely linked to the democratization driver for uptake of transparency, discussed earlier previously.

In assessing the *procedural effectiveness* of governance by disclosure, we explore here the assumed link between transparency and empowerment,
and in so doing, further the research agenda on how empowerment is being conceptualized and realized (or not) in disclosure-based global governance. In order to do so, we assess, for example, links between transparency and participation in decision-making (e.g., Auld and Gulbrandsen, this *volumebook*, chapter 12); and transparency and informed choice (e.g., Jansen and Dubois, this *volumebook*, chapter 5; Gupta, this *volumebook*, chapter 6; and Orsini et al., this *volumebook*, chapter 7).

In addition, the posited relationship between transparency and accountability is also central to procedural effectiveness. In a global governance context, accountability mechanisms are necessarily distinct from electoral accountability or constitutional representation, mechanisms that serve this function in a national context (Keohane 2003 and 2006). Ensuring accountability of global environmental processes and outcomes, and of transnational private governance, is much more challenging (Biermann and Gupta 2011; Kingsbury 2007; Mason 2008a). Transparency is, however, one of the most oft-evoked mechanisms of securing accountability, even as the specific nature and validity of this posited relationship has been very relatively little studied (but for one of the few comprehensive attempts, see Fox 2007).

In discussing the distinct nature of accountability in a global governance context, Keohane (2003, 141) for example distinguishes between internal and external accountability. In internal accountability, the “principal and agent are institutionally linked to each other” whereas in external accountability the linkage is less formal or institutional.
accountability, those whose lives are impacted and hence who would desire to hold to account, are not directly (or institutionally) linked to the one to be held to account. How might transparency play a role in furthering internal and external accountability? Is one prioritized over the other, and what scope and modalities of disclosure are suitable to each? We make a start in this volume in addressing such questions (see for example, Auld and Gulbrandsen, chapter 11; Dingwerth and Eichinger, chapter 10; and Knox-Hayes and Levy, chapter 9).

To sum up, the procedural aims of disclosure include enhancing participation or informed choice of recipients, or permitting them to hold disclosers accountable—in a word, empowering recipients of disclosure. As such, the question we collectively address relating to procedural effects is whether transparency empowers (and if so, whom, and under what conditions).

Substantive effects

Finally, governance by disclosure aims as well for substantive regulatory effects, such as reduced emissions, risk mitigation, and environmental improvements (e.g., Fung et al. 2007; Gouldson 2004; Mitchell 1998; Stephan 2002). A key example is the much-analyzed United States Toxic Release Inventory, where an ultimate goal of disclosure is reduced emissions of toxic pollutants (e.g., Konar and Cohen 1997). In global environmental governance,
these substantive regulatory goals converge on the prevention or mitigation of significant transboundary environmental harm or harm to the global commons.

The link between transparency and environmental improvements remains, again, little examined and challenging to assess. This is related to long-acknowledged causality hurdles inherent in such assessments. A lack of attention to substantive effects may also, however, result from a more dominant association of transparency with a procedural turn in global environmental governance, whereby its empowerment potential (and link to informed, accountable, participatory, and legitimate governance) may be privileged over its role in securing substantive environmental gains (e.g., Rose-Ackermann and Halpaap 2002; see also Gupta 2008). Yet the relationship between transparency and environmental improvements is ever-more important to assess, insofar as disclosure might be relied upon, more so than previously, as an innovative means by which to secure (transboundary) environmental improvements in a neoliberal, marketized global governance context.

In line with this, the question we collectively address relating to substantive effects is whether transparency improves environmental performance (and if so, under what conditions).

In summary, in assessing effectiveness of governance by disclosure, we distinguish between normative, procedural, and substantive effects, and assess whether transparency informs, empowers, and improves.
environmental performance. In doing so, we advance a final hypothesis (H3) here with regard to effects with regard to this third question, one that derives from a dominant claim in the transparency literature (e.g., Fung et al. 2007): that governance by disclosure transparency is likely to be effective when its contexts of application resonate with the goals and decision-making processes of both disclosers and recipients. However, in line with our critical transparency studies perspective—one alert to prevailing global configurations of political and economic power—we hypothesize that the dominance of liberal environmentalism in global environmental governance skews the effects of governance by disclosure. We propose therefore a directional version of H3 as well: that in liberal environmentalist contexts, disclosure will have minimal market-restricting effects. In comparatively assessing this hypothesis, we consider as well whether this is the likely outcome across both public and private governance by disclosure initiatives.

Flowing from the above is reasoning: Taken as a whole, an overarching concern addressed by this volume is in assessing transparency’s effectiveness is the extent to which transparency is transformative (understood as the potential of governance by disclosure to inform, empower, and improve environmental quality). We leave as an empirical question both the existence and the degree of transformation (whether structural or incremental) obtainable through pursuit of such ends in specific governance contexts.
Figure 1.1 below presents an overview of our analytical framework on uptake, institutionalization, and effects of governance by disclosure.

[Insert Figure 1.1 about here]

We turn next to the diverse cases of governance by disclosure included in this volume, and conclude with an overview of contributions.

Goverance by Disclosure: The Cases

Informed by our analytical framework previously outlined above, the contributions to this volume explore the uptake, institutionalization, and effects of transparency in diverse issue-areas of global environmental governance. In selecting the governance by disclosure cases analyzed in this volume included here, we did not aim for comprehensiveness. In selecting cases for inclusion, we have been guided by the need to capture: (a) the multidirectional demand for governance by disclosure, including from public and private actors, and their associated modalities of disclosure, such as mandatory versus voluntary disclosure; (b) diverse motivations for disclosure, including a democratization and marketization imperative; and (c) breadth and diversity in the environmental issues covered. We focus as a result on five state-led mandatory and five private voluntary disclosure initiatives, which vary in who is pushing for disclosure.
from whom and why. The environmental issues covered include both long-standing challenges (such as combating deforestation or reducing pesticide risks) and newer issues (such as equitable access to and benefit sharing from genetic resources, or forest carbon accounting for global climate governance).

The five state-led mandatory disclosure initiatives included here in this book cover some of the most prominent multilateral environmental treaties that emphasize transparency as central to their governance aims. These include, first and foremost, the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (henceforth Aarhus Convention) as a state-led multilateral treaty that has been characterized as an extensive experiment in “environmental democracy” in a regional and transnational context (Wates 2005).

Also included here are two multilateral treaties that rely on the governance mechanism of “prior informed consent” (PIC) to regulate transboundary flows of risk and harm, as quintessential examples of governance by disclosure. These include the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (henceforth Rotterdam Convention) Rotterdam Convention on trade in hazardous chemicals and restricted pesticides; and the Cartagena Protocol on Biosafety regulating trade in genetically modified organisms, negotiated under the Convention on...
Biological Diversity. In both, the aim of disclosure of information is a central means by which is to empower developing countries to exercise informed choice in making risk-mitigation decisions, with the potential that such disclosure about risk and harm may have market-restricting effects.

Both these treaties build on the earlier Basel Convention on Control of Transboundary Movements of Hazardous Waste and Their Disposal (henceforth Basel Convention). This treaty Trade in Hazardous Waste, which first introduced prior informed consent (PIC), the mechanism of informed consent as the basis for governing transfers of hazardous wastes between developed and developing countries, before finally instituting a ban on such transfers (for detailed analyses of the Basel Convention and its informed consent procedure, see Clapp 2001; Krueger 1998; O’Neill 2000). In including the Rotterdam and Cartagena treaties in this volume, our aim is to extend the research agenda on disclosure-based global risk governance through analyzing the pros and cons of relying on information disclosure (as opposed to a ban) as the chosen approach in governing global transfers of risky substances.

The final two cases of state-led disclosure included here cover newly emerging global environmental governance arrangements. Both are motivated, furthermore, and to greater degree than the previous three, by a marketization and market-facilitation imperative for disclosure. These include, first, the prior informed consent (PIC) and disclosure of origin negotiations within the
Convention on Biological Diversity’s Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from T[h]eir Utilization (henceforth Nagoya Protocol). The second focuses on analyzes the transparency-based monitoring, measuring, reporting, and verification (MRV) systems underpinning one of the newest forest carbon-related climate mitigation mechanisms, reducing emissions from deforestation and forest degradation in developing countries (so-called REDD+), now being negotiated under the United Nations Framework Convention on Climate Change (UNFCCC). This mechanism is designated REDD+ (reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries).

In the latter four cases of state-led disclosure, there is also important diversity in the categories of states demanding and receiving disclosure. In the case of the Rotterdam Convention and the Cartagena Protocol, those demanding transparency are mostly developing (importing) countries seeking information from industrialized (exporting) countries about risky substances in international trade, in order to prevent or mitigate harm within their borders. Alternatively, in the case of forest carbon accounting for climate mitigation (REDD+), those demanding transparency are developed (donor) countries soliciting forest carbon related disclosure from developing countries, to permit performance-based compensation for environmental

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improvements undertaken by these countries. The Nagoya Protocol, in contrast, has a fascinating double-edged state-to-state transparency requirement, whereby distinct types of disclosure are required from developing countries (as a way to facilitate access of developed countries to genetic resources); and from developed countries (as a way to facilitate sharing of benefits with developing countries).

Taken as a whole, the five cases of state-led disclosure initiatives included in this volume allow assessment of diverse drivers of disclosure, along with variation in the categories of states pushing for and receiving disclosed information (both developed and developing), in both long-established and newly emerging global environmental issue-areas.

Turning next to the five private (and mostly voluntary) disclosure initiatives included here, we again cover a diversity of issue-areas, along with variation in who is as well as variation in the actors pushing for and demanding disclosure from whom. The first two cases analyze corporate transparency in global environmental governance, through in-depth analyses of the Global Reporting Initiative and the Carbon Disclosure Project. Both these entail (voluntary) disclosure about corporate sustainability performance from corporations to other interested actors (including other corporations, states, civil society, and citizens).

The additional other cases included here are public-private disclosure arrangements, with civil society exercising leadership in them as well. These
include the non-state disclosure-based certification schemes of the Forest Stewardship Council and the Marine Stewardship Council, whereby the imperative driving disclosure is to secure accountability of disclosers, informed choice of recipients, and improved environmental performance. Also included here are two less-analyzed cases in environmental governance. The first is voluntary disclosure in natural resource extraction through comparative assessment of the government-led Extractive Industry Transparency Initiative and the NGO-led civil society-led Publish What You Pay initiative. The final case assesses disclosure by international organizations, with a focus on disclosure relating to foreign direct investment projects in developing countries.

Table 1.1 provides for an overview of the ten empirical cases covered in this volume, including who is required to reveal what information to whom.

[Insert Table 1.1 about here]

**Overview of Contributions**

This volume is organized in four sections. Part I comprises two broad context-setting contributions that supplement this introductory chapter, in exploring the nature and dynamics of a transparency turn in global
environmental politics. Part II contains the five cases of state-led mandatory governance by disclosure initiative. Part III contains the five cases of private voluntary and international organization disclosure. Part IV presents the concluding chapter, which distills comparative insights from the preceding contributions, and presents overall findings on transparency’s uptake, institutionalization, and effects in global environmental governance.

Launching our detailed examination, Arthur P. J. Mol discusses in chapter 2 the rise of what he terms “informational governance” in an era of globalization. He characterizes the transparency turn in global environmental governance as having entered a reflexive phase, in which secondary transparency, i.e., additional layers of transparency provided by interpreters and intermediaries, becomes key to making primary disclosure actionable. He elaborates on the multidirectional nature of transparency in the (global) environmental realm, and in elaborating on the promise, pitfalls, and perils of governance by transparency disclosure, Mol concludes that transparency has “lost its innocence” as an arbiter of democratic and environmental gains, a conceptual and empirical claim to which we return in the conclusion.

In Chapter 3, Ann Florini and Bharath Jairaj present a comparative analysis of diverse national contexts shaping uptake, institutionalization, and effects of global transparency arrangements. Their starting assumption is that global transparency can only acquire meaning only
in specific (national and local) contexts. The chapter documents the
democratization impulse underpinning a global spread of right-to-know and
freedom-of-information laws, and their institutionalization in the specific
national contexts of the United States, India, South Africa, Mexico, Indonesia,
and China. Even as democratization is identified as a key imperative driving
uptake of transparency, alternative drivers, such as marketization and
privatization, are also evident in these contexts. The authors conclude that
local context matters in institutionalizing and securing desired effects of
governance by disclosure. These contributions from Mol, and Florini and
Jairaj provide additional context for the critical transparency perspective, as
well as the analytical framework to assess governance by disclosure,
outlined in this introduction.

Part II contains in depth analyses of the state-led multilaterally negotiated disclosure cases in part 2. In Chapter 4, Michael Mason analyses, in chapter 4, the environmental rights, including the “right to environmental information,” laid down in the 1998 Aarhus Convention. In historicizing the adoption and functioning of Aarhus environmental rights in Europe, Mason demonstrates that an original democratization impulse underpinning environmental disclosure, in this case, intended to promote the spread of democracy in Eastern Europe, is being jeopardized by a concurrent market liberal push for open markets and privatization in the region. He shows that the private sector is largely excluded
from Aarhus disclosure obligations, ensuring that disclosure has few market-restricting effects in this case.

The critical stance of this chapter on the prospects of transparency to effect transformative change permeates the next four contributions as well. In Chapter 5, Kees Jansen and Milou Dubois analyze transparency in global pesticide governance, through a focus on the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and its informed consent procedure. The authors consider whether the embrace and institutionalization of “prior informed consent”-PIC has empowered developing countries to make informed choices about imports of risky chemicals. They show that, while although disclosure has had certain empowering effects, this is so only if empowerment is narrowly understood as enhanced capacities to take decisions. Furthermore, the substantive impact of the Rotterdam Convention is limited by the fact that very few chemicals are currently subject to its PIC procedure, a result of the geopolitical and material contexts within which these decisions are made.

In Chapter 6, Aarti Gupta also analyses the uptake and institutionalization of prior informed consent-PIC as a disclosure-based risk governance mechanism, this time within the Cartagena Protocol on Biosafety regulating safe trade and use of genetically modified organisms (GMOs). The chapter analyses whether the scope and practices of disclosure
relating to transgenic crops in agricultural trade further a right to know and choose-choice of developing countries to permit or restrict such trade. Through analyzing the limited disclosure obligations imposed on GMO exporting (industrialized) countries by the protocol, Gupta shows that disclosure follows rather than shapes market developments in this case, with caveat emptor (let the buyer beware) prevailing in practice. As a result, it fails to empower the poorest countries most reliant on globally induced disclosure in this case.

In Chapter 7, Amandine Orsini, Sebastian Oberthür, and Justyna Pożarowska analyze one of the newest disclosure-based global governance arrangements: the Nagoya Protocol on access to and benefit sharing (ABS) from genetic resources. The chapter documents the double-sided transparency requirements (for access versus benefit sharing) now being negotiated within this protocol. The authors show that the institutionalization of disclosure for accessing genetic resources (required from developing, provider countries) is much further advanced in the Nagoya Protocol than that for benefit sharing (required from industrialized countries and powerful market actors). This outcome results, they argue, from the institutionalization of a marketized, decentralized, and bilateral contract-based approach to governance by disclosure in this case.

As the final contribution to Part II, Chapter 8 focuses on the politics of measuring, reporting, and verification (MRV) systems underpinning the REDD+ climate mitigation mechanism now being
negotiated within the UNFCCC—\textit{which calls for} compensating developing countries for reducing carbon emissions from forest-related activities (so-called REDD+). The authors, Aarti Gupta, Marjanneke J. Vijge, Esther Turnhout, and Till Pistorius, analyze the scope and practices of REDD+ MRV systems, including what these systems seek to make transparent, how, and to what end. This chapter pinpoints the role of transparency as a means to assess and reward environmental performance, in a broader context wherein forest carbon has become a valorizable (global) commodity. In so doing, it questions who is held to account, and who is empowered, by expert-led, carbon-focused REDD+ MRV systems.

Taken as a whole, these empirical cases of state-led disclosure examine transparency’s uptake, institutionalization, and diverse effects. In so doing, they shed light, collectively, on how state and non-state authority might be reconfigured in such multilateral regimes of transparency, including by considering how private actors might shape such public (mandatory) disclosure regimes, whether by engaging with or remaining absent from them.

Part III then shifts attention to voluntary corporate—\textit{and} civil society—\textit{led, as well as} and international organization disclosure, organized mostly in voluntary governance arrangements. In Chapter 9, Janelle Knox-Hayes and David Levy analyze the rise of corporate disclosure in global environmental governance, through a focus on two prominent non-financial reporting systems: the Global Reporting Initiative (GRI) and the Carbon
Disclosure Project (CDP). The chapter argues that two competing institutional logics underpin the embrace and spread of non-financial disclosure: a logic of civil regulation, promoted by civil society actors and intended to secure greater corporate accountability, versus a functionalist corporate logic of sustainability management that highlights the instrumental benefits of disclosure to company managers, investors, and auditors. The chapter reveals how the growing ascendancy of a corporate instrumental logic shapes the quality and modalities of carbon and corporate sustainability disclosure.

In Chapter 10, Klaus Dingwerth and Margot Eichinger focus, as well, on the Global Reporting Initiative. They scrutinize the rhetoric, policies, and disclosure practices in the GRI, with a specific focus, however, on the role of intermediaries in making GRI information actionable. The authors show that the GRI’s normatively demanding rhetoric on transparency does not permeate the organization’s policies and practices. Moreover, disclosed information does not permit comparison across corporate reporting entities. They argue, as a result, that transparency is “tamed” in this case, insofar as it fails to facilitate holding disclosers to account. However, commercial organizations and “for-benefit” groups are now using GRI data to produce corporate sustainability ratings. The authors analyze the enhanced prospects for empowerment vis-à-vis other effects deriving from the “marketization of transparency” generated by the activities of these intermediaries.
Following these cases of corporate voluntary non-financial disclosure, the next three chapters in Part III explore other sources and modalities of non-state disclosure. In chapter 11, James Van Alstine focuses on the dynamics of transparency in the extractive industry sector and in global energy governance. He examines the Extractive Industries Transparency Initiative (EITI) and Publish What You Pay Campaign (PWYP), both of which target private actors investing in resource-rich developing countries to reveal payments to host governments to exploit oil, gas, and mineral resources. Using the specific case of Ghana, Van Alstine highlights the hybrid (mandatory-voluntary) character and rescaling of sovereignty and authority that shape transparency’s effects in this case. These effects are mediated, he argues, by the challenges to disclosure posed by the unique material qualities of oil as compared to other extractive resources.

In Chapter 12, Graeme Auld and Lars Gulbrandsen analyze the central role of transparency in the non-state-led certification movement. Certification embodies the idea that information disclosure can be a tool for nongovernmental organizations (NGOs), investors, governments, and consumers to support high sustainability performers. Auld and Gulbrandsen assess this claim by comparing the uptake and effects of transparency in the rule-making and auditing processes of the Marine Stewardship Council (MSC) and Forest Stewardship Council (FSC). The authors show that the MSC uses transparency instrumentally, whereas the FSC treats it more as an
end in itself. The chapter thus identifies key differences in how transparency contributes to the (perceived) accountability and legitimacy of these two prominent certification programs.

In the final empirical case, Timothy Ehresman and Dimitris Stevis examine, in Chapter 13, how the International Finance Corporation (IFC) deploys disclosure as a way to mitigate negative impacts of foreign direct investment projects in developing countries. Their particular concern is to scrutinize the link between transparency and environmental justice. The authors find that IFC disclosure has only modestly served the cause of distributive justice (an original aim of disclosure here), but hold out the hope that this effect can be strengthened.

Taken as a whole, these empirical cases also examine transparency’s uptake, institutionalization, and diverse effects in private and public-private disclosure initiatives. In so doing, they collectively also shed light on how state and non-state authority is being reconfigured by such voluntary regimes of transparency, including by assessing how the “shadow of hierarchy” might shape the functioning and effects of private voluntary disclosure in these cases.

In the concluding Chapter 14, we distil comparative insights deriving from the chapters relating to the core elements of our analytical framework: Why transparency now? How is transparency being institutionalized? What effects (normative, procedural, and substantive)
In addressing these questions, we also assess whether the contributions here validate or modify the hypotheses relating to the democratization and marketization as drivers of disclosure. If and how disclosure-based governance decenters state-led regulation and opens up political space for other actors and the conditions under which transparency may be transformative.

Taken as a whole, the volume’s findings reaffirm that transparency is here to stay, with information disclosure becoming widely embraced and institutionalized in diverse ways in multilateral and transnational governance of environmental harm and sustainability performance. At the same time, our analyses also suggest that claims about the “rise and rise” (Raab 2008, 600) of transparency need to be tempered by acknowledgment of competing trends that restrict both the uptake and the scope of actionable disclosure.

This volume thus documents the many ways in which the transparency turn in global environmental governance is evident, but partial. It also highlights how the broader (contested) normative context shapes both the embrace of transparency by various actors and its uneven institutionalization across diverse areas of global environmental governance. Transparency’s effects, we show here, manifest themselves and acquire meaning in very specific constellations of power, practice, and authority relationships. Although this may be transparency’s undoing as a broadly transformative
force in governance, it does keep alive the hope for emancipatory politics in specific instances. Our volume [book] makes a start in exploring whether, and under what conditions, such a politics may obtain emancipatory effects may be realized.

Notes

1. As noted in an article in Harper’s Weekly, December 20, 1913, by US Supreme Court Justice Louis D. Brandeis (1856–1941). A century hence, this remains one of the most famous quotes about the importance of transparency in public life.

References


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### Table 1.1
Governance by Disclosure in Global Environmental Politics

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<th>Disclosure about what:</th>
<th>Mandatory</th>
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<td>Environmental processes and decisions</td>
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from whom to


| whom: State to | Aarhus Convention (disclosure of environmental data, regulatory processes, decisions) |
| State to Publics | Rotterdam Convention (disclosure of risk assessments, regulatory decisions for pesticides in trade, export notifications) |
| State to State | Cartagena Protocol (disclosure of risk assessments, regulatory decisions for transgenic crops in trade, intent to trade) |
| Nagoya Protocol | disclosure of origin of genetic resources for benefit sharing [still being negotiated]) |
| REDD+ under climate regime | disclosure of actions to reduce forest carbon emissions; disclosure of carbon sequestered in forests; disclosure of safeguard information systems in place) |
| Corporations to Corporations | Carbon Disclosure Project (disclosure of carbon emissions, performance, management plans) |
| Corporations (and Consumers) | Global Reporting Initiative (disclosure of corporate sustainability performance, management plans) |
| Consumers and Publics | Forest Stewardship Council (disclosure of certification processes and decisions, |
Governance by Disclosure: An Analytical Framework