

# Accountable Governance, Accountable Sustainability? A Case Study of Accountability in the Governance for Sustainability

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## ABSTRACT

This article provides a conceptual framework for, and comparative analysis of, public accountability in relation to three recent British exemplars of governance for sustainability: the GM Nation public consultation on the use of genetically modified crops in agriculture; the South East London Combined Heat and Power waste incinerator to achieve a shift away from landfill waste disposal; and the London Underground public–private partnership to provide more long-term financial and technological investment in a key area of public transport. Each of these initiatives is characterized by distinct public accountability features arising partly from the context-specific tensions between environmental sustainability and economic and technological development, and partly from the particular governance processes at work. Together, these features point to several significant accountability shortcomings facing the governance of sustainable development, including: the compartmentalization of decision-making processes; the blurring of boundaries of responsibility; the prevalence of professional-technocratic discourses; and the marginalization of publicity. The article concludes by outlining measures to improve accountability in the governance for sustainability. Copyright © 2010 John Wiley & Sons, Ltd and ERP Environment.

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## Introduction

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G OVERNANCE AND SUSTAINABILITY ARE WIDELY ACCEPTED TO GO HAND IN HAND, EVEN THOUGH THE NATURE of their interrelationship is far from being fully analysed and understood. Encompassing environmental, economic and social issues across individual policy sectors and organizational boundaries, sustainable development is situated in, and brings about, pluricentric decision-making involving a multitude of political and social actors. New modes of governance, ranging from participatory planning and deliberative assessment to new forms of public–private relationships, have been implemented with the aim of: facilitating co-operation among various state, civil society and public sphere actors; mobilizing diverse knowledge and expertise; sharing (financial) risks and responsibilities; and fostering socio-technological innovation. Crucially, in doing so these

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processes are also supposed to enhance the legitimacy of decision-making and its outcomes through increased transparency, openness and accountability (on the link, at policy level, between accountability and 'good governance' see, for example, UNDP, 1997: ch. 1; European Communities, 2001: 10; for academic analyses see, for example, Theys, 2002; Abels, 2007: 105–107).

The aim of this article is to focus on, and critically engage with, the issue of accountability in relation to governance for sustainability. In the first part, accountability is discussed conceptually and then applied more specifically to the issue of sustainable development through a proposed analytical framework. The second part provides a critical empirical analysis of accountability in relation to three different types of governance for sustainability. In the third, and final, part of the article, conclusions are drawn concerning key challenges for accountability and how the governance of sustainable development may be improved in this respect.

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### Accountability: An Analytical Framework

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Accountability has become a key issue in policy- and decision-making in recent decades: to some, even 'the hallmark of modern democratic governance' (Bovens, 2005: 182; Mulgan, 2003). At the same time, it has proved to be highly complex and ambiguous in both its normative meaning – used substantively and rhetorically as a political concept, symbol and catch-phrase – and its various practical manifestations.

Traditionally in theories of the modern state, accountability has been defined in its principal form as the mediated relationship between governors and governed, whereby the governors have to justify their actions to the governed as a result of being granted delegated authority (see, for example, Held, 1996: 88–89; Moncrieffe, 2001; Philip, 2009). By throwing the light of publicity on, and scrutinizing, the business of government, decision-makers can be held to account, ranging from requiring the publication of information to applying sanctions. Furthermore, by subjecting the processes of decision-making to public scrutiny and thus allowing various claims, knowledge and options to be considered, it is assumed that the quality and effectiveness of decision outcomes are ameliorated. Hence, accountability serves to ensure both input and output legitimacy. (It is fair to say, however, that to date the accountability literature has mainly been process- rather than outcome-orientated.) The main focus of traditional – i.e. hierarchical – conceptualizations of accountability, especially in the 'Westminster model'<sup>1</sup> of liberal democracy, has been in terms of the accountability of elected representatives to the electorate, ministers to parliament, civil servants to ministers, and so on.

The limitations of this traditional conceptualization of political accountability began to become increasingly clear throughout the twentieth century especially in relation to the expansion of the welfare state (see Day & Klein, 1987; Peters and Wright, 1998; Cendon, 2000; Perri *et al.*, 2002: 9–26; Rhodes, 2003: 21–22; Newman and Clarke, 2009). As a result, political accountability has increasingly been in tension with managerial accountability with its focus on public service delivery and related performance evaluation and control. Whereas the emphasis of political accountability is on the (usually retrospective) political justification of actions with the possibility of sanction in a hierarchical, upward direction (such as ministers being answerable to parliament), the emphasis of managerial accountability is on the (both retro- and prospective) evaluation and explanation of performance in a cross-boundary and downward direction of service deliverers to their users ('customers') and funders. Performance encompasses inputs, outputs and outcomes – i.e. the whole spectrum of process regulation, efficiency and effectiveness. This emphasis on performance, as a means of stretching scarce resources and achieving 'value for money', has led to a new battery of techniques and tools including target setting, performance evaluation, and various audit mechanisms such as administrative audits, compliance boards and ombudsman offices.

The mushrooming of these managerial accountability mechanisms through the expansion of the service-delivery state and the rise of 'new public management' carries the risk of subverting and fracturing the constitutional system of (political) accountability. The need to address this risk has been at the heart of the discussions from the 1960s onwards about how to strengthen political accountability through the parliamentary/political system. As a result, in the UK, parliamentary select committees and commissions were set up on a more permanent

<sup>1</sup>The 'Westminster model' conceptualizes the essential features of the British political system, including: parliamentary sovereignty; strong cabinet government; accountability through elections; majority party control of the executive; conventions for conduct of parliamentary business; institutionalized opposition; and rules of debate (see Rhodes, 2003: 5–7, after Gamble 1990).

basis, in addition to the creation of such bodies as the Audit Commission (1982) and the National Audit Office (1983) working on behalf of local government and the UK Parliament, respectively. More recently, reports such as the Power Inquiry (2006) and the Governance of Britain Green Paper (HM Government, 2007) called for the strengthening of accountability regarding both parliament and the executive, as well the greater involvement of citizens in decision-making.

Political accountability, however, has not only been in growing, mutual tension with managerial accountability, but for the last four decades or so increasingly also with professional accountability (Day & Klein 1987: 55–75; in relation to science and technology, see, for example, Jasanoff, 2005a,b; Maasen & Weingart, 2005). The latter is characterized by scrutiny and answerability by and within specialist peer communities that enjoy occupational monopolies of power to determine (the discourse of) how to assess and judge conduct in relation to their areas of expertise. As experts derive authority not from delegation of power, as do politicians and civil servants, but from specialist knowledge, accountability here is neither directed upward in the political sense nor downward in the managerial sense, but essentially only toward one's peer. The problems of reconciling political and professional accountability – or indeed addressing undue interference between them – have been particularly pronounced in recent decades at the interface between science, technology and politics, where issues of assessing and dealing with risk, ethics and social desirability have surfaced through such public controversies as nuclear power, 'mad cow disease' (bovine spongiform encephalopathy), genetically modified (GM) crops and human cloning.

To complicate matters further, this confluence of political, managerial and professional accountability norms and practices has taken place not in neatly delineated hierarchical structures, but in systems and contexts of decision-making that are themselves characterized by multi-layered and variously interconnected structures and processes – in short, through new modes of governance in a 'differentiated polity'<sup>2</sup> (Rhodes, 2003: 7pp). In fact, there is a close interdependence between demands for greater transparency, openness and accountability and the emergence of new socio-political spaces and processes of governance, as reflected in the burgeoning discourses on and critiques of governance, governability and governmentality (e.g. Stoker, 1998; Kooiman, 2002; Theys, 2002; Bovens; 2005; Abels, 2007; Newman & Clarke; 2009). Furthermore, this confluence points to – as yet to be fully explored – tensions, reinforced by governance reform, between the focus on processes (how to render decision-making transparent and open to scrutiny) and on outputs/outcomes (how to maximize decision performance and efficiency). In turn, this has resulted in a distinctly ambivalent public discourse on accountability, pitching positive normative claims associated with 'good governance' against a growing critique of the ever more dominant 'audit society' ethos. Together, this adds to a complex picture of multicentric accountability that defies simplistic characterization.

The analytical and methodological implications of this – especially when dealing with such a complex issue as 'governance for sustainability' – are that accountability cannot be reduced to a simple set of dimensions and criteria, related to singular institutions and processes with disregard for their interdependence. Also, any pre-occupation with political accountability and its rhetoric in a narrow sense of meaning (such as associated with the Westminster model) – namely, elections are axiomatic with accountability ensured through the parliamentary system – needs to be overcome. Instead, analysis should: (1) relate to the various parts and dimensions of decision-making arrangements and processes – and, crucially, their interrelationship – and how they affect accountability discourses and performance; and (2) take into account context specificity, so as to be sensitive to the particularities – in terms of structures, processes, types of expertise, and (competing) normative claims and rationales – of a policy sector/issue. Importantly, analysis should also (3) focus on critical points and lines of tension and fractures within decision-making structures and processes, and how this impacts on decision outputs and outcomes, in order to be able to pinpoint the challenges of contemporary accountability. Thus, a set of outline analytical criteria for studying accountability in relation to governance for sustainability can be defined (Table 1). These criteria are based on key principles and dimensions of political, managerial and professional accountability – publicity, scrutiny, audit, responsibility, sanction – and how these relate to governance processes, with special emphasis on: the degree of transparency and openness; the extent of integration and co-ordination of scrutiny processes across organizational and institutional boundaries and competencies; the degree of compatibility between various organizational, professional and technical discourses; the nature and hierarchy of responsibility; and the scope for redress and sanctions.

<sup>2</sup>'Differentiated polity' refers to the functional and institutional specialization and fragmentation of policies and politics (Rhodes, 2003: 7); resulting *inter alia* in 'the displacement of politics' (see, for example, Marres, 2005).

Accountability dimensions	Accountability criteria for the governance of sustainability
Publicity <sup>1</sup>	re: transparency and openness <ul style="list-style-type: none"> <li>• accessibility of information</li> <li>• openness of decision-making processes &amp; outcomes</li> <li>• publicity</li> </ul>
Scrutiny	re: structural and procedural integration <ul style="list-style-type: none"> <li>• information flow between decision processes</li> <li>• linkages between organizational/institutional structures</li> </ul>
Audit	re: accountability discourses <ul style="list-style-type: none"> <li>• interplay of political, managerial and professional discourses</li> <li>• treatment of complexity and uncertainty</li> <li>• prevalence of public accountability discourse</li> </ul>
Responsibility	re: hierarchy and role of responsibility <ul style="list-style-type: none"> <li>• institutional/structural locus of responsibility</li> <li>• role of political responsibility</li> </ul>
Sanction	re redress: <ul style="list-style-type: none"> <li>• means for (political/legal) redress</li> <li>• effectiveness of sanction</li> </ul>

Table 1. Criteria for analysing accountability in sustainable development governance

<sup>1</sup>Publicity is here understood (following Splichal, 1999: 6) as the principle of and right to publicness, the activity and space of public opinion formation.

Given the interrelationship between accountability and forms and outcomes of decision-making, the three cases – chosen here as exemplars of different types of governance for sustainability – first need to be characterized in terms of their structures, processes, outputs and actors involved, before focusing on their particular accountability features.

## Governance for Sustainability – Three Exemplars

Table 2 summarizes the three cases: (1) the UK GM Nation initiative as a national exemplar of ‘participatory’ or ‘public engagement’ governance, which has gained increasing popularity in policy-making (especially relating to technological and environmental issues) since the 1990s; (2) the London Underground Public Private Partnership (LUPPP), representing the largest infrastructure project of this kind with core involvement of the private sector through devolved regional government; and (3) the South-East London Combined Heat and Power incinerator (SELCHP) as an example of a locally situated governance process involving local government, private enterprise and residents. These cases have been chosen here both because they represent and illustrate different types of governance, and because they exemplify different facets of contemporary environmental sustainability efforts juxtaposed with economic and technological development priorities: agricultural food production (GM crops are claimed by their proponents to offer a solution to the dual challenge of climate change and population growth); public transport planning (integrated public transport systems are seen as key to socio-economic development coupled with a reduction in greenhouse gas emissions, especially in urban contexts); and waste management (the shift from landfill to incineration is a major policy priority across Europe and beyond).

### GM Nation

Within the UK context, this initiative signalled something of a turning point in that public engagement activities of this kind have since been routinely deployed by government in relation to a variety of public policy issues. Its

Case	Policy issue/sector	Key governance characteristics
GM Nation	Agricultural biotechnology (commercialization of GM crops)	Formal but non-statutory national public consultation; large-scale deliberative procedure involving stakeholders and citizens; high media and public resonance
LUPPP	Public transport infrastructure (long-term upgrade of London's underground rail network)	Public-private partnership through devolved regional government structure; mainly 'behind-closed-door' decision-making process in the context of high political controversy
SELCHP	Waste incineration/management (first new generation 'energy recovery incinerator')	Formal, local planning process; partnership between private operator and local council; statutory but limited public consultation; limited public mobilization

Table 2. Sustainable development through three UK governance processes

GM, genetic modification; LUPPP, London Underground Public Private Partnership; SELCHP, South-East London Combined Heat and Power incinerator.

significance from a governance perspective lies in its status as a national, formal – albeit non-statutory – public consultation implemented through a 'snap-shot' deliberative process. The initiative came about as a result of the 'great GM debate' that had swept across Britain (and Europe and beyond) in the late 1990s and had become a major issue of sustained political and public controversy (for a detailed discussion of the GM Nation initiative and its background, see Joss 2005). Following initial resistance, the government of Prime Minister Blair – in a major U-turn in government policy in 2000 – agreed to reform the system governing agricultural, food and human biotechnology, in an attempt to redress the widely perceived legitimacy deficit of, and restore consumer confidence in, the regulatory and advisory processes. Three new commissions – the Agriculture and Environment Biotechnology Commission (AEBC), the Human Genetics Commission (HGC) and the Food Standards Agency (FSA) – were set up, with the specific remit to provide additional overarching strategic advice, alongside the existing statutory advisory bodies dealing with the various aspects of biotechnology. The AEBC, alongside its two sister bodies, was defined with an explicit commitment to openness and transparency to be achieved by (1) including social and ethical aspects of biotechnology in its work; (2) opening up membership to civil society organizations; and (3) hosting meetings in public and publishing minutes and reports.

The GM Nation initiative, which was carried out throughout 2003, represented the AEBC's most overt and innovative implementation of this openness agenda. It consisted of several interventions, starting with nine so-called 'foundation workshops' (eight with randomly selected members of the public; the ninth including GM proponents and critics) involving some 180 participants to define the agenda ('issue framing') of the public consultation; followed by the public consultation proper involving some 20 000 participants through a series of six national, 40 regional and approximately 630 self-initiated 'bottom-up' local debates; a parallel focus group with 77 participants to provide in-depth insight into the issues highlighted in the public consultation; and finally some 8300 completed feedback questionnaires. The questionnaires showed overwhelming opposition to the commercialization of GM crops and made clear demands for more stringent risk assessments, ethical guidelines and consumer safeguards. These results formed the basis of the AEBC's advice to government, whose formal response was published in 2004 and became the official guidelines for the commercialization of GM crops: GM crops could only be cultivated on a strictly regulated, case-by-case basis, while measures would be introduced to prevent cross-contamination of non-GM crops, and to achieve proper labelling of GM crops.

### London Underground Public Private Partnership

The LUPPP has to date been the world's largest public-private partnership initiative, and a signature policy – with over 150 PPPs launched since 1997 – of the Blair-Brown New Labour government (for an in-depth analysis of the politics of UK PPPs, see Flinders, 2005). In governance terms, this example of a transport infrastructure mega-project is characterized by a coalition of several government agencies and corporate sector companies achieved through a tightly defined contractual partnership (Mohr & Joss, 2003). The aim of the partnership was to overcome

the short-term funding and planning cycles and limited technical expertise under previous public ownership; instead, the PPP has sought to secure long-term infrastructure investment (of over £16 billion over the first half of the 30-year period), harness private sector expertise in technological innovation and ensure joint risk sharing. Significantly, the governance of the LUPPP has been additionally shaped by the particular structure of devolved government resulting from the UK Parliamentary Act of 1999 establishing the Greater London Authority (GLA) as a new regional body of government.<sup>3</sup> The Act, while devolving decision-making authority – on, among other things, transport, policing, waste management, and fire and emergency services – to the GLA (which comprises the elected Mayor of London and related executive bodies including Transport for London, and the London Assembly consisting of elected regional representatives), nevertheless prescribed the implementation of a public–private partnership for the London Underground. The public controversy surrounding the *de facto* imposition of the LUPPP – which was vehemently resisted for several years by Ken Livingstone, the first Mayor of London – led to the prolonged delay in its implementation. Eventually, in 2003 Mayor Livingstone was forced to sign up to the LUPPP, but not without first having achieved some modification, mainly regarding safety management, to the partnership contracts. Under the agreement, the London Underground is publicly operated – under the aegis of Transport of London, which also has the overall safety brief – and privately maintained and upgraded through the involvement of three private infrastructure companies, each having responsibilities for separate parts of the underground system: Tube Lines (Jubilee, Piccadilly and Northern Lines); Metronet BVC (Bakerloo, Victoria, Central and Waterloo & City Lines); and Metronet SSL (Circle, District, Hammersmith & City, Metropolitan and East London Lines).

Controversy has dogged the LUPPP – labelled by a parliamentary report a ‘spectacular failure’ (House of Commons 2008: 31) – throughout its operation, including several safety incidents, accusations of technical blunders, major delays to planned upgrades of tracks and stations and, most significantly, the collapse in 2007 of Metronet BCV/SSL, two of the three private infrastructure companies, due to an overspend of over £1.7 billion. The latter resulted in the return of the affected eight (out of 11) tube lines to full public control under Transport for London at a significant financial loss to the public sector estimated to be £370m–1bn against a relatively modest £70m loss to Metronet (House of Commons, 2008) and with long-term infrastructure investment disrupted. The National Audit Office (2009) concurred in its analysis that the failure of Metronet can be attributed *inter alia* to poor corporate governance, lack of information, inadequate risk management and poor monitoring, which together made effective oversight by the public sector near impossible. In 2010, a dispute between Tube Lines (the other consortium still in operation), Transport for London and the UK government ended in London Underground being forced to fill a funding gap of £460m for the upgrade of the remaining three tube lines, prompting the Mayor of London to complain that ‘in other countries this would be called looting; here it is called the PPP’ (Milmo, 2010). According to the House of Commons (2008) report, the LUPPP failed to increase efficiency, accelerate technological innovation, achieve adequate financial risk transfer, or ensure proper public scrutiny and control.

### South-East London Combined Heat and Power Incinerator

Following a major shift in UK waste management policy in the 1990s from landfill to incineration – prompted in no small part by new European Union environmental regulation, including waste management directives – the SELCHP incinerator was the first of seven new-type ‘energy recovery incinerators’ built in the UK, located in Deptford in the borough of Lewisham (Parau & Joss, 2003). Lewisham Council, together with neighbouring Greenwich Council and Southwark Council, formed a consortium with four private companies, including a French engineering group with previous experience of building incinerators in France. In compliance with land use and environmental regulations in force at the time, the consortium successfully applied for planning permission from Lewisham Council, and for an operation permit from the national Environment Agency. Although Lewisham Council (as lead applicant) began planning on the incinerator 3 years before formally seeking planning permission, the public was not informed of the plan until formally required as part of the statutory minimum 21 days of public consultation during the application process. Due to public criticism of the brevity of consultation, the Council agreed to host several public meetings,

<sup>3</sup>In addition to the GLA, the UK Parliament, as part of New Labour’s devolution programme since 1997, also enacted devolved administrations in Scotland (the Scottish Parliament and Executive) and Wales (the Welsh Assembly and Executive), and nine Regional Development Agencies (RDA) in England.

resulting in the commissioning of an independent Environmental Statement (a technical assessment). This report led to some modifications of the incinerator design regarding emissions, noise and visual impact. Furthermore, an Incinerator Monitoring Group (IMG) was formed with the intention of creating a more permanent link between the local community on the one hand, and the consortium and the Council on the other.

In the operational phase of the incinerator, several environmental campaigners formed the Anti-Incineration Group, because of both general opposition to waste incineration and specific concerns about the perceived too close relationship between the IMG and the SELCHP operator. As a result of ongoing local residents' concerns about accessibility of information about emissions and noise pollution, Lewisham Council commissioned a Health Impact Assessment in the early 2000s. The report, although noting that there were significant health issues in the area of incinerator including poor air quality and a high level of respiratory illnesses among residents, concluded that there was considerable difficulty in assessing health effects of the incinerator and recommended that further monitoring and research be undertaken (Lewisham, 2005). In 2005, the SELCHP incinerator had its operation permit renewed through the Environment Agency. Despite its designation as a combined heat and power incinerator, SELCHP has never actually delivered any heat, which the company explained is the result of Southwark Council's withdrawal from the project during the building phase.

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## Challenges of Accountability

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The analysis of the three cases, based on the aforementioned analytical framework, reveals several distinct, yet related accountability characteristics and challenges. These have to be understood as arising from what turns out to be quite fundamental – and in these cases at least, largely unresolved – tensions between the dual quest for environmental sustainability and economic development through new forms of governance. Thus, the GM Nation initiative was prompted by decade-long governmental efforts to push biotechnology as a key strategic technology for the 21st century, and to successfully bring it to the market; however, it soon ran into stiff public opposition, as the technology was seen by many as being in conflict with environmental sustainability. The initiative was introduced as an extraordinary measure to help resolve the diametrical opposition between economic and environmental claims at the heart of policy debate, although beyond offering a temporary institutional fix to 'bring down the temperature' of public controversy (as one AEBC member saw its main purpose), its impact was limited and its legitimacy questioned.

In the case of the LUPPP, there was, on the surface, less of a pronounced tension between environmental sustainability and economic development, as there was initially broad consensus on the need to reform the ailing London Underground through substantial investment, to meet the demand for a modern, sustainable public transport system. However, as it turned out, the particular blend of the imposed PPP and the governance dynamics under the new GLA created fierce tensions in both the planning and the implementation phases of the LUPPP, with serious impacts on outcomes. In similar vein, the SELCHP incinerator was designed, as a new governance process, to bridge environmental sustainability objectives (moving away from landfill; combining waste incineration with 'green' heat production) and economic development aims (creating new partnerships between local councils and private enterprise to invest in new technology). Again, however, these objectives remained in tension throughout the planning and implementation phase, producing – similar to the other two cases – symptomatic accountability characteristics and challenges reflected in, and reinforced by, the governance processes at work, as analysed in more detail below.

### Compartmentalization

The involvement of various political and social actors through multi-layered structures can easily lead to the compartmentalization, or fragmentation, of decision-making in the absence of effective co-ordination and integration of the various parts of the governance system. This, in turn, can complicate the process of accountability, as the issues at stake may be difficult to consider in a comprehensive, overarching manner, and as individual accountability mechanisms – however effective their internal working – may be difficult to interrelate, or even be in tension with one another.

The GM Nation initiative is a case in point: although the AEBC was mandated to provide overarching strategic assessment and advice on agricultural and environmental biotechnology – precisely in response to public criticism of the fragmented approach of the previous regulatory regime – as it turned out its GM Nation initiative ran alongside separate assessment and policy-making processes without effective integration. In particular, the results of the ‘farm-scale evaluations’ (FSE) – 3-year field trials to compare GM crops with equivalent non-GM crops – were not made available until after the GM Nation initiative, a fact that was heavily criticised during the public consultation. In addition, a separate economic study to consider the costs and benefits of GM crops (carried out by the Prime Minister’s Strategy Unit), and a review of available scientific research (chaired by the government’s chief scientific adviser) were carried out, but again without using their findings in the GM Nation initiative. Furthermore, as the AEBC was only given advisory status – the statutory power for making decisions on GM crops rests with the Advisory Committee on Releases into the Environment (ACRE) – the GM Nation initiative remained outside the formal decision-making process, especially as ACRE (according to a member of the AEBC) apparently showed little interest in the initiative and kept at distance from the AEBC. This compartmentalization challenges accountability not only in terms of procedure but also outcome: although government published a formal response to the GM Nation initiative, it was difficult to discern how much weight the government had given to each of the parallel assessments and advice, and how it had arrived at its decision to give the go-ahead for the commercialization of GM crops on a case-by-case basis.

In the case of LUPPP, compartmentalized accountability arose because of the particular, partially devolved governance structures and the very nature of the public–private partnership arrangement in place. Its effect was distinctly ambiguous: on the one hand, the involvement of various governmental bodies at both UK national and London regional levels as well as the private infrastructure companies produced partial, and partially privatized, scrutiny processes lacking in overview and coordination. On the other hand, the opposition to the UK government’s imposition of the LUPPP made possible through devolution, notably in the person of the Mayor of London, and to a lesser extent the opposition by the UK Parliament’s select committee in charge of scrutinizing transport policy, meant that relatively effective accountability was achieved, albeit less by procedural design than by political tactics and dynamics. Thus, individual accountability processes – such as those by the House of Commons Select Committee on Environment, Transport and Regional Affairs, and Transport Committee; the National Audit Office; various internal and external reports; as well as judicial reviews, prompted by the Mayor of London – proved quite thorough within their terms of reference. However, they tended to provide only partial (restricted) evaluations of the LUPPP, such as regarding the ‘value-for-money’ test of the National Audit Office reports, or the ruling on the legality of the LUPPP contracts by the High Court. Crucially, despite these several intra-institutional accountability mechanisms, the wider public view, as reflected in media coverage and public opinion surveys, was overwhelmingly that the LUPPP lacked in public accountability – a conclusion shared by the House of Commons (2008) – and was overwhelmingly opposed. That there was scant opportunity for an overall, fundamental appraisal of the LUPPP plans with the possibility of redress was largely due to its *de facto* imposition as part of a much larger devolution programme, which was passed by the UK Parliament largely unopposed given the overwhelming government majority in parliament and wide public consensus in favour of devolution at the time.

### Blurring of Responsibility

Another key feature observed is the blurring of boundaries of responsibility. This manifests itself through decision-making arrangements where the delineation of responsibility between institutional actors is weak either deliberately by design – to achieve cross-organizational, joint decision-making with sharing of know-how, investment and risks – or as an unintended consequence of design. The effect of this on accountability is obvious: without clearly defined responsibility, it is more difficult to carry out effective scrutiny and to hold decision-makers to account for their action. This is especially so if lines of responsibility are not publicly recognizable, or are contested, and where different (political, managerial and professional) understandings and modes of responsibility are at work.

The LUPPP presents a particularly pronounced case: here, the issue of responsibility arose from the constitutional uncertainty and controversy surrounding policy planning and implementation, as well as the particular joint operation of the public–private partnership between Transport for London and the three infrastructure companies. Responsibility for the LUPPP formally rested with the Mayor of London even though the decision to upgrade the

London Underground using a PPP was imposed on the GLA as a *fait accompli*, with alternative funding mechanisms, such as public bonds as proposed by Ken Livingstone, not being considered as options. As the LUPPP was decided through an act of parliament as part of a wider devolution package, it was not subjected to the same kind of public consultation and planning inquiry as would normally be expected with large infrastructure projects (as was, for example, the case with the expansion of Heathrow airport). In fact, planning for the LUPPP took place simultaneously as the new GLA and its various bodies started up operation. This was said to have had the effect that the private consortia – with previous involvement in transport infrastructure projects and private finance initiatives – were more experienced and therefore at an advantage over their GLA counterparts during the hugely complex negotiations of the PPP contracts. It was largely only due to the Mayor of London's dogged opposition and the resulting delays in implementation – and not as a result of design – that some opportunity for public scrutiny of the LUPPP became possible.<sup>4</sup>

Concerning the PPP arrangement itself, proponents argued that the comprehensive and precise nature of the contracts enables a clear – and, in comparison with similar public sector projects, better – delineation of responsibility between the public and private sectors involved. Thus, the highly detailed contractual definitions of incentives and sanctions, and use of open-book accounting and benchmark criteria (including the public sector comparator) improves performance efficiency and (managerial) accountability. Critics countered that the overly bureaucratic structure created by increased layers of management through the PPP would in practice hamper efficiency and increase costs, as had happened a decade earlier with the privatization of the national railway. Furthermore, there was concern about the PPP's effect on risk transfer in respect of (passenger) safety – again against the background of several serious fatalities on the national railway directly attributed to privatized maintenance – as well as finance. As a result, the PPP contracts were amended to allow Transport for London to intervene in maintenance issues where passenger and employee safety were at stake. Overall statutory safety responsibility for the underground as a whole remained with the public sector.

Controversy about responsibility dogged the operational phase of the LUPPP from the start: a fire alert in 2003 at Tottenham Court Road interchange station – owned by Tube Line, with Metronet in charge of the Central Line tracks running through the station, while Transport for London operated the day-to-day service – led to the station's closure at a cost of several million pounds. Attribution of responsibility was publicly contested between the two consortia and Transport for London, eventually requiring independent arbitration. More seriously, the bankruptcy of Metronet in 2007 forced the transfer back into public ownership of the majority of the Tube network at substantial cost to the public, while the credibility of the remaining part of the LUPPP appears in tatters, with London Underground being forced to plug a £460m funding gap in 2010 and further delays to infrastructure upgrades likely.

Boundaries of responsibility also became blurred – especially in the public eye, attracting local protests and petitions – in the SELCHP case, where Lewisham Council acted concurrently as project applicant (together with the two other councils and the four companies) and planning approver. Although for the purpose of the application internal 'Chinese walls' were in operation between the council's applicant department (environmental services) and approver department (planning), the decision to initiate a project for a combined heat and power incinerator in the first instance was taken by the political leadership of the Council in negotiation with the other Councils and the private companies without any public, independent scrutiny. It was only at the formal planning application stage that the Council launched a public consultation as a statutory requirement. In the operation phase, Lewisham Council as part-shareholder in SELCHP Ltd, the company running the incinerator, has been responsible for publishing plant emission data, while in its local council role (environmental health department) it has had responsibility for monitoring emissions alongside the national (and independent) Environment Agency. The IMG, which was set up in response to local residents' ongoing concerns about the incinerator, was hailed by the local authorities as a 'citizens' forum' designed to help monitor the incinerator's operation. However, IMG members were not elected by their local communities (two neighbourhood areas have not been represented on the group), and any contact between the group and the local community has been intermediated by the incinerator company.

<sup>4</sup>It should be noted, however, that although the GLA (including Transport for London with its LUPPP brief) became operational in spring 2000, the UK government withheld the transfer of formal control over the London Underground to the Mayor of London until early 2003 due to his opposition.

According to its manager (who refused the author access to the group), SELCHP Ltd sets the agenda, chairs meetings, and writes IMG reports for dissemination to Lewisham Council and local residents associations.

### Dominance of Professional-Technocratic Discourses

It should come as little surprise that the very nature of sustainability issues – typically involving complex scientific information and various, contested expertise mixed with ethical and moral dimensions – engenders professional and technocratic accountability discourses that may impede more general, public scrutiny. However, as the cases here illustrate, the complex socio-scientific and socio-technological discourses produced by sustainability issues are often further reinforced and exacerbated by the governance processes themselves.

Technocratic discourse was a key feature – and a point of widespread public criticism and even ridicule – of the LUPPP. Every aspect of the LUPPP – even down to minute details, such as how light bulbs should be changed (see, for example, Archer 2009) – was expressed in contractual terms, often based on complex mathematical equations. Hundreds of pages of documentation littered with technical and legalistic jargon were produced as part of the contract negotiations between the parties involved. However, key documents were not only *de facto* inaccessible for wider public scrutiny due to the nature of the professional expert discourses used, but also *de jure* because of commercial confidentiality involved during contract negotiations. In other words, here technocratic discourse is defined both by its contents and ‘privatized’ status. Not even the Mayor and Transport for London had full access to information during the implementation phase despite their key negotiating roles. Furthermore, as the LUPPP was not subject to any official planning inquiry, no formal public scrutiny process took place that could have critically and openly examined the LUPPP proposals in an overarching, integrated fashion.

Several external reports focused on particular aspects of the LUPPP, including ‘value for money’ and risk transfer, and as such were also mostly technical and specialist in nature. Furthermore, as they were commissioned by the parties directly involved in the negotiations, they served more to support particular negotiating positions and did not have standing as independent public scrutiny reports.

The case of SELCHP underlines the challenge technical accountability discourse can pose for members of the public within a local setting with direct impacts on, for example, transport, noise and air pollution levels. Here, local residents expressed concern that they lacked the necessary scientific–technical skills to engage with expert information and discourse. This made the task of monitoring and scrutinizing information concerning incinerator emissions near impossible. They therefore effectively had to rely on the local authorities, the Environment Agency or alternatively environmental campaign groups to produce relevant information, as well as having to take this information on trust. They also felt the process of monitoring the impact of the incinerator was against their favour, as if, for example, they wanted to challenge official emission data, the onus would be on them to prove that the data were incomplete or that they represented a health risk. The challenge of coming to grips with technical information and discourses was further underlined by the fact that the local residents were mainly from socio-economically disadvantaged backgrounds – with many residents having English as their second language and lacking social mobilization opportunities available elsewhere – as the incinerator is situated in a particularly deprived area of South-East London. (This underlines the argument about the relevance of context specificity when analysing accountability – see analytical framework, above.)

### Limits to Publicity

Openness, transparency and publicity are key elements of public accountability. They are arguably particularly relevant in complex governance processes where intra-institutional accountability may be limited, fragmented and contested: in addition to allowing for the extra-institutional, public assessment of the issues at stake, they provide an opportunity for the critical scrutiny of the accountability procedures themselves.

The SELCHP Health Impact Assessment report (2005) devotes a significant part of its conclusions and recommendations to the issue of publicity, noting in particular that – despite a seemingly large amount of information in the public domain (the report specifically mentions the magazine of the SELCHP operator) – local residents did not feel they were being provided with relevant facts in easily accessible ways and that they did not trust the available information, including that of public bodies. This situation suggests – a point missed by the report –

that the condition of publicity should not simply be equated with the amount of available public information, but that it is significantly influenced by the (perceived) role and status of the decision bodies involved. In this case, the rather close relationship between Lewisham Council and the private companies (in the form of the SELCHP consortium) during both the planning and the operating phases, as well as the opaque status of the 'official' IMG, would appear to have seriously damaged the effectiveness of publicity, especially as perceived by local residents.

The fact that key aspects of the LUPPP – notably the contracts and the related negotiation processes – largely remained inaccessible to public scrutiny provoked a great deal of critical publicity by various civil society actors and the media. Thus, accountability itself became a key issue of public controversy both substantively – regarding questions about where responsibility for safety and financial risk within the PPP arrangements lay – and procedurally – regarding questions about how and where decisions about the design and implementation of the LUPPP were reached. Interestingly, although there were numerous intra-institutional accountability procedures in place (many of which appeared to be successful within their own terms of reference in influencing deliberation and decision-making), the overwhelming public perception – as reflected in several opinion polls (MORI 2000/1) and media coverage at the time – was that there was an almost complete lack of accountability surrounding the LUPPP. The reason for this lay in the combination of: a relative lack of transparency and openness of individual accountability mechanisms; the highly technical and legalistic nature of the decision-making involved; a lack of public consultation; and the highly partisan nature of media coverage (the *Evening Standard*, London's only daily newspaper at the time, in particular was vociferously opposed to the LUPPP and *de facto* played the role of a campaigner rather than 'mere' information provider). Although the nature of the LUPPP meant that the sustained wider public accountability discourse had little substantive influence on the decision-making on the PPP itself, the very public controversy nevertheless had the long-term effect of negatively associating the LUPPP with failed government policy on public transport infrastructure investment. This became apparent in the wake of the collapse of Metronet in 2007, and more recently regarding the ongoing dispute between Tube Lines, Transport for London and the UK government concerning the costs of the next phase (2010–17) of the LUPPP upgrade.

By design, the GM Nation initiative rendered the AEBC's consultation on GM crops transparent and open. Active public participation was sought through both the national discussion fora and a plethora of 'bottom-up' local events, which in turn fed into the Commission's report to government. Although at first sight the results were impressive in terms of the large number of people mobilized and the publicity created, the following factors nevertheless limited the degree of openness and transparency: first, the materials (including videos and working booklet) used to frame the public debate were criticised by participants and observers for defining the issue of GM crops too narrowly and simplistic (as opposite 'pros' and 'cons') and without attributing information sources. Secondly, public consultation was limited to only 6 weeks, thus making it difficult for members of the public to mobilize especially regarding the self-initiated 'bottom-up' events. Thirdly, the GM Nation initiative was effectively disconnected from the other strands of assessment (FSE trials, scientific review, economic study) and from the statutory decision-making process (through ACRE). Thus, although the level of public consultation and scrutiny through the GM Nation initiative in itself was innovative and unprecedented, it ultimately marginalized public accountability due to the isolated status of the initiative and its parent body. This was further underlined by the UK government's decision to wind up the AEBC in 2005 as it considered the commission to have discharged its remit, although it pledged to build on its legacy of broad strategic decision-making, stakeholder engagement and 'transparency' and 'openness' (Office of Science and Technology, 2005).

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## Conclusions

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As the examples analysed in this article demonstrate, achieving public accountability in the governance of sustainable development has to date proved to be a complex, challenging and frequently contentious affair. The reason for this is three-fold, related to: (1) the underlying governance structures and processes; (2) the nature of the issues involved; and (3) the modes of accountability at work. Between these three components there is often a self-reinforcing interrelationship: governance processes reflect, as well as reinforce, the thematic complexity and

normative tensions built into the issues at stake; as a consequence, accountability mechanisms can get significantly distorted and, in turn, further exacerbate the ambiguity of governance processes and outcomes.

Governance for sustainability typically takes place in a differentiated (or fragmentary) polity with policy- and decision-making occurring, web-like, across various types and levels of organizations and institutions often lacking in any meaningful integrated treatment (including definition, planning, implementation and scrutiny) of the issues at stake. At the same time, the issues themselves typically exhibit a tension between striving for environmental sustainability and promoting economic and technological innovation and competitiveness. At the same time, they exhibit a high degree of cognitive and normative complexity and uncertainty, bringing together in potentially explosive mixes various expert knowledge (itself frequently marked by uncertainty and controversy), ethical and moral quandaries, and questions of behavioural choice. They are made further challenging by their having far reaching implications across spatial and temporal boundaries.

In addition, dominant modes of political, managerial and professional accountability show conceptual and practical limitations with their respective preoccupations with intra-institutional, performance-related and peer-based scrutiny processes. As such, they often stand in tension with one another, and, together, prevent more integrated, public accountability. As a result, accountability processes often fall short of the expectation to ensure effective and legitimate scrutiny of policy deliberation and decision-making, as illustrated by the three cases in different, context-dependent ways.

It should be noted, however, that the *problematique* of accountability is not entirely unique to the governance of sustainability. Rather, it relates more widely to the various new modes and processes of governance that have evolved over the last two decades or so and that together signify a change in the meaning of government (Stoker, 1998; Rhodes, 2003). It should be further noted that in more traditional manifestations of government – such as represented by the Westminster model – accountability has by no means been unproblematic. It was precisely the growing realization in the second half of the 20th century of the limitation of the ‘command-and-control’ role of centralized government that brought into focus issues of governance and accountability – i.e. how best to fashion new modes of policy- and decision-making processes and outcomes that are both effective and legitimate. Also, as all three cases show, traditional government is very much part of the mix of ‘new-mode governance’ and thus a co-author of the complexity and contortions of contemporary accountability processes.

If, beyond its more general significance *vis-à-vis* new governance, accountability has nevertheless particular significance concerning sustainability then this is for the aforementioned reasons of the built-in tension between competing environmental, economic and technological rationales; and also the arguably unprecedented complexity and challenge posed by sustainable development, transcending, as it does, spatial and temporal boundaries – climate change activity here and now will have effects there and then – and increasingly profoundly affecting individuals, communities and the polity at large. Accountability thus should not just be a narrow technical activity – however important this in itself is – of ensuring checks and balances in respect of individual institutional decisions and actions (as, for example, argued by Philip, 2009). Rather, it becomes a wider socio-political process of publicly scrutinizing the planning, implementing and monitoring of decisions and actions on sustainable development across institutional, sectoral and even national boundaries. How, then, could accountability processes be made more responsive to the complexity and challenge posed by sustainability? The following three suggestions seem relevant from both a conceptual and a practical perspective.

First, there is scope for designing and orchestrating accountability procedures in such a way as to effect more concerted and integrated scrutiny of the issues at stake. Again, this is not to say that individual accountability procedures are not in themselves important and effective. However, it recognizes that individual, intra-institutional accountability procedures often only deal with partial aspects of policy issues due to their strictly delineated, limited function closely matching the related policy- and decision-making processes. Thus, for example, the National Audit Office was limited to assessing the ‘value-for-money’ aspect of the LUPPP using narrowly defined parameters; and the AEBC was prevented from introducing the results of the field trials into the GM Nation consultation. In response, greater attention should be paid through improved governance design and coordination to interrelating individual sectoral accountability procedures more closely. This would require the sequencing of processes, thus creating more closely linked chains of accountability across various policy- and decision-making stages and organizational structures. It would also require timely availability, and ready sharing, of knowledge and information. Furthermore, it would necessitate an overarching public accountability framework as guidance for providing for

integrated scrutiny and openness between individual accountability procedures. The AEBC had the potential to achieve this, given its overall strategic remit, but ultimately failed because of its marginalization and competition with parallel processes.

Secondly, where there is high-level complexity – in relation to both governance processes and the nature of the issues at stake – transparency and openness become particularly salient dimensions of accountability. The cases of SELCHP and LUPPP demonstrate in their different ways the process- and outcome-related problems arising from a lack of transparency, especially so in semi-privatized decision-making contexts. Transparency of information about which actors and institutions are involved in what aspects of decision-making, as well as about the various aspects and dimensions of the issues considered, may not in itself reduce complexity or resolve problems and conflicts. It should, however, at least help to create increased awareness and appreciation of who and what is involved in decision-making. This, in turn, should enhance open, critical scrutiny. Ensuring transparency requires sustained organizational commitment and resources by governmental bodies (including the myriad of government-appointed semi-public bodies). It also calls for freedom of information to enable non-governmental organizations, the media and members of the public to engage in public scrutiny.

Thirdly, more attention should be paid to the aspect of responsibility. Accountability – especially in the managerial and professional modes – can too easily be conceived of narrowly as a technical–bureaucratic exercise of publishing information, carrying out audits and providing explanations. However, responsibility is arguably an essential, constituent part of (political) accountability in both procedural and substantive terms.<sup>5</sup> Accountability requires both governors and governed to take responsibility (jointly and separately) for rendering decision processes legitimate and their outcomes effective through scrutiny. This would seem particularly relevant in relation to decisions on sustainable development, as – despite the high level of sophisticated technical information and expert knowledge involved – at their core they are ultimately political in nature: they involve trying to find answers and solutions based on temporary, uncertain and frequently contested knowledge; complex ethical and moral judgments; and difficult choices between economic, social and environmental priorities. Practically, placing greater emphasis on responsibility here primarily means: framing and assessing sustainable development issues more explicitly in terms of their political and social significance and consequences; reasserting the centrality of public institutions in scrutinizing and controlling decision-making; and accentuating the shared task and competence of political and social actors in engaging in critical public scrutiny of decisions and actions.

Needless to say, the reality of trying to ensure the accountability of sustainable development is always likely to be much more complex and tricky than the above normative suggestions. After all, in modern governance ‘accountability is a messy problem which demands messy solutions’ (Rhodes, 2003: 198). Nevertheless, the above suggestions help to pinpoint and explain some of the key weaknesses in contemporary accountability processes in sustainable development – namely, an over-reliance on compartmentalized and technocratic procedures with insufficient regard to concerted public scrutiny; the blurring of decision-making responsibilities through opaque, compromised public–private relationships; and the persistent lack of transparent information. In doing so, finally, these suggestions help to outline the potential for governance reform, the main focus of which should be on recasting, and reasserting the centrality of, public accountability within the framework of a strong polity that emphasizes socio-political responsibility for addressing and solving sustainability issues that are inherently complex and tricky, and yet fundamental to contemporary and future decision-making and action.

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<sup>5</sup>In fact, some of the political theory literature concerned closely relates, or even equates, accountability with responsibility. Bovens (2005), for example, notes that accountability in non-English languages is particularly closely related to the concept of responsibility.

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