

LEIDEN UNIVERSITY
INSTITUTE OF POLITICAL SCIENCE

PRIVATE MECHANISMS OF GLOBAL ENVIRONMENTAL GOVERNANCE

The International Monsanto Tribunal case

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Student: **Isabel Cortellini**

Critical Approaches in International Relations

Student number: **S1756239**

Instructor: **Dr. Francesco Ragazzi**

e-mail: **i.cortellini@umail.leidenuniv.nl**

Second Reader: **Dr. Frits Meijerink**

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Isabel Cortellini

Leiden University

Institute of Political Science

Abstract

This article investigates the International Monsanto Tribunal campaign as a process of institutionalizing private governance steering mechanism. Following an overview of the state-of-the-art discussion in global environmental governance, the paper develops the concepts of transnational network theory. Subsequently, it presents the concepts and framework that guide the empirical analysis. The case study is introduced, describing what are activities and initiatives carried out, the actors involved, and the expected impact on global environmental governance. I explore the case through the theoretical framework, assessing potential problem-solving capacities and attributes of legitimacy of the actors. It is argued that the International Monsanto Tribunal's actors can engage in complex problem solving and it has the attributes that improve governance legitimacy. Moreover, the set of strategies are addressed separately, where I identify the different tactics of persuasion, socialization and pressure employed by non-state actors in order to steer global policy-making. Then, I draw preliminary conclusions on the prospect of effectiveness of the campaign. Following this, the conclusions take place, reinforcing the argument that the Tribunal is a mechanism of global environmental governance as defined by transnational network theory. Lastly, I draw some lessons for future avenues of empirical research of the effectiveness of this campaign and make a case for normative research in an interdisciplinary context.

Introduction

On the coming October an unprecedented tribunal will be held: civil society groups established a court to assess and evaluate alleged damages caused by Monsanto, a transnational company. This tribunal reflects one of the many facets of global environmental governance, which has increasingly become more complex over the years. Currently, it is a multifaceted regime, where governance mechanisms take on a variety of forms beyond multilateral agreements (Andonova *et al* 2009:52) and beyond state actors. Authority and responsibility are diffused across scales, social groups, sectors, states and generations through a regime complex, which has not been comprehensively designed but rather has emerged as a result of single decisions. Transnational networks are shaping politics that more than ever.

Environmental governance has become more complex over the years as the numbers of organizations, rules and institutions increase (Keohane and Victor 2011:12; Abbott 2012:571). As civil society takes up space in international politics, new governance mechanisms emerge, constituting a new model of governance that is not comprehensively designed. Where intergovernmental initiatives fail to respond effectively to an issue, new mechanisms and forms of governance by non-state actors (NSAs) fill the gap created (Bulkeley et al. 2009:58). In this sense, Spiro argues that “to the extent that states have a self-interest in minimizing the constraints of international environmental law, as well as to the extent that state power is diminishing, this possibility of extra institutional governance is surely a good thing” (1998:809).

Yet, how this mechanisms emerge and are institutionalized? From framing issues and influencing agenda to changing and monitoring policy and behavior of other international actors (Keck and Sikkink 1998:25), non-state actors (NSAs) are far from being just spectators waiting for (inter)governmental institutions to rule across borders. NSAs carry out collective and coordinated initiatives in order to broaden the participation on environmental governance decision-making processes. Keck and Sikkink's book (1998; 1999) draws a model of world politics in which NSAs define new global issues, win commitments from other policy actors and monitor the implementation of those commitments and interact with transnational actors through networks.

The aim of this paper is to shed light on the process of institutionalization of a private mechanism of global environmental governance, by investigating the campaign of the International Monsanto Tribunal. My sources consist on open-question interviews with six members of the organizing committee involved in the Tribunal and on press releases, media coverage and international relations literature. The paper begins with an overview of the literature and current debates on global environmental governance. After this, it sets out the conceptual and theoretical framework that guided the empirical analysis. Subsequently, the case study is presented and analyzed. Finally, in the conclusions, I briefly discuss my findings and indicate avenues for future empirical and normative researched.

Literature Review

Global environmental governance is a vast field of inquiry that includes scholars from varied disciplines, hindering the delineation of the scope and limits of the field in one single discipline. This paper focuses on the core of the international relations (IR) literature on transnational governance (Wapner 1995; Keck and Sikkink 1998, Dauvergne 2012:4; Khagram *et al.* 2002). Early environmental transnational relations scholarship replaced a state-centric approach, not only allowing scholars to analyze other actors, specially civil society, but also to look beyond power and material interests, accounting for ideas, knowledge, and discourse (Zürn 1998). After this shift, three main debates emerged in the discussion about environmental politics: (a) regime theory; (b) liberalism; and (c) transnationalism.

Climate change regime theory (RT) focuses mainly on the reasons and conditions under which international environmental regimes emerge. RT scholarship focuses on mapping the overarching structure of decentralized environmental regulation (Biermann et al 2009; Andonova et al 2009:52; Keohane 2011; Abbott 2012, 2014). Environmental scholars borrow the definition of regime, which is also employed in this paper, from mainstream IR, which defines it as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Krasner 1983:In Keck and Sikkink 1998:4). It is true that RT recognizes the relevance of international organizations and non-state actors (NSAs) in making and applying rules, yet it argues that rational states still play the main role in international environmental politics. Keohane and Victor explain that states establish different environmental regimes, or institutions, to further their interests to the extent that “such institutions help states achieve their objectives through reducing contracting costs, providing focal points, enhancing information and therefore credibility, monitoring compliance, and assisting in sanctioning deviant behavior” (2011:8). Thus, states engage in cooperation when collective action is more beneficial than unilateral action and, ultimately, states decide whether to create a regulatory regime meaning NSAs have no authority to this effect.

Furthermore, RT explains the process of regime formation, from the conditions to the emergence of conducive elements of content and negotiations. However, RT scholars fail to explain the role of NSAs in the creation of norms and their contribution to regime. In their view, regime is effective only if it changes the incentive

structure of the key states, so that compliance to environmental regime is conditioned to a rational calculation of costs and benefits by the states and NSAs only influence in the calculus of state interests (Keohane and Victor 2011:8). By doing so, regime theorists reduce NSAs to their technical accomplishments, to the detriment of their political character and the political work they do (Barnett and Sikkink 2011:71), and maintain a state-centric perspective after all.

The second environmental governance strain, *liberalism*, has moved from focusing on the state as a unitary rational actor that is motivated largely by material interests (Abbott and Snidal 2000:425) to presenting a shared multi-causal model of instrumental state behavior. *Liberalists* assume state preferences derive from domestic and transnational social pressures (Moravcsik 2009). Liberalism not only recognizes the influence of transnational actors on domestic constituencies, but also their influence in shaping state behavior by determining its national preferences. In this vein, domestic politics and international relations are inextricably entangled, constituting a two-level game (Putnam 1988). By focusing on variation in preferences, instead of capabilities or information, liberalism challenges realism and regime theory respectively (Moravcsik 2009:715). Self-interested actors are constrained by legitimate social compromises – that is, regulatory environmental issues limit self-interested actors. Environmental liberalism accounts for NSAs’ activities, both on the national and the international level, as they make additional contributions by providing regulatory inputs in the agenda-setting process.

Despite the fact that the environmental liberal strain recognizes that NSAs shape the international policy-making process, the theory fails to explain *how* this happens. In this sense, both climate change regime theory and environmental liberalism scholars limit themselves to ask *if* and *why* NSAs influence international outcomes according to the variation in the substantive content of the issues and hegemonic orders (Moravcsik 2009:722). By overlooking NSAs’ strategies, liberalists “fail to explain why some environmental issues (for example, the climate) made it to the top of the international agenda, while others (for example, the degradation of agricultural land) barely made it at all” (Zürn 1998:623). Another shortcoming of this strain is in accounting for compliance. The liberal explanation for compliance ultimately accounts only for states, as “it might be that any kind of international commitment made by a liberal state—environmental or otherwise—is more deeply ‘internalized’ than the same

kind of commitment made by another kind of state” (Danish 2008:216). Thus, NSAs would only affect compliance indirectly, through participation in the process of internalizing an international environmental commitment. State-related factors are more determining in this regard.

The third and last strain is *environmental transnationalism*. Transnationalism refers to the body of literature that assumes the international system is a global society rather than being a state of anarchy. It also considers international environmental politics more than inter-state phenomena, encapsulating all forces and constraints on state and corporate political activities, either formal or informal (Dauvergne 2012:9). This strain implies a different dynamic and character, one that “entails the emergence of novel forms of rule across borders, where borders have become porous to such transnational schemes” (Bulkeley *et al.* 2009:58). This scholarship examines all types of political pressures exerted on and by international actors, especially NSAs’ crosscutting influence on both domestic and international levels. This paper builds on this approach, for it proposes a multi-level analysis of both structural and actors-related factors to assess *how* NSAs influence global environmental governance. While the former considers the context of an increasingly institutionalized arena of environmental governance (Goldstein *et al.* 2001; Abbott *et al.* 2001; Pattberg and Stripple 2007), the latter relates to the actors themselves and the governance mechanisms.

Theory and concepts

This paper joins the growing literature on transnational governance that replaces “the traditional dichotomous concepts of global governance organized hierarchically or anarchically with a network model of decentralized global governance” (Haas 2004:1) and concentrates on the increase in NSAs, new arenas for politics and action, different and often non-synchronized discussion fora, the blurring of borders and the muddying of distinction between domestic and global levels of politics (Khagram *et al.* 2002:4; Pattberg and Stripple 2007:2). It is necessary to understand that the notion of environmental governance encompasses all decision-making channels through which policies are pursued, goals are framed and directives issued (Rosenau 1995:179). Transnationalism theory draws on the constructivist assumption that actors are motivated by moral concerns and international regimes arise from shared norms and

values. So it is “made up not only of states engaged in self-help or even rule-governed behavior, but of dense webs of interactions and interrelations among citizens of different states which both reflect and help sustain shared values, beliefs and projects” (Keck and Sikkink 1998:213).

NSAs organize and work through these webs, or networks, to influence environmental governance. While state actors are organized around hierarchies (Barnett and Sikkink 2011:759), networks are “forms of organization characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange” (Keck and Sikkink 1998:8). There is a fluid relation among the members, with little distinction between high and low politics. Networks are comprised mainly of NSAs (NGOs, domestic constituencies and political groups, transnational corporations, individuals), but states, substate actors (*i.e.* municipalities, trade unions) and international organizations can also participate. The interests, preferences of actors and cost distributions vary depending on the nature of the issue, as do transnational networks’ members and their core values and discourses that unite them (Khagram *et al.* 2002). Price explains: “put theoretically, actors seek to change not just the interests and identities (and thus practices) of actors but also the environments within which those actors operate—that is, the structures of power and meaning.” (Price 2003:583).

Networks purposefully “form social institutions to address the problem of climate change without being forced, persuaded or funded by states and other public agencies” (Pattberg and Stripple 2007:6). To put it another way, actors act collectively towards changing environmental regimes and institutionalizing policy-coordination mechanisms. Networks act through these mechanisms, which are more dynamic (and thus more efficient, as I argue below) in comparison to state politics’ bureaucratic and hierarchical properties, for they multiply the channels of access to global environmental governance. Rosenau describes them using the term *steering* mechanisms, for it stresses the nature of governance without government, as “a form of recurrent behavior that systematically links the efforts of controllers to the compliance of controlees through either formal or informal channels” (1995:15).

Therefore, environmental transnationalism helps scholars to identify these networks, analyze why and how they operate, analyze their steering mechanisms, and identify when they are effective in shaping global environmental governance. Networks are reconceptualizing environmental global governance and influencing preferences and

identities of international actors, transforming the terms and nature of the policies debates. The evaluation of these mechanisms is done in terms of the advocacy networks capacity to increase the effectiveness and legitimacy of global governance (Bulkeley *et al.* 2009).

Frameworks

First, to increase effectiveness, networks develop problem-solving capacity (Börzel and Risse 2002:2). Bulkeley *et al.* explain that “[t]o the extent that transnational governance is regarded as driven by the interests of particular actors, effectiveness becomes associated with the ability to meet these objectives while also contributing to the public good” (2009:47). Networks problematize an issue and propose a solution to it, either in response to a lack of existing global policy or by deeming existing policy inappropriate. Therefore, effective mechanism offer desirable forms of flexibility and responsiveness to a policy objective, especially in view of being based as they are on persuasion through information sharing and learning (Haas 2004; Ruggie 2002; Bulkeley *et al.* 2009:43). Slaughter, Tulumello and Wood (1998:389) explain:

“Any investigation of the role of argument and persuasion on the basis of shared norms must sooner or later take account of the fact that discursive practices are situated or embedded in deeper normative structures, such as states, sovereignty and anarchy, that constitute the organizing principles of the international system. One of the lasting, and still-pertinent, questions for international studies concerns when and how transformation occurs in the fundamental social structures of international affairs.”

Most transnational governance mechanisms are persuasive, as opposed to coercive. Keck and Sikkink, explaining how this process of persuasion occurs, argue that “an effective frame [problematization] must show that a given state of affairs is neither natural or accidental, identify the responsible party or parties, and propose credible solutions. This requires clear, powerful messages that appeal to shared principles, and which often have more impact on state policy than the advice of technical experts” (1999:96). However, they further explain that the term persuasion is insufficiently precise to be of much theoretical use to define what networks do, so they present a typology of tactics employed by networks. I enter into more detail on this specific framework on the next subsection. What matters in this context is that effectiveness is related to the capacity of a network to change other actors’ behavior

(state, governments, international organizations or transnational corporations) (Keck and Sikkink 1999:97).

The second lens through which networks should be evaluated is their capacity to improve the legitimacy of global governance. It is the moral authority that enables NSAs to affect global governance. Reviewing transnational literature and empirical cases, Price argues that “decision makers and/or citizens often believe that activists are not only (objectively) right in the sense of providing accurate information but also morally right in the purposes for which such knowledge is harnessed” (2003:589). In this fashion, networks’ moral authority stems from its expertise and knowledge (as with Peter Haas’s epistemic communities) about problem solving around a highly valued issue, such as human rights and climate change. Legitimacy not only “requires that those who are affected by collectively binding decisions should have a say in the decision-making process” (input legitimacy), but also “refers to the effectiveness of policies in the sense that they serve the common good and conform to criteria of distributive justice” (output legitimacy) (Börzel and Risse 2002:13). Transnational civil society is known to represent an international common good, often neglected by narrow-minded states and the for-profit actors. Wapner (1995), for instance, argues that networks increase the democratic nature and the accountability of international institutions in international governance. Therefore, legitimacy involves a bottom-top logic towards policy change, in which “in order to acquire the legitimacy and support [networks] need to endure, successful mechanisms of governance are more likely to evolve out of bottom-up than top-down processes” (Rosenau 1995:17).

Khagram *et al.* (2002:313) provide four networks’ attributes that help to identify the moral authority that improves global governance legitimacy. Firstly, *representativeness* – if networks are to claim values in the name of others, they should cover the will of others, whether weak, repressed or underrepresented. While Khagram *et al.* consider this attribute the most complicated link for diminishing authority, I argue further that representativeness is the democratic credentials of networks. Secondly, *reliability* relates to the quality of the information and knowledge provided by the network. Thirdly, networks *impartiality*, whereby networks must be perceived as not self-interested, but rather working for a “greater good”, that is, for the achievement of a shared value. Lastly, *accountability and transparency* refers to the network being

accountable itself, in case they deviate from their purpose, they will suffer consequences and they should be as transparent as possible about their processes for achieving goals.

Transnationalism as proposed by Keck and Sikkink (1998) focuses on transnational advocacy networks to address the relationships among actors and the distribution of material capabilities of international policy-making (Danish 2008:217). Advocacy networks are those centered on values and principled ideas and aim to reach institutional and principles change rather than just policy change (Keck and Sikkink 1998:2). Transnational advocacy networks aim to influence political outcomes through efforts of persuasion, socialization and pressure. In this sense, advocacy networks carry out political campaigns, choosing different strategies to persuade policy or behavior change by another actor. In order to address *how* environmental advocacy networks establish transnational institutions, this paper focuses on the campaign by the environmental advocacy network. Networks use campaigns – sets of linked activities in which members develop explicit ties and roles as steering mechanisms – to achieve their goals. This should be understood as the process of constructing a problem and proposing a solution (Keck and Sikkink 1998:6-8) and a mechanism of governance.

This paper builds on the fourfold typology developed by Keck and Sikkink (1998) to analyze the tactics used by NSAs in their efforts to influence global environmental governance. Firstly, environmental advocacy networks can use *information politics*. This tactic regards the use of information as leverage, not only by decreasing uncertainty of international negotiations when reporting facts, but also by using testimonies and information exchange to persuade action and change. Generation of alternate and reliable information is one of the most important functions of networks for binding the network together and broadening NSAs' legitimacy (Keck and Sikkink 1998:19-21).

Secondly, *symbolic politics* consists of framing issues through explanation of emblematic events in order to persuade other actors' behavior. At this point, framing contends the strategic efforts by NSAs to set up shared interpretations and values that legitimize and motivate collective action (Keck and Sikkink 1998:23). An effective frame stresses an issue, pointing out the responsible parties and activities, and then proposes a plausible solution. Symbolic technique is, hence, a mechanism to create meaningfulness and awareness about an issue in order to mobilize concern and find the favorable institutional venue for policy change (Keck and Sikkink 1998:3).

Leverage politics, the third tactic, refers to pressuring and persuading powerful actors when other networks' members are unlikely to directly influence policy-making processes. In this case, advocacy networks will foster behavioral change by means of either material or moral leverage. While the former relates to monetary aspects, including goods and tangible benefits, the latter grasps reputational and credibility matters. Moral leverage involves mobilization of shame (Keck and Sikkink 1998:23), which contends with exposing violations of international obligations in order to weaken powerful actors' support in lower constituencies (Keck and Sikkink 1998:23).

Lastly, *accountability politics* is the set of strategies to make regime compliance persuasive in the long term. To put it differently, it is the political effort "to hold powerful actors to their previously stated policies or principles" (Keck and Sikkink 1998:16). This tactic is to hold actors accountable for violating compromises and positions under international regimes. Therefore, accountability politics intends to expose the distance between discourse and practice (Keck and Sikkink 1998:16).

This typology is connected to this research, because it sheds light on the process and strategies employed by NSAs to influence international political outcomes. However, this typology alone tells too little about the effect of the influence. The implementation depends on the influence the network has on international outcomes to be effective. As Bulkeley *et al.* explain "how we might conceptualize the *effectiveness* of transnational governance is similarly derived from a concern with the functional requirements and interests of the actors involved" (2009:46). Thus, effectiveness is conceived in terms of realization of the actors' objective. As the Monsanto Tribunal is yet to convene and the campaign is far from being over, it is not possible to assess the effectiveness of the campaign. However, this paper addresses some points on effectiveness to clarify and make prospect about the impact of the campaign.

International Monsanto Tribunal

The International Monsanto Tribunal is an initiative of environmental advocacy networks to set up a court, which will assess and bring out allegations of breach of international law and environmental and health damage against Monsanto, a US-based company. Put differently, this Tribunal is a social institution, whose main goal is to change the current model of global environmental governance, especially

concerning the balance between socio-environmental rights and the agricultural paradigm. Even though this network is establishing a tribunal, they do not expect an enforceable decision. In this vein, Ronnie Cummins, one of the members of the organizing committee, says “[p]eople will be putting Monsanto on trial in the court of public opinion” (Senapathy In: Forbes 2015).

The primary activity is to set up an international tribunal, which will convene on the 14th and 16th of October 2016 in The Hague. There will be two simultaneous events, a formal tribunal and peoples’ assembly. The formal tribunal, on the one hand, aims to get a ruling, by highly recognized judges, following “veritable proceedings in an international court, and contribute to the establishment of international mechanisms to bring justice to victims of multinationals” (Monsanto Tribunal). Veritable proceedings relates to principles and customary laws of procedure, including, but not limited to the adversarial system and the due process of law – widely adopted by lawmakers. The proceedings are similar to the institution of legal opinions of other international tribunals, such as advisory proceedings at the International Court of Justice. The proceedings include hearings and testimonials from witnesses and victims of Monsanto activities, such as Colombian and Indian farmers, as well as pleas from attorneys. Monsanto has not recognized the Tribunal and have therefore not provided legal representation¹. There will be between five to nine judges, whose names are yet to be disclosed. However, what is known at this time is that the judges shall be prominent international jurists (*e.g.* law professionals, former judges). The environmental advocacy network’s legal team drafted six questions (Terms of Reference) that will be posed to the nominated judges. Most of the questions rely not only on the Guiding Principles on Business and Human Rights of the United Nation (UN), but also on positive rights recognized by other international legal instruments, such as the International Covenant on Economic, Social and Cultural Rights and the war crime provision of the Rome Statute. In addition, there is a key question to assess the conduct of Monsanto as regards the crime of ecocide, which will lead to the examination of whether the Rome Statute should be amended in order to include ecocide as the fifth crime against humanity. The judges shall issue an advisory opinion on each of the six questions, meaning that they will have no direct enforceability against Monsanto. These advisory opinions will help to provide a better understanding of the

¹ It is yet to be decided if the network will appoint an attorney to represent Monsanto or not. Monsanto has not replied my interview requests.

applicable laws and regime under which transnational corporations operates, especially with regard to socio-environmental protection. As specific objectives, the advocacy network expect that these rulings assess the actions and damages caused pursuant to international law; they aim to put Monsanto's activities in perspective in relation to the Rome Statute in order to assess the possibility of the institutionalization of ecocide.

The peoples' assembly, on the other hand, is an event aimed at the overarching network, where activists, NGOs and other civil society members will gather. This event will serve as a meeting point for information exchange and workshops to raise awareness of the issues. Different society groups can present their projects and campaigns and increase their support, strengthening the network's links and actors. Additionally, the International Monsanto Tribunal's organizers intend to live stream the formal tribunal for those who cannot afford to attend the event. In order to reflect the international aspect of the event, local organizations and supporters might stage local events, such as marches or social gatherings, to draw attention to the issues worldwide.

The International Monsanto Tribunal specifies five ways in which it expects to impact global environmental governance: (i) to raise awareness of the dangers of industrial and chemical agriculture and the need a shift in agricultural paradigm, by providing public opinion and policy makers with heightened understanding of Monsanto's practices and their impact on the environment and human rights; (ii) contribute to the ongoing debate on what it means to hold a company responsible for violating fundamental rights; (iii) provide victims and their legal counsel the arguments and legal grounds for further lawsuits against Monsanto within their national jurisdictions; (iv) highlight the need to change international law so that victims of transnational companies have a means to legal redress; and (v) evidence why the crime of ecocide must be recognized under international law.

Advocacy Network

The following subsections depict the environmental advocacy network linked to the Monsanto Tribunal and, the campaign carried out to establish it. Firstly, the network itself and the actors involved in it are described, with emphasis on problem-solving capacities and attributes of legitimacy (reliability, impartiality, accountability and representativeness). Subsequently, I analyze the campaign, for it "provides a

window to transnational relations as an arena of struggle in ways that focus on networks themselves or on the institutions they try to affect does not” (Keck and Sikkink 1998:7). The tactics framework, set out in the previous section, is used to evaluate the stages of the process of institutionalization. Then, some lessons are drawn regarding effectiveness.

Actors from civil society – individuals, NGOs, social movements, enterprises and political parties – who either support or indirectly participate in one the events comprise the overarching International Monsanto Tribunal network. The number of members, reach, and interactions, all help to identify if a network is dense and strong or unsteady and weak (Pattberg and Stripple 2007:6; Keck and Sikkink 1999:200). The network consists of with more than five thousand individuals and two hundred organizations and social movements transnationally. These supporters are “invited to participate in outreach and awareness raising activities in their respective countries and citizen mobilization” (Monsanto Tribunal) and to attend and be active in the people’s assembly. Membership is granted to those who sign the online petition. This easy access to membership has two consequences. Firstly, the linkage among members is not necessarily strong, to the extent that supporters may not interact and exchange information so much. However, there is a coalition of key actors that work more closely and directly toward the institutionalization process. This coalition, which can be viewed essentially as being the members of the steering committee, coordinates strategies and its linkage to the campaign are tighter, for they maintain a more formal level of contact to strategize the campaign (Khagram *et. al.* 2002:7). Secondly, this ease of membership broadens the reach of the network and spreads the joint discourse on changing governance.

Moreover, the members of the coalition of key actors are professionals with different backgrounds with expertise in relation to the issues to be addressed by the Tribunal. These are representatives of civil society with relevant expertise in different issue areas, such as international law, politics of activism, research and the agrarian and food industries. To illustrate this point, some key members of the steering committee their expertise in relation to environmental governance are introduced. There are international lawyers and jurists, such as Dr. Olivier De Schutter, who is co-chair of the International Panel of Experts on Sustainable Food Systems and member of the UN Committee on Economic, Social and Cultural Rights; Corinne Lepage, who is not only a

lawyer, but also former French environment minister and honorary President of the Independent Committee for Research and Information on Genetic Engineering (CRIIGEN); and Valerie Cabanes, spokesperson for the world citizen movement – End Ecocide on Earth. Beyond international law area, the activist Dr. Vandana Shiva, who Forbes magazine in November 2010 identified as one of the top Seven most Powerful Women on the Globe and initiator of several social movement, bestows support to the campaign with networking knowledge. Lastly, the Tribunal is supported by Marie-Monique Robin, journalist, filmmaker and author best-selling documentary “The World to According Monsanto”. She is the patron of the tribunal and intends to film a documentary covering the Tribunal.

Other studies suggest that citizen science provides the necessary tools and expertise to engage in complex problem solving, having great potential for mobilization (Johnson *et al.* 2014; Keck and Sikkink 1998; Khagram *et. al* 2002). It is true that having different expertise of the members is relevant to the network’s problem-solving capacity, especially in view of the complexity of global environmental policy-making, but further research is needed to investigate the circumstances under which this actually enhances the networks’ problem-solving capacity (Börzel and Risse 2002:2).

The expertise and knowledge explained above also matters to the advocacy network’s moral authority, to the extent that quality information provided by the actors improves its global governance legitimacy. *Reliability* and veracity of information impact on the transnational network’s moral authority, for it provides information about global governance and assumes a more global perspective. Much of reliability can be related to the reputation and credibility of the coalition actors not only as providers of objective expertise, but also as neutral third parties whose information can be trusted (Price 2003:315). As to assuming a global perspective, the advocacy network is expected to propose alternative solutions, in which all voices are taken into account. The coalition of the International Monsanto Tribunal, as seen above, counts with experts and researchers from different backgrounds, including students from the University of Louvain (Belgium), Yale University (United States) and the University of Bordeaux (France). Moreover, the advocacy network consists of several grassroots movements that work alongside experts and researchers in a horizontal relationship within the network. This entails a bottom-top approach to policy-making, where the

new rules and norms are institutionalized considering the in-pot of those who are affected by governance, and thus being perceived as legitimate.

In the analysis of the next attribute, *impartiality*, the network's actors "need to be seen as not personally interested in acquiring political and economic power, or as too linked to government and industry" (Khagram *et al.* 2002:313) for the networks to claim their moral authority. Governance legitimacy can, thus, be improved based on the independence of actors in pursuing a shared goal. Impartiality implies that the decision-making process serves the common good and conforms to criteria of distributive justice (Börzel and Risse 2002:13). Evidence suggests that the International Monsanto Tribunal network has no economic interest, nor a political agenda to gain power for selfish reasons. It is true that there is crowd funding initiative to fund the Tribunal's budget, which is estimated at half a million euros. However, the money is destined to logistical activities only, such as venue rental, for both the formal tribunal and the people's assembly, and transportation and accommodation for selected witnesses who cannot afford to go to the Netherlands. By relying upon civil society donations only, the advocacy network is likely to be impartial and to avoid bias towards other governance players. Equally important is the fact that all the network's actors are participating voluntarily without monetary compensation. This means more autonomy for the actors and their strategies (Wapner 1995, 144).

Furthermore, financial issues also influence on the claim of moral authority in terms of *accountability and transparency*. This does not mean, however, that accountability and transparency relate only to financial matters. The network under analysis has good transparency policies, providing enough information about its composition and activities, especially through their website, and their internal decision-making process. Additionally, they have open communication with the public, being responsive on social media. As to financial matters, the network is committed "to transparent, ethical and exemplary governance, the Steering Committee will exercise its utmost vigilance to ensure the proper use of money given to the Foundation" (Monsanto Tribunal).

The last attribute for improving environmental global governance legitimacy is *representativeness*. Indeed, as argued, previously, representativeness is more than an attribute, it is an underlying assumption of governance legitimacy, 'conditio sine qua non' for an advocacy network possesses all other three attributes. If

networks are to multiply the channels of influence on global governance, it has to advance shared values and motivate interested constituencies. Thus, representativeness also entails not deviating its constituencies (other actors) common interests. In this fashion, the active participation of voices from different actors in the internal decision-making process also counts. However, representativeness is not limited to reproduce the preferences of the network' supporters, it also means shaping their identities and behavior (Murphy 2007:44).

Campaign

To recap, campaigns are sets of collective activities that transnational advocacy networks develop in order to institutionalize policy-coordination mechanisms. These political activities are the network's efforts of persuasion, socialization and pressure to achieve their goal. As explained earlier, the International Monsanto Tribunal's goal is to change the current model of global environmental governance, but this is not a straightforward goal, as there are many levels in which change can happen. That is the reason for employing different strategies, with specific and assertive goals. The main strategies of the International Monsanto Tribunal are highlighted below under the tactics framework.

Information politics

The International Monsanto Tribunal intends to generate alternate and reliable information in order to increase the amount of information available and, thus, influence change in current global environmental policies. To this end, the main strategy is to gather a collection of case files and substantial research related to environmental regulation and international law, and drafting legal briefs that will be used at the event and made available to the public afterwards. Hence, the International Monsanto Tribunal advocacy network will "provide information that would not otherwise be available, from sources that might not otherwise be heard, and they must make this information comprehensible and useful to activists and publics who may be geographically and/or socially distant" (1998:18).

To provide credible information to other members of the network entails strengthening its relations and empowering its constituencies. This is essential for network effectiveness, for it stimulates people to act (Keck and Sikkink 1998:18). A reliable advocacy network produces credible information when it produces well-documented evidence to either frame an issue or call attention to it. In this fashion, in

addition to the legal case files, the International Monsanto Tribunal has established working groups that will study and assess the impact of agribusiness companies in relation to six academic areas, namely, the right to a healthy environment; the right to health; the right to food; freedom of expression and academic research; complicity in war crimes and, finally, ecocide. The aim of these working groups is to highlight the broader discussion of responsibility (or accountability) of transnational companies violating human rights. The campaign is gathering essential information that is dispersed worldwide and distribute to network members, broadening their legitimacy as players and as fits their aim, raising “awareness of the dangers of industrial and chemical agriculture and the need for a shift in the agricultural paradigm” (Monsanto Tribunal).

Another important aspect of information politics is that the media is a valuable partner to provide broad audience and “to gain attention, the information must be timely and dramatic” (Keck and Sikkink 1998:19). However, it is hard to grasp what timely action would be, considering that the campaign is thought about in the long-term. When it comes to information politics, timely information is that which is provided at the best possible moment, that is, when it can reach the most people. The International Monsanto Tribunal will convene on October 16, coinciding with World Food Day, the annual celebration of the United Nations’ Food and Agriculture Organization (FAO). This year’s global message for World Food Day is “Climate is changing. Food and agriculture must too.” (World Food Day 2016) It calls upon states to include food and agriculture in their climate action plans and to invest more in rural development. The Tribunal is not officially linked to FAO, nor World Food day, but choosing the same day is an example of timely action in information politics. Reinforcing debates around the same issue helps raise awareness and bring different perspectives, and provides an inclusive arena where like-minded and opposing groups inform their discussion. The advocacy network expects that “public opinion and policy makers will gain heightened understanding of Monsanto’s practices and their impact on the environment and human rights.” (Monsanto Tribunal).

Furthermore, transnational advocacy networks use testimonies in order to reach a broader audience and get media media’s attention. Testimonies are “the stories told by people whose lives have been affected” (Keck and Sikkink 1999:95). Testimonies are a persuasive device for it helps more people to relate to share principles has more impact

than technical and specific values. In the case at point, these testimonies concerns the twenty plaintiffs from all continents, their cases and hearings, that will be analyzed and interpreted along with technical and legal reviews. In addition to those, the advocacy network is accepting submissions of testimonies worldwide. They will identify key cases that be used during the people's assembly event. Moreover, Keck and Sikkink explain that "an important part of the political struggle over information is whether an issue is defined primarily as technical, subject to consideration by 'qualified' experts, or as something that concerns a much broader global constituency" (1999:96). The International Monsanto Tribunal cope with this struggle, since the information is actually technical of international law, but because of its replicability (cases covers all continents) and how they translate to other cases, they manage to also make it interesting in global terms.

Symbolic politics

Recall that this tactic consists of framing issues through explanation of emblematic events, fostering awareness and catalysts for the growth of networks (Keck and Sikkink 1999:96). The International Monsanto Tribunal is framing an issue around environmental governance of transnational corporations, while indicating responsible parties and activities, and with the court's decision, they will also have an alternative solution to the problem. The advocacy network claims that its general purpose is to get a ruling, even symbolic, against Monsanto. The Tribunal itself is a demonstration of symbolic politics. This tactic is part of the long-term persuasion efforts to change global environmental governance, especially with regard to impunity of transnational corporations. Indeed, the Tribunal advocacy network claims that "Monsanto will serve as an example for the entire agro-industrial system whereby putting on trial all multinationals and companies that employ entrepreneurial behavior that ignore the damage wrecked on health and the environment by their actions" (Monsanto Tribunal).

Leverage politics

This tactic refers to pressuring and persuading powerful actors, usually considered states and international organizations, by either material or moral leverage. I argue, on the one hand, that the Monsanto Tribunal does not provide any tactics regarding material leverage, due to the absence of monetary issues and issue-linkage with other governance actors. On the other hand, the International Monsanto Tribunal exerts persuasion through mobilization of shame, which contends with exposing

violations of international obligations in order to weaken powerful actors' support in lower constituencies (Keck and Sikkink 1998:23). It attacks Monsanto's credibility by putting it under public scrutiny and mobilizing solidarity among the advocacy network's members. Similarly, the media attention surrounding this issue serves as moral leverage.

Accountability politics

The International Monsanto Tribunal has no evident accountability politics. In order to develop accountability politics, other actors would have to change discursive positions, so that the advocacy network could use this new discourse to hold the other actor accountable. However, in this case, there is no window of opportunity for the network, at least until the Tribunal convene – when other actors may change their discourse positions.

Effectiveness

Effectiveness is a paramount concept in this paper and yet difficult to grasp, even harder to assess. In this regard, Pattberg explains “in simple terms, the judgement ‘something is effective/has influence’ refers to the situation that some organization, policy or institution is performing some generic function that can be assessed against some point of reference involving some metric of measurement” (2005:4). Due to time constraints, this paper lacks a point of reference to analyze the impact of the campaign on global environmental governance. Notwithstanding the absence of policy-change so far, this paper addresses issue and the network's actors characteristics under which advocacy network are likely to be effective.

Keck and Sikkink (1999:98) argue that networks' campaigns on issues involving individuals/innocents physically harmed, especially when the causal relation is well evidenced have a better chance to be successful. The International Monsanto Tribunal establishes a clear and concise connection between the harm and Monsanto's activities and they will use testimonies of individual directly affected, creating an effective frame. Moreover, the ability to achieve policy-change is linked to a network strength and density (Keck and Sikkink 1999:98). As addressed previously, the International Monsanto Tribunal is dense and strong, particularly its steering committee, and capable of framing debates and setting transnational agenda.

The International Monsanto Tribunal fits well both frameworks set out in this paper. Even though the campaign lack accountability politics, it can still be

effective since advocacy can combine the different strategies as and when they will. What matters is that the campaign institutionalized a policy-coordination mechanisms and influences in environmental politics

Conclusions

This paper provides a theoretically grounded empirical analysis of the process of institutionalization that establishes a private mechanism of global environmental governance. Civil society multiplies the channels of influence in decision-making processes. This influence however, does not occur due to coercive power, rather transnational mechanisms of governance are based on persuasion efforts of transnational networks translated in the campaigns. This paper investigated these efforts guided by a theoretical framework embedded in transnationalism, which assumes a multi-level and polycentric web of governance with diverse authorities and mechanisms.

In this scenario, the International Monsanto Tribunal is an unprecedented campaign to establish a private international tribunal. The Tribunal combines strategies and initiatives to address flaws of the environmental regime without coercive power. Since the campaign is still happening, this paper does not analyze the conditions of effectiveness of the campaign, rather it focuses on attributes of the transnational advocacy network and the tactics employed by them. I argue that the Tribunal fits the frameworks highlighted, suggesting that the campaign has good probability of impacting global environmental governance. However, I make space for future research to investigate the efforts and its relation to effectiveness of regime.

Certainly, there will be more discussion not only about the Monsanto Tribunal, but also about the role of civil society in governance matters. It is necessary to further our knowledge and question the possibility of effective and legitimate governance, accounting for an increasing number of actors and several institutional contexts. Lastly, this paper draws on political science scholarship, because this discipline recognizes that no matter how institutionalized rule systems may be, governance is not a constant concept. However, this subject also needs to be addressed by international law due to its implications for transnational legal processes. My hope is that this article provides valuable material about institution building to advance the matter into normative research and other holistic approaches.

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