Aarti Gupta’s forum article in this issue\(^1\) is a welcome intervention in current discussions of transparency in environmental governance. Transparency is often presumed to be a positive attribute of environmental governance—at all levels of decision-making—and the author subjects this presumption to a healthy degree of critical scrutiny. The focus of the article is of course on global environmental governance, where transparency norms inform a variety of regulatory mechanisms, encompassing both state-centred international regimes and novel forms of private governance. Gupta treats information disclosure as the most obvious governance manifestation of the transparency imperative, observing a growing uptake of environmental disclosure practices by countries, corporations and international organizations. At the heart of her article is an interrogation of two idealizing assumptions she identifies as justifying this shift to “governance-by-disclosure”—an assumption of due process and an assumption that information can empower. Her cogent analysis outlines both some of the unexamined conditions of the “transparency turn” and also some of its problematic, if unintended, consequences.

While appreciative of the critical intent animating Gupta’s article, in this (I hope) constructive response I argue that it does not go far enough in its questioning of the normative representation of transparency as governance-by-disclosure. The transparency turn is part of a growing embrace of information access norms in global governance, which is independent of environmentalist values and not always supportive of them. For example, multilateral trade and investment treaties, which prioritize transparency of market-relevant information for exporters and investors, typically weaken the regulatory autonomy of state parties with regards to environmental protection. Such tensions with (and within) “liberal environmentalism”—the dominant norm complex of international environmental governance\(^2\)—lay behind some of the limitations of trans-

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papercy identified by Gupta. At stake are different rationalizations of legitimate governance, each seeking institutional authority for favoured norms in a global political environment in which neoliberalism remains the most powerful ideology.³ In what follows I claim that an awareness of this broader political economy of competing governance norms is necessary to understand the diffusion and reception of mechanisms for disclosing environmental information.

Calls for more transparent global governance encompass multiple justifications, though there is usually the presumption that, in reducing the costs of political communication, new information and communications technologies are enabling a greater scrutiny of political and economic power-wielders.⁴ This empirical claim is by no means secure⁵ and any future analyses of global environmental disclosure measures—of the comparative kind envisaged by Gupta or as in-depth case studies—must factor in the digital divisions in social structures that exist both within and between countries. Methodological caution is needed: simply examining disclosure initiatives according to their own terms of reference may well miss their dependence on wider configurations of political and economic authority, which in turn shape information access entitlements and capabilities.

Transparency in governance is always relational: it is invoked to support other, more primary, social purposes and values. This normative embeddedness is acknowledged by arguably the foremost proponent of the transparency turn in global governance, Ann Florini, who defines transparency as “the degree to which information is available to outsiders that enables them to have informed voice in decisions and/or to assess the decisions made by insiders”⁶. As Gupta observes in her paper, transparency as a moral and political imperative is closely associated with the idea of accountability and inclusive governance. This is clear in those states that have developed right-to-know legislation, and it is noteworthy that some developing countries (e.g. India, South Africa) have been more ambitious than the older Western democracies in the scope of their information access entitlements. However, the linkage between transparency and democratic accountability is more problematic for global environmental governance where state sovereignty and high information costs present significant obstacles to those external individuals and groups seeking to hold domestic actors responsible for the production of transboundary environmental harm or risk.

Gupta correctly notes that the scholarly discussion on transparency in global environmental governance has tended to be restricted to what I would label functionalist concerns—the effectiveness and efficiency of international environmental regimes. Of course, this reflects the continuing strength (if no longer dominance) of liberal institutionalist approaches in research on global environmental governance, which at least implicitly buy into the core norms of a liberal

4. For example, Florini 2003.
international order—state sovereignty, trade liberalization, market-based resource allocation and strong private property rights—where regulatory interventions tend to be technocratic and reactive. Transparency is viewed as an essential condition for international environmental cooperation to overcome those barriers to collective action highlighted by rational choice theorists. Information disclosure measures allow states to distinguish cheaters from cooperators in multilateral negotiations and implementation. From this perspective, the procedural focus of international environmental disclosure measures highlighted by Gupta makes sense: institutionalizing obligations upon states to exchange information, notify, consult, seek consent and monitor helps sustain environmental cooperation among interdependent actors.

Gupta notes that this procedural turn of governance-by-disclosure includes, alongside mandatory regulation, the growing use of such voluntary instruments as product eco-labelling schemes and corporate social responsibility initiatives. Lumping these together with procedural duties on states glosses over the contested political advances and ideological break made by neoliberal notions of global environmental governance. Through the lens of rational choice analysis, the logic of collective action still applies—the governance challenge for disclosure measures is now to reduce imperfect information between “principals” (e.g. consumers, shareholders) and “agents” (e.g. suppliers, corporate managers), but with a view only to a more efficient allocation of environmental goods (real or symbolic) amongst private actors. The normative agenda here, often unexamined, is the scaling back of mandatory environmental regulation (nation-ally and internationally), the privatization of environmental resources, and the framing of information disclosure options in terms of individual lifestyle choices.

I concur with Gupta that the procedural turn in global governance holds the potential to enhance participation of citizens in environmental decision-making. The notion of empowerment through information has gained political traction, at least in part because the heavy reliance of regional and global environmental institutions on soft implementation mechanisms (e.g. non-confrontational compliance cultures, voluntary agreements). This heightens the governance significance of information use by civil society actors. To be sure, these procedural environmental entitlements also have increasing regulatory currency in international law—both public (e.g. the 1998 Aarhus Convention) and private (e.g. the marine oil pollution liability regime)—but they must be judged in relation to broader geopolitical trends. Like many other environmental governance scholars, Gupta accords an exemplar status to the Aarhus Convention. Yet its legal potential for empowering publics is diluted by deference to the judicial systems of member states, while its ambition to set new precedents for public involvement in treaty compliance has met strong objections from the US, dem-

onstrating how a non-party to an environmental convention can, nevertheless, exert powerful influence. Similarly, commentators have noted that the broad interpretation of information rights evident in the Aarhus Convention is out of step with an international information culture in which commercial confidentiality and national security requirements can routinely trump environmental information rights—e.g. Ireland’s failure at the Permanent Court of Arbitration to secure full access to environmental information relating to a UK nuclear fuel reprocessing plant located on the coast of the Irish Sea.10

Interestingly, though largely restricted to examining interactions between states, even rational choice theorists have begun to grasp the pervasive role of power in global governance, noting how more powerful actors can maintain influence through a wide repertoire of direct and indirect methods.11 Gupta makes reference to alternative constructivist perspectives to note, rightly in my view, that the scope of information empowerment and disempowerment is much more than the strategic use of information by states in a multi-player power game. Citing her own revealing research on the Cartagena Protocol on Biosafety, she acknowledges that disclosure-based governance arrangements can be skewed by particular problem framings and unequal distribution in the capacity to access, interpret and use information. Fellow researchers employing this sociological approach to analyze the impact of environmental information in global decision-making have uncovered the close interplay of science and politics.12

The sensitivity to stakeholder inclusion (i.e. meaningful collaboration with potential users of the targeted information) in the above perspective provides a more convincing (and respectful) space for civil society actors in information disclosure governance than rational choice frameworks—including liberal institutionalism. Indeed, this perspective has been adopted by information disclosure scholars in other fields.13 Again, however, it does not exhaust the necessary problematization of transparency norms in global environmental governance. Civil society actors campaigning for transparency in global environmental governance do so enabled by a variety of platforms—NGOs, activist networks, social movement coalitions—and for multiple, often competing, objectives. Claims of civil society organizations to speak for environmental victims or wider public interests are themselves claims to political legitimacy based on democratic norms. This begs the question of political representation: for whom is transparency intended? And by which standards of accountability are disclosure-based governance mechanisms to be judged?

Additional interrogation is therefore needed, I think, of how the authors and addressees of information disclosure are constituted. Rather than treating individuals and groups as pre-given actors—as policymakers, scientists, civil so-

13. For example, Fung at el. 2007, 151–69.
ciety actors, etc.—there is an important sense in which information production and dissemination shapes particular subjectivities, including environmental subjects: how information disclosure, in other words, supports particular ecological rationalities and identities, which may be in favour or opposed to regulatory goals. A core ideological function of neoliberalism, of course, is to propagate materialist subjectivities (e.g. identities of conspicuous consumption) that appear as natural, but which routinely undermine or co-opt radical ecological positions. Similarly, neoliberal subjectivities of environmental responsibility favour information disclosure insofar as it reinforces market-oriented norms of individual responsibility: empowerment is through effective self-management of lifestyle choices—e.g. through carbon dieting and offsetting.

None of the above discussion implies that Aarti Gupta’s core argument—that the transparency turn in global environmental governance warrants rigorous analytical and normative scrutiny—is misplaced. On the contrary, her suggestive piece has sparked all sorts of thoughts of which this reply is an incomplete articulation. Furthermore, my own research interests in the subjects and norms of environmental responsibility also shape this reply. But I think the general point holds: any analytic examination of disclosure measures in global environmental governance that fails to grasp the broader politico-economic context of transparency practices and norms is likely to lose sight of the regimes of power in play. As seekers of truth about global environmental politics, it would be ironic if our own representation of transparency were opaque: fortunately, Gupta’s contribution has shown academic researchers a starting-point for avoiding such an eventuality.

References


