



Project no. CIT1-CT-2004-506392

NEWGOV **New Modes of Governance**

Integrated Project
Priority 7 – Citizens and Governance in the Knowledge-based Society

New Modes of Governance in the EU- Student Seminar
reference number: 14/D03

Due date of deliverable: September 2005
Actual submission date: 23 September 2005

Start date of project: 1 September 2004

Duration: 48 months

Organisation name of lead contractor for this deliverable:

Feie Universität Berlin, Charalampos Koutalakis in cooperation with Tanja Börzel

Project co-funded by the European Commission within the Sixth Framework Programme (2002-2006)		
Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	

Summary

The seminar was organised on a regular weekly basis during the period 11 April – 11 July 2005. It was incorporated to the curriculum of European Studies of the Otto-Suhr Institute for Political Science, Free University Berlin and co-organised by the project leader and Prof. Tanja Börzel (leader of Cluster 3 – Effectiveness, Capacity and Legitimacy and of the project COPA, project no. 12). In this seminar students were asked to focus on theoretical and methodological issues related to the study of new governance modes in the EU. The seminar attracted a total number of 25 students; this group comprised essentially students at the last semesters of their studies with an active interest at elaborating their final dissertation leading to their Diploma on a theme related to the emergence, application, effectiveness, efficiency and/or legitimacy of new modes of governance in the EU and the member states.

The organisation of the seminar was mutually beneficial both for the organisers and the students. It provided to the leaders of SEEIRA and COPA the opportunity to systematically organise and present the wide literature on old and new modes of governance and assisted our theoretical investigation on the elements and characteristics that distinguish the two. It provided the basis for a systematic and thorough investigation of the factors that foster or impede the emergence of new modes of government in different institutional settings (EU and its member states) as well as their alleged degree of effectiveness, efficiency and legitimacy *vis-à-vis* more traditional hierarchical modes of coordination.

Contents

1. INTRODUCTION.....	3
2. SUBJECT OF THE SEMINAR.....	3
3. CONCLUSIONS AND RELEVANCE FOR THE PROJECT.....	4
4. SEMINAR OUTLINE	4
4.1 BASIC READINGS.....	4
4.2 SEMINAR REQUIREMENTS	4
4.3 PROGRAMME	5

1. Introduction

The seminar was organised on a regular weekly basis every Monday 16:00 – 20:00 covering the period 11 April – 11 July 2005. It was incorporated to the curriculum of European Studies of the Otto-Suhr Institute for Political Science, Free University Berlin and co-organised by the project leader and Prof. Tanja Börzel (leader of Cluster 3 – Effectiveness, Capacity and Legitimacy and of the project COPA, project no. 12). The main idea was to organise two courses, one focusing on the various theoretical and methodological approaches found in the literature on European governance and new modes of governance (that is the present student seminar, summer semester 2005), followed by an empirically oriented seminar to be organised on the subsequent semester (winter 2005-2006). In the first seminar students were asked to focus on theoretical and methodological issues related to the study of new governance modes in the EU. It comprised several short assignments (3 short papers each summarising a part of the literature listed below, active class participation and a written essay 8-100 words. These assignments were oriented towards the elaboration of a research design in order to stimulate novel original preliminary research by our students in the second more empirically oriented part of the seminar. The seminar attracted a total number of 25 students of political science at the Otto-Suhr Institute for Political Science. This group comprised essentially students at the last semesters of their studies with an active interest at elaborating their final dissertation leading to their Diploma on a theme related to the emergence, application, effectiveness, efficiency and/or legitimacy of new modes of governance in the EU and the member states.

2. Subject of the Seminar

In recent years much of the debate over efficiency and effectiveness of EU public policies concentrates on the merits of ‘new modes of governance’ (NMG). New modes of governance represent an alternative to traditional hierarchical command-and-control regulatory approaches (i.e., ‘hard law’). They are expected to be politically more efficient and more effective since they facilitate the inclusion of “non-state actors, such as firms, private interest groups, or nongovernmental organizations (NGOs) in governance arrangements and they put an emphasis on non-hierarchical modes of steering that minimize resistance of decision makers and implementing actors as regulatory adjustment costs remain low. These modes of governance cover a wide range of different policy processes such as the open method of coordination, voluntary accords, standard setting, regulatory networks, regulatory agencies, regulation ‘through information’, benchmarking and peer review.

The seminar was divided into three sections. Section 1 attempted to identify the fundamental characteristics of new modes of governance in relation to more traditional notions of government based on hierarchical relationships between public actors, governance and the market that is spontaneous coordination between private actors. It identified the fundamental elements that characterised novel modes of governance without government in relation to the actors participating, structures, policy instruments and emerging modes of coordination). A second part focused on the distinctive characteristics of governance in the EU and identified the potential factors that contribute to the emergence of modes of non-hierarchical steering with the participation of various categories of private actors (for profit and/or not-for-profit). Finally section 3 focuses on specific cases of non-hierarchical steering modes in various EU policy areas such as the open method of coordination in EU economic and social policies, new policy instruments in environmental policies, the delegation of regulatory competences in non-majoritarian institutions (independent regulatory agencies and regulatory networks), the inclusion of non-state actors in partnership arrangements during the EU pre-accession negotiations with the CEECs and the external relations of the EU.

3. Conclusions and relevance for the project

The organisation of the seminar was mutually beneficial both for the organisers and the students of the Otto-Suhr Institute for Political Science of the Free University of Berlin. It provided to the leaders of SEEIRA and COPA the opportunity to systematically organise and present the wide literature on old and new modes of governance and assisted our theoretical investigation on the elements and characteristics that distinguish the two. It provided the basis for a systematic and thorough investigation of the factors that foster or impede the emergence of new modes of government in different institutional settings (EU and its member states) as well as their alleged degree of effectiveness, efficiency and legitimacy *vis-à-vis* more traditional hierarchical modes of coordination. Moreover, it facilitated further preliminary research by our students on the emergence, effectiveness and legitimacy of new modes of governance in policy areas not covered by SEEIRA and COPA (health, external relations of the EU). Teaching material is publicly available for the academic community and policy practitioners, apart from the NEWGOV project web site also at the institutional and personal websites (www.fu-berlin.de/europa and <http://www.polwiss.fu-berlin.de/projekte/koutalakis/>).

4. Seminar Outline

4.1 Basic Readings

Héritier, Adrienne (2003), 'New Modes of Governance in Europe: Increasing political efficiency and policy effectiveness', in: Börzel, Tanja A./Cichowski, Rachel (eds.), *The State of the European Union, 6 – Law, Politics, and Society*, Oxford: Oxford University Press, pp. 199-243.

Jachtenfuchs, Markus (2001), 'The Governance Approach to European Integration', in: *Journal of Common Market Studies* 39(2), pp. 245-264.

Kohler-Koch, Beate/Eising, Rainer (eds.) (1999), *The Transformation of Governance in the European Union*, London/New York: Routledge.

Risse, Thomas (2004), 'Global Governance and Communicative Action', in: *Government and Opposition* 39(2), pp. 288-313.

4.2 Seminar Requirements

- active class participation (oral quizzes, discussion) **20%**
- several class assignments (2-3 pages each), **30%**
- seminar paper (8.000-10.000 words) to be submitted till October 17, 2005 **50%**

4.3 Programme

I Governance without Government

11.4. *New and Old Modes of Governance*

Introduction and seminar organization

18.4. *Governance between Hierarchy, Market and Networks*

Required Readings

- Powell, W.W. (1990) 'Neither Market Nor Hierarchy: Network Forms of Organization'. *Research in Organizational Behavior*, Vol., No. (12), pp. 295-336.
- Streeck, W. and Schmitter, P.C. (1984) 'Community, Market, State - and Associations? The Prospective Contribution of Interest Governance to Social Order'. In W. Streeck and P. Schmitter (eds.) *Private Interest Government. Beyond Market and State*, London et al.: Sage, 1-29.
- Mayntz, R. (1995) 'Politische Steuerung: Aufstieg, Niedergang und Transformation einer Theorie'. In K. von Beyme und C. Offe (Hrsg.), *Politische Theorien in der Ära der Transformation. PVS Sonderheft 26*, Opladen: Westdeutscher Verlag, 148-168.

25.4. *New Modes of Governance: Governance without Government*

Required Readings

- Rhodes, M. (1996) 'The New Governance: Governing without Government'. *Political Studies*, 44 Vol., No. (4), pp. 652-67.
- Czempiel, E.-O. and Rosenau, J.N. (eds.) (1992) *Governance Without Government: Order and Change in World Politics* (Cambridge: Cambridge University Press): 1-29.
- Jachtenfuchs, M. (2003) 'Regieren jenseits der Staatlichkeit.' In G. Hellmann, K.D. Wolf and M. Zürn (eds.), *Die neuen internationalen Beziehungen* (Baden-Baden: Nomos), pp. 495-518.
- Mayntz, R. (1998) 'New Challenges to Governance Theory'. *Jean Monnet Chair Paper Series*, European University Institute, Florence Vol., No. (RSC 98/50).

02.5. *Governance within the State: Governing Modern Societies*

Required Readings

- Mayntz, R. (1997) *Soziale Dynamik und politische Steuerung. Theoretische und methodologische Überlegungen* (Frankfurt und New York: Campus), 186-208.
- Börzel, T.A. (1998) 'Organising Babylon. On the Different Conceptions of Policy Networks'. *Public Administration*, 76 Vol., No. (2), pp. 253-73

- Voigt, R. (1995) 'Der kooperative Staat: Krisenbewältigung durch Verhandlung?' In R. Voigt (ed.), *Der kooperative Staat* (Baden-Baden: Nomos), pp. 33-92.
- Lehmbruch, G. (1996) 'Der Beitrag der Korporatismusforschung zur Entwicklung der Steuerungstheorie'. *Politische Vierteljahresschrift*, 37 Vol., No. (4), pp. 735-51.
- Linder, S.H. and Rosenau Vaillancourt, P. (2000) 'Mapping the Terrain of the Public-Private Policy Partnership.' In P. Rosenau Vaillancourt (ed.), *Public-Private Policy Partnerships* (Cambridge MASS: MIT Press), pp. 1-18.

9.5. *Governance Beyond the State: Of, With and Without Government*

Required Readings

- Simmons, B.A. and Martin, L.L. (2002) 'International Organizations and Institutions.' In W. Carlsnaes, T. Risse and B.A. Simmons (eds.), *Handbook of International Relations* (London et al.: Sage), pp. 192-211.
- Börzel, T.A. and Risse, T. (forthcoming) 'Public-Private Partnerships: Effective and Legitimate Tools for International Governance?' In E. Grande and L. Pauly (eds.), *Complex Sovereignty: On the Reconstitution of Political Authority in the 21st Century*, pp.
- Cutler, C.A., Haufler, V. and Porter, T. (eds.) (1999) *Private Authority and International Affairs* (Albany: State University of New York)
- Wolf, K.-D. (2000) *Die neue Staatsräson - Zwischenstaatliche Kooperation als Demokratieproblem in der Weltgesellschaft* (Baden-Baden: Nomos), 62-99.

16.5. *European Governance: New and Different?*

Required Readings

- Jachtenfuchs, M. (2001) 'The Governance Approach to European Integration'. *Journal of Common Market Studies*, Vol. 39, No. 2, pp. 245-264.
- Hix, S. (1998) 'The Study of the European Union II: The 'New Governance' Agenda and its Rival'. *Journal of European Public Policy*, Vol 5, No. 1, pp. 38-65.
- Kohler-Koch, B. (1999) 'The Evolution and Transformation of European Governance.' In B. Kohler-Koch and R. Eising (eds.), *The Transformation of Governance in the European Union* (London: Routledge), pp. 14-35.
- Eberlein, B. and Kerwer, D. (2004) 'New Governance in the European Union: A Theoretical Perspective'. *Journal of Common Market Studies*, 42 Vol., No. (1), pp. 121-42.
- Héritier, A. (2003) 'New Modes of Governance in Europe: Increasing Political Capacity and Policy Effectiveness?' in T.A. Börzel and R. Cichowski (eds), *The State of the European Union, 6 - Law, Politics, and Society*, Oxford: Oxford University Press, pp. 105-26.
- Scott, J. and D. Trubek (2002) 'Mind the Gap: Law and New Approaches to Governance in the European Union'. *European Law Journal*, Vol 8, No. 1, pp. 1-18.

- Börzel, T. (2005) 'European Governance – nicht neu, aber anders'. In F. Schuppert (ed.), *Governance Forschung - Vergewisserung über Stand und Entwicklungslinien* (Baden-Baden: Nomos), pp. 72-94.

23.5. *Experimental Governance in the EU: Deliberative Supranationalism*

Required Readings

- Joerges, C. and Neyer, J. (1997) 'Transforming Strategic Interaction into Deliberative Problem-Solving. European Comitology in the Food Stuff Sector', *Journal of European Public Policy* 4 (4): 609-24.
- Cohen, J. and Sabel, C. (1997) 'Directly-Deliberative Polyarchie', *European Law Journal* 3 (4): 313-42.
- Joerges, C. (2001) 'Deliberative Supranationalism' - A Defense', *European Integration Online Papers (EioP)* 5 (8).
- Kleinert, M. and Risse, T. (2004) 'Arguing and Bargaining in the European Convention', *unpublished manuscript*.

30.5. *Delegation to Non-Majoritarian Institutions: European Agencies*

Required Readings

- Majone, G. (2002) 'Functional Interests: European Agencies.' In J. Peterson and M. Shackleton (eds.), *The Institutions of the European Union* (Oxford: Oxford University Press), pp. 299-325.
- Majone, G. (1997). "The new European agencies: regulation by information." *Journal of European Public Policy* 4(2): 262-75.
- Thatcher, M. (2002). "Delegation to Independent Regulatory Agencies: Pressures, Functions and Contextual Mediation." *West European Politics* 25(1): 125-148.
- Thatcher, M. and A. S. Sweet (2002). "Theory and Practice of Delegation to Non-Majoritarian Institutions." *West European Politics* 25(1): 1-23.
- Kelemen, R. D. (2002). "The Politics of 'Eurocratic' Structure and the New European Agencies." *West European Politics* 25(4): 93-118.
- Kreher, A. (1997). "Agencies in the European Community - a step towards administrative integration in Europe." *Journal of European Public Policy* 4(2): 225-45.

6.6. *Governing the Market I: The OMC in EU Economic Policy and Social Policies*

Required Readings

- Hodson, D. and I. Maher (2001) 'The Open Method of Coordination as a New Mode of Governance: The Case of Soft Economic Policy Coordination'. *Journal of Common Market Studies*, 39 Vol., No. (4), pp. 231-48.
- Wessels, W. and I. Linsenmann (2002). EMU's Impact on National Institutions: Fusions towards a Gouvernace Economique or Fragmentation? *European States and the Euro*. K. Dyson. Oxford, OUP: 53-77.

- Trubek, D. and J. Mosher (2001) 'New Governance, EU Employment Policy, and the European Social Model', Harvard Law School, Jean Monnet Working Paper 6/01
- Armstrong, K.A. (2003) 'Tackling Social Exclusion Through OMC: Reshaping the Boundaries of EU Governance', in T.A. Börzel and R. Cichowski (eds), *The State of the European Union, Vo. VI: Law, Politics and Society*, Oxford: Oxford University Press, pp.
- Ferrera, M., M. Matsaganis, et al. (2002). "Open coordination against poverty: the new EU social inclusion process." *Journal of European Social Policy* **12/13**: 227-240.
- De la Porte, C. and Nanz, P. (2004) ,The OMC – a deliberative-democratic mode of governance? The cases of employment and pensions

20.6. *Governing the Market II: Exporting the OMC to other EU policy areas*

Required Readings

- Radaelli, C. M. (2003). *The Open Method of Coordination: A new governance architecture for the European Union*. Stockholm, Swedish Institute for European Policy Studies: 1-65.
- Kaiser, R. and H. Prange (2004). "Managing diversity in a system of multi-level governance: the open method of co-ordination in innovation policy." *Journal of European Public Policy* **11**(2): 249-266.
- Borrás, S. and B. Greve (2004). "Concluding Remarks: New method or just cheap talk?" *Journal of European Public Policy* **11**(2): 329-336.
- Borrás, S. and K. Jacobsson (2004). "The open method of co-ordination and new governance patterns in the EU." *Journal of European Public Policy* **11**(2): 185-208.
- de la Porte, C. (2002). "Is the Open Method of Coordination Appropriate for Organising Activities at European Level in Sensitive Policy Areas?" *European Law Journal* **8**(1): 38-58.
- Caviedes, A. (2004). "The open method of co-ordination in immigration policy: a tool for prying open Fortress Europe." *Journal of European Public Policy* **11**(2): 289-310.

13.6. *Governing the Market III: New Policy Instruments in Environmental Policies*

Required Readings

- Jordan, A., Wurzel, R., Zito, A., L. Breuckner (2003) , *European Governance and the Transfer of 'New' Environmental Policy Instruments*, *Public Administration*, 81 (3), pp. 555-574.
- Rittberger, B. and Richardson, J. (2003) *Old wine in new bottles? The Commission and the use of environmental policy instruments*, *Public Administration*, 81 (3), pp. 575-606.
- Bailey, I., 2003, *New Environmental Policy Instruments in the European Union*, (Aldershot: Ashgate), pp. 41-56.
- Lenschow, A. (2002) 'New Regulatory Approaches in Greening EU Policies', *European Law Journal*, Vol. 8 (1), pp. 19-37.

27.6. *Governing Enlargement: (Non)Hierarchical Steering?*Required Readings

- Schimmelfennig, F. and Sedelmeier, U. (2002) 'Theorizing EU Enlargement: Research Focus, Hypotheses and the state of research', *Journal of European Public Policy* 9 (4): 500-28.
- Grabbe, H. (2001) 'A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants', *EUI Working Paper* 99/12 (European University Institute).
- Prange, H. and Koutalakis, C., 'Smoothing' Eastern Enlargement through New Modes of Governance ?, *forthcoming* in Gunnar Folke Schuppert (ed.) *Europeanization of Governance – The Challenge of Accession*" (Nomos-Verlag: Baden-Baden Schriften zur Governance-Forschung).

04.7. *Governance beyond the EU: Exporting Democracy and Stability*Required Readings

- Petiteville, F. (2003) 'Exporting 'Values'? EU External Cooperation as a 'Soft Diplomacy', in M. Knodt and S. Princen (Hrsg.), *Understanding the European Union's External Relations*, London/New York: Routledge, pp. 127-41.
- Smith, K. (2004) 'Still Civilian Power EU?' paper presented at the CIDEL Workshop "From Civilian to Military Power: The European Union at a Crossroad?", Oslo, 22-23 October 2004, www.arena.uio.no/cidel/WorkshopOsloSecurity/OsloProgramme.htm
- Börzel, T.A. and Risse, T. (2004) 'One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy, and the Rule of Law', *paper presented for the Workshop on Democracy Promotion organized by the Center for Development, Democracy, and the Rule of Law, Stanford University, October 4-5, 2004.*
- Beck, D. and Conzelmann, T. (2004) 'Zwischen Sanktionierung und Dialog: Die Durchsetzung von Good Governance in der Entwicklungspartnerschaft von EU und AKP', in F.U. Pappi, E. Riedel and R. Vaubel (eds), *Institutionalisierung internationaler Verhandlungssysteme*, Frankfurt a/M: Campus, pp. 321-52.

11.7. *Final Discussion and Feed Back*