

# Understanding governance and networks: EU–US interactions and the regulation of genetically modified organisms

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## Abstract

EU–US (European Union–United States) interactions in relation to the regulation of genetically modified organisms (GMOs) have been examined in detail in recent years. To do this scholars have tended to focus on a small number of high profile processes, such as the formal complaint of the US to the World Trade Organisation regarding the regulation of GMOs in the Europe. It is important to analyse developments of this kind but overemphasis on them has also led to a distorted view of the case and a failure to appreciate the significance of other, less visible, types of interaction. In this paper we focus instead on trying to understand the roles played by various EU–US transnational networks—The Transatlantic Business Dialogue, The Transatlantic Economic Partnership, The Transatlantic Consumer Dialogue, The Transatlantic Environmental Dialogue and the EU–US Consultative Forum on Biotechnology. These networks have been trying to shape the regulation of GMOs in both jurisdictions since the mid 1990s. By analysing them through a ‘governance lens’ we find that we can better understand EU–US interactions and the dynamics and influences around the regulation of GMOs. This gives us valuable insights into processes of contemporary governance.

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## 1. Introduction

EU–US (European Union–United States) interactions in relation to the regulation of GMOs (genetically modified organisms) have been analysed in detail in recent years. High profile political and economic processes, often also being reported in the popular press, have attracted the most attention. For example, [Buttel \(2000\)](#) commented as follows after agreement was reached on the United Nations (Cartegena) Protocol on Biosafety:

In all likelihood it will be the case a decade or so hence that observers will look back to the passage of the “Cartegena Protocol” as being one of the most critical forks in the road with respect to the course taken by the globalization regime and with respect to the commercialization of agricultural biotechnology products. ([Buttel, 2000, p. 16](#))

He was moved to make this claim in part because the Protocol appears to support the EU’s approach to regulating GMOs in opposition to that being implemented by the US. More recently commentators have been focussing on developments at the World Trade Organisation, particularly following the formal complaint of the US against the EU in May 2003.

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Analysis of such developments is important, but focussing too much on them has produced a distorted view of EU–US interactions around GMOs. The roles played by transatlantic networks of various kinds are perhaps the most important aspect of EU–US interactions that current research fails to appreciate. They are less visible than the high profile processes and clashes mentioned above. Nevertheless, any account of EU–US interactions in relation to GMOs is incomplete if these networks are not discussed because they have been attempting to shape the regulation of GMOs in both jurisdictions since the mid-1990s. In an effort to address this problem the empirical sections of this paper describe the activities of five transatlantic networks in this area—The Transatlantic Business Dialogue (TABD), The Transatlantic Economic Partnership (TEP), the Transatlantic Consumer Dialogue (TACD), The Transatlantic Environmental Dialogue (TAED) and the EU–US Consultative Forum on Biotechnology (The Forum).

Understanding the roles played by networks of this kind in policy-making is difficult. In this paper we find that a governance ‘lens’ is a useful starting point. The governance literature is particularly helpful in situations where no single authority, particularly government, is able to impose an outcome on others. Policy making under such circumstances differs from that which takes place within countries. Valuable ways of understanding and explaining the involvement of non-state actors in policy making are also found in the governance literature. In the theoretical discussion that follows, and in the analysis in the latter part of the paper, we use a number of specific concepts from the governance literature, including ‘norm-setting’, ‘framing’, ‘steering’, ‘transnational advocacy networks’ and ‘meta-governance’.

## 2. A governance approach to policy analysis

### 2.1. *What is governance?*

A useful starting point in any discussion of governance is to recognise that the debate has two distinct aspects—‘governance as purposive activity’ and ‘governance as an explanatory framework’. Pierre (2000, p. 3) outlines the ‘dual meaning’ of governance, when he argues:

...on the one hand it refers to the empirical manifestations of state adaptation to its external environment as it emerges in the late twentieth century. On the other hand, governance also denotes a conceptual or theoretical representation of co-ordination of social systems and, for the most part, the role of the state in that process.

In this paper we are concerned with governance in both senses.

A central concern of governance is the difference between coercion and influence. This can be related to the distinction between government and governance. As ideas, both government and governance include goal-oriented behaviour and purposive systems of rule. However, as Czempiel (1992, p. 250) points out, ultimately governments can rule by coercion whereas governance involves power in the form of influence: “governance is how actors get things done without legal competence to command...” Or, alternatively, as Kooiman (1993, p. 2) states, governance includes “all those activities of social, political and administrative actors that can be seen as purposeful efforts to guide, steer, control or manage societies”.

Therefore, “governance is a more encompassing phenomenon than government” (Rosenau, 1992, pp. 4–5). While citizens might not accept the rules of their governments, they will typically comply with these rules out of fear of force and coercion. In contrast, governance is only effective as a system of rule if the majority accepts it. Where a government may still be able to function in the face of widespread opposition to its actions, it is argued that governance is sustained by shared goals that may or may not be derived from formally prescribed responsibilities (Rosenau, 1992, p. 5). From this perspective, and in the absence of a global government, the international system is a system of governance, where shared goals of state and non-state actors become increasingly important (Rosenau, 1992, pp. 3–6). Indeed the idea of governance is perhaps applied least problematically at the international level because governments have always been involved in governance type activities and as a result the government-governance boundary is somewhat blurred at the domestic level.

The emphasis on influence rather than coercion in the governance approach draws attention to the importance of networks, coalitions or alliances of a diverse range of actors.<sup>1</sup> These play a central role in efforts to influence others. Increased communication and information sharing are common elements of networks but there are additional—‘value-added’—aspects that result from sharing resources and decreasing costs through specialisation. These value-added aspects of networks help to explain why groups join them. Huxham (1996, p. 141) describes this in the following statement:

...something usually creative is produced – perhaps an objective is met – that no organisation could have produced on its own and that each organisation, through the collaboration, is able

<sup>1</sup> In this paper we refer in general terms to networks and include coalitions and alliances in this category. Others have defined these more specifically as different things. However, where differences between different types of networks are important, these have been pointed out in the text.

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