

Gianluca Sgueo

Beyond Networks - Interlocutory Coalitions, the European and Global Legal Orders

Foreword by
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*This book is dedicated to Maya and Bianca,
through whose eyes I see the future.*

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All views expressed in this book are made at the sole responsibility of the author.

Foreword

What Role – If Any – For Civil Society Coalitions in Supranational Governance?

Policymaking has traditionally been tackled from the top down, that is to say, from the perspective of regulators, be they bureaucrats, officials, or politicians rather than from the perspective of the regulatees, such as citizens, businesses, and consumers. Before the last two decades, the debate about the virtues of participatory democracy, and in particular stakeholder engagement in government decision-making, was predominantly academic.¹ Today, amid contemporary challenges of representative democracies, such as civic disaffection and increased distrust of political parties, an increasing number of countries as well as international organisations are progressively recognizing the importance of public engagement in policymaking.² Participatory policymaking is sought at both domestic (municipal, local, national) and international (bilateral, plurilateral and multilateral) level. Yet in parallel to the multiplication of participatory opportunities the question arises as to whether citizens' and civil society organisations' greater involvement in both domestic and supranational policy-making is enhancing or weakening democracy.

While the immediate answer appears clear and undisputable – as governments as well as international organisations must be responsive and accountable to citizens –, an engaged civil society poses several well-known yet unsolved challenges to the democratic process: that of accountability (who are civil society organizations accountable to?), efficiency (what if the interests represented are too many to handle?), capacity (how can they keep up with all participatory opportunities?), and that of democratic deficit (how representative can they be?). As envisioned in *tempore*

¹ See, e.g., J. Dryzek, *Deliberative Democracy and Beyond: liberals, critics, contestations* (Oxford, OUP, 2000).

² A. Alemanno, *Stakeholder Engagement in Regulatory Policy*, in OECD, *Regulatory Policy Outlook*, OECD Publishing, 2015.

non suspecto by Ralf Dahrendorf,³ all these challenges do not only persist but are also heightened when civil society actors operate transnationally. More critically, the commercialization of advocacy through astroturfs, i.e. fake grassroots efforts encouraged by the industry, and other forms of ‘subsidized public’ further complicate those challenges today.⁴

Gianluca Sgueo, in *Beyond Networks*, critically dissects and systematizes such a debate by providing an insightful, well-researched and elegantly written account of the democratic potential carried out by coalitions of civil society actors.

And he does so in a timely manner. Amid the negotiations of a new generation of trade agreements, such as the Transatlantic Trade and Investment Partnership (TTIP) and the Transpacific Partnership (TPP), the number of transnational systems of regulation and regulatory cooperation mechanisms is set to increase. Given the wider scope of policy areas covered by these new transnational regimes and cooperation mechanisms and their rather intrusive approach to domestic regulatory autonomy,⁵ the interests at stake will not only be broader than in the past but also of constitutional significance, affecting third party States, private companies, civil society organizations as well as individual citizens. As a result, the overall inclusiveness of transnational regulatory policymaking is set to expand and translate into new participatory channels. According to such a transformative dynamic, the various principles of administrative law governing both domestic and transnational policymaking will continue to develop and transform – in a continuous and puzzling process of learning, borrowing, cross-referencing and cognitive influence.

Beyond networks provides a significant and original contribution to our understanding of such an ongoing globalization of administrative law by further unpacking its underlying dynamics. In building upon and contributing to the existing global administrative law literature, this book innovates it from at least three different perspectives.

First, rather than focusing on the interactions *between* domestic and supranational legal systems, along the typically vertical top-down and bottom-up perspectives, this book looks instead at the horizontal interactions between administrative rules *across* supranational systems. In particular, it chooses as its privileged area of investigation the linkages between European administrative law, notably the broader and more conceptualized European Administrative Space, and the administrative principles of law pertaining to other supranational regulatory regimes and regulators (generally referred as Global Administrative Law), such as the World Bank, the World Trade Organization, the United Nations, the Organization for Economic

³ See R. Dahrendorf, *The Third Way and Liberty: An Authoritarian Streak in Europe’s New Center*, *Foreign Affairs*, 16 (1999).

⁴ E.T. Walker, *Grassroots for Hire*, Public Affairs Consultants in American Democracy, CUP 2014.

⁵ The TTIP for instances ranges from general provisions in trade in goods and services to more specific chapters on public procurement, rules of origin, technical barriers to trade, food safety and animal and plant health, chemicals, cosmetics, information and communication technology, pharmaceuticals, energy and raw minerals, intellectual property, etc. For a complete list, see <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>

Cooperation and Development, the Asian Development Bank and the Council of Europe. In discussing how administrative rules, mechanisms and practices converge, diverge and give rise to mutual learning, this volume considers all relevant legal formants, including the case of law produced by several international courts.

Second, while conventional global administrative law archetypally focuses on the nature and action of institutional players and informal networks of institutional actors, this volume extends its focus to non-state actors, notably to civil society organisations. With a turnover averaging 5% of the Gross Domestic Product (GDP) in the majority of Western democracies, civil society organisations are understood and discussed as one of the central ‘mechanisms supporting the interactions between supranational legal regimes’. Their multifaceted action in shaping transnational administrative regimes defines the scope of the book. But there is more.

Third, the volume does not look at *all* civil society organizations – and at their collective contribution in shaping administrative principles as originally conceptualised by Archon Fung⁶ – but focuses instead on coalitions made of those organizations when acting transnationally. It examines them as a ‘distinct actor in the supranational arena’. While the existing literature has considered transnational networks composed of inter alia non-state actors, the novelty of this book is to focus on coalitions and networks *exclusively* made of civil society organisations. In the author’s view, those can be made of non-governmental organizations, think tanks, foundations, universities as well as individuals and include entities as diverse as the Alliance for Lobbying Transparency and Ethics Regulation (ALTER), a Brussels-based organization of civil society actors, the Asian Development Bank, the Transatlantic Consumer Dialogue, a EU-sponsored platform gathering EU and US consumer groups, or Avaaz, the not-for-profit petition platform enabling the emergence of ad hoc “virtual web” of citizens that tie together to support a cause through an online-petitioning platform.

While networks are nothing new, not even when they are formed among non-state actors, their connections, activities and impacts are unprecedented. This appears all the more true when one considers their defining features: the supranational vocation of their action, the public-private nature of their funding, and their deliberative capability. But there is more to make coalitions worth scrutinizing. To borrow from Jeremy Heimans and Henry Timms’ most influential theorization, non-state actors increasingly embody a ‘new power’.⁷ When contrasted to the ‘old power’, the new one is open and accessible (as opposed to being closed), participatory (as opposed to being jealously guarded), peer-driven (as opposed to be held by a few) and often network-based. As such, civil society coalitions do call for – and do justify – some dedicated academic attention, closer inspection and a new, individual theorization.

⁶A. Fung, *Associations and Democracy: Between Theories, Hopes, and Realities*, 29 *Annual Review of Sociology*, 515 (2003).

⁷J. Heimans and H. Timms, *Understanding New Power*, *Harvard Business Review*, December (2014).

Once established a case for studying coalitions of civil society organization through the lens of Global Administrative Law, the book eventually unveils its underlying research question. This volume specifically attempts to explain *how* civil society networks – which are studied within the broader notion of Global Civil Society (GSC) – drive the development of principles of democratic value at the supranational level. It does so within the broader debate about new modes of global governance and in particular that of experimentalist governance. It proceeds to theorize an autonomous organization network model within GSC: the so-called ‘interlocutory coalitions’. Those coalitions are typically made of diverse category of entities whose major – sometimes solely – common feature is the cross-border pursuit of a common cause. In order to build an original and valuable taxonomy of civil society networks, interlocutory coalitions must be contrasted to other forms of networks, including social networks, trans-governmental committees, think tanks, Parallel Summits and QUANGOs. After reconstructing their respective composition, membership, rules of governance and legal status, the book delves into interlocutory coalitions’ decision-making. How do coalitions presenting high degree of variation when it comes to their mission, governance, funding and membership coalesce around one common cause? How do they come to existence and get along? How can such coalitions speak with one voice when representing and advocating their common position in front of the relevant international organizations? What kind of techniques and deliberative mechanisms are used to attain a common position and then convey it to the outside world?

There is one single explanation capable of addressing these multiple questions. This must be found in the inherent mission of any coalition, that of mediating. Mediation can be defined as a multi-level and multi-directional activity involving on the one hand the bargaining between the positions of participants (internal mediation), and on the other the negotiations with domestic and transnational regulators (external mediation).

It is against this conceptual understanding of civil society coalitions that this book explores and discusses their democratic potential in supranational governance. In particular, it discusses whether and how interlocutory coalitions may encourage the spreading of principles of administrative governance related in particular with participatory democracy across the European and global levels.

The claim, which is consistently argued along the book and finds support in the existing literature, is that while transnational activism from single civil society’s actors fails to promote transnational democracy, the activism promoted by supranational coalitions of civil society actors opens up possibilities for more democratic supranational governance.

While this thesis is plausibly substantiated along the volume and corroborated by existing literature,⁸ it remains unclear to whom this outcome must be ascribed to. In other words, is the resulting democratization the single civil society’s actors fault or their coalitions’ merit?

⁸See, e.g., B. Wejnert, *Diffusion of Democracy. The Past and Future of Global Democracy*, Cambridge (2014).

As hinted by the author, due to their analogous explanatory power, these two solutions are far from being mutually exclusive. On the one hand, competing interests, actual fragmentation, participatory overkill, weak accountability and limited legitimacy diminish the capability of single civil society's actors to democratize the supranational legal order. On the other, their common *raison-d'être*, non-exclusive and selective memberships as well as deliberative capability render interlocutory coalitions particularly well positioned to democratize transnational governance. In particular, the democratizing potential of the latter in supranational policymaking would emerge from the win-win encounters between supranational regulators and civil society. While the former finds in coalitions efficient, legitimate and accountable avenues when discharging their regulatory duties, the latter discovers in supranational actors an opportunity to participate in, and shape, the construction of supranational governance. Although instrumental and often utilitarian, the relationship between civil society coalitions and regulators is set to consolidate over time.

In the words of the author,

At a time in which regulation increasingly concerns objects and situations whose heterogeneity and complexity escapes the cognitive capacities of supranational decision-making bodies, cooperation with large coalitions of civil society actors becomes fundamental for sound policy-making.

The thesis is as strikingly as provocatively clear. The world needs more – not less – coalitions of civil society actors. And that for two major reasons. First, interlocutory coalitions transfer epistemic legitimacy to transnational policymaking. Second, they assert and convey procedural transparency and accountability to supranational governance. It seems undisputable that transnational regimes need both today.

But how interlocutory coalitions do contribute to the construction of supranational governance? How do they democratize a typically technocratic, largely counter-majoritarian phenomenon such as supranational policymaking?

The democratizing potential of interlocutory coalitions translates – amid a broader phenomenon of policy diffusion – into cross-border administrative convergence. This can be conceived as a pattern of harmonization of principles of democratic governance across legal systems. In line with Olsen's theorization,⁹ administrative convergence may result from two complementary mechanisms, that of attractiveness and that of imposition. While interlocutory coalitions may, by linking various actors and institutions across borders, mobilize good practices and standards from different legal arenas (convergence through attractiveness), they may also prompt a similar dynamic by relying – and often leverage – on IOs' leadership and authority (convergence through imposition).

In the light of the above, it seems plausible to claim – as the book does – that the ensuing, dynamic mix of attractiveness and imposition could lead to administrative convergence and possibly contribute to democratizing supranational governance.

⁹J.P. Olsen, *Towards a European Administrative Space?*, 10 *Journal of European Public Policy*, 506 (2003).

Yet, as partially recognized by the author, this process is far from being effortless. It rather unearths complex dynamics that – given the relatively young age and rapidly transformative nature of civil society coalitions – remain to be empirically examined and tested. The relationship between interlocutory coalitions and transnational regulators cannot but suffer of many of the problems faced by single civil society actors when interacting with regulators. Thus, for instance, it is well established that coalitions compete among themselves as much as single civil society actors do.¹⁰ Likewise, coalitions cannot represent all interests, but only certain interests. Moreover, one cannot assume that – due to their heightened deliberative capacity – coalitions are inherently more representative than single civil actors of the interests they pursue. While coalitions' input is generally presumed to be representative of their cause, most coalitions organisations lack – as conceded by Gianluca Sgueo – adequate internal participatory mechanisms enabling that degree of representativeness. Yet no participatory mechanism could attain its goal unless the relevant stakeholder organisations are genuinely representative of the interests at stake.

In these circumstances, a normative – rather than an analytical stance – is required. The first question to be asked should therefore not be *how* but *whether* coalitions must play a democratizing role in transnational governance. In other words, given the inherent limits of their actions, how desirable is to have such a multitude of hybrid, often hetero-directed actors shape global governance? Can interlocutory coalitions realistically contribute to a global participatory democracy? And is such a thing even appropriate?

This is a difficult set of questions that calls for both a theoretical and real-world contextualization.

When measured against the realities of participatory practices, the democratic potential of civil society coalitions appears limited.¹¹ The dominant attitude vis-à-vis participatory engagement – at both domestic and international level – is instrumental rather than intrinsic, i.e. the degree to which decision-making processes live up to democratic principles.¹² This suggests that the actual commitment towards participation is more likely to contribute to the legitimacy of the policy process than to its overall democratic credibility and accountability. However, the two aspects of intrinsic and instrumental value are closely interrelated. Therefore without a broader commitment to the intrinsic value of public engagement, there is a risk that not only governments but also transnational regimes across the world will continue to fall short in reaping the instrumental benefits they seek.

While this book concludes that interlocutory coalitions appear as ‘the best possible drivers of harmonization of principles of democratic governance at the supra-national level’, ultimately, the democratising potential of civil society coalitions lies

¹⁰ S. Batliwala and D. Brown (eds.), *Transnational Civil Society. An Introduction* (Bloomfield, Kumarian Press, 2006).

¹¹ See, e.g., D. Klingemann and D. Fuchs (eds.), *Citizens and the State* (Oxford, Oxford University Press 1995).

¹² OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD Publishing, Paris, p. 27.

as much in the hands of the transnational regulators and their administrations as in those of the coalitions themselves. In particular, transnational regulators could proactively facilitate coalitions' building and, once those are set up and running, enhance their internal deliberative (or 'mediation' in Sgueo's terminology) capacity. For a start, this could be done by *inter alia* supporting financially weak groups (e.g. the introduction of consultation fees on corporate groups could be envisaged). The ensuing 'upgrading' of their internal mediation function would then spill over to their external activity so as to overcome some of the major obstacles they currently face. Given the instrumental nature of their relationship, which is largely driven by mutual interdependence, we might reasonably expect both transnational regulators and interlocutory coalitions to commit to deepen and inject trust into their interactions.

Their efforts should be directed to one single aim: to ensure equal representation of interests. This remains one of the – if not the one – fundamental pre-conditions for meaningful and effective interactions within the existing transnational governance. Instead of returning to the old recipes for enhancing civil society within the Nation state, time has come to think creatively about how those interactions can be organized so as to meet the radical different circumstances of the emerging transnational governance. This book provides a rigorous, constructive and promising stepping stone to embark on such a challenging journey. Yet the case for a global participatory democracy remains to be made.

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Introductory Remarks

As the scientific discourse over globalisation progresses, a growing amount of research expounds and discusses how the global legal arena influences – and, in turn, is influenced by – the domestic legal systems. Concepts such as “global governance”, once vague and poorly understood, have grown in use and are now familiar to many. Globalisation has become such a powerful and diffuse concept in academic fields that the anti-globalisers have themselves gone global. Critics on globalisation have refocused on how globalisation should be, rather than on whether it should take place. Yet, the more the streams of academic concern on globalisation and its effects – and particularly on globalisation of administrative law – confluence, the less the framework for assessing this phenomenon shows coherency or rationality. Paradoxically, the more the term “globalisation” becomes difficult to escape, the more difficult it is to define. The key questions to be answered are manifold and include benefits and costs deriving from homogenisation of legal cultures, the unequal distribution of resources, the public-private hybridism and so forth. Indeed, this is the main dilemma (and, at the same time, challenge) currently faced within academic discourse on cross-border legal interactions and germination of principles of administrative governance.

This volume has an admitted affinity with the works of leading scholars on globalisation of administrative law, such as Sabino Cassese, Richard Stewart, Benedict Kingsbury, Eyal Benvenisti and Daniel Etsy. However, this volume does not attempt to rehash what are by now well-known principles of administrative law operating at the supranational level. Rather, it seeks to portray two of the most controversial aspects of globalisation of administrative law. The first relates to the convergence between administrative rules pertaining to different supranational regulatory systems. Traditionally, the spread of methods of administrative governance has been depicted primarily against the background of the interactions between the domestic and the supranational arena, both from a top-down and bottom-up perspective. However, the exploration of interactions occurring at the supranational level between legal regimes is still not grounded on adequate empirical evidence. This book attempts to supplement this angle of inquiry by focusing on the interactions between the European administrative law and the administrative

principles of law pertaining to other supranational regulatory regimes and regulators such as the World Bank, the World Trade Organization, the United Nations, the Organisation for Economic Co-operation and Development, the Asian Development Bank, the Council of Europe and so forth. Factors of historical, political and legal significance drive the spillover of methods of democratic governance across these systems. The European administrative space relies on a set of principles and legal standards pertaining the Member States' legal systems. These include transparency, public liability, the granting of adequate procedural rights to the parties involved and judicial review. Increasingly, the same elements can be found in global regulatory regimes. Transparency in rule-making, due process in decisions affecting private parties and review mechanisms to ensure legality are considered key to promoting accountability and legitimacy of supranational regulators. At the political level, the array of contractual relations and political dialogues between the European institutions and their supranational partners – ranging from functionally specific terms that address specialised transnational goals to broad alliances which address general common needs – have encouraged the globalisation of certain European rules and at the same time have provided incentives for EU administration to act in compliance with global rules. A third crucial element that is driving interactions between the European administrative space and global administrative systems is the jurisprudence of the handful of courts and arbitration tribunals that currently reside and operate in the international and the European legal environments.

Yet these factors do not cover the whole spectrum of the relevant phenomena that encourage the convergence between European and supranational, or global, administrative rules. This volume argues that the role of civil society actors must also be addressed if a more representative picture of the spillover of methods of administrative governance across the European and the global arenas is to be achieved. Civil society actors operating at the supranational level are understood and described in this volume as one of the mechanisms supporting the interactions between supranational legal regimes. However, they are also portrayed as the second controversial aspect of globalisation. This book attempts to describe the importance of deliberative *fora* – or coalitions – of non-state actors for framing shared strategies towards European and supranational regulators. It is argued that transnational activism from single civil society's actors is not necessarily cosmopolitan in orientation and does not necessarily intend to promote transnational democracy, while the activism promoted by supranational coalitions of civil society actors opens up possibilities for more democratic supranational governance. However, this book explains that the reasons behind the existence of such coalitions have nothing to do with promotion of democratic governance. Supranational coalitions of civil society actors are born out of necessity. It is noted from the outset that coalitions of civil society actors could be viewed pragmatically as a necessity for both supranational regulators and the civil society actors themselves. The former need to efficiently address the topics they are demanded to regulate and to overcome issues of legitimacy and accountability. The latter are interested in searching for effective ways to participate in the construction of supranational governance. In many

respects, coalitions of civil society actors can be understood as *loci* for fulfilment of both needs. On the one hand, they offer single civil society actors the opportunity to coalesce their interests – rarely identical, but nonetheless complementary – and thus enhance their impact on supranational governance as well as increase their chances to raise funds from donors. On the other hand, supranational coalitions of civil society actors help supranational regulators to increase their accountability and legitimacy. At a time in which regulation increasingly concerns objects and situations whose heterogeneity and complexity is beyond the reasoning of supranational decision-making bodies, cooperation with large coalitions of civil society actors becomes fundamental for sound policy-making. Aside from this, it may be suggested that supranational regulators find it easier to negotiate with a single coalition instead of managing multiple negotiations with a multitude of civil society actors.

Indeed, there are questions as to whether enough commonality exists between these coalitions to consider them as a distinct actor in the supranational arena. After all, transnational networks composed of a variety of members, including non-state actors, have already been accounted for in scientific debate. Already in 1996 Manuel Castells had conceptualised modern society as a “network society”, where power is organised around networks programmed in each domain of human activity. Two years later, in 1998, Margaret Keck and Kathryn Sikkink described organised networks of civil society actors in a seminal research on cross-border activism. Anne-Marie Slaughter followed in 2004. She heralded a “new world order” in which government officials, financial regulators, judges and legislators were composed into networks to exchange information and coordinate activity across national borders. However, this volume is distinguished from the works of Castells, Keck and Sikkink and Slaughter in two important respects. Firstly, this book narrows the focus of civil society’s networks, conceptually divorcing them from networks of different nature (e.g. those in which states, social movements or other public actors are also included). The sole members of the coalitions described in this volume pertain to the sphere of civil society. They include, inter alia, non-governmental organisations, think tanks, foundations, universities and individuals. In this sense, these coalitions are reminiscent of the “issue networks” theorised by Hugo Hecló. Because they are treated as distinctive actors, the coalitions described in this volume are also differentiated from other civil society actors who operate individually or under various forms of agreements (e.g. social movements, epistemic communities and parallel summits). As a second departure from the research of Keck and Sikkink (and that of Slaughter), this book specifically attempts to explain how civil society coalitions drive the development of principles of administrative governance at the supranational level. This also separates the coalitions described in this volume from Hecló’s issue networks, since the latter are located, and operate, exclusively at the national level. To be more precise: this book analyses how coalitions of civil society actors encourage the spreading of principles of administrative governance related with participatory democracy across the European and global levels.

In order to understand whether supranational coalitions of civil society influence European and global decision-making processes, how this influence can be depicted

and which kind of problems it raises, this book primarily focuses on the activities in which those coalitions are engaged. These include mediation, rule-making and implementation. Mediation consists of the discussion of the diverging positions carried out by the coalitions' participants and the promotion of policy alternatives to supranational decision-makers. From an early stage, coalitions of civil society actors mediate "internally" between the interests of the diverging members; later, they mediate between these interests and the representatives of supranational regulators. The lobbying pursued by the coalitions described herein into the official negotiations of supranational regulator – and/or into the other phases of the policy cycle – often results in them influencing the policies and shaping the strategic direction of European and global regulatory bodies. Coalitions of civil society, for instance, may influence the agenda setting of the supranational regulators; they may work as catalysts in calling for the revocation of rules that no longer work in the common interest; or they may deliberately shift from one legal regime to another (a practice known as "forum shopping") to stake their claims and influence the building of more amenable policies. Finally, the coalitions of civil society actors may have enforcement powers. They may monitor the compliance of specific norms and rules, they may evaluate the degree to which these rules are successful, and they may report the possible breaches of these rules to the competent bodies. Having described the activities of the coalitions of civil society actors, the focus of analysis is shifted to the opportunities that cooperation among such coalitions and supranational regulators may bring to their substantive goals: reliability and legitimacy, respectively. Particular attention is given to the consequences determined by these divergent expectations regarding cooperation.

The last part of this volume discusses the influence of supranational coalitions of civil society actors on the convergence of principles of administrative governance across the European and the global legal regimes. At first glance, the proposition that convergence of supranational governance may be achieved through the advocacy of supranational coalitions of civil society may strike many scholars as implausible. Not infrequently, scholarly observation of the involvement of civil society actors in supranational decision-making has stressed the variation – rather than the convergence – of participatory patterns in global legal regimes. This volume breaks with this interpretation of civil society's involvement in global governance. To this end, a distinction between the contribution given by single non-state actors and by coalitions of civil society actors to the evolution of the supranational legal order is presented (and, in doing so, this volume also takes into account the widespread disagreement as to whether civil society actors can be viewed as contributors to supranational policy-making). This volume suggests that two forms of convergence of administrative governance, namely, attractiveness and imposition, are encouraged by the cooperation between supranational coalitions of civil society actors and supranational regulators. Hence an important differentiation may be made between the described cooperation and what international legal doctrine commonly defines as "regime complexes". Regime complexes are described as higher-order governance arrangements that replace integrated international regimes in specific issue areas, e.g. refugee policy, anti-corruption, climate change and food security. Such

regimes include various mixes of states, substate units, international organisations and civil society actors. Cooperation between coalitions of non-state actors and supranational regulators is tighter in its scope, since it refers to the area of activity of the given regulator, and broader in its effects, since it seems to drive harmonisation of administrative governance.

The effects on global governance as a result of the growing presence of networks of civil society actors are not entirely positive. The tensions related to networking in civil society are the object of analysis in the concluding remarks of this volume. These tensions raise doubts about network's desirability as drivers of harmonised principles of participatory democracy at the European and global levels. If that were the case, civil society networks may not be the brave new world they appear to be at first sight. They would better fit into the definition of a compromise between civil society actors, interested in increasing their fundraising capacity, and supranational regulators, concerned by the preservation of their, albeit only seemingly, legitimacy. As a further consequence, the leverage of such networks on global governance, if any exists, would at the best promote a "nominal democracy", as Robert Keohane names it – i.e. a democracy that meets democratic standards on the surface and embodies the rhetoric of democracy, but lacks the content. The most evident tension is related to the functioning of coalitions of civil society actors. Holding civil society actors together in a coalition constitutes a complicated enterprise. This is especially apparent when coalitions grow bigger. When networks expand into hundreds of participants, the likeliness of controversial opinions increases. Thus, larger coalition may be considered weaker coalitions, due to the wide range of adherents with different views, sizes and strategies. Furthermore, a bigger network is also a more formalised network, since it is obliged to sacrifice some flexibility and to adopt formal procedures, in order to reflect the views of all its constituents. Competition among different coalitions represents the second tension that, according to this volume, challenges networking in civil society. This book assumes that the presence of a large number of civil society actors in the policy arena creates not only the basis for cooperation but also (and perhaps more frequently) for competition. This is the case of bigger coalitions, encompassing a great diversity of actors in a constant struggle to be guided by clear leadership. But it may also be the case for smaller coalitions, motivated by the necessity to remain competitive in order to gain attention and associated advantages in terms of funding and accessibility to supranational policy-making. A third tension may occur when a given supranational regulator refuses to cooperate with a coalition of civil society actors on the basis of rules or standards formerly approved by a different regulator, assuming their uniqueness. Richard Stewart recently exemplified this point by describing competition among global regulatory bodies in providing regulatory standards to firms, governmental bodies and other global regulatory bodies. In Stewart's analysis, such competition is regarded as beneficial, because it can generate powerful incentives to respond to the interests and concerns of consumers of regulatory standards. However, the opposite is also true. Competition among global regulatory bodies may hamper or delay the process of harmonisation of regulatory standards, including those of interest to this volume, i.e. those concerned with transparency, partici-