Accountability of Networked Climate Governance: The Rise of Transnational Climate Partnerships

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Introduction

Public-private partnerships (PPP) have been advanced as a new tool of global governance, which can supply both effective and legitimate governance. The around 300 multi-stakeholder partnerships launched at the 2002 World Summit on Sustainable Development (WSSD) have gained public attention and been subject to scholarly assessment.1 The aim of this paper is twofold: to categorize and map the landscape of transnational climate partnerships and to evaluate the accountability of different types of partnerships. First, partnerships are conceptualized as networks and three types of partnerships are identified: public-private (hybrid), governmental and private-to-private. Secondly, this paper proposes a notion of accountability that can be used to evaluate the accountability record in climate partnerships in terms of transparency, monitoring mechanisms and representation of stakeholders. In the context of recent debates on the democratic legitimacy of transnational governance, this article focuses on accountability as a central component of transnational legitimacy. The concept of accountability is disaggregated to make it applicable to networked climate governance. The proliferation of climate partnerships is tied to the rise of transnational networked governance, involving multi-sectoral collaboration between civil society, government and market actors. Networks are emblematic of the shift from “government” to “governance,” or from hierarchical to networked governance. Networked governance has gained attention in studies on transnational advocacy networks consisting of state and nonstate actors.2 Partnerships signify a shift to “new” modes of governance, which build on non-

* This work was financed by the EU-funded ADAM (Adaptation and Mitigation Strategies Supporting European Climate Policy) project. I am grateful to two anonymous reviewers, Michael Mason, Jennifer Clapp and Matthew Paterson for their constructive and valuable comments.

hierarchical steering and are characterized by decentralized, voluntary, market-oriented interaction between public and private actors. This can be contrasted with “old governance,” which builds on hierarchical top-down modes of steering and traditional regulation.

Three propositions inform this paper. First, plural forms of accountability are needed in order to evaluate the accountability of networked climate governance. Non-electoral accountability such as peer, reputational, market accountability can be applied to the various types of climate partnerships, ranging from business-to-business to transgovernmental networks on technology cooperation. Secondly, the political relationship between state and nonstate actors is not a zero-sum game. The dichotomy between sovereign and post-sovereign power underpins much theorizing in International Relations. The rise of the partnership discourse can lead to the conclusion that the sovereign state is outdated and replaced by networked governance. However, many of the climate partnerships operate in the “shadow of hierarchy” as states and international organizations are delegating rule setting or implementation functions to partnership networks. Thirdly, the rise of partnerships in climate diplomacy signifies a transformation of multilateralism, which relies increasingly on collaboration between private and public actors, such as business and civil society. “Complex multilateralism,” “public-private multilateralism,” “market multilateralism” denote changing forms of interstate cooperation. Three different models of multilateralism can be sketched—multi-stakeholder multilateralism, market multilateralism and elite multilateralism. Each is associated with the predominance of a certain type of partnership, and each thus has its accountability challenges.

The first section contextualizes the role of transnational climate partnerships in current debates on post-2012 climate governance. The second section conceptualizes public-private partnerships as “networked climate governance.” In the third section, the debate on the pros and cons of partnerships is summarized. The fourth section proposes a framework for studying the accountability of climate partnerships. The fifth section places climate partnerships in the wider realm of transnational multilevel climate governance. The sixth section categorizes, maps and tentatively evaluates the accountability of climate partnerships. In the concluding section the implications of the rise of climate partnerships for the accountability of multilateral climate politics are examined.

**Partnerships and Fragmentation of Global Climate Governance Architecture**

Contemporary climate governance architecture is multi-layered and fragmented, characterized by a mix of private and public authority. Intergovern-
mental treaties, such as the UNFCCC and Kyoto Protocol, co-exist with market-based mechanisms, technology agreements and private regimes. Along with intergovernmental treaty-making, the climate policy arena is characterized by civil society-led standard setting, self-regulation by transnational corporations and hybrid governance arrangements, such multi-stakeholder partnerships. If we take authority to mean the legitimate exercise of power, the contemporary climate governance order consists of many sites of political authority. Authority in this respect rests upon the marriage of power and legitimacy.

There are currently thousands of more or less formalized and institutionalized climate partnership networks, ranging from UN registered public-private partnerships to voluntary technology partnerships between industrialized and developed governments. Prominent examples of climate partnerships are voluntary partnerships on technology cooperation (APP), multilateral public-private partnerships (CDM projects), business-to-business partnerships (Combat Climate Change) and NGO-business partnerships (Greenhouse Gas Protocol). The rise of climate partnerships reflects a reliance on the market as a legitimizing force. The voluntary carbon market, with a range of carbon standards, is a universe of governance in itself.

Many of the pressing questions relating to contemporary global climate politics and the post-2012 treaty are underpinned by issues of effectiveness and legitimacy: Is the sum of the fragmented transnational climate partnerships outside the UN Kyoto framework an effective response to the climate threat? What is the collective impact of emergent public-private, private-private or transgovernmental partnerships? Do partnerships complement or substitute the agreement in reducing the threats associated with climate change? Do public-private partnerships increase the prospects for reaching more ambitious long-term post-Kyoto targets? What are the implications for accountability, transparency, fairness, representation and burden-sharing? These questions tap into debates on benefits and disadvantages of the current fragmented climate policy architecture, the (in)effectiveness of the Kyoto Protocol, and the prospect for a post-2012 treaty.

The increase in transnational partnerships can be seen as a response to the “regulatory deficit” or “implementation deficit” permeating multilateral regimes. Partnerships fulfill governance functions with current deadlocks in the intergovernmental negotiations, exemplified by the US rejection of the Kyoto Protocol. Consequently, the rise of climate partnerships can be seen as a symptom of a larger crisis of multilateralism. “Minilateralism,” exemplified by the Asia-Pacific Partnership on Clean Development and Climate (APP), has been framed as an alternative to the “Eurocentric” Kyoto Protocol. Does the fragmented mosaic of climate governance mask processes of privatization, deregula-

lation, commercialization, de-governmentalization? Do these partnerships signify market multilateralism or democratic multilateralism?

**Transnational Partnerships as Networked Governance**

Transnational climate partnerships can be conceived of as networked governance. Partnerships have been defined as “voluntary cooperative arrangements between actors from the public, business and civil society that display a minimal degree of institutionalization, have common, non-hierarchical decision-making structures and address public policy issues.” Partnerships are multi-sectoral public policy networks that bring together public sector, business and civil society on issues such as health, environment, human rights and finance. These networks capture the essence of post-sovereign governance entailing collaboration between market actors, governments, international organizations and NGOs on a range of issues from sustainable development, climate change, water, AIDS, malaria prevention and biodiversity protection. They epitomize “new modes of governance,” which is defined by non-hierarchical steering and a mix of public and private actors. This can be contrasted with “old” modes of governance based on hierarchical steering, such as top-down regulation and enforcement and threat of sanctions. However, “new” and “old” is more of an analytical distinction. The novelty of “new” modes of governance can be questioned. In fact, they can be seen as “return to the normal” in international relations.

A minority of the climate partnerships surveyed in this paper qualifies as true transnational public-private partnerships (PPP). PPPs can be defined as institutionalized cooperative relationships between public actors (governments and intergovernmental organizations) and private actors (corporate and civil society actors) beyond the nation-state for governance purposes. Public-private partnerships rest on shared authority between state and nonstate actors, and should be differentiated from private authority, such as corporate networks and non-profit organizations. Partnerships vary both in functions and in degree of institutionalization and permanence. Some partnerships are established institutions in themselves while others are looser networks of collaboration with a time limit. Others have been transformed into organizations with a physical secretariat and headquarters.

It is easy to fall into the methodological trap of making partnerships a broad and all-inclusive concept that includes organizations, governance func-

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tions, self-regulatory activities, etc. Making the partnership definition too comprehensive can create the false impression that partnerships predominate and replace traditional regulation. It is also problematic to identify partnerships based on the actors’ own definition of their activities as a “partnership.” In policy practice, there is a proliferation of a partnership discourse, partly because the word carries positive connotations.

**Legitimacy of Global Climate Partnerships?**

Proponents argue that partnerships are effective in performance due to their decentralized flexible structure, collaborative nature, speed and diverse expertise.\(^{18}\) Partnerships are seen as effective and legitimate governance tools that can reduce the implementation, governance and legitimacy deficits permeating global environmental politics.\(^{19}\) They can reduce the implementation deficit by connecting local practice and global rules in a flexible and decentralized manner. They can complement multilateral treaties by providing voluntary standards and self-regulation. Finally, partnerships decrease the legitimacy and accountability deficits by including a diverse set of private and public actors.\(^{20}\) From a liberal institutional perspective, partnerships are a response to functional demands for better governance, particularly in areas where states and multilateral institutions have failed.\(^{21}\) Accordingly, the rise of partnerships can be seen as response to the crisis of multilateralism in the early 1990s when international organizations had to rethink their agenda.\(^{22}\)

Critics of partnerships claim that there are significant drawbacks to using the partnership model as an implementation mechanism. Partnerships, which are embedded in models of new public management, can lead to a “hollowing out” of the state, reinforce neoliberalism and accelerate privatization of environmental governance. Other negative effects of the partnership wave are increased business influence, power inequalities and skewed representation of stakeholders, fragmentation of global governance, reinforcement of elite multilateralism and the retreat of state responsibility in the production of public goods.\(^{23}\) Studies of the performance of the WSSD partnerships conclude that transparency, accountability and monitoring mechanisms are generally weak.\(^{24}\) In the partnership model public agencies, intergovernmental organizations, governments and parliamentarians are oftentimes sidelined at the expense of private actors from the business sector. How can networks between international organizations, transnational companies and non-governmental actors be accountable if the actors themselves are unaccountable?

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There are highly competing accounts of whether the multitude of climate partnerships increases the legitimacy of global climate governance. The neo-Gramscian critique questions the legitimacy of climate governance as it is premised on neoliberal values of the market place, manifested by the Kyoto flexibility mechanisms, emissions trading, the global carbon market and the rise of corporate driven public-private partnerships. The market-driven and trade-oriented climate regime is perceived as illegitimate, serving as an instance of commodification of climate change, carbon colonialism and carbon capitalism and reinforcing a neoliberal climate order. In contrast, the liberal pluralist perspective embraces market-oriented climate governance, due to its flexibility and decentralized and voluntary nature. Cross-sectoral cooperation between private and public actors is claimed to pool together diverse resources and expertise. A third argument with respect to the legitimacy of climate governance is that the different modes of global climate governance collectively amount to an emerging “global public domain.” Accordingly, the multi-sectoral climate partnerships can be seen as an institutionalized arena for nonstate and state actors to provide for a global public good, such as greenhouse gas mitigation, adaptation or carbon neutrality.

The Legitimacy and Accountability of Climate Partnerships

Legitimacy in global governance can rest on effectiveness, participatory procedures, tradition and democratic values. Legitimacy refers to the perception by the actors of the overall quality of the social order, which includes institutions, norms and rules. Accordingly, the actors perceive the social order, institutions and norms as legitimate and therefore think they ought to be obeyed. Legitimacy is a feature of the political order rather than a characteristic of the actors themselves. Legitimacy stems both from both a procedural logic (that rules are predictable and determined by legitimate actors) and a consequential logic (that rules and institutions lead to collective problem-solving). In the scholarly debate, international institutions are increasingly challenged on normative grounds for their “democratic deficit.” Transnational democracy, cosmopolitan democracy, discursive democracy and stakeholder democracy have been advanced as institutional innovations to reduce the democratic deficit of multilateral institutions.

However, the debate on the democratic deficit has primarily focused on the legitimacy of international organizations, such as the World Trade Organi-
zation, which builds on delegated models of accountability. Critics argue that intergovernmental organizations suffer from a democratic deficit since they are weak on participatory accountability, i.e. inclusion of nonstate actors. Less attention has been paid to the legitimacy and accountability of networked governance. In transnational climate governance, political authority is fragmented and weak and there are multiple co-existing governance models centered on states, international organizations, transnational civil society and multi-sectoral public policy networks. What do transnational legitimacy and accountability mean in the context of complex climate governance defined by overlapping public and private authorities as illustrated in the previous section? A key question is then: what standards of legitimacy and accountability can be applied to approach the accountability of multiple sites of networked climate governance?

In dictionary use, accountability means “to answer” or “liable to be called into account; responsibility.” Answerability, sanctions and redress are core dimensions of accountability. Accountability “implies that some actors have the right to hold other actors accountable to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been met.” In line with the traditional principal-agent view of accountability applied to international organizations, the principal (states) hold agents (intergovernmental organizations) accountable in line with a set of predefined standards, and with the possibility of imposing sanctions in instances of non-compliance. With the emergence of networked climate governance, there is a need to unpack the notion of accountability beyond predominant principal-agent notions of accountability. Public, market and social network accountability operate according to different logics. For an agent to be accountable, there must be sanctions available if her or his actions or decisions are incompatible with the will, values and preferences of principals. The ultimate sanction or punishment is that agents are removed from their positions if there is lack of compliance, failure to deliver goods or implement goals. Governments are accountable to citizens; private firms and CEOs are accountable to investors; and non-profit-organizations to their members. First, a precondition for holding agents accountable is the access to information and availability of monitoring mechanisms. Accordingly, transparency, monitoring mechanisms, and access to information are all key features both of democratic, bureaucratic, market and social network accountability. Secondly, in evaluating the accountability of climate partnerships, participatory models of accountability need to complement delegated accountability. A wide representation of stakeholders (civil society, business, government, international organizations) is a precondition for accountability in networked climate governance.

The term democratic legitimacy is closely associated with domestic models of electoral democracy, which are less suitable to evaluate transnational non-electoral, non-territorial governance arrangements. Electoral accountability as a form of hierarchical accountability is central to democratic systems, as citizens can hold elected politicians accountable. It is less applicable to global multi-sectoral networks that consist of governments, business, civil society and multilateral agencies. With the exception of the minority of “pure” public-private partnerships hosted by intergovernmental organizations, hierarchical models of accountability are less applicable to transnational climate partnerships. The concept of accountability needs to be unpacked—there is not a single point of accountability. One size does not fit all: networked climate governance has to be evaluated by multiple standards of accountability. The complex and multi-level nature of transnational climate governance requires new approaches to evaluate accountability.

Accountability in networks becomes more complex since sites of governance are dispersed. The most important form of accountability in policy networks is non-hierarchical. Policy networks can be said to be elitist, since they build on collaboration between different kinds of actors, such as decision-makers and players in the corporate, governmental, multilateral and civil society sectors.\(^\text{36}\) In a network, there are multiple principals, for example a mix of citizens, shareholders, members of environmental NGOs, member states of intergovernmental organizations, etc. Reputational accountability and credibility become crucial. The availability, open access and transparency of both information and extensive monitoring mechanisms are important dimensions of accountability. Publicity, the media and public opinion play a crucial role since hierarchical controls between principal and agents are weak. Market accountability together with reputational accountability is important in partnership networks consisting of primarily private actors, such as corporations and civil society. Leaders of NGOs are not elected but rather appointed or self-selected. Market signals provide the base for rewards and punishments for performance by investors, shareholders and ultimately consumers. Peer accountability consists of mutual evaluations of organizations by their counterparts. NGOs can evaluate the performance of other NGO networks.

In transgovernmental networks that consist of different national or subregional governments, there are informal relationships between public officials and government delegates. The general public has limited insight and transparency and information disclosure mechanisms are weak in governmental elite networks. These networks have unclear mechanisms for accountability.\(^\text{37}\) Peer accountability operates as political actors in the network put pressure on and evaluate the performance of network members.

\(^{36}\) Keohane and Nye 2003, 403.

\(^{37}\) Grant and Keohane 2005, 39.
Accountability in climate partnerships can be enhanced through different combinations of non-hierarchical and hierarchical accountability mechanisms, depending on the type of network. Hierarchical accountability mechanisms are less suitable for those types of climate partnerships which build predominantly on participation by market actors. Keohane and Nye differentiate between four ideal types of governance: state-centric, international organization (IO), transnational and policy network. These models of governance require different mechanisms of accountability from hierarchical to non-hierarchical, horizontal to vertical, electoral to non-electoral. There is a need for plural accountability mechanisms in evaluating networked governance, such as professional (or peer), reputational and market accountability. In line with this, “it is better to devise pluralist forms of accountability than to bewail the democratic deficit.” Horizontal/non-hierarchical/non-electoral accountability mechanisms are in general most applicable to most partnerships networks. Networks “as diffuse, complex and weakly institutionalized collaborative systems are neither directly accountable to an electoral base nor do they exhibit clear principal agent relationships.” Consequently, in contrast to state-centric or IO models of governance, in policy networks, the challenges to accountability are that the sites of governance are multiple and power is diffused among different actors. Partnerships should therefore be accountable to a broad range of stakeholders, such as NGOs, governments, donors and multilateral institutions.

Accountability in partnerships relates to values of procedural fairness such as balanced representation of different stakeholders, transparency, information sharing, and monitoring and reporting mechanisms. For the purpose of assessing climate partnerships in this article, three dimensions accountability are highlighted: 1) participatory accountability, i.e. representation of various stakeholders; 2) transparency; 3) availability of monitoring mechanisms. Representation concerns whether partnerships include government, market and civil society actors. To what extent is a wide range of stakeholder groups participating formally in the network, either as lead or as participating partners?

Partnerships and New Modes of Climate Governance

In Figure 1, Börzel and Risse’s framework for understanding the distinct character of public-private partnerships as new modes of governance is adopted and refined. Partnerships and networked governance represent the transformation, contestation and hybridization of political authority, where public and private
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**Figure 1**
The Realm of Public-Private Climate Governance (Adapted from Börzel and Risse 2005, 200)

**Abbreviations**
actors share power of rule-making and implementation. Hierarchical modes of steering are defined by the authoritative allocation of values and enforcement by states and public actors. In contrast, non-hierarchical steering is based on the participation of private actors in rule-making and implementation. The rise of partnerships has been interpreted as the demise of sovereign state power and the rise of corporate power. However, this view has been challenged on empirical and theoretical grounds. The increased use of partnerships in transnational governance should neither be interpreted as a zero-sum game between state power and nonstate actors nor as a replacement of sovereign authority. Much of private authority is exercised in the “shadow of hierarchy” where the state and public actors exercise authoritative decision-making.

Figure 1 presents an overview of the realm of global climate governance, ranging from private governance to public regulation. The purpose is to locate climate partnerships in relationship to different governance forms. Climate partnerships are marked in italics in Figure 1. Climate governance mechanisms range from private governance (i.e. the voluntary offset market) to public multilateral diplomacy (the UNFCCC and the Kyoto Protocol). What is the level of “publicness” (participation of private and public actor), “delegation” (delegation by public actors of governance functions to private actors) and “inclusive-ness” (participation of multiple stakeholders) in climate governance arrangements? As discussed previously, market-based governance (such as emission trading schemes), self-regulation, lobbying and advocacy do not constitute PPPs. As can be seen in Figure 1, while there are many climate partnerships between governmental or private actors, only a few represent “true” public-private partnerships in terms of institutionalized cooperation between state and nonstate actors.

Private self-regulation: In the left-hand side of Figure 1, climate governance is self-coordination by markets, without intervention by public actors. The voluntary carbon market with its standards for “carbon neutrality” is an example of private self-regulation. Companies, governments, NGOs and individuals take part in this market to offset their carbon emissions. However, voluntary carbon offset markets are under scrutiny for problems with accountability and environmental additionality in trading with carbon credits. Voluntary standards, such as the Gold Standard, represent attempts to ensure the climate integrity and sustainable development benefits of carbon trading. Under this self-regulated arena, a number of private-private partnerships can be identified, such as the Combat Climate Change and the International Climate Change Partnership (ICCP), which are both consortia of MNCs calling for a global framework for curbing greenhouse emissions.
Private self-regulation in the shadow of hierarchy: This type of private governance can be captured by the term “regulated self-regulation.” While private actors develop their own standards, it is conditioned by the “shadow of hierarchy,” i.e. the direct or indirect interference of governmental actors. The Kyoto Protocol’s flexibility mechanisms set the terms for standard setting activities by private actors in the Kyoto carbon markets. The Kyoto carbon market is made possible by multilateral rule making, such as international emission trading, project-based emission trading (CDM, JI), the European Union Emission Trading Scheme (EU-ETS). The Gold Standard, which measures the sustainable development performance of CDM projects, has been developed by non-profit organizations with the same name. In contrast to the voluntary carbon offset markets, Kyoto carbon trading depends on public rule-making, and therefore involve a higher degree of “publicness.” However, as illustrated in Figure 1, no transnational climate partnerships have been identified in this domain.

Delegation to private actors: The delegation, or “outsourcing” of governance functions by international organizations, governments and regimes to private actors is widespread in international affairs, exemplified by technical standardization. Delegation comes in different forms. Intergovernmental organizations can delegate rule making or rule implementation to nonstate actors or hybrid networks. As illustrated in Figure 1, the 90 (approximately) climate partnerships launched at the WSSD can be seen as an act of delegation of implementation to partnership networks. The rationale of these multi-stakeholder partnerships was that they were seen as effective and performance-based instruments suitable for implementing multilateral targets on climate and energy. Similarly, in its operational phase, the Kyoto Protocol’s project-based flexibility mechanism—the Clean Development Mechanism (CDM)—can be conceived as a public-private partnership for implementing the twin goals of cost-effective reductions of greenhouse gas emissions for industrialized countries and sustainable development benefits for developing states. Moreover, the World Bank’s carbon funds, such as the Prototype Carbon Fund (PCF), can also be seen as an implementation partnership between multinational firms and governments to promote Kyoto carbon markets.

An example of delegation is the process of certifying eligible projects in the CDM cycle. To ensure that projects generate actual emission reductions, the CDM Executive Board has delegated the verification process to accredited Designated Operational Entities (DOEs). There are approximately 15 global accounting firms, such as Norska Veritas, Price Waterhouse (UNDP 2006), which have been approved of this function.

49. Bell and Drexhage 2005.
Public adoption of private regulation: The lack of global agreement has prompted private norm setting and rule making, which has subsequently been adopted by governments. This is illustrated by the forest certification, whereby some states have supported certain standards developed by private actors, such by the Forest Stewardship Council.\textsuperscript{54} However, as indicated in Figure 1, there is no example of public adoption of private regimes in climate governance. As argued above, there are several private standards (for the voluntary offset market and the Kyoto markets) but these have not been publicly sanctioned.

Co-regulation by public and private actors: Similarly to above, no example of public-private partnerships in rule making can be identified in the climate governance arena. This can be contrasted with other policy areas, such as the World Commission on Dams (WCD) that institutionalizes multi-stakeholder rule making.\textsuperscript{55}

Consultation and cooptation of private actors: There are many governance arrangements under this type of public-private interaction. Multilateral institutions, the EU and national governments incorporate business and civil society in various consultative arrangements. However, this can also be seen as cooptation of private actors by public actors. Climate partnerships between industrialized and developing countries, such as voluntary technology agreements on energy and climate, fall under this category. The US-led Asia-Pacific Partnership on Clean Development and Climate (APP) and the Carbon Sequestration Leadership Forum (CSLF) are recent examples. Many of these high-level partnerships build on participation by private actors such as business in developing climate-friendly technologies for renewable energy and energy efficiency.\textsuperscript{56}

Lobbying of public actors by private actors: As argued above, lobbying and advocacy by interest groups at international climate negotiations do not constitute networked governance. Rather this type of private-public interaction constitutes “old” forms of governance in terms of lobbying by civil society and industry groups, such as the Climate Action Network (CAN) or the former Climate Change Coalition (CCC).

Public regulation: This governance arena constitutes multilateral rule-making and the inter-state negotiation of UNFCCC and Kyoto Protocol, where governments have decision-making power and nonstate actors have a consultative standing. No policy-making authority is given to partnerships.

\textsuperscript{54} Cashore et al. 2003.
\textsuperscript{55} Conca 2006.
\textsuperscript{56} Philibert 2005.