

## CHAPTER 11

# Governance

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### Abstract

This chapter reviews recent debates in socio-legal and environmental sciences that have highlighted the salience of polycentric governance in sustainability processes. In doing so, we argue that the spatialities of sustainability should be understood as relational and power-laden processes that unsettle, rather than replicate, given concepts such as ‘national’ and ‘international’. Foregrounding multiscalearity, our approach thus problematizes the Global North/Global South divide in sustainability studies. We illustrate our points through empirical examples from climate, biodiversity and freshwater governance, and refugee protection (or lack thereof) in Europe and beyond.

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## Introduction

How should we think about sustainability governance (SG hereafter)? Should it be approached on a global/planetary, supranational/international, national, or urban and community level? Is there a role for national legal regulation in sustainability processes? Or does the nation-state act as an inconvenient mediator, standing in the way of transitions and struggles that develop governance transnationally and from the bottom up? Recent contributions in socio-legal, political and environmental sciences have provided important new perspectives on these questions (Dietz, Ostrom and Stern 2003; Hameiri and Jones 2017; Jordan et al. 2018; Swyngedouw 2004; see also Carton 2020 and Coddington 2018).

Sustainability can be defined as the capacity to ‘meet(s) the social and economic needs of the world’s population, current, and future, without endangering the viability of environmental systems’ (Wilbanks 2007: 279). Environmental crises, mass displacement, and discriminatory normative frameworks for human mobility and migration highlight the ‘poor track record’ of state-based SG in the last few decades (Vanhulst and Beling 2019: 115). Critical research has identified Eurocentrism, colonialism, and a temporal frame oriented toward normative futurity, downplaying the role of present-day struggles in shaping sustainability, as some of the major limits of mainstream approaches to SG (Bornemann and Strassheim 2019; Chimni 1998; Cole 2020; Mayblin 2014; Vanhulst and Beling 2019).

A narrow, vertical interpretation of the global vs local divide has also hindered debates on SG (Litfin 2019). In this regard, geographer Neil Brenner (2005) has highlighted the need for urban governance actors to consider the simultaneously relational and territorial nature of scales of governance, as well as their power-laden, vertical hierarchies (see Chapter 7 on *Scales* in this book). Far from being fixed, the ‘scalar configurations’ of SG should be seen as ‘the outcome of socio-spatial processes that regulate and organize social power relations’ (Swyngedouw 2004) and as ‘(a) struggle(s) to define the authority and resources distributed across and controlled at different territorial tiers’ (Hameiri and Jones 2017). We argue in this chapter that this approach allows us to see SG not as a

fixed entity but as ‘a trajectory of change’ (Wilbanks 2007: 279–81), characterized by dynamic plurality and polycentrism in which the central role of states in SG has been called into question.

Here we propose an approach to SG as resulting from organic evolution, challenges, and contestations that play out through multiple localities and scales. This allows for the inclusion of actors operating at different trans-local and transnational levels in decision-making processes. As both migration and environmental questions are crucial for managing sustainability, the following review of recent, empirically grounded literature on the governance of forced migration and environmental problems, such as climate change, biodiversity loss, and overuse of water resources allows us to question state-centred governance paradigms, and highlight some—more or less hopeful—alternatives.

### Forced Migration Governance

By the end of 2020, the United Nations High Commissioner for Refugees (UNHCR) will operate with a planning figure of 82.5 million displaced ‘people of concern’ (UNHCR 2020). Whether we consider such an estimate realistic or not, the socio-legal protection of migrants and the management of forced migration remain among the main challenges of global governance today. The inadequacy of existing international governance tools is often highlighted in debates on forced migration and the climate crisis (Scott 2019) but extends well beyond the domain of environmentally induced displacement.

The responsibility to protect migrants and displaced people is articulated by international legal treaties such as the 1951 Geneva Convention on the status of refugees<sup>1</sup> and its 1967 protocol, as well as by national legislations and other international conventions that are regional in scale.<sup>2</sup> In the post-World War II era

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<sup>1</sup> United Nations Convention Relating to the Status of Refugees, entered into force 22 April 1954.

<sup>2</sup> Such as the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

through to the end of the Cold War, the international geopolitical order was thus marked by the division between countries that had signed international legal agreements on refugee protection (particularly the 1951 Geneva Convention and its protocol, signed primarily by countries in the industrialized West) and countries that lacked such legal commitments (in the so-called Global South, see Chimni 1998).

Recent research on forced migration governance, however, has questioned these divisions and their implicit North–South geographies. Kate Coddington’s (2018) work on refugee protection in the UK and Thailand has highlighted how asylum seekers’ conditions in countries that are signatories to the 1951 Convention and its 1967 protocol increasingly parallel those in non-signatory countries. Her study details not only forms of ‘graduated protection’ in which the application of refugee law and policies vary significantly within national borders but also how asylum seekers experience formal protection as inadequate, even when international and national refugee laws are officially in force (Coddington 2018: 333; see also Zetter 2015). In her studies of refugee governance in the Gulf States, Georgia Cole (2020) makes a similar argument about actually existing forms of refugee protection beyond Eurocentric legal orders.

In addition, recent studies on the relation between humanitarian rescue and border enforcement in the Eastern Mediterranean have documented conditions of widespread ‘delay and neglect’ (Pascucci, Häkli and Kallio 2018) that span the European Union’s territories and those of its external partners. The EU–Turkey statement on refugees of 2016 reinforced a landscape of border externalization and humanitarian and security triage based on the EU “hotspot approach”. As the screening of incoming migrants was streamlined through dedicated institutions located in camps, the proliferation of actors rendered the attribution of duties and responsibilities particularly difficult, and formal protection scarce (Pascucci, Häkli and Kallio 2018).

These examples highlight a predicament of global refugee governance characterized ‘by the wholesale withdrawal or reduction of established rights’ (Zetter 2007: 181). Many of the inefficiencies

of formal protection can be partly ascribed to the dysfunctional character of a state-centred refugee regime that evolved around the late modern international order (Bauder 2014; Coddington 2018; Rygiel 2016). In this context, actually existing protection in the form of shelter and mutual assistance—‘everyday survival’, in Coddington’s words (2018: 336)—is secured by a ‘patchwork(s) of NGOs, social ties based on country of origin and churches that help to stave off refugees’ destitution’ (Coddington 2018: 336, see also Cole 2020; Palmgren 2013; Pascucci 2017). As Cole (2020: 15) puts it, ‘conditions of reception in non-signatory states ... offer a mirror through which to reflect on dominant systems of asylum and humanitarianism that appear “tweakable” but beyond radical reimagining’.

### Environmental Governance

In the environmental realm, problems such as climate change, biodiversity loss, and overuse of common pool resources (e.g. water) have long been characterized as collective action problems: everyone’s freedom to use a resource or cause negative impact on the environment will end up in a tragedy in which no one has any incentive to protect the environment or the resource in question. This will, in turn, result in a race to the bottom (Hardin 1968). Garret Hardin proposed in the late 1960s that societies have two options to avoid the tragedy: government regulation or privatization (Hardin 1968). Both governance strategies present a significant role for the state: states can pass legislation to limit the environmental impact of human activity, or privatize the resource, in which case the owner would have an economic incentive for protection.

Such governance models have since been criticized for an oversimplified and overly state-centric picture of environmental governance (e.g. Ostrom 1990; Jordan et al. 2018). These criticisms have helped establish a more nuanced picture of environmental governance in which states are, on the one hand, too small to manage global environmental problems and, on the other, too large to consider local self-organization as an alternative or complement to regulation and privatization in governing the human–environment relationship.

The limitations of state action on global environmental problems, such as climate change, biodiversity loss, and water resource allocation and protection, have long been acknowledged. This acknowledgement resulted in a set of significant international treaties in the three sectors: the 1992 UN conventions on climate<sup>3</sup> and biodiversity,<sup>4</sup> and their consequent agreements and protocols, as well as the 1992 UNECE Water Convention<sup>5</sup> and the 1997 UN Watercourses Convention.<sup>6</sup> Yet almost 30 years later, they have either been overstepped or are closing rapidly (Steffen et al. 2015). This has prompted many environmental governance scholars to question the role of states in regulating our way to sustainability (e.g. Jordan et al. 2018; Drahos 2017).

In the climate debate, this critique has taken the form of polycentric governance. One strand of this discussion emphasizes the role of cities, such as New York or Helsinki, as front-runners and central actors in climate change governance (e.g. Bulkeley 2010). As states have been reluctant to take ambitious climate action, cities and municipalities have been nimbler in this regard (Reckien et al. 2018). A second strand in climate governance literature has been to underscore the importance of private governance and corporate action in mitigating climate change (Vandenbergh and Gilligan 2017). Both discussions claim that, although states possess political agency and democratic legitimacy, they cannot solve complex problems, such as climate change, without the help of local public and private actors. A state-centric view of climate governance has accordingly been taken over by a polycentric view of governance in which power and agency are dispersed at various levels of

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<sup>3</sup> United Nations Framework Convention on Climate Change, entered into force 21 March 1994.

<sup>4</sup> United Nations Convention on Biological Diversity, entered into force 29 December 1993.

<sup>5</sup> United Nations Economic Commission for Europe Convention on the Protection and Use of Transboundary Watercourses and International Lakes, entered into force 6 October 1996.

<sup>6</sup> United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, entered into force 17 August 2014.

hierarchy, ranging from the international to the local, and between the public and private domains.

In biodiversity, the discussion has also moved beneath the state level. This is visible, for instance, in discussions underscoring the role of local acceptance for biodiversity conservation measures (e.g. Ferse et al. 2010). Conservation of key species (e.g. wolves) on paper does little good if a lack of local legitimacy invites illegal hunting practices, and states lack the will or capacity to enforce conservation measures (Borgström 2012). These discussions underscore the importance of including local actors in institutional processes to establish conservation goals, conservation plans, and management.

In freshwater management, adaptive governance scholarship discusses public–private water management as a response to social and ecological complexity and uncertainty (Pahl-Wostl et al. 2012; Cosens, Gunderson and Chaffin 2014). Complementing international-, regional-, and state-level action on managing waters, studies have increasingly reported the emergence of local-level initiatives to tackle questions such as water allocation, aquatic biodiversity, flood protection, hydropower, recreation, and tourism (Cosens and Gunderson 2018). In this scholarship, the state is seen mostly as a facilitator of emergent local action instead of as a central planner and regulator. The main reason for this is that complex water problems cannot be tackled with simple state-designed regulatory fixes.

## Conclusion

The empirical review offered above calls for approaches to sustainability governance that move beyond notions of territorial boundedness (see Rygiel 2016) and question the exclusive reliance on Western normative and legal frameworks in which nation states conclude, implement, and enforce refugee and environmental protection. Following Georgia Cole's (2020) work, we may define such governance as 'pluralized'. In the environmental domain, a similar phenomenon has been characterized as polycentric

governance, or adaptive governance (Jordan et al. 2018; Cosens and Gunderson 2018). Such a pluralized and polycentric approach is based on the recognition of actors that have so far remained marginal in discussions about sustainability policies and practices, from transnational migrant and refugee groups to rural and Indigenous communities (see Chapter 13 on *Traditional Ecological Knowledge* in this book). Making space for this plurality of subjects and polycentricity of power unsettles the verticality of established geographies of governance, and alters the role of the state, allowing more adaptive and nuanced approaches for managing complexity and for more inclusivity and fairness in sustainability processes.

## References

- Bauder, H. 2014. 'Domicile Citizenship, Human Mobility and Territoriality'. *Progress in Human Geography*, 38: 91–106.
- Borgström, S. 2012. 'Legitimacy Issues in Finnish Wolf Conservation'. *Journal of Environmental Law*, 24 (3): 451–76.
- Bornemann, B. and H. Strassheim. 2019. 'Governing Time for Sustainability: Analyzing the Temporal Implications of Sustainability Governance'. *Sustainability Science*, 14: 1001–13.
- Brenner, N. 2005. *New State Spaces: Urban Governance and the Rescaling of Statehood*. New York, NY: Oxford University Press.
- Bulkeley, H. 2010. 'Cities and the Governing of Climate Change'. *Annual Review of Environment and Resources*. 35: 229–53.
- Carton, W. 2020. 'Rendering Local: The Politics of Differential Knowledge in Carbon Offset Governance'. *Annals of the American Association of Geographers*. <https://doi.org/10.1080/24694452.2019.1707642>.
- Chimni, B. S. 1998. 'The Geopolitics of Refugee Studies: A View from the South'. *Journal of Refugee Studies*, 11: 350–74.
- Coddington, K. 2018. 'Landscapes of Refugee Protection'. *Transactions of the Institute of British Geographers*, 43 (3): 326–40.
- Cole, G. 2020. 'Pluralising Geographies of Refuge'. *Progress in Human Geography*. <https://doi.org/10.1177/0309132519900925>.
- Cosens, B., L. Gunderson and B. Chaffin. 2014. 'The Adaptive Water Governance Project: Assessing Law, Resilience and Governance in Regional Socio-Ecological Water Systems Facing a Changing Climate'. *Idaho Law Review*. 51: 1–27.



- Cosens, B. and L. Gunderson, eds. 2018. *Practical Panarchy for Adaptive Water Governance. Linking Law to Social-Ecological Resilience*. Springer.
- Dietz, T., E. Ostrom and P. C. Stern. 2003. 'The struggle to Govern the Commons'. *Science*, 302: 1907–12.
- Drahos, P., ed. 2017. *Regulatory Theory. Foundations and Applications*. Acton: Australian National University Press.
- Ferse, S. C. A., M. M. Costa, K. Schwerdtner Mánez, D. S. Adhuri and M. Glaser. 2010. 'Allies, not Aliens: Increasing the Role of Local Communities in Marine Protected Area Implementation'. *Environmental Conservation*, 37 (1): 23–34.
- Hameiri, S. and L. Jones. 2017. 'Beyond Hybridity to the Politics of Scale: International Intervention and 'Local' Politics'. *Development and Change*, 48: 54–77.
- Hardin, G. 1968. 'The Tragedy of the Commons'. *Science* 162: 1243–48.
- Jordan, A., D. Huitema, J. Schoenefeld, H. van Asselt and J. Forster. 2018. 'Governing Climate Change Polycentrically: Setting the Scene'. In *Governing Climate Change. Polycentricity in Action?*, edited by A. Jordan, D. Huitema, H. van Asselt and J. Forster, 3–26. Cambridge: Cambridge University Press.
- Litfin, K. 2019. 'Localism, Sharing and Care'. In *Routledge Handbook of Global Sustainability Governance*, edited by A. Kalfagianni, D. Fuchs and A. Hayden. Routledge Handbooks Online. Accessed 18 May 2020. <https://www.routledgehandbooks.com/citation>.
- Mayblin, L. 2014. 'Colonialism, Decolonisation and the Right to be Human: Britain and the 1951 Geneva Convention on the Status of Refugees'. *Journal of Historical Sociology*, 27 (3): 423–41.
- Ostrom, E. 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Pahl-Wostl, C., L. Lebel, C. Knieper and E. Nikitina. 2012. 'From Applying Panaceas to Mastering Complexity: Toward Adaptive Water Governance in River Basins'. *Environmental Science and Policy*, 23: 24–34.
- Palmgren, P. A. 2013. 'Irregular Networks: Bangkok Refugees in the City and Region'. *Journal of Refugee Studies*, 27: 21–41.
- Pascucci, E. 2017. 'Community Infrastructures: Shelter, Self-Reliance and Polymorphic Borders in Urban Refugee Governance'. *Territory, Politics, Governance*, 5 (3): 332–45.
- Pascucci, E., J. Häkli and K. P. Kallio. 2018. 'Delay and Neglect': The Everyday Geopolitics of Humanitarian Borders'. In *Borderless Worlds for Whom?: Ethics, Moralities and Mobilities*, edited by A. Paasi, E.-K. Prokkola, J. Saarinen and K. Zimmerbauer. Abingdon, NY: Routledge.

- Reckien, D., M. Salvia, O. Heidrich, J. M. Church, F. Pietrapertosa, S. De Gregorio-Hurtado, V. D'Alonzo, A. Foley, S. G. Simoes, E. Krkoška Lorencová, et al. 2018. 'How are Cities Planning to Respond to Climate Change? Assessment of Local Climate Plans From 885 Cities in the EU-28'. *Journal of Cleaner Production*, 191: 2207–91.
- Rygiel, K. 2016. 'Dying to Live: Migrant Deaths and Citizenship Politics Along European Borders: Transgressions, Disruptions and Mobilizations'. *Citizenship Studies*, 20: 545–60.
- Scott, M. 2019. 'Climate refugees and the 1951 Convention'. In *Research Handbook in International Refugee Law*, edited by S. J. Satvinder, 343–56. Cheltenham: Edward Elgar Publishing.
- Steffen, W., K. Richardson, J. Rockström, S. E. Cornell, I. Fetzer, E. M. Bennett, R. Biggs, S. R. Carpenter, W. de Vries, C. A. de Wit, et al. 2015. 'Planetary Boundaries: Guiding Human Development on a Changing Planet'. *Science* 347 (6223). <https://doi.org/10.1126/science.1259855>.
- Swyngedouw, E. 2004. 'Globalisation or 'Glocalisation'? Networks, Territories and Rescaling'. *Cambridge Review of International Affairs*, 17 (1): 25–48.
- UNHCR (United Nations High Commissioner for Refugees). 2020. Global Appeal 2020–2021. Accessed 18 May 2020. [http://reporting.unhcr.org/sites/default/files/ga2020/pdf/Global\\_Appeal\\_2020\\_full\\_lowres.pdf](http://reporting.unhcr.org/sites/default/files/ga2020/pdf/Global_Appeal_2020_full_lowres.pdf).
- Vandenbergh, M. P. and J. M. Gilligan. 2017. *Beyond Politics: The Private Governance Response to Climate Change*. Cambridge: Cambridge University Press.
- Vanhulst, J. and A. E. Beling. 2019. 'Post-Eurocentric Sustainability Governance: Lessons from the Latin American *Buen Vivir* experiment'. In *Routledge Handbook of Sustainability Governance*, edited by A. Kalfagianni, D. Fuchs and A. Hayden, 115–28. London and New York, NY: Routledge.
- Wilbanks, T. 1994. 'Sustainable Development in Geographic Context'. *Annals of the Association of American Geographers*, 84: 541–57.
- Wilbanks, T. 2007. 'Scale and Sustainability'. *Climate Policy*, 7 (4): 278–87.
- Zetter, R. 2007. 'More Labels, Fewer Refugees: Remaking the Refugee Label in an era of Globalisation'. *Journal of Refugee Studies*, 20: 172–92.
- Zetter, R. 2015. 'A Fragmented Landscape of Protection'. *Forced Migration Review*, 50: 62–65.