

Extending Experimentalist Governance: From the European Union to the World?

University of Wisconsin-Madison

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Project Description

This project explores how far, through what modalities, and with what consequences new forms of experimentalist governance developed within the European Union are being extended to the wider world. It builds directly on a previous project on experimentalist governance in the EU, involving many of the same participants, whose results will be published as a book by Oxford University Press in February 2010. That project's central finding is the emergence across a wide range of policy domains of a new architecture of experimentalist governance based on a recursive process of framework rule making and revision through networked deliberation among European and national actors. In this architecture, broad framework goals and measures for gauging their achievement are established by joint action of the Member States and EU institutions. Lower-level units (such as national ministries or regulatory authorities and the actors with whom they collaborate) are given the freedom to advance these ends as they see fit. But in return for this autonomy, they must report regularly on their performance and participate in a peer review in which their results are compared with those of others pursuing different means to the same general ends. The framework goals, performance measures, and decision-making procedures are themselves periodically revised by the actors, including new participants whose views come to be seen as indispensable to full and fair deliberation. Covering a diverse but encompassing set of policy areas (including data privacy, financial market regulation, energy, competition, food safety, GMOs, environmental protection, anti-discrimination, fundamental rights, justice and home affairs, and external relations), the contributions to this collective volume show both how recent developments in these sectors have taken an experimentalist turn—often unexpectedly even in the absence of any deliberate intention—but also how these same developments may admit of multiple, contrasting interpretations or leave open the possibility of reversion to more familiar types of governance.

During the course of this first joint project, we discovered growing evidence that the EU's experimentalist governance architecture, and the revisable framework rules it generates, are being extended beyond the Union's borders through a variety of institutional mechanisms and channels. Prominent among these are the enlargement process, the European Neighbourhood Policy, development aid programs, bilateral arrangements with major trade and investment partners, transgovernmental networks, international standardization committees, multilateral agreements, and international organizations such as the UN and the Council of Europe. Our new project systematically examines this external dimension of EU experimentalist governance, focusing not only on the outward extension of European rule making and its contribution to global governance, but also on the reciprocal influence on the EU's internal decision-making processes of international standard-setting bodies like the WTO and regulatory cooperation with other key global and regional

powers, above all the US. Policy areas covered include: financial market regulation, climate change, water management, sustainable forestry, food safety, GMOs, competition/antitrust, disability rights, justice and internal security, defense and crisis management, enlargement and neighborhood policy, development aid, as well as transatlantic regulatory cooperation and external relations more generally.

Organizers:

Jonathan Zeitlin (UW-Madison) and Charles F. Sabel (Columbia Law School)

Project Participants:

László Bruszt (European University Institute)

Patrycja Dąbrowska (University of Warsaw)

Gráinne de Búrca (Fordham Law School)

Olivier De Schutter (University of Louvain/UN Special Rapporteur on the Right to Food)

Magnus Ekengren (Swedish National Defence College)

Ingmar von Homeyer (ECOLOGIC-Institute for European and International Environmental Studies, Berlin)

Sandra Lavenex (University of Lucerne)

Jörg Monar (College of Europe, Bruges/University of Sussex)

Abraham Newman (Georgetown University)

Christine Overdevest (University of Florida)

Elliot Posner (Case Western Reserve University)

Yane Svetiev (Brooklyn Law School)

Ellen Vos (University of Maastricht)

This project workshop is open to UW-Madison faculty and graduate students by advance permission of the organizers. Papers for discussion will be pre-circulated, and participants are expected to have read them in advance. Anyone wishing to participate in the workshop should contact Professor Jonathan Zeitlin, at jzeitlin@wisc.edu.

Project Activities and Timetable

The project will begin with an initial planning workshop at the University of Wisconsin-Madison on March 6-7, 2009. Project participants, including those who cannot make it to this meeting, are asked to prepare a brief memo (up to 5 pages), outlining for collective discussion the paper they would like to write. Guidelines for the memos and papers are provided below, together with a list of confirmed participants.

Draft papers will be discussed at our second workshop, to be held in Madison, October 23-24, 2009, and revised for presentation at a final public conference at the College of Europe in Bruges in late spring 2010 (precise dates to be arranged).