

**Sub-national level of participation in international environmental cooperation:
the role of Shiga prefecture for Lake Biwa environment in Japan**

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Abstract

From a state-centric view, sub-national level of participation at the international level can be only feasible if it is an active part of national policy. In the case of Shiga prefectural government's initiative for international lake-environmental cooperation, however, sub-national actors came to see themselves as direct players in the absence of national policy. This study examines under what conditions and in what ways such sub-national level of participation takes place by conducting a case study of Shiga's collaboration with the United Nations Environmental Programme (UNEP) over lake-environment risk reduction. The article finds that the process of Shiga's participation in transnational governance will have the less chance of being duplicated effectively in other Japanese sub-national governments. Shiga's cooperation with the UNEP was primarily driven by the ad hoc bottom-up political mobilization of the sub-national actors. In general, without institutionalized channels for sub-national governments to participate in the regional/international level, sub-national governments need to mobilize resources on such an ad hoc basis and only pioneering sub-national actors are capable of effectively engaged on unfamiliar territory with the formation process of transnational governance.

Key words: transnational governance, subnational government, international environmental cooperation, UNEP, Japan

Over the past two decades, sub-national level of participation in transnational environmental governance has become noticeable within the EU. It is also increasingly being observed beyond the EU political process, yet little is known about the dynamics of sub-national participation in the non-EU settings. In this article, while it is beyond the scope of this paper to compare with the behaviour of sub-national units of European governments, a case situation of Shiga prefectural government's initiative for transnational lake-environmental governance provides a rare opportunity to open up the black box of that participation dynamic. Shiga, a prefecture in Japan, was probably one of the world's few sub-national governments to specifically acknowledge the unique properties of lakes, which made up 90% of the world's available surface fresh water, and then to address the lack of local awareness of the value of lakes for long-term preservation at the international level. To this end, Shiga also reached out to the UNEP for support, without securing the prior approval of the Japanese national government. An initial International Lake Environment Conference, held by the prefectural government in 1984, was attended by thousands of participants from around the world and became an expectedly huge success. In the wake of the conference's success, the UNEP proposed the establishment of an international standing committee to Shiga for promoting sustainable management of the world's lakes and reservoirs. This article will examine the potential for the participation of sub-national governments in transnational environmental governance by examining the origins, developments, and causes of Shiga's sub-national participation in providing benefits on an international scale for environmental risk reduction.

In the early debate on transnational politics, Robert Keohane and Joseph Nye (1974, p. 41) confined the concept of transnationalism to the activities of nongovernmental actors,

differentiating from those of “transgovernmental actors” or “sub-units of governments on those occasions when they act relatively autonomously from higher authority in international politics.” According to Thomas Risse-Kappen (1995, p. 9), however, the interactive relations of government actors across national boundaries can be considered transnational “when at least one actor pursues her own agenda independent of national decisions.” The necessity of this redefinition suggests that the distinction between state-based actors and nongovernmental actors has become blurred as sub-national government actors look to transnational networks to gain support in the absence of national governments’ action (Bulkeley 2000; Betsill and Bulkeley 2004). In the revelatory case of Shiga, the Japanese statist tradition did not prevent the Shiga prefectural government from not operating on behalf of the Japanese national government. The result was a well-matched strategy of environmental governance that was both international and sub-national, in which the over-loaded UNEP was requesting a division of labour for decentralized functions and Shiga prefectural government was turning for assistance in the absence of national policy (Kotani 2006, *Kyoto Shinbun* 10-17 May 2010, S. Matsumoto, Associate Director of the International Lake Environment Committee or ILEC, interview, 15 May 2010).

Transnational networks steer members toward two primary public goals: influencing and changing the behaviour of nation-states within the international arena and governing transnational issues outside normal national jurisdiction. Epistemic communities (Haas 1989) and transnational advocacy networks (Keck and Sikkink 1998), in which nonstate actors operate in alliances with other nonstate actors and state actors, see the sovereign state as the object of their advocacy activities. Their focus remains on the first public goal to hold the target state to account for international commitments. In contrast, public transnational networks (Andonova, Betsill and Bulkeley 2009, pp. 59-61), which sub-units of government

(sub-national governments, legislators, and judges) establish, often in cooperation with international organizations, authoritatively enable governing to take place toward the second public goal. In this context, the individual and organizational “constituents” of the networks recognize the network authorities as authoritative based on their legal-formal ability to exercise control and coordination (Andonova, Betsill and Bulkeley 2009, p. 56). One of the largest public transnational networks, Cities for Climate Protection (CCP), was initiated by the International Council for Local Environmental Initiatives (ICLEI) in 1993 and involves more than 1000 local governments worldwide. These sub-national actors, often from countries with limited national commitments, are integrating climate change mitigation into a form of inter-municipal governance beyond national boundaries. Likewise, the coalition of Shiga-UNEP was not established to primarily influence sovereign states but rather to enhance governance practices in a form of decentralized cooperation, in which local actors take up a key role.

Yet the coalition of Shiga-UNEP is not easily accounted for by the concepts of transnational networks and governance. As discussed in the following section, this is primarily due to the connections between vertical territorial tiers of government and horizontally formed networks of governance. As compared to some federal systems, such as those of Austria, Belgium, Germany and Switzerland, where sub-national authorities can conduct foreign policies in matters of their competence, Japan’s unitary system does not formally recognize the legal right of sub-national authorities to represent themselves at the international level. To establish the ILEC, without explicitly challenging the hierarchy of territorial jurisdictions, Shiga was nevertheless able to directly negotiate with the UNEP. Political mobilization allowed the like-minded coalition of Shiga-UNEP to create the ILEC by bypassing the established relations of Japanese central-local relations, yet without completely superseding them. The formation of

this coalition can be seen to come from mutual dependence in a horizontal fashion. Once formed, however, the necessity of coalition maintenance brought back the prefectural government to deal with the hierarchical territorial tiers for accessing national financial resources. The ILEC provided support services at the international level for continuous improvement of lake-basin governance that would integrate institution, policy, participation, science, technology and funding (ILEC 2007). The ILEC, given a Japanese legal status in 1987, sought to exercise discretionary power over its allocated national funds by acting as an independent provider of policy innovation and expertise which the national government had been neither willing to manage nor capable of providing it (H. Kotani, former ILEC Managing Director, interview, 12 May 2010, Kira 1990, Kyoto Shinbun, 11 May 2010, p.3, Shiga Prefecture 1988, pp. 329-32).

This article is organized into three parts. First, the theoretical importance of sub-national level of participation in transnational environmental governance is outlined. Second, tracing the course of Shiga's action will identify the ways the prefectural government participates in international outreach to the ILEC and the UNEP. The third part presents a set of pertinent arguments for further inquiry while drawing on the findings of this heuristic case study.

Why is it worth knowing sub-national level of participation?

The UNEP is the chief agency, which is expected to promote the development of coherence among environmental institutions involved on multiple geographic scales by various actors. However, there are more than 500 multilateral environmental agreements (MEAs) whose autonomous secretariats have been operating for the implementation, assessment and enforcement. MEAs have been developed primarily as a way of solving issue-by-issue or

sectoral problems. The provision of environmental risk reduction has dealt with institutional fragmentation, which may result in the duplication of activities and resources and inconsistencies among decisions of different agreements (Hyvarinen and Brack 2000, Mitchell 2010). To provide a blueprint for solving these problems, two basic categories of reform options are proposed: the establishment of a more authoritative and better-resourced international environmental organization (e.g., Esty 2000, Rung 2001) or the functional integration of “clustering” of several MEAs (e.g., von Moltke 2001) / “policy networks” of cross-sectoral partnerships (Howlett 2000, Streck 2002). The reform options are divided among scholars; however, the establishment of a strong international organization is not necessarily incompatible with the other reform options in the sense that clustering and policy networking are still necessary for more effective international environmental organization.

Clustering refers to the grouping of a number of international environmental agreements, in order to minimize institutional overlap and coordinate operations (von Moltke 2001, p. 3). Thematic clusters, such as conservation and global atmosphere, are seen as viable tools for making operations and funding more efficient. In contrast, cross-sectoral partnerships aim to build policy networks by bringing together different sectors, such as civil society, corporations, governments, and international organizations, to solve environmental problems a single sector cannot govern (Streck 2002). Sub-national government can be part of those policy networks. Both clustering and cross-sectoral reform options address concerns primarily in a horizontal dimension of environmental policy integration. Vertical policy integration across various territorial tiers of governance is also required to bring about a comprehensive integration of environmental strategies (Bache and Flinders 2004, p. 3). It is crucial to bridge policy gaps among local action, national policy and global strategies. Much of the scholarly work to date surrounding transnational networks tends to overlook the role of

sub-national governments while regarding the state as a single national entity. A review of the practices across a number of countries basically presents three institutional approaches to subnational-national environmental policy linkages: *state-centric governance*, *autonomous governance*, and *multi-level governance*. Each approach provides sub-national actors with distinctive channels for political mobilization in a global environmental game (Marks 1996, Bomberg and Peterson 1998, Hooghe and Marks 2001).

State-centric governance is a nationally led framework embedded within institutional boundaries for extending channels that can serve to incentivize sub-national action for international environmental cooperation. These channels, for example, through sub-national participation in diplomatic representation and in the parliamentary approval of treaties, are institutionalized to clarify subnational roles in achieving national goals within the context of international obligations or to establish a division of labor among levels of government with a state-centric gate-keeping capacity (Marks 1996, pp. 31-32, Bomberg and Peterson 1998, pp. 227-28, Hooghe and Marks 2001, p.78, Skelcher 2005, p. 94). This is the most common approach (based on the established institutional boundaries of polity) that arises out of the traditional state-centric framework. In essence, national policy either regulates or enables sub-national level of participation in transnational environmental governance. In this process, sub-national level of the participation tends to be legitimized by domestic benefits rather than sharing the costs of environmental risk reduction beyond national borders (Hoffmann 1966, Taylor 1983, Moravcsik 1993). China is most approximate to this ideal-type as it extends incentive schemes as well as top-down policies toward sub-national actors (Yuan 2007). Sub-national actors have primarily an implementation role to play if national environmental targets are to be met. The key issue of state-centric policy coordination for national government is to effectively monitor progress at the sub-national level for an understanding

of aggregate progress at national scale and further within the context of international obligation (Aall, Groven, and Lindseth 2007). In an ideal type of state-centric governance, it is only the national governments that can entrust to an international environmental organization the power to set the limits of national sovereignty regarding environmental concerns. Sub-national authorities could operate only through the representatives of central state authorities in either the functional integration of clustering or cross-sectoral partnerships. In Risse-Kappen's view, sub-national activities that cross national boundaries are not considered transnational to the extent that they are operating on behalf of a national government. National governments thus pursue vertically non-overlapping jurisdictions of environmental policy integration between tiers of governance.

Perhaps, more relevant to the non-EU settings is another ideal type, *autonomous governance*, that directs attention toward bottom-up political mobilization of sub-national authorities. This ideal type assumes that, in a legal-formal sense, the national governments are still the sole legitimate representatives of domestic interests at the international level. Yet sub-national authorities from countries with the capacity limitations and environmental failures of their national governments are more likely to transnationally reach out as an alternative means of problem-solving. These authorities, while mobilized across institutional boundaries of polity, independently participate in transnational environmental governance, either due to a lack of support from national government or in the absence of national regulation. Without any familiar ground of institutionalized rules or the right to legitimately represent itself at the international level, the agency of sub-national actors finds a way through non-institutionalized or informal channels to move across levels of governments and deal directly with counterparts in other countries and supranational actors in a rather *ad hoc* fashion. Informal extra-national channels, such as the establishment of their independent overseas

offices for lobbying and transnational associations representing sub-national governments, are sought to push for increased involvement of sub-national authorities in decision-making at the international level (Hooghe and Marks 1996, pp. 82-90, Bomberg and Peterson 1998, pp. 228-31, Jeffery 2000, Fairbrass and Jordan 2004, Peters and Pierre 2004). Sub-national mobilization, which takes place on the basis of unfamiliar rules or little institutionalization across national boundaries, requires sufficient resources and a strong commitment of sub-national leadership, knowledge, experience and political will to act upon environmental policy. As a result, not all sub-national authorities have enough potential to act as independent transnational actors. The creation of inter-subnational networks and coalition building with like-minded actors can characterize non-institutionalized channels for sub-national governments to participate in international environmental cooperation.

The third institutional approach (involving the restructuring of state polity) is an integral one or *multi-level governance* (MLG) that combines the two other institutional approaches into a synergistic dialogue of policy where the national governments give to sub-national authorities the right to legitimately represent themselves at the international level and contribute to the policy-making process without national supervision. In other words, the national governments institutionally empower sub-national authorities as autonomous transnational actors. EU member states, for example, through sub-national participation in the Committee of the Regions and sub-national collaboration with the European Commission, institutionalize channels for their sub-national governments to move independently across different spheres of authority to influence decision-making at the international level (Hooghe and Marks 1996, pp. 73-82, Marks 1997, pp. 31-32, Bomberg and Peterson 1998, pp. 223-27, Hooghe and Marks 2001, pp. 81-86). If an ideal type of MLG is that of “a system of continuous negotiations among nested governments at several territorial tiers,” (Marks 1993, p. 392) then

the formally independent but functionally interdependent sub-national level of participation can be seen as a dimension of MLG. This institutional structure for international environmental cooperation is organized around decentralized, dense networks between a variety of governments and other actors active in a joint domain (Kern and Bulkeley 2009, Gustavsson, Elander, and Lundmark 2009). These networks can be examined from a vertical and a horizontal dimension; they vertically involve the interdependence of government operations at different territorial levels and horizontally reveal the interdependence between governments and non-governmental actors across territorial levels (Bache and Flinders 2004, p. 3). The density of the networks is likely to absorb the underperformance or failure of one organization and continue to jointly generate governance capacity (Haas 2004, p. 4). Yet the problems of accountability require agencies to specialize in a specific method of accountability with shared professional expertise (Sorensen and Torfing 2005, Harlow and Rawlings 2007). The EU polity has been significantly restructured in such a way (Hooghe and Marks 2001).

Although these three institutional approaches are not necessarily mutually exclusive, the coalition formation between Shiga and the UNEP predominantly displays an instance of the second one with its effort for cross-sectoral solution. As the detailed implementation of global environmental strategies is specified, the necessity of sub-national participation at the local scale will become more salient. Internationally agreed environmental goals need to be implemented in coordination with local realities and conditions. The UNEP and other environmental bodies need to be strengthened to assist multi-level integration for the management of international environmental goods, and they are expected to work closely with a variety of stakeholders and governments right down to the sub-national level.

How did Shiga dare to get involved?

The Shiga prefectural government reached out for international environmental cooperation on behalf of voters who found it impossible to ignore the severity of lake pollution and thus whose concern with it prevailed over pro-development policies in electoral processes. Today, however, prefectural officials in Shiga firmly believe that the participation of sub-national governments at the international level is a crucial part of environmental governance (Shiga Prefecture 1985, pp. 50-59, Shiga Prefecture 1988, pp. 329-33, Shiga Prefecture 1996, pp. 8-9, H. Kotani, interview, 12 May 2010, T. Nakamura, Department of Environmental Policy, Shiga Prefecture, interview, 11 September 2011). This case study suggests that three key ingredients enabled the Shiga prefectural government to get involved in international environmental cooperation: the visibility of lake-environmental degradation and the traceability of responsibility, qualities of strong gubernatorial commitment and leadership, and capacity-building of prefectural administration.

In the early 1970s, the surface of Lake Biwa in the pristine north-western shore unexpectedly turned red due to phenomenon known as *akashio* (freshwater “red tide”) (Kondo 2002, pp. 50-51).¹ The cause was traced to phosphorous content of synthetic household detergents. As it became a matter of concern for people’s health, the local Women’s Organization Liaison

¹ As environmental impacts are manifested locally and adaptive capacity is determined by local conditions, municipal governments were first movers in the environmental policy area of Japanese history. However, the lake is completely encompassed within Shiga prefecture, situated across most municipalities in the prefecture, with its surface area of 674.4 square kilometers occupying one-sixth of the prefecture's total area. The policy initiatives were taking place at the prefectural level.

Committee (consisting of the Local Women's Association, labor union women's groups and consumers' cooperatives) began to organize a movement for reduction of synthetic detergent usage. The administrative practice of reporting the environmental degradation of Lake Biwa did not attract much public attention but the "Three-Drop" citizens' movement (calling for the reduction of synthetic detergent from five to three drops at a time), organized by the Committee in 1971, became a turning point to uncovering the problem by linking the household practice with the technical eutrophication of the lake. In the mid-1970s, as eutrophication became toxic, the prefectural government joined this movement to campaign on the lake environment by framing it into a "causal story" that told who was to bear responsibility (H. Kotani, interview, 12 May 2010, T. Nakamura, interview, 11 September 2011).² In 1978 the citizen-led synthetic detergent ban movement established a Prefectural Movement Liaison Conference, in cooperation with the prefectural government, to promote the use of soap power (*sekken undo* or soap campaign) (Biwako Kaigi 1999, pp. 2-6). In the following year, this resulted in the passage of a prefectural *Ordinance Relating to the Prevention of Eutrophication in Lake Biwa (Biwako Jorei)* for regulating synthetic detergent sales and use.

In 1974 this issue was involved in a gubernatorial election, as a challenger, Takemura Masayoshi, took a reformist stance with his support for the movement to ban synthetic detergents, and defeated a conservative incumbent, Governor Nozaki Kin'ichiro. The election had become polarized between Nozaki's pro-development conservatism and Takemura's environmental reformism; there were no other influential alternatives but to let either pro-business or life quality lead Shiga prefecture (Takemura 1986). Once successfully elected,

² For the politics of telling compelling "causal stories" for agenda setting, see Deborah Stone (1989).

Takemura had more of a range to maneuver for seeking resource commitments to international environmental cooperation that would have been unpopular in the political climate of pro-development. In 1978 once successfully re-elected for a second term without contestation (running on both government and opposition tickets), the governor instructed his staff members to “organize an international conference that will provide Shiga residents with an opportunity to learn precedents (on lake-environment risk reduction) abroad” (Kotani 2006, p. 2). Obviously, it was also intended for prefectural officials to learn policies and practices from counterparts in other countries. At the stage of policy formation, the exercise of gubernatorial power effectively promoted the policy rationale as there was little politicized tension between the governor and prefectural assemblies or influential local figures. The prefectural department concerned committed itself to progressive policy making since there was no likelihood of changing hands to a new chief executive (T. Kagatsume, ILEC Managing Secretary General, interview, 12 May 2010).

As the city of Chicago began to regulate the use of phosphate content in 1971, the worsening eutrophication of the rivers and lakes became known as a worldwide problem. Local knowledge and experience in Japan was not sufficient to cope with the environmental stresses of Lake Biwa. In the late 1970s, lack of experience and expertise led the prefectural Environmental Bureau to mobilize a variety of overseas partners in preparation for drafting a prefectural ordinance on the prevention of eutrophication of Lake Biwa (*Biwako Jorei*). Researchers in the Canada Centre for Inland Water were invited to share their internationally known expertise on eutrophication (Kotani 2006, p. 2). The activities and lessons of Lake Taupo in New Zealand, which had displayed the lake environment and water quality similar to Lake Biwa, provided prefectural officials with the process of learning about lake environments (Kotani 2006, p. 3). In the early 1980s, a delegation of the prefectural

government went on a few fact-finding tours to Germany on the shore of Lake Constance (also similar to Lake Biwa) to have inputs to the formulation of a 1984 prefectural ordinance governing the conservation of natural scenery (*Fukei Jorei*) (Kira 1990, pp. 27-54). With growing momentum to develop their relationships with overseas counterparts, prefectural officials planned to hold an unprecedented international conference for bringing together interested citizens, scientists and government officials whose ideas were laid down by Governor Takemura in 1981. This plan unintentionally became a stepping-stone towards the development of a lake environment policy network in which those actors transnationally engage in policy innovation and coordination by diffusing ideas and influencing the policy measures adopted (Shiga Prefecture 1988, pp. 329-33, Kira 1990, pp. 223-225, 240-47, T. Kagatsume, interview, 12 May 2010).

Unlike one-dimensional industrial pollution control over concentrated polluters, diffused pressures on the lake environment were difficult to confront. Targeting household detergents, however, made one diffuse source of pollution very clear: any consumer buying dangerous detergents was contributing to the problem. The citizen-led framing of public opinion on Lake Biwa pollution made the idea of holding an international conference into an attractive potential source of legitimacy and accountability for prefectural policy. Equally important, gubernatorial leadership was a key ingredient in Shiga's ability to get involved in international environmental cooperation. Without the governor's commitment, the unique idea of international conference would never have got onto the policy agenda. Such progressive moves might be facilitated only when progressives held political power by a very comfortable electoral margin, or when the governor was in a strong enough position to remain undamaged by the scrutiny of voters. To realize his commitment, the long-serving governor won a good-will of his government officials for cooperation. Due to the technicality

of lake management, the prefectural technocrats, who had become well informed through information sharing with overseas counterparts, began to assume a major role in the policy debate while drawing on help from scientists in the fields of lake-environmental conservation.

How did national government either regulate or enable?

After the 1992 Earth Summit recognition of sub-national authorities as key players in global environmental strategies, this principle was incorporated into Japan's Basic Environmental Law in the following year. This law states (in Article 34) that the state shall take measures to promote activities by sub-national governments for international environmental cooperation. Nonetheless, international cooperation has not been stipulated as grounds for permissible functions in the Local Autonomy Law, which define the scope of sub-national operation by an enumeration of specific responsibilities. The national government has neither regulated extra-national channels for sub-national level of participation in international environmental cooperation nor institutionalized such channels for empowering sub-national governments.³

³ As of 2002, 87% (41) of 47 prefectures, 100% (12) of 12 "designated cities" – population at least 500,000, 21% (6) of 29 "core cities" – population at least 300,000, and 2.5% of cities with a population larger than 50,000 (nearly 500 municipalities) had been involved in international environmental cooperation at some level. Those activities had been engaged predominantly in the form of accepting overseas trainees (100% of those municipalities involved), holding international conferences/seminars (32%), and dispatching experts abroad (24%). Most of the training, offered by those local governments, has been under a national programme run by Japan International Cooperation Agency (JICA), a state agency which is responsible for the technical cooperation of Japan's Official Development Assistance (ODA) programs. See Ministry of the Environment (2004, p. 166). It is also important to note that there are a few exceptional projects for which municipalities, such as Kitakyushu and

Without waiting for national regulations nor getting national enabling support, a few front-runner municipalities have developed some form of partnerships with international organizations: Osaka with the UN Environmental Programme (UNEP) since 1992, Fukuoka with the UN Human Settlements Programme (HABITAT) Regional Office since 1997, Kitakyushu with the UN Economic and Social Commission for Asia and the Pacific (UNESCAP) since 2000, Kawasaki with the UNEP since 2005, and Nagoya with the UN Centre for Regional Development (UNCRD) since 1971, and one city has hosted international city-to-city network programmes: Yokohama with the regional network of local governments, CITYNET, since 1987.

The cases of the first four municipalities indicate that international environmental cooperation is likely to take place with the support of national government when the city or prefecture has experienced and successfully overcome severe environmental problems in the past and wish to transfer local experience and expertise to developing countries (North-South dimension) (Nakamura, Elder, and Mori 2011). In contrast, Shiga's motives behind its coalition with the UNEP were to foster policy learning and find solutions in the absence of national support. In the case of Nagoya, the UNCRD was established in the city in 1971 by an agreement between the UN and the Japanese national government. Nagoya City has hosted the UNCRD since then and this is a special case of nationally initiated arrangement. Yokohama is a case where the city, pursuing its own commitment independent of national

Hiroshima, have participated in the implementation stage of ODA-funded "Japan-China Environmental Model City Projects." These Japanese municipalities have transferred a comprehensive set of their environmental management and technology to Chinese counterpart municipalities.

policy, hosts CITYNET for South-South cooperation not only in the field of environment but in the general area of urban management.

The partnership between Shiga-UNEP to create the ILEC was the earliest experience in Japan of this kind to national authorities. In April 1983, Shiga's preparatory office for the proposed conference was established at the prefectural Environmental Bureau. Governor Takemura requested sponsorship support from the national Ministry of Construction that had national jurisdiction over water resource development; its expected endorsement would have provided him with a major boost in his effort to hold the conference. However, the Land and Water Bureau of the ministry utterly renounced the conference proposal by saying, "it is not a consultation with us but an already fixed plan" and rejected the request (Kyoto Shinbun, 11 May 2010, p. 3). Even national Environment Agency technocrats, who were supposed to coordinate the administration of environmental policies, were quoted as saying, "Why on earth does a rural prefecture wish to hold an international conference?" (Kotani 2006, p. 4, Kyoto Shinbun, 11 May 2010, p. 3). The prefectural officials construed the reactions as an indication of the Japanese statist tradition that could have welcomed the involvement of Shiga in joint problem-solving and policy learning but only insofar as the prefectural initiative is chartered by the national ministries (Kotani, interview, 12 May 2010, Kira 1990, Kyoto Shinbun, 11 May 2010, p.3). Shiga's relations with the Ministry of Construction had already been sour, especially since 1972 when the both parties reached a political agreement for the redevelopment of the Lake Biwa area, a plan referred to as a national project "BIWASO." As BIWASO was concerned with water-resources development for the neighbouring prefectures, the Shiga prefectural government accepted the national plan in exchange for material benefits to its local communities. The River Bureau in the national ministry regarded the sponsorship request as Shiga's pretext for another political gain over

water-resource management (Kotani, interview, 12 May 2010). The unsupportive responses by the ministries may also be associated with the legal system of environmental policy in Japan. Pollution prevention and control was mostly of local origin reflecting local environmental conditions; the legal system had provided more local discretion than any other issue areas. Air and Water Pollution Control Laws were cases in point whereby the national government left local governments to legally impose even stricter controls than national ones in accordance with the natural and social conditions of their areas, so much so that the national government had little understanding of international environmental cooperation necessary for lake-environmental governance at the sub-national level (Kotani 2006, p. 4, Kyoto Shinbun, 11 May 2010, p. 3).

Nationally-led enabling frameworks to incentivize sub-national authorities also faced implementation barriers. The state administration revealed a lack of coordination among relevant ministries, causing the fragmentation of national policy-making for the promotion of sub-national level of participation in international environmental cooperation. It was subject to ministerial rivalries. The Ministry of Home Affairs had initially gained primary control over the budget and administration of international environmental cooperation through its agency called the Council of Local Authorities for International Relations (CLAIR). The CLAIR, consisting mainly of temporary transferees from local governments, suffered from a lack of expertise whose accumulation was prevented by its frequent personnel reshuffle (Iwata 2009, p. 4). Meanwhile, in the ODA Charter of 1992, the Cabinet acknowledged the potential role of Japanese local governments to implement foreign aid (MOFA 2001). The Ministry of Foreign Affairs accordingly began to support local governments' environmental ODA initiatives through the JICA while seeing the local ODA as an alternative way of financing MEA implementation in the South. There was little program coordination between

the Ministries of Home and Foreign Affairs (McConnell 1996, Iwata 2009, pp. 4-5). The Environmental Agency, which had been established in 1971 with the aim of coordinating the administration of environmental policies, still had to rely in practice on the exclusive exercise of other ministries' jurisdiction over environment-related matters.

Probably, the real challenge to a national enabling framework for sub-national level of participation was how to translate and implement norms, regulations, rules and commitments, which had been internationally agreed by the Japanese national government, into operational actions. In fact, the necessity of integrating sub-national actions to ensure the optimal reduction of environmental risks had been provided for in the MEAs themselves. A large number of MEAs, while imposing direct legal obligations on member states, prescribed the necessary planning and operational actions at the sub-national level, for example, Article 3 of the 1971 *Convention on Wetlands of International Importance*, Article 5 of the 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage*, Article 4-2-(c) of the 1989 *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes* and Article 4 of the 1997 *Kyoto Protocol*. The state-centric mindset of Japanese national authority tended to devote itself to its direct state obligations under MEAs but failed to develop policy frameworks to enable sub-national action for MEA implementation (Isozaki 1997, Haneishi 2004, pp. 66-67). In legal-formal terms, sub-national authorities had to wait until the domestic application of individual treaties to sub-national operations was statutorily specified.

How did Shiga get political channels beyond the national boundary?

Acting out of its own interest or utility, Shiga had begun to recognize that sub-national action would not suffice to produce a desired solution without international cooperation and policy

learning. But this functional necessity did not automatically drive the agency of the prefectural actors to engage in international environmental cooperation. Political mobilization was necessary. There was no constellation of existing rules by which Shiga prefectural government may decide what to do and evaluate the behavior of others beyond the national boundary. Without any familiar ground of institutionalized rules or the right to legitimately represent itself at the international level, Governor Takemura found a way through political mobilization to move across levels of government and deal directly with the supranational actor, UNEP, in a rather *ad hoc* fashion.

In the absence of institutionalized channels through which the prefectural government was to be attached as a participant to the permanent representation of the Japanese state, Governor Takemura bypassed the national government by dealing directly with the UNEP. A series of his action had its origins in bottom-up, self-directed mobilization with loose and opportunistic features. In April 1983 the informal channel opened up to Shiga when a prefectural official had an opportunity to meet visiting UNEP officials at the International Division of the national Environmental Agency in Tokyo. When the prefectural Environmental Bureau sought sponsorship for the international conference, the UNEP responded enthusiastically, providing a stark contrast to the cold response of the national Environment Agency. Director Hisao Sakimura, UNEP's support measures division, who was clearly aware of the necessity of decentralized cooperation, reported back to Nairobi on the proposed conference; the idea was immediately endorsed by Executive Director Mostafa Tolba of the UNEP (Kotani 2006, p. 4, Kyoto Shinbun, 11 May 2010, p. 3, S. Matsumoto, interview, 12 May 2010). The proposed conference subsequently attracted strong sponsorship not only from the UNEP, but also from the United Nations University (UNU), the International Bank for Reconstruction and Development (IBRD) and the Organization for

Economic Co-operation and Development (OECD) (Shiga Prefecture 1985, pp. 50-51, Kyoto Shinbun, 11 May 2010, p. 3). Shiga prefecture had thus entered a first phase of enhanced cooperative relationships with the UNEP. Due to its role played in creating the ILEC, Shiga has received more substantial recognition, including warm appreciation and enthusiasm, at the international level than from its own national government .

The influence of individuals, especially the role played by Governor Takemura, should not be overstated, for systematic factors, such as the severity of lake pollution, national government's inaction, and the over-loaded UNEP, provided specific structural circumstances under which the governor was able to be instrumental in taking his initiative for international environmental cooperation. Yet it is safe to say that the gubernatorial entrepreneurship was a necessary condition for establishing the ILEC in the sense that, without Takemura's commitment, the progressive initiative wouldv have never got onto the policy agenda.

How did Shiga and the UNEP enable each other?

Political mobilization took place as much outside domestic procedures as within conventional boundaries. Both the UNEP and Shiga tried to find in the blurring of the foreign-domestic divide a way to improve or strengthen their position and to pursue their goals. The UNEP demonstrated its capacity to cross the foreign-domestic gate without formal permission of the Japanese national government for promoting the decentralized functions of global environmental governance. Shiga was willing and capable of exploiting the informal channel across national boundaries without completely superseding the existing inter-governmental relations.

As a pre-conference session was scheduled in September 1983, Shiga's preparatory office began to recruit participants through media outlets. The office received a rather cold response from major national newspapers. The then head of *Yomiuri Shinbun* branch office was quoted as saying, "If any interest in the lake conference at all, it would most likely be from Shiga's concerned residents" (Kotani 2006, p. 5). The preparatory office remained committed to "framing" the lake environment for better public understanding or a quality of communication that would make issues attractive to and persuasive for targeted audiences (H. Kotani, interview, 12 May 2010; T. Nakamura, interview, 11 September 2011).⁴ Much to their surprise, these newspapers learned that a press-release successfully attracted much larger crowds than expected, with more than the admission capacity of 900 attendees registered across the nation within just one week (Kyoto Shinbun, 11 May 2010, p. 3). In spring 1984 the international conference, scheduled to be held in August, was reported and discussed almost everyday somewhere in national newspapers. On the last day of the International Lake Environment Conference, the importance of the lake environment issue was highlighted even in an *Asahi Shinbun's* comic strip, known as *Fuji Santaro* (like *Doonesbury*). During August 27 – 31 of the international conference, about 2,400 participants, including those from 28 other countries, were involved in the official proceedings, and an astonishing 10,000 citizens' representatives staged a variety of forums alternative to the official meetings (Shiga Prefecture 1985, pp. 50-51, Kyoto Shinbun, 12 May 2010, p. 3). It is important to note that Shiga's initiatives accordingly gained political legitimacy through mobilizing a large number of concerned citizens as well as government officials and scientists for the international conference.

⁴ For the notion of framing, see Snow, Rochford, Worden, and Benford (1986) and Keck and Sikkink (1998, pp. 2-3).

The real news of the international conference was made during the UNEP Executive Director Mostafa Tolba's final speech in which he proposed the establishment of an international standing committee that was to co-organize a biennial World Lake Conference with the local host country taking over tasks and outcomes from the initial Shiga conference (Kira 1990, pp. 240-41, Kotani 2006, p. 7, Kyoto Shinbun, 15 May 2010, p. 3). Immediately after the international conference, he visited the national Environment Agency in an attempt to redistribute some functions of international environmental governance to Japan, and requested that Director General Ueda Minoru of the agency create an "international Shiga committee" that would serve as a Secretariat for lake environmental monitoring and conference organization (Kotani 2006, p. 7). In contrast to the Environment Agency's dispassionate attitude, Governor Takemura enthusiastically responded to Tolba's call, declaring at a press conference, "We (Shiga prefectural government) will take the plunge to realize the proposal" (Kyoto Shinbun, 15 May 2010, p. 3). Noticeably absent from the initial supporters of the process toward establishing the ILEC was Japan's national bureaucracy. The driving force behind the process was an emerging coalition of the like-minded prefectural government and UNEP.

In September 1984 Shiga's preparatory office, while working on a final report of the International Lake Environment Conference, started to prepare for the creation of an international Shiga committee. Without challenging its existing relationships with the national government, it called for help to legitimize the process of Shiga's involvement from the two key national representatives of domestic interests: the International Division (of the national Environmental Agency) that had dealt with the UNEP over a decade, and the United Nations Policy Division (of the Ministry of Foreign Affairs). Two aides from each division planned to meet on a monthly basis with Shiga's preparatory office with their divisional

expectation that the creation might gradually occur over years. Meanwhile, when the Japanese delegation (of the national Environmental Agency) was scheduled to attend in May 1985 at a UNEP management board meeting, Governor Takemura was also invited directly by Executive Director Tolba to report the outcomes of the International Lake Environment Conference. Shiga's preparatory office requested the Ministry of Foreign Affairs to issue the governor an official passport for being part of the Japanese delegation. At first, the ministry declined to issue it saying that there was no precedent for issuing official passports to sub-national government officials. Governor Takemura eventually managed to carry an official passport on condition that he be treated as "advisor" to the Japanese delegation. Yet, much to Japanese national government's displeasure, the UNEP Nairobi office treated Governor Takemura as de facto chief of the Japanese delegation. As soon as he had arrived in Nairobi, Executive Director Tolba had a lengthy meeting, attended by a Japan Broadcasting Corporation reporter, with him. At the meeting, Governor Takemura expressed his determination to push through the establishment of an international Shiga committee "within a year." Executive Director Tolba then promised to extend support through an UNEP management team. This story was immediately reported as the latest top breaking news in Japan. Once it became public knowledge, the national Environmental Agency was unable to back down from it.⁵

The prefectural government pursued to tackle the lake-environmental issue beyond the national boundary and found itself in an unfamiliar sphere of authority where it took initiatives in the absence of ground rules. Accessing the informal channels did not automatically lead to the sources of influence in the bottom-up political mobilization of the

⁵ This section is based on Author's interview with T. Kagatsume, Shiga, Japan, 12 May 2010 and Author's interview with H. Kotani, Shiga, Japan, 12 May 2010.

sub-national government. The informal, ad hoc channels provided Governor Takemura with points of access to his political entrepreneurship. The governor demonstrated that he was capable of avoiding the hierarchical constraints of the central state and manipulating them to his advantages. In this context, the prefectural capability of acting independently was well matched by the UNEP's necessity of policy frameworks to support sub-nation level action. The under-funded and overloaded UNEP (Haas 2004) was determined to meet the need for decentralizing environmental governance functions, in order to pave the way for future environmental problem solving (Kira 1990, p. 242, S. Matsumoto, interview, 12 May 2010).

Was Shiga's coalition maintenance successful?

Since there were no domestic statutory provisions or procedures to allow for sub-national governments to engage in international environmental governance functions, in February 1986 the ILEC was initially started as private organizations neither regulated nor protected by domestic law (*nin'i dantai*). Its first task was environmental monitoring that would involve collecting data about the environmental quality of lakes around the globe. Although promising to offer initial set-up funds to the project, the UNEP found itself unable to sign a contract with the unregistered ILEC (Kotani 2006, p. 19). In 1987 Governor Inaba Minoru, successor to Takemura, accordingly decided to re-establish it as a legally recognized foundational organization for public benefits (*zaidan hojin*). This arrangement allowed the prefectural government to legally supply the ILEC with both its own funds and human resources. To gain legal status, however, the ILEC became under the supervisory jurisdiction of both the national Environmental Agency and the Ministry of Foreign Affairs. In fact, an ex-national Environmental Agency official was invited to take up the director of the board in the ILEC (Kotani 2006, p. 20). This situation was a double-edged sword, with the beneficial effects of improved access to national funds to be offset by the potentially adverse effects of

national supervision. ILEC's ties with the national agencies provided ILEC's big projects (such as Lake Basin Management Initiative or LBMI, 2003-2005 - setting up a decentralized basin governance system with the Global Environmental Facility or GEF, the world largest independent funder of projects to improve the global environment) with access to national funds, but the ILEC was accordingly held to be accountable to the nationally defined criteria (Kotani 2006, pp. 34-35, H. Kotani, interview, 12 May 2010).

Fund-raising was critically important not only for building Shiga's coalition but also for maintaining its involvement in international environmental cooperation. The question of how to achieve sustainable ILEC financing remained unanswered. The ILEC was constantly faced with the limitations of ILEC capacity to gain access to adequate resources. While financial responsibility for the World Lake Conference (WLC) rested with the local hosts, primary ILEC income was derived from fund-raising on an individual project basis. Take, for example, the GEF-funded LBMI for which the ILEC was the executing agency. It was also co-financed by the Japanese national government (supplied from Japan Trust Funds at the World Bank). The IBMI was thus dependent on funding not only from international organizations but also heavily from the national government. The ILEC accordingly attempted to act as an independent provider of expertise on lake-basin management for successful implementation (ILEC 2007). In this sense, the sub-national level of participation involved some degree of mutual and reciprocal relationships with other spheres of authority if it was neither formally independent nor functionally interdependent on equal terms (S. Matsumoto, interview, 12 May 2010, T. Kagatsume, interview, 12 May 2010).

Not surprisingly, another challenge the ILEC had to face was to avoid duplication and overlap of its programmes and resources (horizontal policy integration). One such potential

was to monitor and provide early warning information on environmental threats. At the UNEP, the Global Environmental Monitoring System (GEMS), which was inaugurated in 1972 as a result of the UN Stockholm Conference on the Environment, was already running a global monitoring program. For the water quality of lakes and reservoirs, the GEMS Water Programme was dedicated to providing data in cooperation with the World Health Organization (WHO). To its surprise, the ILEC found that the programme database had comprised only 34 lakes/reservoirs around the world. In 1986 the ILEC began to collect environmental and socio-economic data of major lakes and reservoirs in cooperation with universities, research institutes, and government departments around the world, and provided world-wide users with “World Lakes Database.” Over time, however, the GEMS Water Programme also developed its own global database, GEMStat, that contained data for 425 lake and reservoir stations. While each of these database projects sought to meet its own information needs, part of their requirements could overlap with each other. Information management thus required avoidance of duplication.

Perhaps the most important initiative for integrating local action into international lake-environmental governance (vertical policy integration) was the 2003 official launch of the World Lake Vision.⁶ The drafting of this vision was initiated in 2001 by the ILEC in

⁶ The World Lake Vision resulted from a series of meetings and consultations with scientists, policy-makers and politicians from a number of drafts that had been produced between 2001 and 2003 by a Drafting Committee. The need for the sustainable use of fresh water had been previously addressed at the international arena, such as those stated in the Dublin Principles, Chapter 18 of Agenda 21, and the World Water Vision. However, the unique properties of lakes had never been specifically addressed in these previous efforts. In 2003 the World Lake

cooperation with the UNEP, in order to guide lake stakeholders in developing and implementing local lake visions and action plans. The World Lake Vision argued that local lake visions should be accountable not only for the local causes and effects of lake degradation, but also those that can be regional or international in nature, such as flood and drought due to the impacts of climate change (WLVC 2003, pp. 17-30). To this end, local lake visions, while their precise action would be determined by the local conditions, were encouraged to use existing international conventions and protocols (such as Ramsar Convention on Wetlands of International Importance, Convention on Biological Diversity, Convention to Combat Desertification, and others) to implement the principles of the World Lake Vision (WLVC 2003, p. 29). As stakeholders participated in the management cycle of developing, implementing and refining local lake visions, the World Lake Vision facilitated policy learning in which they looked beyond their national boundaries to study each other's policy initiatives and experiences. There was a potential for the development of common norms of expected lake management to facilitate the process of sub-national participation in providing the environmental public goods of world order.⁷

Vision was introduced at the 3rd World Water Forum to draw the attention of citizens groups, lake managers, scientists, and policy-makers.

⁷ To integrate the World Lake Vision into a practical action program, in 2005 the World Lake Vision Action Project was adopted at the 4th World Water Forum. In the following year, it called for action reports from around the world. The World Lake Vision Action Report Committee (WLVARC), comprising 30 lake management experts, continued to synthesize the lessons learned from the locally specific experiences into a comprehensive assessment of the application of the World Lake Vision principles and then facilitated further application of these principles to local lake visions around the world. See World Lake Vision Action Report Committee (WLVARC) (2007).

Conclusion

The emergence of the coalition formation between Shiga and the UNEP can be seen to stem from mutual dependence among the two parties in the sense that one party needs the assistance and cooperation of the other in order to achieve policy outcomes. Although not involved in material resource exchange on equal terms, the formation of the coalition can be conceived as horizontally ordered and bypassed the exclusive jurisdiction of the national government without, however, directly challenging the existing inter-governmental relations. Without sufficient institutional powers and legal competences, however, Shiga was eventually pressured to operate on behalf of the national government once trying to maintain the coalition. The vertically ordered, traditional state-centric framework crept into the maintenance of the coalition. The general account may not hold well for sub-national governments to participate in already existing transnational governance networks that offer resources for their effective engagement. This dimension is yet to be examined in other applicable cases.

In this case study, the Shiga prefectural government recognized the institutional capacity limitations of the national government to facilitate policy learning beyond national borders and experienced the greater governance gap that the inability of the national bureaucracy created to sense the need for sub-national level of participation in international environmental governance. The prefectural government accordingly looked beyond its national border as a compensation mechanism. It called for help from the UNEP to see how its counterparts in other countries are coping with lake environmental management. In general, the institutional capacity limitations may be considered a precondition for subnational governments to

transnationally reach out for policy learning when they pursue their own agenda independent of national policy.

The Japanese national government has neither directly regulated nor enabled sub-national level of participation in international environmental governance but a few front-runner sub-national authorities are willing and capable of participating in it in the absence of national policy. Shiga was able to get involved only because the prefectural government successfully tapped on the legitimating power that derived from its constituencies and somehow found a way through non-institutionalized channels to move across the national boundary. A multiplication of channels for sub-national mobilization was very limited in Japan. In general terms, it is less likely that those channels will regularize the patterns of the participation of sub-national governments that are not operating on behalf of a national government at the international level. Institutionalized channels tap sub-national mobilization and policy involvement more successfully than non-institutionalized ones. As seen in this case study, once reached at the maintenance stage of the Shiga-UNEP cooperation, the prefectural government had immediately to deal with the gate-keeping capacity of the national government (retaining the national state power to control sub-national finance) for financing its projects. In the case of Japan, changes in the formal powers of sub-national authorities are likely to occur only within nationally-led enabling frameworks (channels of influence institutionalized by national policy).

In advanced democracies, sub-national authorities represent their constituencies; therefore, sub-national activities need to be in the interest of the sub-national territories. By mobilizing transnationally, sub-national authorities might simply promote their narrowly defined sub-national interests as if they were lobbying for just particular interests. In the case of Shiga,

however, the prefectural government and its constituencies ended up sharing broad public interests in sub-national level of participation at the international level. The legitimacy of the sub-national participation initially derived from the community values reflected in citizens-led issue framing. The experience of the international conference, which was then facilitated by electoral slack, raised public awareness and promoted the production and diffusion of information regarding the need for linking the framed sub-national issue to international environmental cooperation. This was instrumental in getting the establishment of the ILEC on policy agenda.

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