

REGNET PROGRAM REVIEW 2001-2006

CONTEXT STATEMENT FOR THE REGNET PROGRAM (2001-JUNE 2006)

Origins of RegNet

The Regulatory Institutions Network (RegNet) program began when a proposal from the Research School of Social Sciences won ANU strategic development funding in 2000.

John Braithwaite, the founder of RegNet, used this money to recruit three professors. By mid 2006, the group had raised outside funding of over \$39 million. From 2001 to 2004 RegNet grew to 41 (mostly level A/B) academic staff with a PhD group of 35. The core of the program consists of five people who have continuing positions that are funded by the School. The rest of the academic staff are on fixed-term contracts and/or funded by external sources.

The RegNet program also created a broader ANU RegNet structure that linked centres working on regulation in the Medical School, the Law Faculty and the Faculty of Economics and Commerce to the RegNet program (eg, RegNet initiated and helped in the bid that saw the establishment of the Australian Centre for Regulatory Economics in the Faculty of Economics and Commerce). This structure has seen major collaborative research projects develop between RegNet researchers and scholars in these Faculties. Members of the RegNet program also contribute to undergraduate and post-graduate teaching in these Faculties. The success of the RegNet program has seen other universities establish centres for the study of regulation (eg, Monash) or create professorial positions in regulation

RegNet's Track Record of Innovation in Scholarship

The RegNet program employs a distinctive organizational structure (described below) in order to deliver on its mission statement of "Research at the highest international standards on regulation that also makes local contributions to good governance" (p.64 of *Rethinking Regulation, Ideas for Better Governance*, RegNet 2004). Examples of the success of RegNet's innovative social science research include the following:

- In the 2004 ANU Quality Review Report, the RegNet program is identified as one of four research groups across the university that are the best in the world in their field.
- During 2001 to 2006, 8 RegNet researchers (jointly or individually) won a total of 18 international prizes/honours and 12 Australian prizes/honours. The prizes represent 5 disciplines and are amongst the most prestigious that can be won in the relevant disciplines.

- Two of the three Federation Fellows in the School are in RegNet.
- Following on from John Braithwaite's seminal work on restorative justice (*Crime, Shame and Reintegration*), the Centre for Restorative Justice (led by Heather Strang) within RegNet continues a tradition of world leadership and collaboration in this field.
- Peter Grabosky's award-winning book, *Cyber Criminals on Trial*, has opened new avenues of work exploring responses to emerging forms of crime that transcend geographical boundaries. Professor Peter Grabosky has also been awarded the 2006 Sellin-Glueck Award from the American Society of Criminology for a lifetime contribution to criminology for a Non-North American. This makes him the second person in RegNet to hold this award. Only one other university, the University of Cambridge can claim two winners of this award.
- Hilary Charlesworth's path-breaking work on feminist approaches to international law has won two major prizes awarded by the American Society of International Law and has helped to stimulate a broader rethinking of the theoretical foundations of international law.
- The methods developed by Braithwaite and Drahos in *Global Business Regulation*, (amongst other prizes this book won the 2004 Grawemeyer Award for Ideas for Improving World Order, a prize that has gone to a number of the most distinguished IR scholars as well as Mikhail Gorbachev and the UN Secretary-General) have led to fresh approaches to the study of globalization.

RegNet's Research Training Program

RegNet currently has 43 PhD students, the largest number in the RSSS. Students are given high levels of academic and administrative support (for details see the RegNet website). A senior professor (Hilary Charlesworth) and a Research Fellow (Dr Tina Murphy) coordinate a lecture series on topics in regulation as well as specially designed workshops for PhD students. The students also benefit from RegNet's high profile visitor program. PhD students present in RegNet's seminar program and in RegNet's annual conference.

RegNet's Organizational Approach to Scholarship

The RegNet program brings together a core of scholars trained in different disciplines (sociology, anthropology, psychology, law, political science, criminology, biology, medicine) to work on major problems and themes in the social sciences. Regulation, broadly conceived as the process of influencing the flow of events, serves as the unifying theme for the group.

RegNet's approach has been to allow interdisciplinary teams to develop around important problems and themes, such as globalization, crime prevention, security, regulatory compliance, norms and identity and development. In some cases centres have been established within RegNet in order to facilitate the growth of a research program (eg, the Centre for Restorative Justice; Security 21: International Centre for Security and Justice; Centre for Tax System Integrity). Centres within the RegNet program are seen instrumentally. As research agendas change new centres (and therefore new teams) are created (eg, the Centre for the Governance of Knowledge and Development) and old ones closed down (eg, Centre for Tax System Integrity). This distinctive organizational approach allows the RegNet group to have a continuing and distinctive form while at the same time maximizing its flexibility and adaptiveness in dealing with new research problems.

Research and Methods

The primary goal of RegNet scholars is to contribute to theory-building within the social sciences, theory-building that seeks solutions to big problems like crime prevention, environmental protection and peacemaking. Theory-building is heavily influenced by the principles of integration and induction. The principle of integration leads RegNet scholars to look for ways in which insights from theories from different disciplines can be combined to achieve greater explanatory power. The principle of induction leads RegNet researchers into gathering quantitative and qualitative datasets that ground the process of theory-building.

Sites of intervention where theories have been developed and tested range from community-based security initiatives in South Africa and Latin America through to restorative justice programs integrated into the legal system in Britain and Australia, from safety of health care and safety of workplaces to building equity and efficacy into tax systems, from community and corporate law enforcement to finding ways of minimizing harm in cyberspace, from protecting human rights in war torn regions to promoting access to medicines and development opportunities in the poorest parts of the world.

Tying these different sites of regulatory intervention together are a set of core questions that drive RegNet: What is the purpose of a regulatory intervention? Is it normatively justifiable? Does it empower and build local capacity in communities, or does it stifle human initiative and innovation? Through answering these questions across a wide variety of domains, the program seeks to advance regulatory theory of both an explanatory and normative kind. The integration of theory and practice is central to the RegNet research agenda.

Disseminating RegNet's Research

- Since 2001, RegNet has run more than 56 conferences, workshops and public lectures many of which have involved regulatory policy-makers and practitioners as well as researchers.

- RegNet has attracted 67 international visitors and 36 Australian visitors.
- RegNet's research has been supported by 28 number of government agencies.
- RegNet's research has attracted major media attention both in Australia and overseas (eg New York Times, Financial Times, Economist). A search of the Factiva media database for 2004/2005 showed 239 references to RegNet researchers.
- Some of the RegNet centres have a working paper series (eg the Centre for Tax Integrity has 82 working papers, NRCOHSR has 46).
- RegNet staff also established the Foundation for Effective Markets and Governance to provide assistance to developing countries.
- Regnet has established a new journal, *Regulation & Governance* (Blackwell Publishing), with David Levi-Faur (based for 2 years in RegNet), John Braithwaite, and Cary Goglianese (Harvard) as Editors.
- Five senior RegNet staff are on the editorial boards of 41 journals.

The Future: Three Research Programs

Drawing on the methods and theories that it has pioneered, RegNet has begun three research programs of fundamental importance to Australia's regional and global futures: peace and democracy, security and development.

1. Peace and Democracy

The ways in which war-torn regions of the world start the process of building peace and newly developing democracies establish institutions of justice form one research program. The work is concentrated within the *Centre for International Governance and Justice*, led by Hilary Charlesworth (one of RegNet's Federation Fellows). The projects supported by the Centre focus on how international law might contribute to building democracy and justice after conflict, and how regulatory theory can inform likely outcomes when legal principles are transported across national contexts (Gabrielle Simm and Bu Wilson). John Braithwaite and Hilary Charlesworth have begun a major project on peacekeeping and peacebuilding that aims to identify the successes and failures of such enterprises. The project involves empirical data collection from over 40 regions where peace keeping operations have taken place. Following the introduction of a Bill of Rights in the ACT, the Centre continues its valuable work on the design of local human rights institutions (Gabrielle McKinnon).

2. Security

The *Security 21* team led by Peter Grabosky continues to examine revolutionary changes in the governance of security in the public and private spheres, with a particular interest in how cooperative partnerships develop among police agencies, government and non-government organisations, the business sector and community groupings. Jennifer Wood, Monique Marks, Clifford Shearing and Jenny Fleming have contributed to mapping out 'nodes' and 'networks' of security provision and

have developed analytical frameworks for understanding the implications of the “policing diaspora” for effective and socially just governance. The team also is acutely aware of threats to “human security” embedded in poverty and hardship. Shearing and Wood have developed “micro-governance” models that seek to promote peace, security and development to poor villages and townships in Argentina and South Africa.

3. Development

Development drives the research agenda of the *Centre for Governance of Knowledge and Development* (led by Peter Drahos). Of particular interest to this group are institutions that regulate knowledge. Among the issues studied by RegNet scholars in this group are patent administration and harmonization (Drahos), access to medicines by developing countries (Drahos, Faunce, Neville), risk management for pandemics (Lokuge, Drahos), open source business models for biotechnology developments (Hope, John Braithwaite), maintaining access to crop resources (Carolina Roa), and the fair trade labelling movement (Anna Hutchens).

Providing better health care to improve the health of populations and individuals is a long-standing development strategy. RegNet work led by Judith Healy on health sector governance is examining empowering consumers as a regulatory strategy to improve the safety and quality of health care, including making patients co-producers of their own health care, informed consumers, and active citizens in health policy-making and management.

Governance mechanisms most likely to achieve sustainable development are addressed by the *Environment and Natural Resource Management* projects led by Neil Gunningham. Gunningham and Shearing’s research will examine the implications of a new approach to Natural Resource Management which “de-centres” the state, and incorporates collaboration, empowered participation and deliberation into governance.

Cross-Cutting Initiatives

Cross-cutting initiatives such as social capital formation, globalization and regulation, and nodal and networked governance have been used within RegNet to create a dialogue amongst all RegNet researchers. These have led to significant publications such as Valerie Braithwaite’s editorship of the Special Issue of *The Annals of the American Academy of Political and Social Science* (2004), ‘Hope, Power and Governance’.

One key cross-cutting initiative that will inform RegNet’s future research is the **Defiance** project. The project, led by Valerie Braithwaite, aims to derive principles that will channel defiance in the direction of more serious and effective engagement with the democratic process.

Five Years from now the RegNet research group will have delivered a significant and integrated body of evidence-based theoretical work around its three big projects: peace, security and development. The ambition is to deliver paradigm-shifting research like *Global Business Regulation* that influences the international thinking and research on global problems.

Funding the Future

RegNet is the largest program in RSSS. We suspect the committee will find it has the largest numbers on most measurable outcomes – PhD students, publications, citations, prizes, DEST returns, Federation Fellowships, ARC grants, ARC success rates across all categories, dollars awarded, editorial board memberships. Qualitatively, its ideas have been hugely influential. We expect the Committee will also find that with more than 90% of its funding from outside RSSS (including most of its core ANU funding) and the large DEST dollars it returns, RegNet is remarkably cost-effective. Indeed there have been long periods when RegNet has put more cash into the RSSS budget than it has taken out. The sustainability of RegNet does not depend on new posts from the RSSS budget. But it will topple on too narrow a funding base unless programs are rewarded strongly for performance (say by sending most DEST returns to the program that raised them). RegNet was designed on the premise and the promise that this would happen. But it has not. Good leadership has delivered that cost-effectiveness, not just from professors but from inspiring administrative staff, junior women who lead from below and a Level D like Valerie Braithwaite who has led from the middle to share two university awards – for Exceptional Performance in Equity and Diversity and in 2006 the VC's Award for Career Achievement. A new funding strategy is needed that rewards excellence and leadership.

RegNet's links to ANU's Colleges

The RegNet program is active in the Colleges of Law, Business and Economics and Medicine and Health Sciences through the broader ANU RegNet structure. The projects and centres being led by Professors Braithwaite, Charlesworth and Drahos will mean that RegNet's links with the College of Asia and the Pacific will grow stronger.