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Nothing new under the sun: institutional innovation for the governance of sustainability

Disasters such as the explosion of the Chernobyl nuclear power plant in 1986 and the increased awareness about global phenomena such as climate change have put the environment at the centre of the political debate. Environmental degradation was perceived as a new problem and, as such, many experts and decision-makers called for new solutions, in the form not only of new policies, but also of new institutions. These new institutions were intended to provide a better fit for the sustainability challenge at different levels and scales, from the local community to the entire planet (Young, 2002). Existing institutions were perceived as not sufficiently responsive and reactive, as well as incapable of adapting and anticipating the long term. The leitmotif was that new problems needed new solutions. More than twenty years have now passed. How many initiatives have been launched? How many have made a difference to the way sustainability is actually governed? How many have survived longer than the lifespan of a pilot project? At a time when questions are being raised over the sustainability of our mode of development and of the resilience of our societies to change, we must also call into question the way in which these new institutional arrangements cope with time.

First of all, are these institutional arrangements really new? In reality, not only is environmental degradation far from being a new problem, but there is also little or nothing new, as far as political theory is concerned, about institutions such as multilateral conventions, regional environmental agreements, intergovernmental panels of experts, multi-stakeholder fora, inter-ministerial committees, technical agencies,
user associations and community assemblies. In one way or another, they have been in existence long before the 1990s: for example, the Rhine Commission was created in 1815, the Westphalian system of diplomatic relations has been there since the 17th century, while councils of ministries have been integrating sectoral policies for centuries. What is perhaps new is the number and frequency of such institutional arrangements, but the phenomena themselves are well known. Examples abound. The fact that they are increasingly frequent does not change what they are.

Since the immediate post-war period, regional agreements have been forged in response to perceived environmental problems, particularly for rivers. Since the 1970s, they have multiplied for seas, and then in the 1990s for mountains.

International treaties, ecosystem management, expert commissions, independent bodies, public debates, and so on, have in fact long been a reality. It is in the view of the author that they can all be assimilated with the spectrum of traditional forms of government, particularly the different flavours of direct and representative democracy, with all their advantages and limitations. The Intergovernmental Panel on Climate Change is an expert commission just as much as any international fact-finding mission in the past several decades. Access to environmental information has
long been available through citizen participation in municipal council and parliamen-
tary sessions, through inquiries to civil servants and elected officials, and through
direct engagement. There is no doubt that public participation is of great importance,
but the well-known limits of direct democracy cannot be ignored. It is no surprise if
requirements of public participation are often interpreted in a minimalistic manner,
while often they are plainly disregarded.

New technologies and developments only magnify or at times distort otherwise
well-known dynamics. They give the impression that all information is accessible
at all times and that everyone can contribute on every issue. In some countries,
political groups are organizing themselves around this idea. These are wonderful
experiments, but the reality of online information platforms and of decision support
tools is that they are simply not used in the long term. How many communication
strategies have been developed around state-of-the-art online platforms that no one
uses? Their lifespan is very short. While they can be useful, history shows us plenty
of examples of how quickly new technologies can make existing ones redundant:
email has substituted letters, electronic documents and spreadsheets took the place
of regular documents and registers, encyclopedias and other reference books became
wikis and online tools and boards turned into websites. The result is a huge increase
in productivity and actual production, but this has not fundamentally changed the
way decisions are taken, i.e. by a majority of those who won elections or by those
who control the bigger guns. It is no surprise that recent protests in Europe, North
America and the Middle East focused on national governments and not on the many
so-called new institutions, which are supposed to ensure the sustainability of the
21st century.

The governance of environmental change: lessons from
the past
In the 2003 Franco-Canadian movie Les Invasions Barbares (The Barbarian Invasions),
the main character reminds us that more than fifty million indigenous people of the
Americas were killed with only a few rifles, hatchets and microbes in the first fifty
years or so of the conquest of the Americas. Of course, nuclear weapons and things
like genetic engineering have added a new dimension to how much damage can
be inflicted by the human race, but we can definitely say that in the past, despite
more rudimentary technology, a great amount of damage was meted out not only
to fellow humans, but also to the environment. Since the dawn of civilization,
irrigation and the consequent salinization of soils in Mesopotamia contributed to
the transformation of some of the most fertile lands of the planet into desert. In
Roman times, a good deal of Mediterranean forest disappeared, contributing to the
collapse of a whole civilization. The history of humankind is also the history of how
we learned to adapt to environmental change, be it caused by natural cycles or by
human interventions. Some of these actions have been extremely successful, such
as the reclamation of millions of hectares of land from the sea in the Netherlands
and from marshes in Italy.
THE TRAGEDY OF EASTER ISLAND OR HOW INSTITUTIONAL FAILURE COULD LEAD TO THE EXTINCTION OF A COMMUNITY

This, however, has not always been the case. One very well-known example is the tragedy of Easter Island (Diamond, 1997). Before the arrival of humans, the island was covered by forest and possessed high levels of biodiversity. The first humans arrived around the 5th century. Once their basic needs had been satisfied, they started doing things such as erecting their famous statues and farming poultry. To satisfy other needs they used the island’s natural resources to the point where a drastic loss of biodiversity occurred in the 16th century. As a result, the island’s inhabitants were rendered incapable of maintaining their livelihoods. Most tree species, and consequently their fruits and wood, disappeared. The same happened to most sea birds, all land birds and most seafood. The lack of wood, in particular, made it impossible to cook, heat and construct boats. Climate events contributed to erosion and further deterioration of the soil. The inhabitants started fighting amongst themselves, even resorting to cannibalism, while emigration was difficult due to the lack of boats.

The population of the island went from an estimated 20,000 inhabitants to 155 in 1722, when the Dutch explorer Jacob Roggeveen arrived on the island. There was little vegetation, few insects and the remaining inhabitants were struggling to survive. The reasons for this tragedy are many, but they boil down to the incapacity of their institutions to, first, understand the environmental dynamics at stake on the island and, second, to take appropriate measures to ensure that the natural resources on which their livelihoods depended were not exhausted. Nowadays, traditional structures in local communities are frequently regarded as key factors in sustaining livelihoods, whereas national governments and large companies are often considered incapable of protecting the environment at the local level, because they are too far away from the problem and therefore not sufficiently legitimate. The scale of local communities should be small enough for environmental problems to be clearly visible to the governing structures. These institutions should have evolved and adapted themselves to the challenges specific to the local environment. In the case of Easter Island, even traditional structures in tightly knit communities were not able to sustain their environments.

THE FORESTS OF THE REPUBLIC OF VENICE: A TALE OF LOCAL SUSTAINABILITY

There are many examples, however, where societies have been able to deal with environmental problems successfully. Appropriate institutions are usually an important part of the solution. This is the story of the forests of the Republic of Venice, Italy (Lane and Chandler, 1973). In Roman times, forests were used intensively. In the plains, they were cut and burned to free up agricultural land; in mountains, they were cut for use in construction and furniture. At the end of the Roman period a natural process of reforestation began, which stopped with the return of agriculture in the early Middle Ages. Most forest plains were used to supply wood for heating and cooking, while forests in mountainous areas were once again utilized to meet the demand for construction. By the time the Republic of Venice was created in
the 9th century, its mountain forests had deteriorated. As its security and economic prosperity depended on the sea, wood for the construction of ships was of strategic importance. For this reason, the Republic started managing its forests, adopting laws and implementing measures for their protection. The objective was to guarantee the maintenance of the balance of the forest to ensure its sustainability. Only authorized personnel were allowed to cut down trees, specific techniques had to be employed and only trees of a minimum age could be felled. Severe penalties were inflicted on trespassers.

By the mid-17th century, the mountain forests of the Republic of Venice were in excellent condition. This continued under Austrian rule in the 18th century and to a certain degree since Italian unification in the late 19th century. This had a lot to do with institutions that were precursors of the modern state. The Republic of Venice was in fact an oligarchic republic with an elected head (doge), several councils that are comparable to ministerial councils and to houses of parliament (collegio, senato, maggior consiglio and various other organs), as well as effective courts of justice (quarantie and collegi). Moreover, it protected freedom of thought and housed the University of Padua, one of the first universities in Europe, where most of its leaders studied. A close link between the emerging natural sciences, which were developed at the university, and the political elites of the Republic of Venice, within an institutional context that encouraged debate, simultaneously produced a very successful mode of development that preserved its forests and created resilient institutions that delivered economic wealth and which lasted for more than one thousand years.

ADAPTABILITY AND RESILIENCE OF THE MODERN STATE
Great attention is paid today to institutional structures, particularly those at the local level, that are able to deal successfully with environmental problems and to promote sustainable modes of development (Ostrom, 1990). Much focus is placed on the features that allow them to be successful in the long term and may enable them to be adapted and reproduced elsewhere. One such feature is resilience and the capacity to adapt to environmental and particularly climate change. Will a farmers’ association still be needed if there are fewer farms? Scale constitutes another important property, because the size of an institution must be appropriate to solve the issue at stake. It doesn’t take a sledgehammer to crack a nut. Another critical feature is justice: institutions must have a general sense of legitimacy and fairness and allow the possibility of appeal if decisions appear unfair or simply wrong. If a municipality authorizes the construction of a waste management facility in your backyard, you must have ways to appeal and to receive compensation for the damage.

It is argued here that modern states and particularly liberal democracies have shown, and are continuing to show, that they are institutions of extreme adaptability and resilience. They promote the sciences, as well as open access and the free circulation of information. This is key for free and democratic debate. It is also essential for environmental protection, because critical situations are usually detected by scientists, such as the ozone hole, and by observations of people on the ground,
such as illegal landfills. It is fundamental that this information circulates among decision-makers, who can then develop and implement policies and measures, and that well-established institutions are there to make sure that this is done correctly and to provide opportunities for appeal. While imperfect, modern democracies have proven to be tremendously effective at this, definitely more so than any alternatives. This is one of the reasons why democracy is commonly seen as the prevalent and most advanced form of government, and why it tends to be relatively stable and does not easily revert to other forms of government. There is a sense that modern democracies are the model to which all governments tend towards, the only one capable of ensuring good governance.

**Governments have always taken key stakeholders into consideration**

The absolute state has never existed. Even at the height of absolutism in the 17th century, monarchs never managed to achieve full control of government structures. Even Louis XIV of France had to face dissent and several frondes (attempted coups). Fully totalitarian regimes have also never existed. Even Hitler or Stalin were never able to fully control the societies over which they held authority. In the Soviet Union, grandmothers kept going to church even at the height of Stalinist repression. That is to say that governments always had to take into consideration the various layers of society. From this perspective, environmental governance is not different from any other sector. In all sectors, governing structures have to take into consideration all stakeholders. It may be a question of degree. Civil society and scientific circles play a particularly important role in environmental politics (Haas, 1992). However, similar situations are also found in other sectors. For example, trade unions and expert groups are essential for labour relations. Governments have always known that they should take key stakeholders into consideration if they want to avoid losing elections or civil unrest.

**THE HISTORICAL EVOLUTION OF MULTI-STAKEHOLDER PROCESSES: FROM GROUP REPRESENTATION TO UNIVERSALITY...**

Historically, this has evolved into institutions that allow for dialogue among social groups. One such institution was the Spanish cortes. Similar to the French états généraux, they were assemblies convoked by the king to discuss issues of general interest to the kingdom, mostly taxes, war and matters of royal succession. Three social groups were represented: the nobility, the clergy and so-called common people, i.e. the bourgeoisie from larger cities. They met between the 12th until the early 19th century and can be considered the predecessors of the current parliament of Spain. The cortes of the Ancien Régime subsided to more modern parliamentarian institutions at the time of the French Revolution and of the Cadiz Constitution of 1812, which started the transformation of Spain into a constitutional monarchy with universal suffrage. The idea of representatives elected by the whole population prevailed over institutions that represented different social groups.
Today’s major international conferences, in terms of the placement of individuals, and even the poses and clothes of leaders, have similarities with the Spanish Cortes or other such meetings in the Middle Ages.

Over time, in fact, what had proven to be an efficient manner to promote the participation in government affairs of key stakeholders, became less and less efficient. By the end of the 18th century they were effectively only presiding over matters of royal succession. They had become a means for the monarch to symbolically establish himself with regard to other notables by displaying himself in a central position among them. This is also represented in several well-known paintings of that period. This is an element that remains fundamental nowadays. In so-called multi-stakeholder processes and meetings, great attention is usually simultaneously given to ensuring wide participation and also to making sure that central positions are occupied by high-level government representatives. This process is often reflected in the imagery circulated by new and old media alike. While the cortes lost their legitimacy with the diffusion of wealth and education to larger layers of society, the concept of universal representation prevailed over that of group representation. Somehow, the stakeholder group logic is a step back in time towards a less universal kind of representation.
As far as diplomatic relations are concerned, multi-stakeholder processes are not limited to environmental matters and have a long history. The International Labour Organization (ILO) was founded in 1919 in the aftermath of the First World War. Country delegations are composed of two members of national governments, one representative of trade unions and one representative of employers’ organizations and, since the very beginning, they have spoken and voted independently. This is much more than any environmental NGO has ever enjoyed in any comparable environmental process, such as the meetings under the United Nations Framework Convention on Climate Change (UNFCCC) or under the Convention on Biological Diversity (CBD). Established in the wake of the Russian Revolution, when the importance of keeping social dialogue alive in order to prevent worker unrest was realized, the ILO is a key instrument to promote fair labour standards across the world. It has contributed to the maintenance of peace and stability since the post-war period and was even awarded the 1969 Nobel Peace Prize.

The closest organization to the ILO in terms of global environmental politics is the International Union for the Conservation of Nature (IUCN). Created in 1947, it includes among its members, governments, NGOs and individual scientists and experts. Within its general assembly, also known as the World Conservation Congress, government delegations have three votes, international NGOs have two votes and national NGOs one. It is the world’s most influential organization for environmental protection and its flagship is the Red List of Threatened Species. However, despite its openness and broad participation, there is a general sense that more should be done to improve global environmental governance. In this regard, the United Nations Environment Programme (UNEP) was created in 1972 and many governments and experts now call for a new World Environment Organization. The issue here is not how to increase the participation of activists and scientists, but how to improve the coordination with the United Nations system and to make the decision-making process more efficient, which usually implies giving more power to large countries and donors (Biermann et al., 2012).

THE QUEST FOR PERFECT REPRESENTATION
The need to involve stakeholders has been theorized since ancient times. Rome, for example, was governed as a republic for five centuries before turning into an empire. Local notables had a voice in the senate and even common people had representatives in the tribunes. They counterbalanced the power of the nobility to ensure social and political cohesion. In the words of Juvenal, the public ‘anxiously hopes for just two things: panem et circenses.’¹ That is to say, if those in power want the support of the people, they need to provide them with what they want. No one has more clearly theorized the interdependence of decision-makers and other layers of society than the Italian political thinker Niccolò Machiavelli. A firm believer in the

¹ Satire 10.77-81.
Innovation for Sustainable Development

CHAPTER 10

A PLANET FOR LIFE

superiority of republican institutions, because of their capacity to promote inclusive processes, he went as far as advising monarchs and, in general, decision-makers on the various techniques to ensure popular support.2 This never reaches the extent of exercising full control over society, which is impossible, but includes the need to involve different stakeholders in decision-making. The pursuit of the common interest is better undertaken in cooperation.

The search for institutional structures that allow for the perfect representation of society goes back several centuries. This has taken several paths: on the one extreme, the totalitarian ideal of institutions that absorb society as a whole; on the other, the liberal ideal of institutions where all are represented equally, which are the prevailing ones in democratic constitutions. Somewhere in between there is the corporatist idea of institutions where the different components of society and interest groups are represented. This is the path taken by many environmental institutions, which try to promote the participation of different types of stakeholders: national governments, international organizations, NGOs, local governments, academia, the private sector, etc. By doing so, they give the impression of building processes that are more inclusive. However, the last forty years of international environmental relations has raised serious questions about the legitimacy and effectiveness of these processes, particularly if compared to institutions composed only of legitimate representatives of the people. Besides providing opportunities for consultation and for the circulation of ideas, they mainly provide a stage to display the central position occupied by national governments with regard to environmental matters. They are a sort of cortes of our times.

National governments are back

Moving on from the century that discovered globalization and multilevel governance, the last decade has shown a certain fatigue, particularly with global and regional environmental processes. Very few new institutions have been created since the mid-2000s and the existing ones have found it very difficult to come to significant agreements. While the International Panel for Climate Change (IPCC) and the meetings under the United Nations Framework Convention on Climate Change greatly contributed to the generation of new knowledge and to promote a global debate about climate change, since the 1997 Kyoto Protocol there have been few concrete achievements at the international level. The most remarkable development has arguably been the return of national governments as key actors for sustainability. As global and regional environmental agreements were produced and required implementation, it became clear that governments would play a key role. Moreover, vis-à-vis NGOs, whose candour is increasingly contested, international organizations, whose capacity is objectively limited, and local governments, whose sensitivity to environmental issues is often seriously questioned, national governments seemed to be the only ones in a position to take leadership.

THE GRENELLE ENVIRONNEMENT IN FRANCE: MULTI-STAKEHOLDER CONSULTATION OR REAFFIRMATION OF THE CENTRAL GOVERNMENT?

Perhaps the clearest example of this trend is the Grenelle Environnement, a multi-stakeholder consultation process that was held in France in 2007 and that led to the adoption of one of the most advanced and ambitious pieces of environmental legislation in the world. First of all, it was launched by the central government, which wanted to focus its economic policy on so-called green growth. It brought together representatives of central government, local authorities, trade unions, industry, professional associations and environmental NGOs on an equal footing. Second, the process resulted in a series of recommendations that were transformed into law by the parliament and whose implementation is monitored by government agencies. Last but not least, it produced many of the recommendations that are found in the so-called 2008 EU Energy-Climate Package, particularly the goal to achieve 20% of renewable energy by 2020. This is a clear case of the Europeanization of a national policy and not the other way around.

However, one of the most surprising effects of the Grenelle Environnement is the sharp increase in environmental standards and regulations to which local authorities have to comply with, particularly for their urban planning. It is important to highlight that these standards are not set locally, but they are determined nationally. One of the reasons invoked by several parties and confirmed also in other countries is the need to avoid a race to the bottom by local authorities as far as environmental protection is concerned, as it is often wrongly perceived as a disadvantage for economic development. Paradoxically, the environmental sector, which for many is one of the most open to non-traditional actors and different kinds of stakeholders, has proven to be a stronghold of national governments and perhaps even a key point for them to reaffirm their centrality. Control over the land is after all one of their long-established prerogatives.

RIO+20: A GOVERNMENT-CONTROLLED PROCESS

Another example of this trend is the negotiation process at the 2012 United Nations Conference on Sustainable Development, also known as Rio+20. The United Nations and many other development partners supported the participation of thousands of representatives from less developed countries and from civil society. More than 45,000 people attended the conference. Virtually everyone who played a role in sustainable development wanted to be there. Several events were held to ensure the meaningful participation of all these people: besides the usual panoply of official side events and other proceedings, Sustainable Development Dialogue Days were organized prior to the main conference, and a Partnerships Forum was held in parallel. All of this was supposed to promote dialogue and to contribute to the conference outcome. However, the key meetings were the three Preparatory Committee meetings, the activities of the Bureau, the three intersessional meetings and the three rounds of so-called ‘informal-informal’ negotiations. Regional preparatory meetings were also organized.
Even if efforts were made to include experts and representatives of civil society, the composition of the Preparatory Committee and of its Bureau was of member states only, particularly country representatives to the United Nations in New York. Intersessional meetings and the ‘informal-informal’ negotiations were in some way open to participation, mainly to well-established civil society organizations. However, country delegations always had more weight than others and, most importantly, they had the final word about the outcome document of the conference, ‘The Future We Want’. More or less the same process is in place for the definition of the future Sustainable Development Goals, which are expected to replace the Millennium Development Goals, which have been guiding the development agenda of the international community since 2000 but will expire in 2015. On the one hand, the impression of an opening up to civil society and of inclusive discussions is created; on the other, central governments ensure that they maintain control over the outcomes.

**Conclusion**

Despite all the fuss about nation-states losing ground to other types of stakeholders, particularly multinational corporations and networked civil society organizations and individuals, it is in the view of the author that the increase in governmental control over societies in modern times, as described by Foucault (1977), can also be observed in the governance of sustainability. Governments use institutions, the penal system and other devices to exert power not only over society but also over nature. Institutions for the governance of sustainability all ultimately aim at exerting control over nature. Extreme events, climate change and other types of environmental change have the potential to disrupt our daily lives and the way our societies and economies are organized and function, and to cause immense pain and suffering. Exerting this control is therefore not always morally wrong, although it supposes a good knowledge of natural dynamics, which is not always the case. This is where modern science and traditional knowledge play a key role. These tools are usually utilized in good faith, however, when people perceive they are employed dishonestly, they of course react promptly and deploy various resistance tactics and strategies.

New technologies significantly increase the potential damage that people can cause to their environment and to each other. They bring the game to the next level where the stakes are much higher. They presuppose a better knowledge of natural and social dynamics. The capacity to manage knowledge is among the key features of modern bureaucracies. The need to combine strong institutions with high levels of capacity and dynamic societies capable of high levels of knowledge generation is at the core of several policies, such as the 2000 EU Lisbon Strategy and its follow-ups, including Europe 2020. However, this has not fundamentally changed the relationship between government, people and their environment. As long as all stakeholders use the same technologies, we are back to square one. Government continues to use its power to pursue the public good and, when it is perceived not to, people react in various ways; people continue to lead their lives and base a good deal of their livelihoods on the environment that supports their existence; the environment remains
limited in its capacity and, once this has been exceeded, ecosystems change in ways that can be good or bad.

A positive relation among government, people and the environment is crucial to any lasting civilization; history shows that a negative relation has contributed to the fall of so many. Democratic institutions are a key element of our civilization. They ensure a positive connection between government and people. Do they ensure a positive relation with the environment as well? As Bruno Latour stated, the entrance of nature in politics is one of the key societal challenges and research questions of our times (2004). This chapter has tried to show that, so far, the quest for sustainability has not fundamentally changed our institutions or created new ones. There is nothing new under the sun.

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