

Global Governance

Concept: Global Governance

Author: Adrian Jones , McMaster University

Date Entered: 2005-08-05

Description As public policy challenges increasingly transcend political borders — in areas such as the environment, finance, poverty, human rights, and health — there is growing recognition that such issues must be addressed above or outside the traditional states-system. Thus, more extensive and effective global governance is required. States are legally sovereign such that, with few exceptions (e.g., international human rights concerns), they possess exclusive authority over their territories and populations. State sovereignty necessarily implies that there is no central global authority. However, there are a range of organizations, institutions, and dynamics which collectively provide at least some measure of global governance: They promote, restrict, or otherwise shape the conduct of state and non-state actors. Thus, governance is a term that is used to refer to sets of formal and informal rules and processes including, but not limited to, those created by governments. Three conceptual guidelines may assist the reader. First, global governance must be distinguished from global government, which does not, and may never, exist (Young 1999). Second, it does not necessarily imply effective or sufficient governance. Third, the dynamics of its operation and effectiveness are often quite distinct from state-level government settings.

Among the most obvious global governance components are formal international organizations such as the United Nations (UN) and the World Trade Organization. These bodies exhibit certain government-like qualities (e.g., voting procedures and dispute settlement mechanisms), but are generally not viewed as being entities of global government. Each essentially exists as the creation, and at the control, of sovereign states. Formal regional organizations such as the European Union, the League of Arab States, and the African Union are also significant.

Other policy areas are addressed by international law in the absence of a formal organization. Types of international law differ in their sources and in the degree to which the international community feels that states are obligated to comply. Hard law is felt to be binding only upon those states which have expressly consented to it (e.g., Landmines Convention). In contrast, customary law is felt to be binding upon all states, but consent is inferred from general state practice over time (e.g., some aspects of ocean fishing rights). Finally, soft law consists of statements and declarations made by international bodies (e.g., UN General Assembly) which are not technically binding, but which, due to that body's legitimacy, may evidence custom or signal future legal developments (Abbott et al 2000). Given its increasing scope and complexity, the International Law Commission is

seeking to make international law more coherent. Since coercive enforcement is relatively lacking, as compared with domestic law, the effectiveness of international law depends upon a broader range of variables, and tends to vary across issue areas.

Bodies of international law, particularly when considered in conjunction with the role of norms — social practices and understandings, often of a legal though non-binding character (Shelton 2001) — are sometimes referred to as regimes. A regime exists in an issue area where actors have mutually-understood roles, objectives, and expectations, whether due to express rules and principles, implied understandings, or some combination of these (Hasenclever, Mayer, and Rittberger 1997). Regimes may encompass a formal organization, for example the UN Security Council as the organizational core of the international peace and security regime.

Private authority exists where non-state actors and dynamics exhibit aspects of power and authority traditionally associated with states (Cutler, Haufler, and Porter 1999). Although it may be socially desirable in some contexts (e.g., self-regulatory compliance standards in highly technical industries), it has been associated with problems of accountability, lack of transparency, or collusive-market controlling activities. Market dynamics may play a useful role where individual purchasing preferences are guided by firms' production practices (e.g., no child labour) and the social implications of product consumption (e.g., environmental-friendliness). In this sense, consumers may have some capacity to shape the practices of business firms. Activist networks have effectively publicized the practices of firms and industries, often citing the findings of communities of scientific experts which are sometimes called epistemic communities (Keck and Sikkink 1998).

Notwithstanding these novel transnational policy areas, many functions remain most effectively addressed at the state or sub-state level (e.g., highways, schools, hospitals, and parks). Thus, global governance reform would ideally result in a more optimal and coherent division of authority and responsibilities between various levels and locales of government and governance. Reform proposals often include both overhauling existing governance frameworks, and creating new ones. Although certain social constituencies and interests have traditionally lacked economic and political resources to instigate or influence reform, some have become increasingly sophisticated and effective in contesting the substantive and procedural aspects of global governance (O'Brien et al 2000).

Global governance reform raises two additional implications for collective and individual autonomy. First, states increasingly lack the capacity to independently control many policy issues which affect their territories and populations. A common prescription is for increased inter-state cooperation and coordination (Ruggie 1998). Although states would become less autonomous in the strict sense of independence, their effective autonomy — their capacity to address transnational policy areas which affect them —

would increase. Perhaps the greatest challenge is a political one: states remain hesitant to formally relinquish powers traditionally associated with their sovereignty. Second, democracy is increasingly understood to include participatory rights relating to all forums and levels of decision-making which affect individuals' lives. As sites of governmental and governance authority are increasingly dispersed, state-level democracy is no longer sufficient to provide the self-determination and empowerment that individual autonomy requires. Thus, reform advocates have proposed comprehensive schemes to enhance democracy within, across, and above states (see for example Scholte 2000 and Held 1995).

- Work Cited: **Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal.** 2000. The concept of legalization. *International Organization* 54 (3): 401-19.
- Cutler, A. Claire, Virginia Haufler, and Tony Porter.** 1999. The contours and significance of private authority in international affairs. In *Private authority and international affairs*, ed. A. Claire Cutler, Virginia Haufler, and Tony Porter, 333-76. Albany, NY: State University of New York Press.
- Hasenclever, Andreas, Peter Mayer and Volker Rittberger.** 1997. *Theories of international regimes*. Cambridge, UK and New York: Cambridge University Press.
- Held, David.** 1995. *Democracy and the global order: From the modern state to cosmopolitan governance*. Stanford: Stanford University Press.
- Keck, Margaret E. and Kathryn Sikkink.** 1998. *Activists beyond borders: Advocacy networks in international politics*. Ithaca, NY: Cornell University Press.
- O'Brien, Robert, Anne Marie Goetz, Jan Aart Scholte, and Marc Williams.** 2000. *Contesting global governance: Multilateral economic institutions and global social movements*. Cambridge, UK and New York: Cambridge University Press.
- Ruggie, John Gerard.** 1998. Multilateralism at century's end. In *Constructing the world polity: Essays on international institutionalization*, ed. J.R. Ruggie, 102-30. New York: Routledge.
- Shelton, Dinah. ed.** 2001. *Commitment and compliance: The role of non-binding norms in the international legal system*. Oxford, UK and New York: Oxford University Press.
- Young, Oran.** 1999. *Governance in world affairs*. Ithaca, NY: Cornell University Press.
- Suggested Reading: **Bruhl, Tanja and Volker Rittberger.** 2001. From international to global governance: Actors, collective decision-making, and the United Nations in the world of the twenty-first century. In *Global governance and the United Nations system*. ed. V. Rittberger, 1-47. New York: United Nations University Press.