Global Governance: A Developing but Fragile Phenomenon

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In 2009 the global economic crisis and the looming threat of climate change demonstrate how much we live in an era of global crises that require global action. States can no longer isolate themselves. Actions taken in one state regularly affect many others. Throughout 2009 the newly anointed G20 group of leaders and the International Monetary Fund have sought solutions to the global economic crisis that spread around the world from the United States of America. Solutions are also sought to the pressing problem of climate change as attempts are made to negotiate a successor to the Kyoto protocol at the Copenhagen conference. These solutions will not be implemented by a world government, but by national governments within state borders. The changing dynamics of the international system may require a more robust system of global governance but this requirement conflicts with the reality of our current state-based system. This edition of Social Alternatives will examine some of the changes occurring in the international system, the developing regimes of global governance and the role and performance of some major global institutions.

The current system of international relations evolved from the post-war settlement of 1945. Its limitations reflect the historic environment and assumptions of that period. The dominant ethos in both academic and political realms, steeped in the experience of the German and Japanese wars, was based on realist assumptions about international relations and the role of the nation state. The state was the key actor in international relations. International politics was viewed as a struggle for power in an anarchic world and states would have to rely on self-help to defend their security and national interests (see Morgenthau 1978, 1-15). The failure of the League of Nations reinforced the belief that states could not rely on international organisations for security and at the foundation of the United Nations were reluctant to cede sovereignty to it.

Chapter VII of the UN Charter granted the Security Council some powers to override state sovereignty and to intervene in matters affecting peace and security, but Article 2-7 forbids interference in the domestic affairs of states. This has posed a hurdle to effective action on many issues requiring global action including environmental protection, human rights abuses and intra-state warfare. The fiction that each state was an equal actor in international relations was maintained in the General Assembly where each of the 192 member states, irrespective of its power and population, has one vote. But the most powerful of the victorious nations were allocated permanent seats on the Security Council and a veto over substantive matters brought before it. This has resulted in a Security Council dominated by the interests of five veto-holding nations that no longer fully reflect the current power or population balance, geographic distribution or pressing interests of many of the member states. Proposals to end the western dominance of the Council and add permanent members from countries such as India, Brazil Japan, Indonesia or Egypt have been debated for years:

Yet it seems that a formula that would allow an increase in the membership is still eluding member states. In the eyes of much of the world, the size and composition of the Security Council appear insufficiently representative (Report of the Secretary General 2002, 8).

While the major role of the Security Council is the maintenance of peace and security, the General Assembly has a wider remit. Its programs and related, but autonomous, agencies focus on a variety of social, economic, humanitarian, environmental, scientific and technical matters. Several of these agencies have become an important part of the current system of global governance but inadequate funding or state disagreement limit their ability to perform more extensive roles.

The UN has been actively involved in establishing legal norms and codifying existing customary international law. One of the biggest changes in international relations is the extent to which multilateral treaties have been developed and ratified on a wide range
of subjects from the rights of the child, to banning landmines and limiting the spread of nuclear weapons. Many of these treaties require action inside states and affect state citizens. They require the formal consent of each state. However, by ratifying a treaty states cede some authority to the international organisation overseeing the treaty and to other ratifying states, thereby increasing the scope of global governance.

The widespread use of the term ‘global governance’ is relatively recent in origin although the concept reaches back to Kant’s proposals for a world federation.

In little more than a decade the concept has gone from the ranks of the unknown to one of the central orienting themes in the practice and study of international affairs in the post cold war period (Barnett & Duval 2005, 1).

Like Kant’s proposal, global governance does not imply world government but rather a regime of institutions and actors involved in establishing international laws, norms and policy. It encompasses a wide range of actors and processes already in existence or proposed for future development. Makinda identifies global governance as ‘a multifaceted process in which states, individuals, non-governmental organisations, multinational corporations and intergovernmental organisations participate’ (Makinda 2000, 163 – 4).

Many of these international organisations are related to the UN but other international organisations such as the International Whaling Commission are also encompassed. Interest in global governance increased at the end of the cold war but an even greater catalyst for the focus on global governance came from the increasing cross-border connections associated with globalisation.

**Globalisation and Global Governance**

Globalisation is a highly controversial concept. Some scholars dispute its very existence and question how new or extensive a phenomenon it is. Held (2004) argues that globalisation ‘is not a singular linear narrative, nor is it just a matter of economics. It is cultural, as well as commercial and in addition it is legal’. Globalisation has become the accepted term describing a dramatic increase in connections among states and across borders. The significance of these changes is rejected by neo-realists like Waltz who sees ‘the interdependence of globalization’ as an exaggeration: ‘Many globalizers underestimate the extent to which the new looks like the old’ (Waltz, 1999). But improvements in transportation and communications and the increasing intensity of international activity appear to undermine the credibility of this position. There are now a multitude of transnational companies engaging in trade, manufacturing and finance across state borders in ways that challenge the capacity of state governments to control public policy within their own borders.

Another factor increasing global governance is the rising number of problems that require global cooperation. Issues such as nuclear proliferation, pandemics, the trafficking in endangered species and global warming cannot be tackled without international cooperation. Finding solutions has required the development of regimes based on multilateral conventions, international organisations and international monitoring processes. Sovereignty is being ‘transformed’ into ‘the shared exercise of public power and authority’ (McGrew 2008, 28).

The improvement in communications has created an embryonic international society. The coverage of the violent attacks on East Timorese by militias supported by the Indonesian military resulted in Australians putting pressure on their government to take action. Millions of individuals now communicate across state boundaries instantly via the internet. Information can be exchanged without the intervention of news media. Pictures and video posted on the web empower individual citizens to become amateur journalists. The first pictures of the bombings on the London underground were sent by mobile phone and posted on the web while the British Government was still trying to control information flows. The internet allowed outsiders to observe the brutal crackdown by the Iranian government on those protesting against electoral fraud while twitter was used to organise protests.

The development of transnational non-government organisations is another hallmark of global governance. A vast number of such NGOs are now participating in the development of global public policy. Professional groups such as the International Federation of Airline Pilots or the International Commission of Jurists allow professions across the world to put united positions to their governments and to international organisations. Groups like the Worldwide Fund for Nature or Amnesty International lobby governments and are accorded status with international organisations including the World Bank. Auvachez (2009) sees in this opening of UN policy processes to NGOs a sign that it is beginning to engage in a process of global citizenship.

The increased speed and capacity of international transport has resulted in many individuals travelling across state borders as tourists, refugees or migrants, undermining states’ control of their citizens by states. The ease of travel and the ability to transfer money across borders has benefited ordinary citizens but has also facilitated the operation of international crime and...
terrorism. Terrorist activities are now multi-jurisdictional; preventing them requires high level international cooperation. Major groups are as well funded as some state actors and as capable of inflicting massive harm: ‘Globalization makes it impossible to assume that threatening activity can be stopped at the border – the important “borders” today are often non-geographic and indivisible’ (Travalio & Altenberg 2003, 6). This has made controlling international terrorism an onerous task for even the most powerful states and has provided a challenge to the “state’s” traditional monopoly on organised violence’ (Brooks 2005, 2). This has resulted in the need for a comprehensive convention on international terrorism.

Such a convention would cover gaps between the existing sectoral conventions. Sherman suggests that the crimes identified in existing conventions make it unlikely that any of them would be applicable to the attacks in the US on 9/11 as, for example, the planes used in the attacks had not crossed international borders (Sherman 2001, 11). Work started on a comprehensive convention in 1996 at the request of the General Assembly. In 2005, the Secretary General urgently requested the conclusion of ‘a comprehensive convention on terrorism, based on a clear and agreed definition’ (Secretary General 2005, 3). This did not happen because agreement has not been reached on a definition of terrorism or to whom the convention should apply.

Some speakers stressed the right of peoples to self-determination and to fight against foreign occupation should also be respected and clearly differentiated from terrorist acts. Some delegates also stressed the need for the instrument to address the issue of State terrorism and include in its scope activities of military force that may not be regulated by international humanitarian law (Legal – Sixth Committee sixty-third session 2008, 2).

The convention remains on the agenda of the General Assembly for 2009.

The Impact of Globalisation
The significance of the changes wrought by globalisation is the subject of much debate. Neo-liberal supporters have identified a major shift in authority from states to global markets. Realists reject the contention that globalisation has undermined state power emphasising the continued need for state consent. Held et al identify three separate positions, ‘hyperglobalist, sceptic and transformationalist’ (1999, 2). This third position sees state power as ‘transformed’ but not overtaken by international markets or intergovernmental organisations. Unprecedented global interaction is having a major effect on ‘the power functions and authority of national governments’ as is ‘the expanding jurisdiction of institutions of international governance’ (Held et al 1999, 7 - 8). States are unable to exercise undiluted sovereignty in the traditional sense. They have to consider supra-territorial as well as territorial interests and are increasingly subject to multilateral regulation and supra-state bodies (Scholte 2000, 133 -136). The impact of globalisation on state sovereignty is uneven; poorer nations are less able to assert their authority against external forces, but even the most powerful or authoritarian states cannot entirely avoid its impact.

Global Governance: International Agencies
The themed articles in this edition of Social Alternatives examine the operation, performance and problems facing some organisations involved in global governance. They provide a detailed picture of what these agencies are actually doing and allow an assessment of their progress. The organisations and agencies examined range from the Security Council at the heart of the UN system to UN-associated agencies and one organisation created by treaty. They demonstrate differing levels of global authority and independence but all are subject to the conflicting requirements and constraints of the current international system.

The first article, ‘WHO Governs’ by Frank Smith, examines the role played by the World Health Organization in the SARS outbreak. Increased movement of people across borders heightens the potential for global pandemics putting the spotlight on WHO. WHO has been widely praised for its campaign to eradicate smallpox and its response to SARS, but its capacity and authority are limited by the need to maintain the support of state governments. Smith rejects assertions that WHO’s role in containing the SARS outbreak demonstrated a significant expansion of its power. He argues that it was national governments that took the most important actions by providing medical treatment and infection control within individual states. The article demonstrates that some ‘hyperglobalist’ claims for a transformation from state control to global health governance were exaggerated. But it does show that WHO did pursue its charter vigorously, did displease some state governments by issuing warnings and did not entirely shrink from confronting China even if the only effective sanction was naming and shaming. This is far from world government but using Makinda’s definition of global governance cited above, the more active role and higher profile obtained in recent years by WHO could be judged as a small step towards a more effective regime of global health governance.
Michael Buky’s article, ‘Terrorism, Piracy and Climate Change: challenges to international maritime governance’, examines a traditional but significant area of global governance. The International Maritime Organisation is supported by two major multilateral conventions; the Safety of Life at Sea Convention (SOLAS) and the United Nations Convention on the Law of the Sea (UNCLOS). The time taken to develop UNCLOS is illustrative of some of the limitations of the current system. It took nine years to negotiate and another twelve years for the treaty to gain the required sixty ratifications to come into force. The article exposes several weaknesses in the maritime conventions relating to piracy, terrorism and climate change. UNCLOS defines piracy as occurring in international waters and it does not even mention terrorism. Important provisions do not apply to small vessels which have been frequently used in both pirate and terrorist attacks. Global warming provides another challenge. The possibility of Arctic navigation is now resulting in disputes among the nations that border the region over sovereignty and control while rising seas could inundate landmarks used in the delineation of maritime boundaries. Buky concludes that UNCLOS may not be able to adapt quickly enough to deal effectively with both the existing and potential challenges caused by global warming.

The article by Patrick Weller and Xu-Yi-Chong, ‘The World Bank: an institution with many faces’, focuses on the management of post-war reconstruction and development. The World Bank operates in a different way to most UN-associated organisations. Decisions are made by a Board of Directors with voting weighted towards those who subscribe the most funds. The article identifies several criticisms of the Bank but then explains that there is an alternative picture, one in which the Bank’s clients benefit from the electricity, irrigation, health and education programs it funds. Through an examination of the Bank and its operation a more complex and multi-faceted picture of this influential and controversial institution is presented.

The UN Security Council is the international institution with the most authority but it is subject to the same weaknesses of other international organisations. The veto continues to limit the capacity of the Security Council, especially if the interests of any one permanent member are involved. This is illustrated by Daniel Silander’s article, ‘The United Nations and Peace Building: lessons from the UN transitional administration in East Timor and Kosovo’. He examines the ‘fourth generation’ UN missions in East Timor and Kosovo which both had extensive mandates and authority. He emphasises a major difference between the two missions. The UN Security Council provided a clear ‘roadmap’ from the beginning for East Timor to prepare it for independence. This was not the case for Kosovo. Russia’s close ties with Serbia limited UN action. It was a NATO force that took military action against Serbia. After the Serbian military withdrew, the Security Council effectively took over government in Kosovo but Russia refused to accept any mandate with independence as the final outcome. This caused substantial difficulties for the UN mission and for the establishment of effective government in Kosovo.

Donna Weeks examines the problems besetting another international organisation in her article, ‘The International Whaling Commission: Is maintaining the status quo good governance?’. The IWC was formed by whaling nations in 1946 to conserve the depleted population of whales so as to ensure the future of whaling but in 1982 a moratorium on all whaling was approved except for scientific purposes. Weeks identifies a normative shift in attitudes to whaling which has rendered the IWC a battleground among members, some of whom seek a total ban on whaling while others want the moratorium removed. Neither side can obtain the numbers to either lift the moratorium or impose a complete ban. However, in a postscript the author notes that new IMO rules could prevent Japanese factory ships entering Antarctic waters demonstrating the many-layered nature of international governance today. The Japanese position could itself change following the election of a new government.

Xu Yi-Chong’s article, ‘IAEA Facilitating Multilateral Cooperation on Nuclear Fuel Services’, focuses on another United Nations related agency. The International Atomic Energy Agency (IAEA) has dual responsibilities to facilitate the use of peaceful nuclear technology and to ensure that nuclear material is not diverted to military purposes. Public international attention has been largely on the IAEA’s engagement in monitoring compliance. In that role the Agency has been involved in high profile international action including the search for the alleged Iraqi nuclear program and negotiations with Iran about its nuclear enrichment program. The IAEA has also been in conflict with the USA over both the Iraq inspections and US demands that it toughen its stance towards Iran (BBC News 9 June 2005). Yi-Chong’s article focuses on the other aspect of the IAEA’s work. It identifies an increasing demand for nuclear energy as states seek to reduce carbon emissions and ensure energy security. It also considers the need to provide secure and reasonably priced supplies of nuclear fuel without increasing the risk of diversion for military purposes. The article then examines several specific proposals for multilateral cooperation to make nuclear fuel services available. Each of these proposals incorporates a
major role for the IAEA in overseeing safeguards, cementing its position as one of the more powerful of the international governance institutions.

Proposals for Reform
There are many criticisms of the current state of global governance. Some of those who advocate a system dominated by state sovereignty have expressed scepticism about the existence of, or concern at, changes in international relations that appear to undermine the dominant role of the state. The rights granted to NGOs by international forums and the growing powers of some transnational organisations are cited as particular concerns. Even stronger criticism has been levelled by those writing from a radical liberal or cosmopolitan perspective who seek radical change to transform the current state-centric model of governance from one dominated by powerful nations and international capital into a more democratic system focused on social justice and equity. Such proposals currently appear utopian but the changes that have occurred in the international system over the last three decades and the inability of our existing international system to secure peace and justice suggests it might be time to at least consider alternatives.

In her article, ‘Global Governance: from neo-liberalism to planetary civilisation’, Anita Kelleher is highly critical of the current state of global governance. She argues that from the 1980s the ethos of neo-liberalism has come to dominate international relations with the support of the powerful veto-wielding powers of the north. The United Nations and its institutions are portrayed as captive to these states which are able to influence the global agenda in favour of their own interests at the expense of the interests of the developing nations of the south. Writing from a normative perspective Kelleher asserts that there are better alternatives to the current system and notes that movements already in existence are challenging the dominance of governments and large corporations. She then explores several alternative models of global governance including Galtung’s proposal to restructure the UN to include a directly elected house of the people.

The articles in this edition of Social Alternatives have examined a range of international organisations actively involved in global governance. The UN-related agencies have demonstrated a capacity to develop international legal regimes and effectively deliver international public policy with some autonomy. State sovereignty may have been undermined but it is not dead. WHO is unable to act with the decisiveness needed to ameliorate global pandemics and the IMO cannot procure state agreement to changes quickly enough to deal with new problems in the maritime environment. The IWC is paralysed by disputes among its member states while the IAEA has difficulty in enforcing its demands even when supported by major powers and requires state agreement for the establishment of multinational nuclear fuel services. Even the Security Council, the most powerful global organisation, cannot act as needed if one veto power opposes action. Major change is certainly needed to make the international system more democratic and equitable but this will not be easy to achieve. In the meantime an embryonic system of global governance can be identified but it remains limited by the continuing, if somewhat reduced, power of the states. A regime of global governance is developing but it remains a fragile phenomenon.

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Man Falling

Man Friday fallen on a lee shore
footprint of man freed/enslaved, the waves
too late to hide his foot print in the sand
that will, at last, strand him in England,
that will, at last, kill him. Good will
as deadly as the plague will clothe him,
hide his manhood, who once knew this beach,
the rocks at either end, the long grass
behind it his bed and hers who will not
come to the wooden walls he now calls
his prison. Fallen indeed. And when at last
the ship arrives, the floating wall to transport him,
falling still, to the white cliffs, cold as
the heaven he's learned about, leaving
that hot hell where cannibals roam and girls
lie down in the long grass behind the beach –
all that's well behind him and he's falling
into these cold green fields and his skin
crawls with frost, with the loss of hell.
He's falling and knows he's falling; can
only knot the rope to stop the rot.

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Farmborough Heights
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