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Editorial Note

Dear Reader,

The issue you are about to explore consists of papers presented at the 1st World Congress of the International Association of Political Science Students in Thessaloniki, Greece. The Congress, considered by participants as well as by organizers a tremendous success, took place at the start of April 2014. The time between the Congress itself and the launch of the present volume was used for peer-review of the articles selected for publication. We, the Editorial Board as well as anonymous commentators, are confident that articles found in this issue of Politikon feature topics and research findings that are of high interest for all scholars in the fields of political science, international relations and related subjects. We would like to thank all authors who submitted their articles for this volume and diligently reflected reviewers' and editors' comments in their submissions during the publication process.

And now, for a good measure of top quality academic entertainment, on the next page!

Your Editors

Brazilian National Housing Policy: Institutional capacity and housing deficit

Renata Mendes Bezerra

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Abstract

Regarding the National Housing Policy in Brazil, this paper aims to identify how institutional capacities vary into municipalities, and if this variation is related to housing deficit rates. Specific literature explains that the supply of housing services depends on the existence of agencies and resources to plan and execute public policies. This paper tests the hypothesis that there is a negative correlation between the level of institutional development and housing deficit – so that higher institutional development implies lower rates of housing deficit. An institutional development index (IDI) was created, based on the existence (or not) of Municipal Housing Fund and Municipal Housing Council. The research design combined the methods of principal component analysis, ANOVA and a regression model of ordinary least squares (OLS). Using descriptive and multivariate analysis, the main finding was that higher institutional development is associated with lower housing deficit rates in most of Brazilian municipalities.

Keywords: Brazil; Housing Deficit; Housing Policy; Institutional Capacity; Institutions; Public Policy.

1. Introduction

In the last decades, Brazil has undergone a process of fast and unplanned urbanization, motivated by migration from rural areas to cities and by changes in family characteristics (Caixa Econômica Federal 2011). One of the problems caused by this process is the high rate of housing deficit, which is a result of housing wear and tear, and also the lack of housing stock.

Housing problems impact on families' well-being and quality of life, increasing, for example, their vulnerability to economic and social problems (Inter-American Development Bank 2012).

The National Housing Policy, established in 2004, defined as main guidelines facing housing deficit and encouraging institutional development of states and municipalities – to promote better management and decentralized implementation of housing policies.

The importance of institutional capacity within municipalities is guided by the idea that the regular supply of housing services is directly dependent on the existence of agencies, resources and bureaucracies able to plan and execute public policies (Arretche 2000).

According to Bengtsson (2009), it is uncommon for researchers to analyze the housing field through a political perspective, taking under consideration relevant institutions to the provision of housing and rules of decision-making game. According to the author, housing studies have a descriptive nature and also an orientation to public policy, but, paradoxically, political science has a modest contribution in both empirical and theoretical studies on the subject.

The main purpose of this paper is to analyze the relationship between the institutional capacity and housing deficit in all the Brazilian municipalities.

2. Literature review

This section discusses Brazilian federal arrangement and its relation to the implementation of social policies, and also the importance of local institutional capacities in the management of public policies. This approach will be useful for understanding later, how is the coordinating process of the National Housing Policy by the federal government, and how its decentralized implementation of plans and programs is organized.

Literature defines federalism in different ways. It can be understood as the separation of government activities between central and local governments, in which each level has specific areas of autonomy (Riker 1964; Norris 2008), also as the distribution of

power among multiple centers or non-centralization of power (Elazar 1987), and a mechanism that divides functions and decisions of government (Grodzins 2013).

Decentralization is not a requirement of federalism, but it is common that these two concepts emerge together. This can be exemplified in Lijphart's (2003) definition of the consensus model of democracy, which consists in the division of power between central and non-central levels of government, in which the non-central governments exert a substantial portion of the total power. Federalism and decentralization lead to vertical sharing of power between the multiple levels of government. Therefore, decentralization can be understood as the distribution of power and responsibilities from national to subnational levels of government (Norris 2008).

Classical literature points to the advantages of a decentralized government, such as administrative efficiency, public services enhancement, greater democratic participation and better representation of citizens. These authors believe that the spread of decision-making units at local and regional level also strengthens public policy. That is possible because the regulation and provision of services could be adapted to meet the particularities of each community (Norris 2008).

On the other hand, some authors argue that the establishment of other levels of government can produce higher expenses, lower efficiency in service delivery, reduced coordination, macroeconomic instability and inequality between the administered areas (Norris 2008).

Regarding to decision-making, Weaver and Rockman (1993) point out that federal governments may have authority to intervene in a policy area without the permission of another level of government. Thus, there are risks that the different levels of government may impose conflicts in the definition of programs and policies. Tsebelis (1997) states that the greater the number of veto players within a political system the greater the difficulty to promote change in public policies.

In the specific case of Brazilian federalism, Stepan (1999) emphasizes the disproportion of representation in the Upper House and, to some extent, in the Lower House, which contributes to the structural maintenance of the *status quo*. Difficulties in decision making and governance are also explained by Norris (2008):

As a result of divided government and the weaknesses of parties, Brazilian democracy has frequently experienced legislative-executive stalemate and logjams policymaking, generating what has been termed 'deadlocked democracy', or a crisis of governability (Norris 2008, 167).

Contrary to this literature, Arretche (2002) explains that state and local governments do not represent an insuperable veto point in Brazilian federal government's reform agenda for certain policies¹ (Arretche 2002). The design of the 1988 Constitution combined federal government's broad jurisdictional authority and limited veto opportunities for the subnational governments (Arretche 2009).

Melo (2005) explains that social policies' pattern changes – through second generation reforms² – were proof that the Brazilian Executive would be able to sanction its reforms in Congress and restrict subnational fiscal behavior (Melo 2005).

The democratic transition and the 1988 Constitution allowed a major change in vertical intergovernmental relations nature – the interaction between the federal government, states and municipalities. The new Constitution was responsible for decentralization in the distribution of fiscal resources and political power in Brazil (Melo 2005; Souza 1998, 2004).

During military dictatorship (1964-1985), intergovernmental relations were comparable to an unitary state. Only in the mid-1980s, with the resumption of direct elections for all levels of government and fiscal decentralization established by the constitution, Brazil has returned to a democratic federal structure (Arretche 2000).

In this context of democratization, decentralization was seen as an alternative to hyper-centralized model of social protection implemented during the authoritarian regime. Social policies' decentralization came to be seen as a way to reduce inequalities, universalize access to services and increase control of beneficiaries on public policies (Almeida 1995). Abrucio (1998) points out that the defense of decentralization in the Constituent Assembly assumed a "municipalist" feature.

The expression decentralization, according to Almeida (1995), has been used in studies of intergovernmental relations with different meanings. In general, this concept is used to represent processes of reallocation of functions and resources to subnational governments. To Arretche (2000), decentralization means the institutionalization of technical conditions in local governs for the implementation of management tasks on social policies (Arretche 2000, 16) and involves, by definition, intergovernmental relations. Based on the analytical purposes of this study, Arretche's definition seems more appropriate.

¹ The social policies evaluated by the study are: basic education, health, housing and sanitation.

² According to Melo (2005), two major reforms were implemented simultaneously during the two terms of Fernando Henrique Cardoso: first-generation reforms, referring to economic issues - privatization, liberalization and monetary stabilization, and the second-generation reforms, related to the social sector. The second type have, according to the author, characteristics which make difficult their adoption and implementation.

Even though 1988 Constitution has encouraged decentralization, the federal government used different mechanisms to maintain its ability to coordinate social policies. The autonomy granted to the states and municipalities did not involve its total freedom of action, nor meant less ability to control and coordinate the policies by the federal government (Arretche 2004; Gomes 2009).

As the 1988 Constitution conferred political and fiscal autonomy not only to states but also to municipalities³, both assume the role of local management of public policies – whether on its own initiative, by adherence to a program of a more wide-ranging level of government, or constitutional obligation (Arretche 2000).

The responsibility for management of public policies has been the subject of federal bargain. Due to the high levels of poverty and the size of the target population, the implementation costs of social policies in Brazil are extremely high. Subnational entities need to assess positively the gains to take responsibility for local management and implementation of a specific policy (Arretche 2000).

2.1 Local institutional capacities

To understand the implementation of public policies in Brazil, it is important to know that they depend on: 1) the Union's, states' and municipalities' coordination capacity, 2) the institutional instruments that the policy has to encourage subnational levels to follow its overall objectives, and 3) local institutional capacity, which has a direct impact on the quality of provision and outcomes of policies (Bichir 2011).

Weaver and Rockman (1993) define capacity as the standard of government influence within the environment, producing similar results in different areas of public policy over time. They explain that possessing a high level of an specific capacity – increases – but does not guarantee a high level of government performance in the environment which this government is related.

In the study of housing policy, institutional capacity is the set of instruments to help the municipality to manage housing programs, such as: specific local agency, registration of families in need of housing; intermunicipal consortium, opportunities for citizen participation in planning housing policies (municipal housing councils or similar) and municipal housing fund (Arretche et al. 2012).

³ "Art . 1 The Federative Republic of Brazil, formed by the indissoluble union of States and Municipalities and the Federal District, constitutes a democratic rule of law "(BRAZIL, 1988) Thus, the 1988 Constitution gave the municipalities a unique status in the world.

Souza (2004) argues that despite the varying ability of local governments to provide universal social services, many municipalities are taking on new roles in local governance as a result of federal and local policies. So, analyzing the institutional capacities that municipalities have is an important way to understand its performance on implementation and management of housing policy.

The degree of institutionalization of a public policy is associated with the possibility of maintaining a regular supply, over time, of a continuous flow of services. Therefore, it is necessary that municipalities have an agency responsible for its implementation, an specialized bureaucracy in services to be offered and a permanent source of funding (Arretche 2000). Gibbs et al., support that "[...] local and regional economic development success is linked to the presence of 'institutional capacity' or 'institutional thickness' within the region" (Gibbs et al. 2001, 103).

The “*federal induction*” is responsible for influencing the expansion of institutional capacity into municipalities, as provided by the National Housing System. In the National Housing Policy, decisions and policy formulation are made by the federal government, and local levels are responsible for the management of these programs through the institutional capacities they have (Arretche et al. 2012).

Almeida and Carneiro (2003) argue that few studies have focused on the local level of politics, although this is an aspect of extreme importance. Brazilian federation tends to be quite decentralized, and commonly, it is in the municipal level that innovative forms of policy management and citizen participation arise.

Arretche (2000) explains that there are deep inequalities between Brazilian states and municipalities, which may be economic, social, fiscal, etc. Gibbs et al. point out that

[...] there is a growing view that economic performance is directly related to institutional capacity in particular places (Evans and Harding 1997). It has been argued that ‘institutions provide the basis for localised social and economic networks and contacts and that strong institutional relations may act as a prelude to regional economic success’ (Raco 1999a, 951). From a policy perspective this has frequently been taken to mean that institutional capacities are poorly developed in ‘lagging’ regions and that public policy should attempt to replicate – or at least facilitate – the forms of capacity found in ‘successful’ regions (Garmise and Rees 1997) (Gibbs et al. 2001,107)

So, investing in the adoption of local institutional capacity is considered one way to reduce inequalities between states and municipalities.

3. The National Housing Policy

The Ministry of Cities'⁴ foundation in 2003, was an important step in Brazilian's urban reform. The institution of the National Department of Housing, linked to this ministry, aimed to centralize housing policies within the same body and allow its long-term planning.

The National Housing Policy (NHP), established in 2004, has defined as main goal to promote conditions of access to decent and urbanized housing, to all segments of the population, especially with low-income⁵.

The National Housing System (NHS) is the main instrument of this policy, as it lays the foundations for a participatory and democratic institutional design; provides integration between the three levels of government and with public and private actors involved in the issue of housing, and defines the rules that ensure financial articulation necessary for the implementation of the National Housing Policy. To face housing deficit, the National Housing System (NHS) was divided into two subsystems: the Social Housing and the Housing Market.

These subsystems combine: 1) enlarged access to the private market for the middle classes who cannot find alternative housing and 2) providing housing for the poorer sections of the population (Maricato 2006). That makes sense, since most of the Brazilian housing deficit⁶ – 81.1% – is related to families that have income of up to five minimum wages.

The National Housing Policy has also the axis of Institutional Development, which is a support plan with the following objectives: 1) strengthening the institutional, administrative and technical capacity of states and municipalities, so that they can solve housing problems and 2) assist in decentralized policy implementation.

Decentralized implementation of the National Housing Policy is based on the presence of institutional capacity within municipalities, which are responsible for local management and policy implementation. This paper creates an institutional development index (IDI) for all Brazilian municipalities. The hypothesis is that higher institutional

⁴ The Ministry of Cities grouped housing policies, sanitation, traffic and transport within the same body, so that the resolution of urban problems could be integrated.

⁵ The National Housing Policy has the following main components: integration of urban slums, urbanization, land regularization, insertion of slums and housing provision.

⁶ This value was calculated from the sum of the housing deficit for households without income (3.95%), households of 0-3 minimum wages (62.7%) and households with income of 3-5 minimum wages (14.5 %), based on data from the João Pinheiro Foundation – FJP (2013).

capacity of the municipality is associated to better management and local performance of housing policy. Therefore, lower rates of housing deficit are expected.

4. Methodology

In order to facilitate replicability⁷ of the research findings (King 1995), this section describes the methodological procedures used in this study. Table 4.1 below summarizes this information:

Table 4.1 – Research Design and variables description

Research unit	Municipalities (n = 5.565)		
Research techniques	Descriptive statistics, principal component analysis (PCA), analysis of variance (ANOVA) and ordinary least squares regression (OLS)		
Variables	Name	Description	Source
Dependent	Housing Deficit	The total deficit consists of four components: 1) substandard housing, 2) family cohabitation, 3) excessive burden on rent and 4) increased density in rented properties.	Institute for Applied Economic Research (2013)
Independent	Local agency to manage housing policy (V ₁)	Refers to the existence of specialized bureaucracies to manage housing programs.	Survey of Municipal Basic Information (2009)
	Municipal Housing Plan (V ₂)	Definitions of housing policy at the municipal level.	Survey of Municipal Basic Information (2009)
	Municipal Housing Council (V ₃)	Supervise and sets the guidelines and priorities of housing policy and housing projects. It is a public arena – advisory and/or deliberative, responsible for supervising housing policy. The council consists of public agencies, the private sector and representatives of civil society.	Survey of Municipal Basic Information (2009)
	Municipal Housing Fund (V ₄)	Source of funds to finance housing programs.	Survey of Municipal Basic Information (2009)
	Registration of families interested in housing programs (V ₅)	Register or source of information about families that need housing.	Survey of Municipal Basic Information (2009)
	Public Intermunicipal Consortium (V ₆)	Public association between two or more municipalities for the implementation of projects and services of common interest to promote regional development.	Survey of Municipal Basic Information (2009)
	Public State Consortium (V ₇)	Public association between municipalities and states for the implementation of projects and services of common interest to promote regional development.	Survey of Municipal Basic Information (2009)
	Public Consortium with the Federal Government (V ₈)	Public association between municipalities and the federal government for the implementation of projects and services of common interest to promote regional development.	Survey of Municipal Basic Information (2009)
	Geographic Region	Brazilian territory is officially divided into five regions: North, Northeast, Midwest, Southeast and South	Brazilian Institute of Geography and Statistics
	GDP per capita	Shows the economic output in a territory, in relation to their population quota. It is calculated by dividing the Gross Domestic Product (GDP) by the total resident population.	Brazilian Institute of Geography and Statistics (2010)
	Urbanization rate	Reflects the percentage of the population living in urban areas.	Atlas of Human Development (2013)
	Gini Index	Reflects inequality in income distribution, ranging from 0 to 1 - zero being the complete equality of income, and one the complete inequality.	Atlas of Human Development (2013)

Source: Author.

⁷ “The replication standard holds that sufficient information exists with which to understand, evaluate, and build upon a prior work if a third party could replicate the results without any additional information from the author [...] The most common and scientifically productive method of building on existing research is to replicate an existing finding – to follow the precise path taken by a previous researcher, and then improve on the data or methodology in one way or another. This procedure ensures that the second researcher will receive all the benefits of the first researcher's hard work” (King 1995, 444-445).

The choice of housing deficit as the dependent variable is that this is the official indicator used to guide housing policies in Brazil (Furtado, Lima Neto and Krause 2013). The formulation of the concept and calculation methodology has been adapted over the years by João Pinheiro Foundation, and was adopted by the Ministry of Cities⁸.

The variables of institutional capacity – V_1 , V_2 , V_3 , V_4 , V_5 , V_6 , V_7 e V_8 – were taken from the Survey of Municipal Basic Information (2009)⁹. Based on the responses (yes or no) to each of these questions it is possible to affirm the presence or absence of institutional capacities within the municipal administration. Operationally, the variables were coded with one – when the municipality has an specific institutional capacity, and zero otherwise.

Principal component analysis (PCA)¹⁰ was used in order to measure the Institutional Development Index (IDI). Afterward, the indicator has been standardized from 0 and 1, and the municipalities were organized into groups of low, medium or high IDI. The analysis of variance (ANOVA) defined whether there was significant difference between the means of housing deficit for the three groups above. Finally, the ordinary least squares regression (OLS) was used to verify the relationship between the dependent variable – housing deficit – and the independent variables, in particular institutional development index (IDI). The hypothesis tested is that the higher the index of institutional development, the lower is the housing deficit (HD).

One last important aspect to be mentioned is about the number of cases. This study works with all 5,565 Brazilian municipalities. Thus, the presentation of the results will focus on the magnitude of the effect of IDI on the housing deficit, and not on the significance¹¹ of results. This position is based on the idea that it does not make sense to estimate the p-value when analyzing the population (Figueiredo Filho et al. 2013). For Hair

⁸ For the official calculation methodology, see João Pinheiro Foundation (2011).

⁹ The Brazilian Institute of Geography and Statistics is an entity of the Federal Government, under the Ministry of Planning, Budget and Management and is the leading provider of data and information in the country. Its Survey of Municipal Basic Information has as research unit the municipality, and the main informant is the City Hall of each city. The basic questionnaire's information collection is performed by personal interview. Data is available at:

<http://www.ibge.com.br/home/estatistica/economia/perfilmunic/2009/default.shtm>.

¹⁰ To perform PCA it is recommended to use numeric variables, but this does not exclude the possibility of using categorical ones. In such cases, Hair et al. (2010) suggest that they should be transformed into dummy variables coded in 0 and 1. The variables used in this study to compose the IDI are from Municipal Basic Information Research (2009), and they are all categorical. Therefore, it was necessary to recode them into dummy variables.

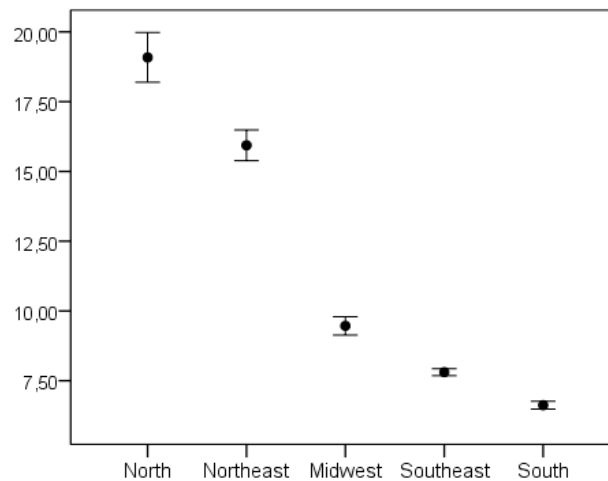
¹¹ "[...] the automatic use of a significant/non-significant binary decision rule is that it encourages practioners to ignore observed potentially important differences in support of the usually less interesting null hypothesis" (Gelman and Stern 2005, 2).

et al. (2010), the use of the population turns statistical inference unnecessary, since any relationship, however small, exists in reality. This is because the observed result already represents the value of the population parameter, and there is no need of statistical significance tests.

5. Results¹²

This section emphasizes the graphical display of results (Kastellec and Leoni 2007) since they use less space than the original tables and facilitate substantive understanding of the observed results (Gelman, Pasarica and Dodhia 2002). The first step is to analyze the distribution of the dependent variable: housing deficit¹³. The graph 5.1 summarizes this information:

Graph 5.1 – Housing deficit (%) by region



Source: Author.

The error bar chart illustrates the variation of housing deficit in Brazil by region, at a confidence interval of 95%. The black balls represent the average of each region and the stems represent the upper and lower limits of this range.

Large inequalities among Brazilian regions can be easily noticed by the graph. The northern region has the highest deficit rate, 19.08%, while the southern region has a 6.62% mean, the lowest of the distribution. The North and the Northeast regions are those that

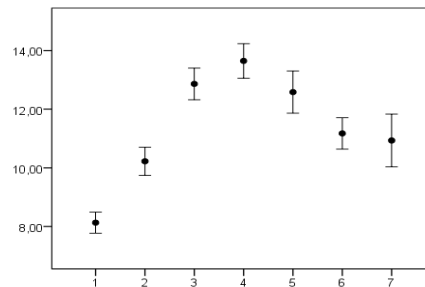
¹² Database available at: http://thedata.harvard.edu/dvn/dv/br_housing_policy.

¹³ The housing deficit variable was standardized, and values exceeding three standard deviations from the mean were classified as outliers (Paulo and Rodrigues 2007) and removed from the analysis. The population decreased from 5,565 to 5,499 cases, after excluding 66 municipalities. The command used in SPSS to standardize the variable was: `analyze> descriptive> descriptive statistics`. After choosing the variable to be standardized, you must select the option *save standardized values as variables*.

need the most urgent focused actions, because they have much higher averages than the others.

The graph 5.2 shows the distribution of housing deficit through the population sizes¹⁴ of municipalities.

Graph 5.2 – Housing deficit (%) by population size

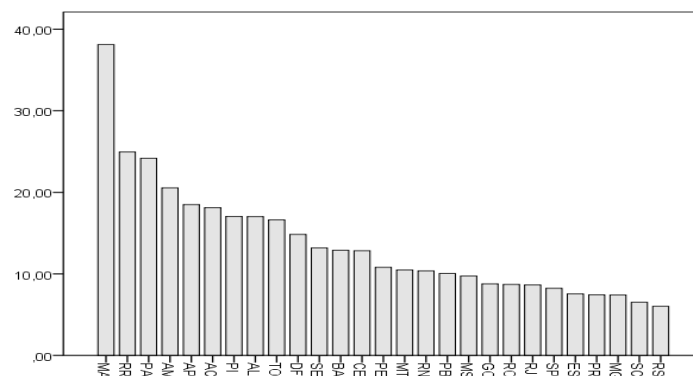


Source: Author.

In this graph, we notice that the housing deficit means exhibit an upward trend until the size 4 – point at which values start to diminish. The municipalities of size 4, with population from 20,001 to 50,000 inhabitants, have the highest rates of deficit, 13,64%. One option to reduce the national housing deficit mean would be, for example, promoting housing policies specifically to the districts of sizes 3, 4 and 5, since these have the highest averages of housing deficit in comparison to the others.

The graph 5.3 represents the distribution of housing deficit through the states.

Graph 5.3 – Housing deficit (%) by states



Source: Author.

¹⁴ The Brazilian Institute of Geography and Statistics officially defines seven population sizes for municipalities: 1 - up to 5,000 inhabitants, 2-5001 to 10,000, 3-10001 to 20,000, 4-20001 to 50,000 5 - 50,001 to 100,000 6 - 100,001 to 500,000 and 7 - more than 500,000.

The state of Maranhão (MA) is the case that most deviates from the others, with an average of 33.11%. This state is the one that needs more urgent attention from public policies. Except the Federal District (DF), the ten states with the highest housing deficit rates are situated in the North and Northeast regions, reinforcing the tendency found in Graph 5.1. Rio Grande do Sul (RS) has an average of 6.02%, and is the state with the lowest housing deficit rate in Brazil.

After presenting the distribution of the dependent variable, the next step is to demonstrate how was the construction of the institutional development index¹⁵ (IDI), the independent variable. This may help the use of this tool by students, researchers and managers/evaluators of public policies. The reduction method chosen was the principal component analysis (PCA), which was done in an exploratory way¹⁶ to assess the pattern of correlation between the original variables and the extracted components (Figueiredo Filho and Silva Jr. 2010). Initially, eight variables were chosen to compose the index. All of them were taken from the Survey of Municipal Basic Information, (2009), and are related to housing. The list of selected variables was:

- (V₁) municipal agency for housing management;
- (V₂) municipal housing plan;
- (V₃) municipal housing council;
- (V₄) municipal housing fund;
- (V₅) registration or survey of families interested in housing programs;
- (V₆) intermunicipal public consortium;
- (V₇) state public consortium,
- (V₈) public consortium with the federal government.

It would be too arbitrary to assume that these variables have the same importance in reality (e.g. the local body has the same weight of municipal housing plan). The principal component analysis seems like an alternative to this problem, since it allows grouping the information of the original variables into a smaller set, the component, with minimal loss of information. In addition, it helps identifying which variable contributes most to extract the component itself (communalities).

¹⁵ As explained Jannuzzi (2005) "the good practice of social research recommends that procedures for constructing the indicators are clear and transparent, that methodological decisions are justified, that subjective choices - invariably frequent - are explained objectively" (JANNUZZI 2005: 141).

¹⁶ According to the authors, the exploratory factor analysis is used in the earliest stages of research and "[...] can be used to create independent or dependent variables that can be subsequently used in regression models" (Figueiredo Filho and Silva Jr 2010,v165).

In this procedure, one of the criteria defined by Hair et al. (2010) is that the variables should have a minimum correlation of 0.3. The correlation matrix¹⁷ demonstrated that only four variables met this criterion: V_3 (municipal housing council), V_4 (municipal housing fund), V_7 (public state consortium) and V_8 (public consortium with the federal government).

The first principal component analysis was performed based on the variables V_3 , V_4 , V_7 and V_8 . However, this set of variables violated the assumption of the simple structure of components¹⁸ (Hair et al. 2010). This is because a variable cannot contribute simultaneously to the construction of different factors. The acceptable limit of a variable's contribution in the factor creation, in order to avoid the problem of indeterminacy is 0.40 (Figueiredo Filho and Silva Jr 2010).

There was no theoretical reason to justify the distribution of these variables in two different factors, so it did not make sense to rotate the component matrix. It is very possible that the data structure – dummy variables – has hindered the union of the variables in an unidimensional construct. After numerous attempts, the most parsimonious and representative (Hair et al. 2010) model included only two variables: V_3 (Housing Council) and V_4 (Housing Fund)¹⁹. And it is based on these two that the institutional development index (IDI) was created.

For more accurate results, the principal component analysis²⁰ was performed for each of the seven population sizes²¹ established by the Brazilian Institute of Geography and Statistics. This way, municipalities were divided according to their population, providing more similarities with each other.

Hair et al. (2010) recommended at least five cases for each variable included in the model. As two variables are used, this recommendation was reached for all sizes, as we can see in table 5.1 below:

¹⁷ See Appendix 1.

¹⁸ See Appendix 2.

¹⁹ As the number of variables used in the principal components analysis is reduced, it is necessary to be cautious in interpreting the results (Hair et al. 2010).

²⁰ The principal component analysis was performed using SPSS. The commands are: analyze > reduction > factor. In descriptives, select the option *Bartlett's sphericity test and KMO*. On extraction, select *principal components*. In scores, choose the option *save as variables* and in method select *regression*.

²¹ The division of the file in SPSS was done by: data> split file> compare groups. In *groups based on*, the variable "population size" was selected.

Table 5.1 - Number of cases per variable

Population size	N	Reason case / variable
1	1276	638
2	1196	598
3	1387	693.5
4	1034	517
5	324	162
6	244	122
7	38	19

Source: Author.

The Kayser-Meyer-Olkin test (KMO) varies between 0 and 1 and indicates if the factors found in the principal component analysis can satisfactorily describe the variations in the original data (Bezerra and Corrar 2006). Hair et al. (2010) considered 0.5 as the minimum acceptable value, and this requirement was fulfilled by the seven population sizes. The Bartlett's sphericity test reveals if there is sufficient correlation between the variables to continue the procedure (Hair et al. 2010). This test was significant for the seven population sizes²².

Hair et al (2010) define communality as the variance shared by variables in the analysis. In general, the communality is the fraction of the variance of a variable included in the analysis which is explained by the extracted components. Although there are no set parameters, usually the minimum acceptable value is 0.5 (Figueiredo Filho and Silva Jr 2010). The communalities for each of the seven population sizes are listed in Table 5.2 below:

Table 5.2 - Communalities

Population size	Variable	Initial	Extraction
1	V₃	1,000	0,822
	V₄	1,000	0,822
2	V₃	1,000	0,818

²² See Appendix 3.

	V_4	1,000	0,818
3	V_3	1,000	0,815
	V_4	1,000	0,815
4	V_3	1,000	0,827
	V_4	1,000	0,827
5	V_3	1,000	0,825
	V_4	1,000	0,825
6	V_3	1,000	0,745
	V_4	1,000	0,745
7	V_3	1,000	0,762
	V_4	1,000	0,762

V_3 = municipal housing council

V_4 = municipal housing fund

Source: Author.

For population size 1, for example, 82.2% of "municipal housing council" and "municipal housing fund" variance is explained by the extracted component, while for the population size 7 this value is 76.2%.

The *Eigenvalue* was the first criterion used for extraction, which suggests that only factors/components with values bigger than one should be extracted (Figueiredo Filho and Silva Jr 2010). This is because in the PCA, each variable contributes in one (1) to the total value of the *eigenvalue*, then only the components with a value higher than one will be significant (Hair et al. 2010). For each of the seven population sizes, only one component was extracted.

The second criterion was the percentage of explained variance. For Hair et al. (2010), in Social Sciences, since information is generally less accurate, the minimum of 60% is considered satisfactory. For all population sizes, the percentage of variance explained by only one component exceeded that threshold. Table 5.3 summarizes this information:

Table 5.3 – *Eigenvalue* and % of variance

Population Size	<i>Eigenvalue</i>	% Of variance
1	1,645	82.248
2	1,636	81.778
3	1,630	81.510
4	1,655	82.745
5	1,651	82.547
6	1,490	74.520
7	1,524	76.197

Source: Author.

Finally, we will examine the component matrix²³, which contains the factor loadings for each variable within a component²⁴. Factor loadings are the correlation between the variable and the factor, so, they are values that define the role of each variable in defining that specific factor/component (Hair et al. 2010).

Table 5.4 – Component Matrix

		Component
Population Size	Variable	1
1	V ₃	0.907
	V ₄	0.907
2	V ₃	0,904
	V ₄	0,904
3	V ₃	0.903
	V ₄	0.903
4	V ₃	0,910
	V ₄	0,910
5	V ₃	0,909

²³ The reliability analysis was performed using the Cronbach's alpha for the seven population sizes. The minimum value acceptable by Hair et al. (2010), in case of exploratory analysis, is 0,6. The results, for population sizes, were respectively: 1) 0,784, 2) 0,777, 3) 0,773, 4) 0,791; 5) 0,788, 6) 0,652 and 7) 0,644.

²⁴ Since only one factor was extracted in each of the seven models, there was no need to rotate the matrix to assess the significance of variables within the factor/component.

	V ₄	0,909
6	V ₃	0,863
	V ₄	0,863
7	V ₃	0,873
	V ₄	0,873

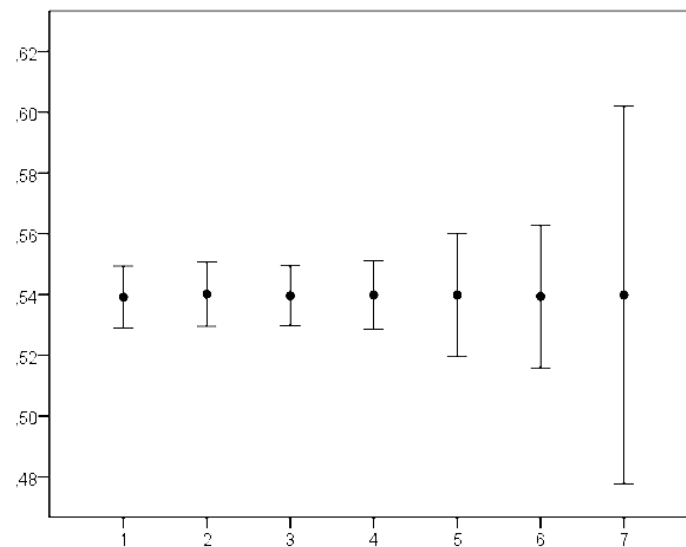
V₃ = municipal council housing

V₄ = municipal housing fund

Source: Author.

After explaining the steps to the composition of the institutional development index (IDI), the next step is to make a descriptive analysis of its distribution. The values were recoded from 0 and 1 to facilitate interpretation²⁵. The closer to one, the higher the institutional development. The graph 5.4 shows that there are insignificant differences between the means of institutional development index (IDI), when comparing by population size of the municipality.

Chart 5.4 - IDI by population size



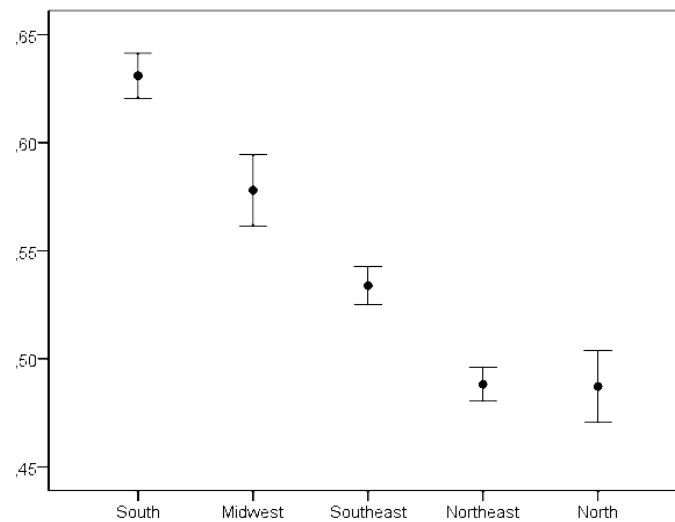
Source: Author.

In this distribution, the difference between the highest and lowest average of institutional development index (IDI) is practically equal to zero (0.0009). The differences between the means may be seen more clearly by analyzing IDI by regions. The southern

²⁵ Standardization of the index was made by the following steps: 1. transforming > calculate variable. The original values of the indicator were added to the minimum value of its distribution (-2.899). This way, the variation became completely positive, ranging from 0 to 4.37. 2. The positive values were divided by (1 + 4.37), producing a new variable (*recoded institutional development index*).

region has an average of 0,631, the highest of the distribution, followed by the Midwest, with 0,578. Northern and Northeastern have almost the same mean, 0.487 and 0.488, respectively. The graph 5.5 shows this information:

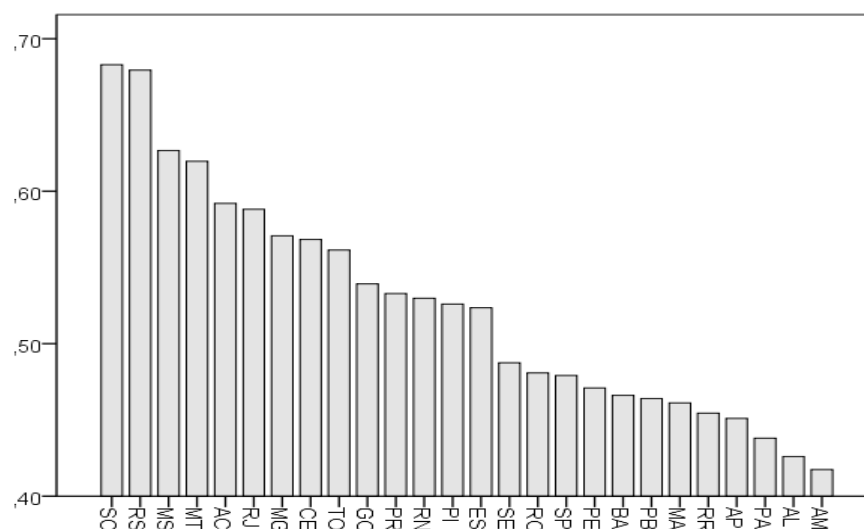
Graph 5.5 - IDI by region



Source: Author.

The national average of institutional development index (IDI) is 0.5397. The state of Santa Catarina (SC) is the one with the highest means in the country, 0,683 - followed by Rio Grande do Sul (RS), with a mean of 0.679. These two states, as we saw previously, are those with the lowest means of housing deficit in Brazil. Graph 5.6 below shows the IDI distribution by states:

Graph 5.6 - IDI by states



Source: Author.

The lowest IDI means belongs to Amazonas (AM), 0,417, followed by Alagoas (AL), 0.426. Curiously, the six states with the lowest means of institutional development index (IDI) in Brazil compose the list of the ten states with the highest means of housing deficit.

Municipalities were also grouped²⁶ according to their institutional development index (IDI). We opted to split them into three groups: 1) low (0,00 to 0,45), 2) medium (0,46 to 0,68) and 3) high (0,69 to 0,81) institutional development. Group 1 consists of 2,730 municipalities, 1,084 for group 2, and group 3 has 1,684 municipalities.

Through the analysis of variance²⁷ (ANOVA), we verified if there were mean differences among the three groups of IDI. ANOVA is an univariate procedure that evaluate differences between groups simultaneously, using a continuous dependent variable. This procedure revealed a significant difference of means between at least one of the groups.

The analysis of multiple comparisons (table 5.5) has shown that there are differences between the three groups of IDI when the low group is taken as the reference category:

Table 5.5 - Multiple Comparisons

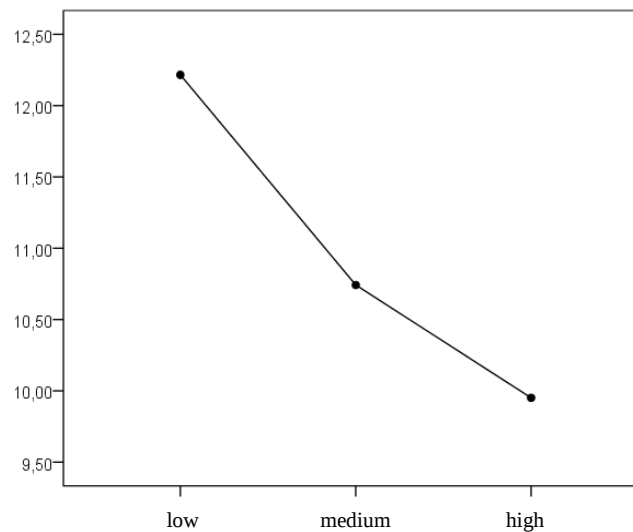
IDI groups (I) (J)		Mean difference (I)	Standard error	Sig.
Low	Medium	1.47	0,313	0,000
High		2.36	0,271	0,000

Source: Author.

The difference of means between low and medium IDI groups is approximately 1.47, and between the low and high group is approximately 2.36. The graph below facilitates the visualization of these differences:

²⁶ Initially, the attempt was to organize the municipalities through cluster analysis, using the non-hierarchical k-means method. This procedure divided municipalities into three clusters, with a huge difference in the number of municipalities per group. Group 1 had 32 municipalities, while groups 2 and 3 had 2,932 and 2,535 municipalities respectively. The alternative option was to analyze the frequency distribution of values for the index, and establish arbitrary division between low, medium and high IDI, composing each group with a similar number of municipalities.

²⁷ The comparison of averages in SPSS is done by: analyze> compare means> one factor ANOVA. "Housing deficit" was chosen as the dependent variable, and "index recoded into three groups" was chosen as factor. In *Post-Hoc* it was selected the option *Tukey* and in options *graph of means*.

Graph 5.7 - Graph of means

Source: Author.

Based on this, we can say that higher institutional development is associated with lower means of housing deficit, which reinforces the hypothesis of this paper.

The last step is to measure the magnitude effect of institutional development index (IDI) on housing deficit, through the ordinary least squares regression model.

The multiple regression analysis is used to estimate the relationship between a dependent variable (Y) and a set of independent variables (X_1 , X_2 , X_3 ...), also called predictive (Hair et al. 2010). The function²⁸ of OLS looks for the best fit of the data in a straight line – to minimize the sum of squared residuals. Which means that OLS regression "[...] minimizes the error to understand/explain/predict Y values from the values of X" (Figueiredo Filho et al 2011, 51). The residuals are the difference between the estimated and observed values – and the smaller these values, the better the fit of the model to the reality.

In this study, ordinary least squares regression was performed, as well as principal component analysis, for the seven population sizes. So, it is possible to estimate the magnitude of the results for groups of municipalities which have similar population. In the final model, housing deficit²⁹ was selected as the dependent variable and the independent

²⁸ This is a multiple regression because there is more than one independent variable. The model can be described by the following equation: $y = \alpha + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \dots + \epsilon$. Where y = dependent variable, X = independent variable, α = constant (does not depend on x), b = independent variable coefficient or regression coefficient and ϵ = error, i.e. the variation of y that is not explained by the model.

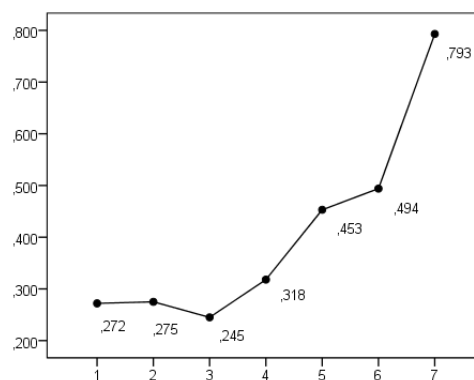
²⁹ This variable is quantitative and continuous, as the model predicts (Figueiredo Filho et al. 2011)

variables were: institutional development index (IDI), urbanization rate, GDP per capita, the Gini index, and geographic region³⁰.

Because this method assumes a linear relationship between variables, it was necessary to transform³¹ the urbanization rate and the GDP per capita, because of their asymmetric distribution. The geographical region, as a categorical variable, also needed to be transformed. Hair et al. (2010) explain that to represent L categories ($L - 1$) dummy variables are needed. Since there are five Brazilian regions, the North was taken as reference category and four dummy variables were created (e.g. the municipality belongs to the Northeast? Yes = 1, No = 0).

The first coefficient of interest is the R^2 (coefficient of determination)³², which ranges from 0 to 1, and measures the proportion of the variance in the dependent variable which is explained by the independent variables. The values of R^2 may be seen in Figure 6.8 below:

Graph 5.8 - R^2 by population size



Source: Author.

In population size 1, for example, 27.2% of the variance in the dependent variable is explained by the independent variables of the model. In population size 7, the explained variance is the highest: 79.3%. It is important to remember that the concern of the analysis should not be in the production of a bigger³³ R^2 . The focus should be on the magnitude of the coefficients and their relationship with the working hypothesis (Figueiredo Filho et al. 2011).

³⁰ The estimated model was exactly the same for all population sizes, i.e. the same variables were used in all of them.

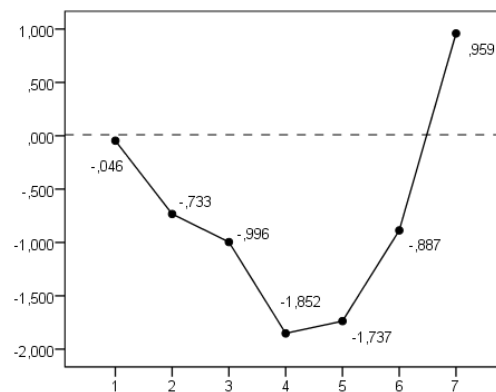
³¹ The alternative chosen was a logarithmic transformation (Gelman and Hill 2007). To run it on SPSS the commands are: transform> calculate variable. In "Special Functions and Variables" select the option $\ln$.

³² See Appendix 4.

³³ See Gary King (1986) "How not to lie with statistics: Avoiding common mistakes in quantitative Political Science".

The α , constant or intercept, is the value expected in the dependent variable when all the independent variables assume the value of zero. This coefficient will not be analyzed, because in this case, it has no substantive interpretation. The analysis will be based on the regression coefficient (β), checking its relationship to what is theoretically expected. The hypothesis of this study is that higher levels of institutional development are associated with lower rates of housing deficit. Thus, it is expected to find a negative correlation between IDI coefficients and housing deficit. Graph 5.9 illustrates the value of the (β) for the variable IDI:

Graph 5.9 - Regression coefficient (β) by population size



Source: Author.

The relationship theoretically expected – x (IDI) exerting a negative effect on y (housing deficit) – was observed in six of the seven population sizes. So, the null hypothesis could not be rejected only for population size 7, which municipalities have population above 500,000.

The value of β can be interpreted in two ways³⁴: 1) the observed change in y when we elevate one unit on x, maintaining everything else constant (Hair et al. 2010) and 2) the average change on the dependent variable, when comparing two groups that differ in one unit in the independent variable analyzed, keeping the others constant (Gelman and Hill, 2007). The first approach may be considered counterfactual, while the second is called predictive (Gelman and Hill, 2007).

For the first populational size, the regression coefficient of the variable IDI was – 0.046. This implies, for example, that an increase of 100 units in the IDI reduces by 4,6% the mean of housing deficit in these municipalities, keeping constant the other

³⁴ Note that as the analysis takes into account the population, the significance of the variables was not taken into consideration. However small, the effects found in reality exist and cannot be ignored. This discussion is better presented in the *methodology* section of this paper.

variables. That is, the mean difference of housing deficit in municipalities that differ by one unit of IDI is -0.046 , keeping all other variables constant.

For the municipalities of population size 4, the increase of one unit in the IDI, maintaining everything else constant, is associated with an average reduction of approximately 1.9% on housing deficit. Thus, municipalities that have one more unit of IDI, have housing deficit means 1.9% lower, compared to municipalities that do not have it – keeping other variables constant.

The same interpretation works for sizes 2, 3 and 5, except for population size 7. In the latter, although β is positive, it makes no sense to claim that the increase of one unit in the IDI was associated with an increase of 0.96% in housing deficit. So what explains this result?

The population size 7 is composed by the cities of population over 500,000 – which are capitals or cities that belong to metropolitan areas. In this case, it is possible that the enormous complexity of social, economic, political, urban, etc. relations has not been sufficiently explained by the specified model, although the R^2 has had a relatively high value. This is an interesting finding of this study, which needs further research and explanation.

6. Conclusion

In this paper it was possible to know a little better the latest tendencies of housing policy in Brazil. We saw that decentralization and institutionalization of public policies at the municipal level have been stimulated since the promulgation of the 1988 Constitution. Although policy definitions and distribution of the National Housing Policy resources are made by the federal government, municipalities are largely responsible for its implementation.

Descriptive and multivariate data analysis has led to some important conclusions. As the literature predicted, the results of public policies vary between regions and states. The southern states have the highest means of institutional development, and the lowest means of housing deficit. In the opposite situation we have the North region, whose states generally have high means of housing deficit and low IDI means.

Through the variance analysis and multiple comparisons it was possible to conclude that there are differences between the means of housing deficit for groups of low, medium and high IDI. This implies that the low IDI group has, on average, higher means

of housing deficit. Hence, having higher institutional development makes the difference for a better performance in housing policy.

This tendency was also confirmed by ordinary least squares regression. For most population sizes, the relationship between IDI and housing deficit was negative, reinforcing the hypothesis tested on this paper. The unexpected behavior of population size 7 municipalities still needs to be further studied.

Therefore, invest and encourage institutional development in Brazilian municipalities seems to be an alternative to promote housing deficit reduction.

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Appendix

Appendix 1 – Correlation matrix

	V ₁	V ₂	V ₃	V ₄	V ₅	V ₆	V ₇	V ₈
V ₁	1							
V ₂	0,136**	1						
V ₃	0,226**	0,240**	1					
V ₄	0,228**	0,230**	0,653**	1				
V ₅	0,202**	0,148**	0,214**	0,215**	1			
V ₆	0,032*	0,018	0,038**	0,029*	0,016	1		
V ₇	0,106**	0,062**	0,070**	0,060**	0,125**	0,067**	1	
V ₈	0,132**	0,092**	0,084**	0,111**	0,159**	0,034*	0,515**	1

** Correlation is significant at the level 0,01.

* Correlation is significant at the level 0,05.

(V₁) local agency to manage housing policy

(V₂) municipal housing plan

(V₃) municipal housing council

(V₄) municipal housing fund

(V₅) registration of families interested in housing programs

(V₆) public intermunicipal consortium

(V₇) public state consortium

(V₈) public consortium with the federal government

Appendix 2- Component matrix

	Component	
	1	2
V ₃	0,780	-0,467
V ₄	0,786	-0,456
V ₇	0,497	0,717
V ₈	0,537	0,684

Appendix 3 – Bartlett's sphericity test and KMO

Population size	KMO	Bartlett's sphericity test (sig.)
1	0,500	0,000
2	0,500	0,000
3	0,500	0,000
4	0,500	0,000
5	0,500	0,000
6	0,500	0,000
7	0,500	0,001

Appendix 4 – Model summary

Population size	R	R²	Ajusted R Square	Standard Error of the Estimate
1	0,522	0,272	0,268	5,60838
2	0,525	0,275	0,270	7,23838
3	0,495	0,242	0,241	8,94034
4	0,564	0,318	0,312	7,98988
5	0,673	0,453	0,439	4,92906
6	0,703	0,494	0,477	3,07037
7	0,891	0,793	0,734	1,38982

Freedom of Expression and Communicative Equality

The Case for Regulation

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Abstract

This paper addresses the normative issue of free speech within the landscape of democratic societies where the mediated form of communication appears as a central feature. Contemporary discussions about free speech tend assimilate press freedom to a notion of freedom of expression as a negative liberty, so repudiating every single regulation to the mass media. In opposition to that line of thought, I argue that media freedom cannot be justified by analogy with negative liberty. The most convincing justification for the principle of freedom of expression relies on the idea of the fair value of communicative liberties, or the idea that society must assure fair opportunities for the exercise of communication. Following this account, I affirm that the institutions responsible for mediating the expressive acts should be structured in a way that contributes, at once, to individual self-determination and collective self-government.

Keywords: Deliberative democracy; Fair Value of Communicative Liberties; Freedom of Expression; Mass Media; Self-determination.

To try to deny the citizen this freedom [of the pen], means withholding from the ruler all the knowledge of those matters which, if he knew about them, he would himself rectify, so that he is thereby put in a self-stultifying position

Immanuel Kant - "On The Common Saying – "This may be true in Theory, but it Does Not Apply in Practice". In: *Kant Political Writings*).

Introduction

In an unprecedented decision, the Brazilian Court has convicted a Bandeirantes TV and its journalist José Luiz Datena for hate speech against atheists. They were convicted over a show aired on July 2010 in which Datena claimed that a supposed criminal could not be but an atheist. According to Datena, in a Dostoievskian argument, the alleged criminal's problem was the absence of god in his heart: "Atheists have no limits, that's why we see crimes like these. Atheists kill and commit other atrocities. They think they are their own God". After a protest from the Brazilian Atheist Association (ATEA), the Brazilian Court sentenced Bandeirantes to air a two hour show discussing freedom of consciousness and religious diversity.

The São Paulo Press Association reacted in a note opposing the conviction in which it states that "one cannot think of democracy in Brazil without fighting for the rights enshrined in the United Nations' Charter of Human Rights, which protects the human right to freedom of expression *and therefore the right of communication* (...). When a journalist or a TV station is prevented from the right to free speech, we disrespect democracy and the rule of law. This is not a discussion about freedom of consciousness or religious diversity; more important is the question of *freedom of expression and the essential and legitimate right of communication*. (...). We couldn't go without a retaliation note because the constitutional defense of one of the most important principles of *natural law*, that is the right to freedom of expression, is comparable to a defense of life and of the *natural freedom of human beings*"³⁵.

I.

In contemporary societies the mass media play a central role in societies' symbolic reproduction; mediated discourses, be them informative or entertainment, form opinions, build identities and regulate political agency. Our comprehension of politics and society fundamentally depends on mass media's filters, which define the dynamics of inclusion-

³⁵ Emphasis added.

exclusion of legitimate voices. The media frames the content and the form of what circulates in the public sphere (Rummens, 2012).

From a certain point of view, the development of IT technologies and the spread of democratic practices have made it easier than ever to establish communication both widely and effectively. Yet some theoretically accepted concepts and legally enforced norms tend to restrict rather than to support democratic communication. I refer to views, such as the one espoused by the São Paulo Press Association, which assigns media and other corporations the same rights assigned to individuals.

In opposition to that line of thought, I will sustain that the free circulation of ideas is more adequately guaranteed when society promotes fairness with regard to the opportunities to exercise communicative liberties³⁶. This perspective, which I shall defend, puts in the forefront of the debate a discussion regarding the regulation of free speech, from the discouraging of hate speech to legislations dealing with the propriety of the mass media.

In what follows I will present three different alternatives to the idea that freedom of expression is only guaranteed when the collectivity is denied any interference on individual expressive rights. First, I bring the “Millian” argument for the protection of free speech, which is based on the idea that freedom of expression is justified by the requirements of individual autonomy. Secondly, I present the “collectivist approach”, that argues that only those expressions that contribute to the democratic deliberation of self-governing citizens should be protected. Third, I address the “participatory theory”, which justifies constitutional protection for certain speech acts on the expressive interest of the speakers in participating in self-determination processes. My argument is that, all in all, these perspectives fail to provide an adequate justification for regulating free speech. I will defend that society must guarantee the fair value of communicative liberties. Everyone shall have the same rights *and the adequate conditions* to express themselves and to be heard in the process of defining society's destiny. Following this path, I shall reason that

Fair equality of opportunity here means liberal equality. To accomplish its aims, certain requirements must be imposed on the basic structure beyond those of the system of natural liberty. A free market system must be set within a framework of political and legal institutions that adjust the long-run trend of economic forces so as to prevent excessive concentrations of property and wealth, *especially those likely to lead to political domination* (Rawls, 2003: 44).

36 According to Iris Young, “Democracy is a process of communication among citizens and public officials, where they make proposals and criticize one another, and aim to persuade one another of the best solution to collective problems” (2010, pp. 52).

II.

Freedom of expression is commonly associated with the search for truth and with the proper functioning of democracy. To the guarantee of freedom of expression is often assigned an epistemic value: better decisions are related to the free circulation of ideas and/or to the diversity of viewpoints available in the public space.

According to Scanlon, a strong doctrine of freedom of expression holds that some speech acts must be immune from interference, despite the harms they could cause and that would be sufficient for the prohibition of other kinds of acts (Scanlon, 2003b: 6). If this is the case, it is necessary to justify the privilege certain speech acts are entitled to. Although part of the discussion follows in a consequentialist path, in this paper I will focus on the discussion that allows us to assess the rationale that underlies the practices regarding the regulation of free speech.

Following John Stuart Mill's *On Liberty*, Scanlon argues that the justifications for regulating freedom of expression should not be sustained on the argument that, if unrestricted, it would lead people to form false beliefs or to consider performing potentially harmful acts. Based on the Kantian³⁷ idea that a legitimate government is the one whose authority is acknowledged by the citizens, considered free, equal, autonomous and rational, Scanlon presents what he calls the Millian Principle:

There are certain harms which, although they would not occur but for certain acts of expression, nonetheless cannot be taken as part of a justification for legal restrictions on these acts. These harms are: (a) harms to certain individuals which consist in their coming to have false beliefs as a result of those acts of expression; (b) harmful consequences of acts performed as a result of those acts of expression, where the connection between the acts of expression and the subsequent harmful acts consists merely in the fact that the act of expression led the agents to believe (or increased their tendency to believe) these acts to be worth performing (Scanlon, 2003b: 14).

This is an "exceptionless" restriction on governmental authority, a limit on the reasons one can use to justify government interference on individuals' freedom of expression³⁸.

At first glance, it seems that Scanlon is providing an unlimited defense for all types of discourse, once he argues that freedom of expression is a good we intuitively rank as

³⁷ Though, as he argues, the requirements for autonomy he subscribes are far weaker than the requirements Kant draws for this notion.

³⁸ It should not, therefore, be considered an individual right.

more important than others. However, the argument has a limited reach, though the limits should be defined by considerations external to the idea of freedom of expression.

Access to means of expression for whatever purposes one may have in mind is a good which can be fairly or unfairly distributed among the members of a society, and many cases which strike us as violations of freedom of expression are in fact instances of distributive injustice. This would be true of a case where, in an economically inegalitarian society, access to the principal means of expression was controlled by the government and auctioned off by it to the highest bidders, as is essentially the case with broadcasting licenses in the United States today (Scanlon, 2003b: 22).

By placing the case for fair communicative opportunities outside the domain of free speech and ranking the right to individual self-expression as more important than other considerations, Scanlon subjects the fair value of political liberties to (a certain conception of) individual autonomy. His argument is committed to the protection of the capacity one has to see herself as “sovereign in deciding what to believe and in weighing competing reasons for action” (2003b: 15)³⁹.

Let’s consider, however, a person who is socialized in an environment where public discourse tends to picture those of her class, race or sex as mere instruments for others’ ends. In this same society, TV news and entertainment shows constantly present scenes of violence involving people with one or more of certain ascriptive characteristics, as if they were naturally leaning to behave in harmful ways. Would such a person be in a position to consider herself as an equal member of the society? Would she see herself and those who share the same characteristics as self-governing individuals and act accordingly?

It is impossible not to take into account the sour-grapes phenomenon among those who were socialized in a society where they are not entitled to equal opportunities. In other words, self-determination is affected not only by the person’s own choices; it is also an outcome of the belief system that tells someone what the available alternatives are (Brison, 1998).

If we recognize that the “social basis of self-respect” (Rawls, 2003: 59) is a fundamental feature of human dignity and a requirement of social and political agency in conditions of equality, Scanlon’s formulation opens space for inequalities that undermine the necessary conditions for exercising collective and individual self-determination.

³⁹ Later, Scanlon himself recognized that “the Millian Principle,..., placed too tight a constraint on possible justifications for restricting expression” (2003a, p. 2).

III.

A different account of freedom of expression rests on the idea that protecting free speech is a form of enhancing public deliberation. According to this perspective “what is essential is not that everyone shall speak, but that everything worth saying shall be said” (Meiklejohn, 1948: 26). Constitutional protection to free speech is a form of avoiding the mutilation of society's “thinking process” rather than a protection of individual rights to free expression. He proposes that the traditional model of town meetings found in some parts of the United States is a pattern from which one can assess the quality of public debate in society as a whole.

Thus, this version highlights the protection of the listener's ability to receive information and opinions from different sources in order to make wise decisions. According to this argument, a system that gives people opportunity to speak but does not offer the necessary tools to think, will be full of empty speech and reckless voting (Gastil, 2008)⁴⁰.

Meiklejohn believes the fact that popular sovereignty requires a free and open discussion among citizens would run against the justification for government interference on *political* discussion. In line with Scanlon's argument, the collectivist view condemns the restrictions based on the point of view of the speeches, because they could silence certain voices, causing interference on public debate, and, consequently, reducing the legitimacy of democratic decisions. At the same time, however, this view opens space for rules applied to the procedure of public debate in order to guarantee the quality of political deliberation. Hence the state can work to restrict or to guarantee freedom of expression, even when it deals with distributive issues. For instance, in determined contexts, private actors who control the means by which ideas come into public sphere can restrict free speech. In such situations, the state must play an affirmative role in order to secure that citizens will receive all the important information needed to base their decisions. Government abstention may be responsible for the exclusion of some *ideas* from public deliberation (Fiss, 1996).

Nevertheless, the collectivist approach protects speech only insofar as an idea could be seen as contributing to the society's thinking process. The authors attached to this perspective distinguish private from public speech, assigning constitutional protection only to the latter. Following this line of thought, the government would be free to restrict, for example, certain forms of hate speech, based on the premise that the ideas they convey are

40 This is quite the same idea espoused by Dahl in the criterion of enlightened understanding. Cf Dahl (2006).

not contributions to public deliberation and collective self-determination. At the same time, however, it would not be precluded from restricting some forms of artistic expression or religious content, based on the same argument. In not protecting such speeches, the collectivist approach does not acknowledge the mutual presupposition of political and “non-political” liberties (Cohen, 1998).

Although the theory refers the value of free speech to the effects it has on the audience, public and private discourses are a function of the speaker’s intentions, not of the potential effects on the listeners. This perspective, thus, implicitly imposes, to the distinction between discourses that should and should not be protected, a comprehensive conception of what must be valued by society. It refuses constitutional protection to private speech based on the normative idea that the self-interest disqualifies expressions as relevant contributions to democratic deliberation. According to Redish and Mollen (2009), “a speaker who refuses to believe in the value of community and instead seeks solely to further his own personal interests through expression is to be constitutionally shunned” (2009: 1318-9). According to Post,

If the state excludes communicative contributions on the grounds of a specific sense of what is good or valuable, the states then stands in contradiction to the central project of collective self-determination. It displaces that project for the sake of heteronomously imposed norms. The internal logic of self-government thus implies that with regard to the censorship of speech the state must act as though the meaning of collective identity were perpetually indeterminate within the medium of public discourse, where 'the debate as to what is legitimate and what is illegitimate must necessarily remain 'without any guarantor and without any end' (1995: 1116).

Moreover, although this approach leaves the content of the government's decisions opened for the citizens' deliberation, it closes the framework of democratic discussion, isolating it from the public sphere. The town meetings are organized according to specific and shared goals. Being the agenda and purposes defined beforehand, the rules are formulated and established to facilitate their implementation. By isolating the decision about what should be said from the democratic procedure, the collectivist view needs to appeal to some form of management through which it would decide whether “everything worth saying” has been said. It requires an *a priori* agreement on the goal(s) that should drive public deliberation or a moderator whose legitimacy entitles her to conduct public discussion.

IV.

According to Post (1995), public discourse presupposes that all beliefs, all goals and all conceptions about the role of the state are opened to public scrutiny, as well as the agenda of the discussion. According to him, what shall be said and what is a valid argument are also subject to disagreement and dispute. No particular comprehensive conception could be used to justify censorship. This would stand in contradiction with the exercise of self-determination through the public use of reason. Appeals to ideas of equality or diversity refer to particular notions of the common good, not necessarily shared by all. Following an argument made by Foucault, Post reasons that control structures end up coming to life and threatening even the autonomy of those who created it: “If we create structures of heteronomy, we shall all, sooner or later, be condemned to inhabit them. We shall become the subjects of a power not our own” (Post, 1995: 1129).

The legitimacy of a political order, argues Post (1995), is due to the citizens’ belief in government’s responsiveness to their interests, and to the view of the state as an outcome of their self-determination. So the key question is to realize how the citizens would feel included in the process of collective self-government. He reasons that the public discourse enterprise can create the consensus necessary for the citizens to view society as a self-governing body. In other words: public communication is able to produce consensus and, as a result, democratic legitimacy. Hence, society must protect the opportunities citizens have to engage in public discourse⁴¹. Because there cannot be a fusion between individual and collective will (*à la* Rousseau), citizens may only “embrace the government as rightfully ‘their own’ because of their engagement in these communicative processes” (Post, 1995: 1115). Free speech, in this sense, is internally related with the safeguard of public debate; nevertheless, this requirement is to be understood as excluding regulations that affect speakers’ expressive interests.

Self-government thus rests, ultimately, on the distinction between autonomy and heteronomy. Any form of interference in the public discourse might be understood as excluding some citizens from the medium of collective self-determination. The communicative processes that give rise to collective will should allow citizens and the society to continuously reconstruct their own identities and their orientation on the moral space. For this reason, public discourse is not organized to accomplish any specific function or purpose; instead, it serves as a medium through which diverse conceptions of

41 Tied to this requirement is the obligation to subordinate the democratic will of the political system to the public opinion generated in the public sphere.

the good life can freely collide and reconcile. What follows from this assumption is that the communicative processes must not be managed in any sense, because this would contradict the very nature of its democratic purposes.

The democratic deliberation, in this sense, will be continuously available for the individual and collective inputs of the citizens. Particular conceptions of equality and equal protection can only acquire legitimacy because public discourse is pervasively indeterminate, and it gives space for the support, the critic, the rejection, and the replacement of such comprehensive notions of the common good. Self-determining frameworks must situate individuals within “webs of hermeneutic interactions” (Post, 1995: 1131), understanding them as autonomous and capable of self-government⁴². Autonomy, therefore, works as a “moral ascription” of the commitment with self-governance.

As we can see, this perspective place prominent value to citizen's participation, understood as private inputs into the communicative process. There is no concern whatsoever with the listeners and bystanders, and with the resources they have available for making democratic decisions. Autonomy, in what Post (1995) denominates the “traditional First Amendment jurisprudence”, implies a sphere free from interference of any kind.

The participatory theory has the advantage of rejecting a managerial control over free speech and public discourse. Moreover, it protects some forms of expression that would not be guaranteed protection by the collectivist approach. Post does not argue for no regulation; rather, he rejects rules based on comprehensive conceptions of national identity that are applied by the collectivity over private actors.

I would like to argue, nevertheless, that by rejecting public interference on the communicative structure that sustains self-expression, this theory seems to understand that a regulation by private actors would be more fair and would give rise self-determination (Silva, 2009). We must inquire if is it really the case of living it all for the form of communication that is promoted by the market, with no concern with the requirement of equality in the chances we all have to participate in self-determination.

Communication should be valued, among other reasons, because the audience participates as much as the speakers on the formation of the public opinion to which the government might subordinate its decisions. Self-government is a collective enterprise and cannot be realized without assuring *equal opportunities* for making inputs to the

42 A notion of autonomy as the one subscribed by the collectivist approach attaches this ideal to requirements of education and the amelioration of social conditions. It implies that it has to be achieved instead of being ascribed.

communicative processes through which decisions gain legitimacy. If a speaker has a right to self-expression but lacks the capacity to achieve her intended audience, would she feel as a participant of collective self-government?

In order to protect certain notions of autonomy and self-determination, this approach refers to a principle of tolerance that, if blindly followed, denies some individuals and groups a rightful place in society. As Cohen argues, when the state fails to impede private actors to restrict others' equal expressive liberties, it is not acting to protect freedom of expression and, therefore, the right to self-determination (1993, pp. 216-9).

The access to the means of publishing and/or broadcasting is equivalent to the right to express oneself. The "marketplace of ideas" is a misleading metaphor when it suggests that our media system is nothing but a reflex of society (Gutman & Thompson, 1996: 125). Under the current conditions in most of our established occidental democracies the communicative liberties are allocated very much on the basis of private willingness to pay. When it comes to the structure of the mass media, "Although viewers and listeners do not pay cash to broadcasters, each station takes account of the revenue likely to be generated by different programs, and the revenue is in large part a function of the existing audience 'demand' for programming" (Sunstein, 1995: 58).

Self-respect is sustained in part on one's sense of herself as an equal member of the society, capable of sharing the rights and duties associated with political issues and decisions. The possession of the moral sense of being able to form and exercise a conception of justice is fundamental to equality. To show respect for one another is to acknowledge and protect everyone's right to the public use of reason. We have to recognize one another as equals "with respect to making the final authoritative judgments about collective affairs" (Cohen, 2003: 109). The idea of collective self-government underlies the notion of democracy as a self-ruling society. But would self-government be effective without fair opportunities for people to express themselves and being heard in the decisions regarding the course of their society?

In what follows I'm going to discuss why an adequate account of freedom of expression must assure the fair value of communicative liberties.

V.

First of all, I take for granted that any democratic society must protect freedom of expression. However, I also take as a premise that this should not be understood as merely

ruling out censorship; indeed, democracy requires as well that individuals have some fair and effective means for bringing their views before public (Scanlon, 2003c: 189).

In a deliberative conception of democracy, the collective character of a decision refers to the fact that it emerges from an institutional arrangement that establishes the appropriate conditions for free public reasoning among equals. According to this view, citizens treat each other as equals by offering reasons for collective decisions that could be considered by all citizens as legitimate.

Deliberative democracy, ..., is not simply about ensuring a public culture of reasoned discussion on political affairs, nor simply about fostering the bare conjunction of such a culture with conventional democratic institutions of voting, parties, elections. The idea instead is manifestly to tie the exercise of power to conditions of public reasoning (Cohen, 1998: 185-6).

In contrast with the views presented in **II** to **IV** above, I consider that “equal concern is the sovereign virtue of political community” (Dworkin, 2000: 2). The requirement of shared reasons for the exercise of political power is what represents the full and equal membership of all in the sovereign body responsible for authorizing the exercise of that power (Cohen, 1998: 213-22). It entails, according to the Article 19 of the Universal Declaration of Human Rights, that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to *seek, receive and impart* information and ideas through any media and regardless of frontiers” (UN, 194 – emphasis added).

In order to ensure that citizens are treated as equals in the argumentative process, the basic structure of the society must: (1) promote the free public reasoning by offering, for example, favorable conditions for expression, participation and association; (2) tie the exercise of the coercive power of society to such public discussion, by building an institutional framework that favors the responsiveness and the accountability of political power; and (3) assure that no individual is assigned a lower value by means of its origin, social class, race, sex and other arbitrary condition (Cohen, 1998).

According to Habermas’s discourse principle “just those norms deserve to be valid that could meet with the approval of those potentially affected, *insofar as the later participate in the rational discourse*” (Habermas, 1998: 127 – emphasis added). Hence the citizens must be guaranteed favorable conditions for the exercise of self-expression that are required for self-government, “in a way that provides each person with equal chances to exercise the communicative freedom” (*Ibidem*). The heart of citizenship, continues Habermas, is composed by both political and human rights, so that public autonomy is not restricted by

moral rights and, at the same time, individual's private autonomy is not instrumentalized for the purposes of popular sovereignty (*Ibidem*).

If we consider the requirement that all citizens should be assigned equal opportunities to exercise communicative freedom, we can assume that it is necessary to reduce the asymmetries in the ability to exercise free speech. When such asymmetries are very high, those with more power will presumably express themselves in a way such that their opinions and views are considered indisputable truths. They could suppress qualifications and counter-arguments, and hide clues and conventions that are essential to understand and even challenge their assertions. According to Rawls,

The basis for self-respect in a just society is not ... one's income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society. No one is inclined to look beyond the constitutional affirmation of equality for further political ways of securing his status (1999: 82).

This is the basis for social self-respect: by affirming the equal basic liberties, citizens of a just society publicly express "their recognition of the worth all citizens attach to their way of life" (Rawls, 1996: 319). Therefore, the communicative practices indispensable to democracy require not only that communicators avoid presenting their own opinions as overpowering, but that they respect the voices from the audience. The commitment must go as far as developing and supporting institutions that contribute to fairness in the opportunities to communicate and that protect the views and social positions threatened of being silenced or marginalized (*Ibidem*: 172-5).

If we are willing to assure the fair value of communicative liberties, it is important to consider those forms of expression that threaten the ideal of equal opportunities. In order to discourage speeches that are autonomy undermining, we must provide "non-reasonably-rejectable" reasons for applying regulations as the one used in the case mentioned in the beginning of this paper. One form of doing it would be to assume that certain forms of hate speech, for instance, deny some individuals equal opportunities to be equally exercise public and private autonomy. Assuming that the sense people have about their own value and that the confidence they have in their abilities are crucial for their capacity to advance their own ends with self-confidence, we ought to conclude that the basic structure of society must guarantee the social bases of self-respect, securing the status of each as equal citizens (Rawls, 1999: 386; 2003: 59).

Since this role must be played by the institutions of society's basic structure, regulations may not only restrict but also guarantee the fair value of free speech and, consequently, enable freedom of expression and communication. Press freedom is not in any way innocuous since it can (and it does) harm citizens' ability to exercise collective and individual autonomy. We must have in mind that the structure of the media systems determine the access citizens have to communicative liberties. Rules regarding a fair distribution of the opportunities to establish communication, to influence the political agenda and, more broadly, society's understanding of itself, also contribute to enhance free speech. Preventing media oligopolies and promoting different, public, forms of operating media outlets can be a good way of developing the fair value of communicative liberties⁴³.

Tentative conclusion

In this paper I have suggested that much of the contemporary practice regarding freedom of expression is sustained on the idea that the basic communicative obligation of society is to not impede individuals' self-expression. Some authors see freedom of expression as entitling people to say wherever they want and as justifying non-restrictive ownership of media outlets (Tannsjo, 1985: 547-59). Such a conception of free speech is seen as a corollary of a very broad, almost unconditional, media freedom. In opposition to this line of thought, I defended that much of the promise related to the right to freedom of expression can only be achieved when acts of expression can also be communicated. And that such right must be protected in several ways.

The three views explored justify the protection of certain acts and forms of speech based, respectively, on conceptions of individual autonomy, enlightened understanding and self-determination. I have argued, against them, that they either violate the very principles they use to justify these protections or are an insufficient account for promoting the goals they presumably support.

As an alternative, I have suggested that the justifications for regulating press freedom should rely on values that could be accepted as legitimate by everyone affected by those rules. Based on these premise, I have argued that democracy implies a concern about the equal access to the opportunities of expressing oneself and being heard in the process

43 Unfortunately I will not be able to develop such ideas here. The basic underlying assumption is that the structure of incentives provided by commercial media canont by itself assign people the chance to influence the way media vehicles determine those discourses that have "journalistic" or "public" value. By setting media outlets that operate according to a distinguished logic, we can offer civil society or other organizations the opportunity to influence what counts as a "public" issue or as a "valid" argument.

of opinion- and will-formation. At the same time, it requires not encouraging the dissemination of views that violate the ideal of equal respect.

The most convincing argument for media freedom appeals to the role these institutions play on individual and public self-determination, as well as to their importance in regulating social and political agency. Given the influence media exercise over society, “providing the informational building blocks to structure views of the world” (Feintuck, 1999: 4-5), and participating in the definition of the chances many citizens will have to receive information from different sources, to exercise freedom of expression, and to communicatively participate in the decisions that will strongly affect their lives, it is reasonable to defend that it should be accountable and, therefore, regulated in order to promote the fair value of communicative liberties.

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Networks and Partnerships of Global Governance: Two Missing Legitimacies

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Abstract

Recently, literature on the problem of legitimacy in/of global governance (GG) institutions, networks and/or partnerships has considerably increased. However, as we argue in this article, the problem of legitimacy, in what James Rosenau called post-international relations, has remained inadequately problematized. We suggest that GG lacks two specific types of legitimacy: legitimacy of GG as a theory and legitimacy of GG as a practice. One further – still critical – shortcoming within the current theoretical framework is that of undervaluing normativity as a larger context within which the debate on legitimacy(ies) is still being fueled. The article is divided into three sections. The first section briefly offers a conceptual introduction to the article's terminology. Next, the second section attempts to bring the suggested multiplicity of GG's legitimacies into analysis. Finally, the third section draws conclusions about the significant value of bringing normativity back to GG studies and how it matters to the question of legitimacy.

Keywords: Global Governance; Legitimacy; Networks; Partnerships.

Introduction

The term *Global Governance (GG)* has been (self)established as a way to meeting the need to find a new terminology to describe and understand international relations⁴⁴ in what Rosenau (1990) called a *post*-international era. As Müller and Lederer noted, there was in 2003 an explosion of literature on GG (Dingwerth and Pattberg, 2009:41).⁴⁵ Moreover, there has been even an increase in the number of universities offering degrees in GG studies. Since then, the body of literature has kept certainly increasing addressing the problem of how we can “legitimize political action in a post-nation-state world.” (Lederer and Müller, 2005:1) Following this definition, legitimacy and GG are conceptually so interlinked that the two concepts cannot be considered apart from each other.

In fact, the mass anti-globalization protests and its institutions, especially in Seattle 1999, have increasingly brought the question of GG legitimacy into a sophisticated debate, through what has been usually referred to as a *crisis of legitimacy*. Such a crisis has become more and more salient as policy making processes have become less open and less transparent, due to the proliferation of actors and stakeholders on the one hand, and due to the increasing complexity of global policy issues and challenges on the other hand.

In this context, GG networks/partnerships have emerged as a response to what has become known as the ‘democratic deficit’ and/or the ‘participatory gap’ in GG, because citizens, social actors and even private sector actors claim that they have been increasingly excluded from policy decision-making processes that affects their interests. Moreover, GG networks/partnerships have emerged as a solution to the problem of ineffectiveness and inefficiency of traditional international policy decision-making mechanisms in meeting the ever-complicating challenges of the post-national world.

Interestingly, despite the remarkably increase in the use of the set of concepts pointed out above, GG, networks, partnerships and (their) legitimacy, it happens that both academic and policy-making circles are still debating their meanings, their theoretical and their empirical value. However, the debate complicates more and more considerably when it comes to the question of legitimacy. Perhaps one of the most challenging aspects of such a debate is the fuzziness of the boundaries between the normative and the sociological meaning(s) of legitimacy.

⁴⁴ We use international relations with initial capital letters (IR) to refer to the field of study while uses international relations with initial small letters to refer to the phenomenon.

⁴⁵ In 1997, an Internet search revealed 3418 references to the term of GG. In 2004, the number had risen to almost 200,000 references. Whereas, by early 2008, the World Wide Web listed well over half a- million pages that include the term of GG.

As we suggest, GG – and its recently conceptualized networks and partnerships – lack in fact three specific types of legitimacy: legitimacy of GG as a theory, legitimacy of GG as a practice and legitimacy of GG *even* as a conception in the daily language of international politics scholars and practitioners as well. In order to develop these propositions, the article is divided into three sections. The first section briefly offers a conceptual introduction to the article's terminology – global governance, networks/partnerships, and legitimacy.

The second part is devoted to bringing the suggested multiplicity of GG's legitimacies into analysis. As to its legitimacy as a theory, we argue that although GG as a theory self-introduces as a non-traditional way of thinking in International Relations (IR) field, oppositely more or less to state-centric and materialist approaches. The theory has been still struggling for paradigmatic recognition within a field that still seems well-establishedly dominated by traditional paradigm(s). In regard to its legitimacy as a practice, we develop two argumentations. First, we argue that GG is not *so* global, and that world politics has witnessed not *the* rise of GG, but *a* rise of many not so GGs. This part of the article, sustained by statistic figures, discusses the problem of GG's 'geographical bias.' Second, we argue that although GG still undergoes a democratic deficit, debate on its legitimacy needs to go beyond the traditional lines around which the democratic deficit problematique is usually discussed.

Finally, the third concluding section attempts to draw conclusions about the significant value of bringing normativity back to GG studies and how it matters to the question of legitimacy. It argues that understanding legitimacy of GG normatively, more sociologically, and therefore more inter-subjectively, hopefully contributes to making GG a political-action project rather than a research programme.

1. Definitions

1.1 Global Governance

The term *Global Governance* can be simply juxtaposed with the traditional label *International Relations* (Dingwerth and Pattberg, 2009:42-44; Baylis and Smith, 2005:1-13). It refers to a shift from an *inter-nation-al* to a *globe-al* level of analysis on the one hand, and from *inter-nation-al relations* to complex *global networks of interactions* among different types of state as well as non-state actors on the other hand. However, it seems that GG has represented a conceptual alternative to the dilemmatic persistent absence of a world government.

GG refers to governance processes at the global level. However, the *global* here includes other levels of interaction, inter-governmental, trans-governmental, transnational and supranational; these levels help to defining the actors involved, the governance resources used and the patterns how resources are exchanged among actors. Furthermore, the global denotes a world in which actors other than states play an increasingly important role, and in which decision-making processes are multilevel, connected both within and between states (Weiss and Kamran, 2009:69). The multitude of actors indeed reflects a dispersion of governance resources among them in a way that no actor, whatever its nature is, can hold them all together. The resources are political (exercising hard or/and soft control over other actors' behavior), financial, cognitive (knowledge and information), and normative (legitimacy of policies and institutions). Again, governance resources have been no longer aggregated at the hands of states/governments.⁴⁶ The question of resources is very important when it comes to the rise of GG networks/partnerships.

The plurality of actors is not the only aspect of the increasing complexity of GG structure. Moreover, Rosenau (2006) conceives GG as *a multiplication of authority spheres* beyond the state, which implies that international politics has been no longer an exclusive domain for the state, nor even for the actors deriving their authority from the state, such as international (governmental) organizations. Authority, within the framework of GG, is not only characterized by a multiplicity of spheres; it is also relocated and even redistributed. Authority has been relocated from the political to the economical and even to the social⁴⁷ when it comes to norms making and legitimization processes and – sometimes – to the bureaucratic when it comes to complex processing of international governmental or nongovernmental organizations. Furthermore, authority has been redistributed from the national/international to the local/transnational and from state to groups and social, ethnic and even militia micro-formations. Interestingly, power does not only emerge at the hands of the new actors due to the retreat of state (Strange, 1996), the new actors also do gravitate power from its traditional holder, state; such redistribution usually occurs randomly and irregularly.

In addition to the plurality of actors and the multiplication of authority, GG is characterized by the complexity of issues, globally governed or to be globally governed. In this sense, GG implies collective processes to govern global issues on which actors show

⁴⁶ In order to get an overview of how governance resources are distributed among actors. See (Weiss and Kamran, 2009:48-51).

⁴⁷ The social includes the social movements that serve as transnational voices for change; transnational civil society forces generally speaking.

greater patterns of interdependence; such as environmental issues, epidemics, financial crises, drug/arms trade, organized crime, terrorism, transnational corruption among others. The emergence of global issues has been accompanied by aspects of strong interdependence among the involved actors. GG actors have become ever more highly interdependent due to the increasing dispersion of governance resources among them in a way that no actor can hold and use them all together. That is what makes the “global problems need global actions” phrase relevant.

Furthermore, perhaps even more importantly, the rise of global issues has led to a contestation of the legitimacy of actors and the legitimacy of actions as well. Therefore, the ontology of GG is not – and should never be – of purely materialistic nature. Moreover, perhaps more significantly, it is of a social nature to which some IR (constructivist) scholars refer as ideational (Petrova, 2003).

GG is a “complex of formal and informal institutions, mechanisms, relationships, [networks, partnerships] and processes between and among states, markets, citizens and organizations – both intergovernmental and non-governmental – through which collective interests are articulated, rights and obligations established and differences are mediated.” (Thakur and Langerhove, 2006:233) Accordingly, it is not only a matter of change in the structure of international relations and/or the international system; it is a question of the very ontology of actors within the international system; how they perceive their identities and how they define their interests and pursue them collectively. This implies an endeavour to shift focus away from the predefined/pre-given actors’ interests posited by realist IR scholars toward national identities and norms that define what the pursued interests *should be*, not what they *are*. Such a shift promises a richer picture of world politics where actors’ interests are shaped by historical legacies, traditions and culture, and inter-actor relations are not exclusively guided by the interest in (individual) survival pursuit or power accumulation (Petrova, 2003:146). Non-state actors, social movements, epistemic communities, private sector actors etc., seek very different interests that are defined and pursued very differently.

Thus, international relations are no more conceived as a system of constantly – sometimes violently – colliding ‘billiard balls’, as realist IR scholars used to claim, but as a ‘cobweb’ of political, economic, social, and very often hybrid relations connecting sub-

national, national, transnational, international and supranational actors within different forms of organizations, regimes⁴⁸, institutions, networks, partnerships... etc.

1.2 Networks / Partnerships of Global Governance

The emergence of GG networks/partnerships has come as a response to mainly two problems: firstly, as a response to what has become known as the ‘democratic deficit’ and/or the ‘participatory gap’ in GG, because citizens, social actors and even private sector actors claim that they have been increasingly excluded from policy decision-making processes that affect their interests. The ‘democratic deficit’ problem has obviously moved from national governance to GG sphere; secondly, as a response to the ineffectiveness and inefficiency of traditional international policy decision-making mechanisms – agreements, treaties, arrangements, international organizations and agencies... – in meeting the ever-complicating profound challenges of an increasingly globalizing and interdependent world.

Steets (2009:124) defines global governance networks/partnerships “as voluntary cooperative arrangements, involving public, private and/or civil society organizations that focus on a [global] public policy problem. Networks and partnerships can take a more or less institutionalized form.” Thus, it is the degree of institutionalizedness that sets the yet slight difference between a GG network and a GG partnership. Steets (2009:124) points out that “some analysts prefer the term ‘network’ for more informal arrangements and ‘partnership’ for more strongly institutionalized forms of cooperation. The use of the concepts is, however, not consistent and while it was particularly popular to speak about ‘networks’ in the early stages of the debate, the current term of choice for analysts and practitioners seems to be ‘partnerships’.” Therefore, echoing Steets, we tend to use the two terms interchangeably.

In order to link GG networks/partnerships back to the rise of complex global issues and challenges, many of which pose critical and urgent threats on a global scale, it is argued that tackling effectively such global problems requires strategies that are made and put into action on all levels – local, national, regional and global, which turns GG into some form of complex multi-level governance. It is obvious that global institutions cannot act effectively in the absence of effective institutions on other levels, mainly speaking the national and the local. Thus, governing global public policies is essentially based on networks/partnerships among the actors involved. Networks/partnerships may include

⁴⁸ A widely cited definition of international regimes is that of Krasner. He believes that a regime is a set of “implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations.” (Krasner, 1983)

individuals (activists, scientists, experts, officials...), intergovernmental organizations, nongovernmental organizations, and social movements.

The concept of networks, more significantly than that of partnerships, is based on the idea of bridging. They *construct* bridges between and among actors; actors that used very often to work against each other, at least from a realist perspective. They “operate by bridging the technical and administrative expertise possessed by industry actors, and the legitimacy garnered by state regulatory endorsement.” (Detomasi, 2007:328) Bridges are not to be only constructed between and among actors, they are also to be constructed between and among governance sectors; that is why GG does not need to be only conceived of as multilevel, but also as multi-sectoral.

What distinguishes GG networks, as institutional innovations⁴⁹, from traditional institutional arrangements are three main characteristics, interdependence, flexibility and complementarity. First, *interdependence* implies that no actor can address the issue at stake by itself. Multi-sectorality of GG, and thus of networks, implies building bridges on a transnational scale among the public sector, the private sector (for-profit) and the social sector (non-profit) in order to enable them to pull their diverse resources together. As Reinicke and Deng (2000:29) argue, networks “combine the voluntary energy and legitimacy of the civil-society sector with the financial muscle and interest of businesses and the enforcement and rule-making power and coordination and capacity-building skills of states and international organizations.”

Second, *Flexibility* refers to one of the most distinctive features of GG networks *vis à vis* traditional international organization arrangements. “Networks come in various forms and organizational shapes that can also adjust through the process of cooperation. As a result, networks structures are evolutionary in nature, able to allow for constant learning from both successes and failures. Furthermore, their evolutionary character and flexible structure allows for openness – accommodating new players during the process and tying them into the network. In the evolution of the network, old links break and new links form as required.” (Benner, Reinicke and Witte, 2002:8) Flexibility of networks also helps actors to overcome the problem of bureaucratic constraints which usually characterize traditional international organization arrangements, and therefore allows them to act faster and more efficiently.

⁴⁹ GG networks are seen as innovations; simply because the lack of existing mechanisms, coupled with the urgent need for solutions to serious problems, leaves room for inventing new ones. Interestingly, Reinicke and Deng (2000:29) used the same image.

Third, *Complementarity* implies that networks are sustained by the diversity of their constituencies. Besides, it refers to their ability “to handle this diversity of actors precisely because of the productive tensions on which they rest. As a result, networks facilitate the discussion of controversial issues and provide a conducive framework for political deliberation. At the same time, they also create the conditions for the combination and coordination of complementary resources. Networks are therefore mechanisms that facilitate the transfer and use of knowledge and other resources of various actors in the global public policymaking process.” (Benner, Reinicke and Witte, 2002:8)

There are many promises the growing popularity of networks/partnerships can offer. Steets (2009:124-126) lists: creating greater operational capacity and effectiveness; generating more flexibility and efficiency; encouraging innovation; establishing a cooperative work culture in participating organizations; encouraging inter-organizational learning; and creating greater opportunities for participation and increasing the legitimacy of governance.

1.3 Legitimacy of Global Governance

The question of legitimacy has been receiving increasing attention in the research body on GG. However, literatures have devoted excessive attention to questions of structure, efficiency, effectiveness etc. while neglecting normative issues, among which legitimacy is one of the most challenging. For Moravcsik (2004), the question of whether “GG [is considered] democratically legitimate, or [whether it undergoes...] a ‘democratic deficit’ [is] one of the central questions – perhaps *the* central question – in contemporary world politics.”

However, despite the fact that IR scholars, among many other fields of study, has been attempting to re-evaluate the concept, contestation over how to define legitimacy itself still exist. Thus, a plurality of conceptions and understandings of legitimacy has overshadowed the relevant debate(s). Lister (2003:176) contends that “although the term ‘legitimacy’ is often used in a number of policy contexts, it is rarely defined. [...Perhaps its] ‘inherent vagueness’ has been the success of the concept of legitimacy.” In the same context, Suchman (1995:572) notes that many researchers employ the term, but few [have attempted to] define it. Consequently and unsurprisingly, scholars and practitioners have always tended to introduce the term as a universal and objective one.

Taking such conceptual plurality into consideration helps to understand the very consequences of (il)legitimacy. Wimmel (2009:186) notes that “legitimacy concepts formulate perceptions of whether and under what conditions certain legitimacy objects,

such as political institutions or individual political decisions, can be assumed to be acceptable or worthy of recognition and can be justified inter-subjectively and independently of the own self.” The inter-subjectivity question will be examined more closely later. For Peters, “to say that an institution etc. is legitimate is to make the judgement that it meets certain normative standards of legitimacy. It follows that to get at the substance of legitimacy (i.e. to be able to judge what is legitimate/illegitimate), we need to identify the normative standards in question.” (Peters, 2013:6) Here is another aspect of legitimacy that is to be examined later, normativity.

The concept of legitimacy rests on two main sub-concepts, acceptance/compliance and normative justification. First, *acceptance/compliance* “is often called the ‘belief in legitimacy’ in the tradition of Max Weber. According to this concept, the legitimacy of [an institution,] a political system or of individual decisions is dependent on the *de facto* support by the citizens⁵⁰.” (Wimmel, 2009:186) One aspect of the oft-referred to as a legitimacy crisis is the failure in maintaining a minimal level of acceptance and/or⁵¹ compliance among the target-audience of the GG policies at issue. According to this conception, legitimacy is viewed as a social more than as a legal issue, because it may happen to consider policies legitimate as long as citizens accept and follow them even if the policies prove not to be in accordance with the existing (legal) regulations⁵². Second, *normative justification*, in contrast to acceptance which can be measured empirically through for instance opinion surveys⁵³, is more abstract and much more (inter)subjective. It “is characterized by a subjective norm that must itself first be established and justified as a criterion for evaluation. [...] Classic examples are normative justifications of certain understandings of democracy or substantive goods, such as individual freedom or social justice, which political systems must guarantee and ensure in order to be considered legitimate.” (Wimmel, 2009:187)

Since legitimacy is based on acceptance/compliance, then it could be suggested to be viewed as conceptually as well as practically different from – if not opposite to – coercive tools of governance, i.e. making individuals follow rules. Therefore, legitimacy helps to ensure the target-audience’s compliance, because illegitimate institutions or

⁵⁰ Wimmel argues that acceptance can be measured empirically, usually through attitude and opinion surveys, while compliance can be recognized in adherence to legal norms.

⁵¹ It would be more expressive of legitimacy to maintain them both.

⁵² Wimmel (2009:186-187) states a further sub-concept, legality. However, for analytical purposes, focus is to be put only on the two most relevant ones (acceptance/compliance and normative justification).

⁵³ Further indicators, such as protest/support movements or public debates, can be used to measure acceptance empirically.

systems will certainly need to employ coercive instruments and therefore it would be even more difficult for them to function.

Buchanan and Keohane (2006:405) distinguish between the normative or philosophical and the sociological meaning of legitimacy. In their words, “to say that an institution is legitimate in the normative sense is to assert that it has *the right to rule*. [In contrast,] an institution is legitimate in the sociological sense when it is widely *believed* to have the right to rule.”

Transparency is a further concept that is closely linked to legitimacy of GG⁵⁴. Seattle mass protests against globalization have increasingly brought the question into debate through what has been referred to as a *crisis of legitimacy*. Transparency, defined as ensuring “the right to know”⁵⁵ for the actors involved, has become more and more salient as policy making processes have become less open to the involved actors, due to the proliferation of global actors and stakeholders on the one hand, and to the increasing complexity of global issues on the other hand. Furthermore, Peters (2013:11) considers what he calls the “all-affected principle,” i.e. the principle that those who are affected by a political decision should have the power to influence it. As to available literature so far, one can refer to the increasingly contentious debate on transparency and access to public policy making processes in the European Union, for instance, and in World Trade Organization as well.

2. Legitimacy of Global Governance as a Theory

Interestingly, the growing usage of the term GG, among scholars and policy practitioners as well, coincided with the end of the cold war, a major event that has not only changed international politics structure and processes, but has also spurred intense interest in discovering alternative approaches to international relations in post-cold-war era. Still, GG has remained highly contested, both among traditional and ‘new’ approaches.

For many scholars, however, the very novelty of the concept should be questioned and placed under scrutiny. According to Ba and Hoffmann,

“Whether or not scholars explicitly discuss *global governance*, *governance* has always been at the center of the study of world politics—‘Governance is now fashionable, but the concept is as old as human history’. All of the studies of cooperation under anarchy, all of the various (neo)realist

⁵⁴ James O'Connor notes that a great many of conceptions are being invoked in attempts to ‘explain’ the conception of legitimacy; they include consent, authority, justice, the ‘moral basis for social Interaction,’ normative belief that a rule or institution must be Obeyed, popular sovereignty, democracy, and “right” or rightfulness. The list could go on. See (O'Connor, 2007:3).

⁵⁵ The phrase, “the right to know,” has been coined by Ed Florini (2007).

treatises on balance of power, all of the analyses of regimes, and all of the English School's work with international society are at heart concerned with discerning the order that actors in world politics create and follow in an anarchical world." (Ba and Hoffmann, 2005a:3)

This could be denied only in one single case, if we set back to the traditional use(s) of the label *international*, ranging from international relations/politics to international – not global – governance. Significantly, Gilpin for instance entitled his contribution in a 2002 edited volume "A Realist Perspective on *International* Governance," (Gilpin, 2002 [emphasis in the title is added]) despite that the title of the volume used explicitly the label *Global Governance*, "*Governing Globalization: Power, Authority, and Global Governance*."

Nevertheless, many other scholars (have) tend(ed) to regard GG as new and different, as a concept, as a phenomenon and as a theory to approach post-cold-war international politics. Again, as Ba and Hoffmann (2005a:3) note, "global governance is new because of the 'global' modifier for governance" which radically challenges the traditional *state-centric* image of international relations and its subsequent aspects. This way, GG shifts attention from state-centeredness to a multiplicity and diversity of actors, and from inter-state relations to trans-actor networks of interactions within an increasingly complex world.

Theories of (approaches to) GG represent two main theoretical and even philosophical traditions within the field of IR. In whatever way the two traditions are articulated, they reflect the above-mentioned distinction among the critical implications of the two labels, international relations on the one hand and global governance on the other. While the concept of international relations "is by definition primarily interested in 'politics among nations' and pays rather little attention to non-state actors, the [concept of] GG does not establish such a hierarchy." (Dingwerth and Pattberg, 2006:191)

Consistent with what has been said, Dingwerth and Pattberg (2006:192) add three further distinctions among the implications of the two labels. Firstly, while "international relations suggests that international interaction can be analyzed separately from interaction at other levels of social interaction, [...] GG conceives of world politics as a multilevel system in which local, national, regional, and global political processes are inseparably linked;" Secondly, while "international relations is traditionally linked to power relations, interest-based interstate bargaining, and, more recently, the role of norms and advocacy networks as the driving forces of politics beyond the state, [...] GG starts from the assumption that a wide variety of forms of governance exist next to each other and that a hierarchy among these various mechanisms is hard, if not impossible, to discern; [...and

thirdly,] while research in the field of international relations tends to focus on the phenomenon of authority and its legitimation primarily in close connection with the state's ability to pursue its rational self-interest, a GG perspective allows capturing the emergence of new spheres of authority in world politics independently of sovereign nation-states." (Dingwerth and Pattberg, 2006:193)

However, such distinction reflects a broader dichotomy-based debate among two leading paradigms within the field of IR theory. Labels indeed greatly vary, and under every context, one can refer to different appellations. The debate yet remains deeply epistemological. It has been referred, earlier in this article, to Buchanan and Keohane's contrast between the normative and the sociological meaning of GG legitimacy. They argue, to spell out again, that "an institution is legitimate in the normative sense is to assert that it has the right to rule; [in contrast,] an institution is legitimate in the sociological sense when it is widely believed to have the right to rule." (Buchanan and Keohane, 2006:405) This implies, whether explicitly or implicitly, that the first meaning rests on an objective(ist) understanding, whereas the second rests rather on an inter-subjective(ist) understanding.

Following this, it could be argued that two main modes of theorizing have led to the establishment of such a dichotomy. The two modes have become well familiar to IR scholars as explanatory and constitutive theory. An explanatory theory "sees the world as something external to our theories of it. In contrast, a constitutive theory [...] thinks that our theories actually help construct the world." (Smith and Owens, 2005:273) The debate between the two can be reframed as a contestation between the theories that think of the social world as like the natural world on one hand, and the theories that see our language, our concepts and our very theories as helping (re)construct that world on the other hand. Actually, such a divide has significantly broken up IR scholarship into two divergent sorts, scholars seeking to explain and scholars seeking to constitute the social reality. Accordingly, an *explainer* tends to be objectivist while a *constituter* tends to be inter-subjectivist. At this point, it could be argued that legitimacy of GG lacks any consensus as to how it comes into practice, normatively or sociologically in the words of Buchanan and Keohane; whether it is pre-given or inter-subjectively constructed. Such an inadequately answered question remains a significant blind-spot in the literature on GG legitimacy.

More broadly, epistemological distinction has been (to be) made between ideationalist and materialist thinking concerning the foundations of GG. The ideationalists-materialist gap finds its origins in an earlier debate on the end of the Cold War, which was a crucial juncture for IR constructivist scholars to challenge and delegitimize the

(neo)realist mainstream, because the latter mainly failed not only to predict but also to offer an adequate explanation to the way how the Cold War ended. Constructivists contended that (neo)realism was – and is still unable to understand change in world politics due to its excessive focus on material factors (power, military capabilities, bipolarity...) at the system level, and therefore it fails to see and then explain changes in ideational factors (ideas, perceptions, identities, meanings...) at the individual/collective and domestic level that eventually led to the transformation of the system.

(Neo)realists call upon material power and material conditions, among which power constraints and incentives are at the foremost, to explain the rules and patterns of GG. On the other hand, constructivists claim that GG is ‘ideas all the way down’ (Wendt, 1999). They argue that the “ideational foundations of GG cannot be ignored because in the end ideas provide the most basic foundations of governance: who participates, how actors interrelate with one another, what issues are considered important, and even how actors get what they want.” (Ba and Hoffmann, 2005b:250)

Whichever the stance one may put more focus on, the two approaches are complementary; both are analytically indispensable but none is adequate by itself to offer a comprehensive understanding. For brevity, emphasis is to be placed on how the problem of legitimacy is theoretically perceived. Next, we examine how different (main) IR theories approach the very concept of GG legitimacy. Three theories are to be examined, (neo)realism, neo-institutionalism and (social) constructivism.

(Neo)realists believe that the structure of the international system is anarchic, i.e. there is no central authority to create and impose any rules of conduct. International relations are therefore “represented as a self-help, zero-sum game where states have to keep their relative position either by forming alliances, or internally, by increasing their own military and economic [power.]” (Petrova, 2003:117) Consistent with that, Mearsheimer, a prominent neorealist, defines institutions as “sets of rules that stipulate the ways in which states should cooperate and compete with each other.” (Quoted in Simmons and Martin, 2002:259) He stresses the fact that states create institutions not only to cooperate but also to compete. Thus, institutions can only reflect existing patterns of power distribution among states, and they are used only as an instrument to maintain and sustain the status quo.

It is neorealists’ excessive focus on relative gains that makes them under-estimate, and thus under-theorize, international institutions. For Grieco and Mearsheimer, again, the pursuit of relative-gains “prevent[s] states from intensive cooperation: since the benefits of

cooperation can be translated into military advantages, concerns about the distribution of the gains impede substantial sustained cooperation.” (Simmons and Martin, 2002:261) The instrumentality of institutions can be better conceived of through the fact that “powerful states, in [t]his view, often have the ability to present others with a *fait accompli* to which they are forced to adjust, sometimes making them worse off than they were before the agreement was made.” Regarding the question of legitimacy in the view of (neo)realists, it seems that GG institutions, and broader arrangements, are not independent from the states which create them and provide them with their *raison d'être* and consequently with their legitimacy.

On another hand, neo-institutionalists seem to be more optimistic about international institutions⁵⁶ as “a way for states to overcome problems of collective action, high transactions costs and information deficits or asymmetries.” (Simmons and Martin, 2002:261) They argue that,

“[...] institutions would be effective to the degree that they allowed states to avoid short-term temptations to renege, thus realizing available mutual benefits. In particular, institutions could help to focus expectations on a cooperative solution, reduce transaction costs and provide a greater degree of transparency, through which it was expected that reputational concerns would come into play, thus rendering cooperative rules effective. In short, institutions could be explained as a solution to the problem of international collective action, providing a response to the puzzle posed by realism.” (Simmons and Martin, 2002:262-263)

Additionally, the institutionalization of international relations has been driven by states' interest in reducing what Lake called “the risk of opportunism and governance costs;” the risk of opportunism generally decreases as the level of hierarchy in an institution increases, whereas governance costs increase as the level of hierarchy increases. Acting rationally, states choose an institution that balances these two dynamics.

In addition to their rigorous work on international issue-specific regimes, neo-institutionalists have widely contributed to the establishment of a conception of GG as an effective way to create inclusive networks to govern global issues even in the absence of anything similar to a world government. However, in contrast to (neo)realist conception of the full dependence of international institutions on state(s) power, institutions/regimes, in order to operate, require sets of rules and norms most of which are of social nature.

⁵⁶ Neo-institutionalists more often use the term international *regimes* as interchangeably with international institutions.

Casting more light on non-state actors, neo-institutionalists believe that GG can play an independent role from states. The logic of such independence draws from the idea that they are relatively “capable of encroaching upon the sovereign rights of individual states that are members of the international community and, by extension, upon the rights of individuals residing in such states, without their specific consent.” (Srivastava, 2007:5) In this view, legitimacy of GG institutions is not derived only from states, but also from the broader wide-range of GG actors.

On another end of the spectrum, and more interestingly, we find (social) constructivists. While neo-institutionalists have hopefully believed in promoting cooperation under anarchy, social constructivists have tended to question the *very* ontology of anarchy itself. Drawing from their label, (social) constructivists contend that anarchy is not pre-given, but rather socially constructed.

Constructivists define institutions in a wider sense than that of neo-institutionalists. Drawing from English School’s insights, constructivists view institutions as “cluster[s] of social rules, conventions, usages, and practices ..., [...] set[s] of conventional assumptions held prevalently among society-members ... [that] provide a framework for identifying what is the done thing and what is not in the appropriate circumstances.” (Simmons and Martin, 2002:266)

More importantly, constructivists argue that institutions and actors’ identities, since considered as ideational more than material subjects, are of a mutually constitutive nature. They assert that “international institutions define who the players are in a particular situation and how they define their roles, and thus place constraints on behavior. [Furthermore, they] emphasize that international institutions can alter the identities and interests of states, as a result of their interactions over time within the auspices of a set of rules.” (Simmons and Martin, 2002:267)

Accordingly, legitimacy of international institutions, and of GG by extension, is of no exception within constructivism. It is rather socially-constructed and of a constitutive and inter-subjective nature. A GG institution, arrangement, network, etc. is not considered fully legitimate if it lacks that *belief* in its legitimacy among the actors involved and affected by its processes. Such *belief*, without doubt, is of a social nature; it is socially and inter-subjectively constructed among them. Understood in this way, legitimacy becomes a very dynamic process. It is not given but constituted, not earned once but accumulated continuously through a complex fluctuating process of evolution and dissipation.

Drawing on what precedes, it seems that GG as a theory tends more significantly to self-introduce as a nontraditional way of thinking in IR field, opposite more or less to state-centric and materialist approaches as it has been discussed above. However, has such a self-introduction been widely acknowledged among the field's scholarship? In fact, it has been still struggling for paradigmatic recognition within a field that still seems well-establishedly dominated by traditional paradigm(s). As Ba and Hoffmann (2005a:6) put it, "traditional/established international-relations theory, in its readiness to adopt a 'politics as usual' view of world developments, has a tendency to dismiss GG/challenger approaches as something akin to "peace studies"—naïve, misguided, or at least an example of wishful thinking."

Among many IR scholars, the view that international relations, world politics or even GG are *essentially* state-centered still gains as much legitimacy as the view that GG remains a state-dominated system does. They seem "ready not to dismiss the state, but to remove it from its accustomed pedestal." O'Brien, for instance, although "gives priority to non-state actors in [an] exposition on global civil society, but he also admits that often times, global civil society actors are reactive—reacting to the actions and systemic rules set up by the state." (Ba and Hoffmann, 2005b:256) Even the plurality of actors has been questioned. Overbeek (2005:39-40) on another hand argues that plurality of actors, interests and structures or spheres of authority, using Rosenau's terminology, is not the essence of things. He denies such plurality to be as essentially undetermined, unbiased and neutral; he rather draws much more attention towards seeing this plurality as set in a wider hierarchical configuration of social [as well as material] power. In this sense, "being aware of [not so] new actors does not necessarily translate into seeing an increased role for them in the governing of world affairs." (Ba and Hoffmann, 2005b:256)

3. Legitimacy of Global Governance as a Practice

Having questioned the legitimacy of GG as a theory throughout the preceding section, we now move to question its *very* legitimacy as a practice. At a certain point of analysis, it would be concluded that theoretical and conceptual implications cannot be detached from practice questions that address how GG is being done. However, such a context of analysis is not, at all, free of normative premises and conclusions as well. More than a decade ago, Murphy and Wilkinson well framed this *tough marriage* among GG practice(s) and the question of normativity. They, participating in the 2001 GG Workshop at the University of

Delaware, asked: “in whose interests is GG being pursued?” (Ba and Hoffmann, 2005b:262) This is just one, widely cited, example to illustrate the case.

In the current section, we attempt to develop two main argumentations. First, we argue that GG is not so global, and that world politics has witnessed not *the* rise of GG, but *a* rise of many not so GGs, this argument echoes Rosenau’s claim that GG is increasingly structured differently in different parts of the world and in different issue areas, resulting in “a plethora of governances;” (Rosenau, 2009:1) and second, we argue that although GG still undergoes a democratic deficit, debate on its legitimacy needs to go beyond the traditional lines around which the democratic deficit problematique is usually discussed, such a debate-strategy is suggested as a way out of the problematique.

3.1 First: Is global governance so global?

At issue here, in particular, is what Dingwerth and Pattberg (2009) call ‘the geographical bias’ of GG. It can be argued that ‘the geographical bias’ of GG as a practice is more critical. The way how GG is (being) done, to put it differently, actually makes it not accurately global in the literal sense.

The term of GG, as it has been widely used, misleadingly implies a certain degree of homogeneity of governance processes and structures on the global level. Nevertheless, one cannot deny, not without difficulty, that “beyond the OECD world, in which the dense integration of politics, law, economy, and civil society and the frequent transboundary interlinkages constitutes a post-national system of politics, the ‘new second world’ of EU enlargement candidates and a few (South) East Asian societies can also be considered as capable of actively and passively participating in GG.” (Dingwerth and Pattberg 2009:60) Dingwerth and Pattberg, borrowing from Senghaas’s work, argue that,

“[...] this is very different for the ‘third’ and ‘fourth world’. In the third world, the centres are integrated, if only asymmetrically, in the transnational club of the first and second world, while the periphery is structurally dependent on its own centres and hence incapable of effectively participating in transboundary, let alone global, governance. Finally, in the fourth world, societies no longer dispose of regulatory capacities because the state has either failed or been usurped by private actors. On this account, the necessary preconditions for effective governance through the pooling of complementary resources are virtually absent in large parts of the world, thus making GG a much less global affair than the label might suggest.” (Dingwerth and Pattberg 2009:60-61)

This intervention brings into discussion the problem of representation, on which much debates on GG legitimacy rest. Numbers in this regard can help to illustrate, for

instance, the fact that the largest numbers of non-state actors, non-governmental organizations and multinational businesses mainly speaking, come from a limited sphere of the globe, which undermines the globalness of GG.

This argumentation draws on the example of the WTO-NGOs' nexus. In 1996, the WTO General Council devised *Guidelines* that ascertain that the organization's secretariat would establish a space for recommendation exchange between the members of the organization and the NGOs involved. In fact, the rationale of these Guidelines has been to contribute to increasing public awareness about the organization's activities, looking for wider acceptance of its activities and augmenting its legitimacy.

Projected patterns of NGOs' participation in WTO, as a GG network, include among others (Srivastava, 2007:18-19): participation in the Ministerial conferences; participation in issue-specific/general symposia; participation in WTO Secretariat's regular briefings; and submission of papers on specific issues. However, the actual practice patterns have evidently asserted the idea that developing countries' NGOs are significantly under-represented in WTO. The resources factor is certainly very relevant in this context. The under-representation of a large part of the globe affected by the WTO processes, however, casts increasing doubts over the question of its legitimacy and brings the inclusion/exclusion issue into question.

The graphs in the Annex show how developed countries-based NGOs have overwhelmingly dominated the WTO successive ministerial conferences, from Seattle (1999) to Bali (2013). The graphs have been prepared drawing on statistics available on WTO's official website, <http://www.wto.org/index.htm>.

Cancun Ministerial Conference, just to remark, witnessed a seemingly significant number of 33 NGOs coming from Mexico and 18 NGOs coming from Brazil. Such a noteworthy increase in developing countries-based NGOs presence was not as significant as it may appear, as it could be simply explained through the fact that the Ministerial Conference was hosted in Cancun, Mexico. However, it is evident that NGOs from the U.S., the U.K., Canada, and France, Belgium, Switzerland just to name some, have continued to dominate.

Reinicke and Deng (2000: xvii-xviii) bring into light what they consider as a "dual challenge of inclusion." They question the widely believe in the claim that political liberalization and technological change have made it far easier than before for people all over the globe to be connected with each other, as inclusion of all interested people in a network's activities remains far difficult. In this sense, GG networks have been facing a

dual challenge of 'local–global' and 'North–South' inclusion, that is, to bring local involved actors into the global dialogue and to bring stakeholders in developing countries into a process that tends to be dominated by developed countries stakeholders.

There is a further aspect of GG practice that can be discussed in order to argue against its globalness. GG networks are characterized by being multi-sector and specific-issue structured, i.e., scholars and practitioners, explicitly or implicitly, consider not one GG but many GGs, such as global environmental governance, global economic governance, global health governance, etc. This has been a practical necessity, mainly due to the increasing complexity of global affairs and the multiplicity of the actors involved, but at the same time it poses serious challenges to the issue of legitimacy.

It is important, analytically, not to consider GG processes as unitary as the term itself suggests. Distinction among the various sector-based global policies and among specific issue-based processes should be always brought into mind. Accordingly, GG legitimacy as well as effectiveness need to be reconsidered *per* sector and *per* issue in order to avoid jumping to false absolutist conclusions. To put in differently and more conceivably, GG mechanisms are expected to show higher vulnerability to legitimacy deficits, and even to performance failures, in just certain sectors and/or specific issues. Thus, claims of effectiveness/efficiency and public legitimacy should not be dismissed as long as certain issues prove to be ungovernable – or hard to be governed. Similarly, criticisms of the overall system of GG should not be taken too seriously, as GG mechanisms prove to be efficient problem-solvers when it comes to many different issues.

However, it seems that the current body of literature on issue-based GG lacks some kind of theoretical equity when it comes to setting qualitative distinction among the various processes and structures that fall within the purview of GG. As Dingwerth and Pattberg put it (2009:61), although the sectors and issues effectively/efficiently regulated through GG processes are very adequately – and to a large extent satisfactorily – theorized, the current literature nonetheless imply some kind of under-theorization when it comes to the ungoverned – or even ungovernable – sectors and issues where regulation is completely or even partially absent. If GG is based on the dual rationale of promoting global goods and decreasing global bads, it would be evident that a wide range of bads are still out of GG networks control, and a variety of actors do not seem as willing to interact and exchange governance resources with other actors in order to pursue their political ends through GG channels; instead they sometimes act individually not collectively, using less globally desired means such as violence, direct action, or *ad hoc* coalitions.

Finally and more importantly, the ways in which GG is (being) done may represent a challenge to its *very* globalness. Rosenau (2009:11) noted that no single organizing principle on which GG rests does exist and no order around which communities and nations are likely to converge has emerged. So, what is referred to as GG is in fact the sum of myriad control mechanisms driven by different histories, goals, structures, and processes, and every mechanism shares a history, culture, and structure with a few others; and eventually no characteristics or attributes common to all mechanisms do exist. This would prove to be very profoundly relevant when it comes to the assessment of GG dynamics and processes. Again, diversity of governance traditions among geographies, histories, cultures power structures if to be taken into serious consideration invites scholars to rethink GG *un-globally*.

3.2 Second: Is ‘democratic deficit’ all what hinders GG from being legitimate?

It has been usually tended to define GG legitimacy through what has become well known as the ‘democratic deficit.’ Even the emergence of GG networks/partnerships has typically been conceived of as a response to the ‘democratic deficit’ and/or the ‘participatory gap’ in GG, because citizens, social actors and even private sector actors claim that they have been increasingly excluded from policy decision-making processes that affects their interests. In this way, the ‘democratic deficit’ problem seems as it has moved from national governance to GG domain(s). In this context, Moravcsik (2004) argued that the question of whether “GG [is considered] democratically legitimate, or [whether it undergoes...] a ‘democratic deficit’ [is] one of the central questions – perhaps *the* central question – in contemporary world politics.” Accordingly, it can be concluded that the debate on legitimacy of GG has not gone further than a debate on the ‘democratic deficit’ in global policy-making – processes and structures. The two debates have become so interlinked particularly since Seattle’s mass protests and the subsequent claims against un-democratic globalization and its un-democratic, un-legitimate and un-transparent institutions.

In what follows, we discuss the shortcomings of the mainstream discourse which introduces legitimacy as equivalent to democracy and therefore conceives of the crisis of legitimacy of GG institutions as an outcome of being processing undemocratically, i. e. as an outcome of not meeting liberal democracy standards. In simpler words, for GG

institutions, to be legitimate is to be democratic⁵⁷. Apparently, this common view rests on what has been discussed earlier about the origins of the emergent crisis of GG legitimacy; that policy making processes on a global scale have become less and less open to the actors involved, due to the proliferation of actors and stakeholders on the one hand, and to the increasing complexity of global issues subject to GG on the other hand. Such developments have significantly undermined the ‘the right to know’ for the actors involved and put what Peters called the ‘all-affected principle’ out of action. It has been widely claimed that legitimacy of GG mechanisms depends heavily on their ability to ensure participation, or at least representation, for people whose interests are affected by their policies.

However, such a discourse needs to be reconsidered more closely. We make *great* use of Peters’ work (2013) and Gadinger’s (2013) commentaries on it. Why legitimacy should not be – and is not – equivalent to (liberal) democracy? This question will hopefully be answered in three points.

First, legitimacy and democracy are highly contested normative concepts. However, the mainstream discourse introduces democracy in GG as a taken-for-granted universal concept referring almost always to liberal (western) experience. In this way, it seems that relevant debates are more likely to set back to the normativity dilemma, as the *historic* Western concept/experience of (liberal) democracy is always pre-given as a normative reference. However, if democracy is *historic*, and this is not the case, it cannot be pre-given and inserted in different *historic* contexts. It has been argued above in a different section that the normative is inter-subjectively (socially) constructed not objectively pre-given. Surprisingly, the mainstream discourse may widely question the normative dimension(s) of legitimacy while maintaining a non-normativist stance towards democracy.

Second, democracy is a nation-state based concept of governance, even in terms of practice; it has been always understood as a state-people less sophisticated complex, less sophisticated in comparison to doing governance beyond the state-people complex, regionally and/or globally. Thus, when it comes to debating democracy in GG, uncertainty rises as to which elements of nation-state based democracy are to be practiced on the global level. In fact, a variety of even contending approaches demonstrates that “the concept of democracy is not without its own ambiguities when it comes to conceptual and

⁵⁷ Peters cites some examples of this trend. Bodansky (1999:612): “in the modern world, democracy has become the hallmark of legitimate government;” Archibugi, Koenig-Archibugi, and Marchetti (2012:2): “democracy has become widely, albeit not universally, accepted as the only way to legitimize political power.” See (Peters, 2013:10)

institutional implications. The more abstract the democratic principles evoked, the more vague their institutional implications. And the more concrete the democratic institutions to be transferred, the more problematic their transferability.” (Peters, 2013:12) In this view, two problematic questions can be raised here: the question of how to adjust GG institutions so that they become comparable to national governance institutions, and, following from the foregoing, the question of whether it is even possible for democracy to be transferred from the national to the global level. Peters (2013:12), more importantly to the second question, challenges the transferability claims through bringing into debate the concept of the *demos*, as “some argue that democracy requires a more or less integrated community, a *demos*, and that this does not exist at the international level, making the creation of truly democratic international institutions difficult.”

Third, the mainstream discourse suggests implicitly that the more democratic – and therefore the more legitimate – domestic systems of governance are; the more democratic – and therefore the more legitimate – global systems of governance become, since legitimacy of GG is but the sum of the legitimacies of domestic governances. That is why some voices still argue explicitly that concerns about legitimacy are of little importance, because as long as states participated in international agreements on a voluntary basis, no state would be obliged to do anything at the international level to which it had not consented.

Thus, “legitimacy would be guaranteed via a combination of state consensus and the operations of domestic institutions, given that states would only enter into forms of cooperation that had been legitimized domestically.” (Peters, 2013:9) However, such a view is purely inter-governmentalist on one hand and liberal-democratic-centrist on the other; as it implies the exclusion of non-democratic states whose actions are therefore considered non-legitimate. Besides, other scholars, Peters is one among them, have argued that inter-governmental governance processes have extended without guaranteeing adequate involvement of parliaments or the public at large, which has resulted in making traditional forms of international cooperation inadequate to operate democracy standards, and thus turning them into a threat to democracy itself. This threat, as noted by Peters, is “argued to result either from the self-interested actions of governments themselves as they sought to weaken domestic constraints on their freedom of action or from the inherent dynamics of international institutions.” (Peters, 2013:9)

Finally, it would be synthetic for the above-discussed argumentation to briefly review the Peters-Gadinger exchange about the problematique (Peters, 2013; Gadinger,

2013). Peters has brought into attention some kind of ‘labour division’ among privileged ‘philosophers/thinkers on legitimacy’ on the one hand, and marginalized ‘sociologists/researchers on legitimacy’ on the other hand. Interestingly, for Gadinger, such a division evokes the old – but ongoing debate on the main purpose of political philosophy and, following from this, the appropriate research methodologies to be used in Political Science generally, and in IR particularly. The broader division in Political Philosophy has been among *Platonists*, “who focus on normative conceptions of a good and just world and seek out universalist standards based on pure reason, and *Aristotelians* [later known as Pragmatists], who deny the existence of eternally valid norms based on pure reason and instead stress the historicity, contingency, and situational nature of all human action;” (Gadinger, 2013:18) and so far, the pragmatist Aristotelians have been usually widely-marginalized despite that their emphasis has been on ‘real politics’ and on people’s everyday problems and practices, that is on the *Is* rather than on the *Ought to Be*.

Relevantly to the subject of legitimacy, Peters (Peters, 2013:10) has made a case for a sociologically rather than philosophically oriented research programme to study legitimacy, which requires scholars to look beyond the misleading ahistoricity of Western (liberal) democracy, which requires them to “listen to the actors involved and find ways of reconstructing what they believe constitutes legitimate and illegitimate, just and unjust rule.”⁵⁸ Taking the mainstream discourse, this would seem ground-breaking, as the ahistoricity of democracy, and of legitimacy therefore, if assume, would abort any “attempt to analyze the legitimacy-related issues in GG in terms of the concerns of the actors involved. Instead, civil-society protests and the like tend to be evoked only as a way of highlighting the significance of the problem,” something which is doubtlessly done in vein.

There is one final, but not the last, conception to spell out again and to end with, that is inter-subjectivity. How can we re-introduce the meaning of legitimacy as inter-subjective, not pre-given, drawing from Peters’ contribution? Legitimacy as an inter-subjective practice suggests an emancipatory move from ready-made concepts and standards however universal, objective and *ahistoric* they are alleged to be. For an institution, to be legitimate is to effectively and continuously engage the actors involved in (inter-subjectively) constructing its legitimacy (standards). It should be all about the actors involved themselves, how they conceive of legitimacy and how they *hope* it to be practiced. Primarily, it may be expressed in a plurality and diversity of ways; but inclusive traditions of

⁵⁸ Peters (2013:14) suggests several ways to do this, to conduct interviews and put the question directly to the actors or, for instance, to analyse discourse and practice in legitimation and contestation.

communication and interaction among the actors, as subjects of GG processes, would eventually facilitate the construction of inter-subjective meaning(s).

Synthesis: Global Governance concept in the daily language of scholars and practitioners

In an oft-quoted article, Finkelstein (1995:368) wrote, “we say [global] governance because we don’t really know what to call what is going on.” This depiction should not be disappointing. Quite the opposite, it should engage us in a precautionary endeavour to talk GG right so that the concept’s use does not become over-popularized, under-appraised, and therefore loses its analytical as well as empirical value. GG still faces the threat of degrading to an empty expression people use meaninglessly. Many have argued that despite the remarkably increase in the use of the term both in academic and in policy making circles. A number of authors remain cautious about it and argue that international politics has not significantly changed, and ultimately, perceive of the GG talk as *misleading* (Dingwerth and Pattberg, 2009).

As to traditional *vs.* new conceptions dichotomy, one should maintain an equal distance from both. It is absolutely undeniable that the international scene has – to some extent radically – changed, but many more traditional features are still resisting the prevailing dynamics of change, which at the end should not be dismissed just to make a view point. When it comes to IR scholars, it is important to see the world they study as increasingly being predominated by regulatory international institutions, regimes, GG networks/partnerships aiming at coping with complex transnational problems; however, it is no less important for them to see the *same* world as still consists of *some* numerous geographic areas as well as policy areas under-regulated or even unregulated.

Such areas have demonstrated that networks of global *good* governance are unable to prevail worldwide, because the actors involved – state, sub-state, and supra-state – have not been willing to legitimize them. One can point out many cases, as to policy areas: climate change, CO₂ emissions, nuclear weapons proliferation, humanitarian intervention, etc.; and as to geographic areas: Middle East and Sahel. In his commentary on Peters, Gadinger (2013:22) notes that issues such as “the financial crisis, the climate-change summit, and the international negotiations regarding potential intervention in, say, Libya or Syria constitute normative discourses involving an irreducible plurality of moral standards from the economic, political, public, and private spheres.” However, morally contested, complex situations as such, which undergo conflicting claims of legitimacy, “cannot be resolved

through rational generalization or truth-seeking. These are cases where politicians, environmentalists, financial analysts, human-rights activists, and ordinary citizens disagree as to what is the most important common good.”

What has been referred to as the *historicity* of concepts and experiences should be always made relevant for the sake of the appropriate usage of terms, concepts and discourses. We argue that GG should not be dismissed from our daily language claiming that its institutions, networks and mechanisms in general are ineffective and illegitimate, that a wide range of global serious threats/issues are not globally governed, and that GG is geographically biased (the list of claims goes on); however, when used in our daily language, GG should not be taken for granted de-contextually. Two cases can be illustrated in this regard. *First*, Peters (2013:9) has pointed out to some voices in the current literature which tend explicitly to undermine the importance of the rising concerns about legitimacy of GG. They argue that as long as states participated in international agreements on a voluntary basis, no state would be obliged to do anything at the international level to which it had not consented. Thus, “legitimacy would be guaranteed via a combination of state consensus and the operations of domestic institutions, given that states would only enter into forms of cooperation that had been legitimized domestically.” Nevertheless, this claim would prove even poorer if de-contextualized; that is, the claim would be seen sustainable only from a *pure* inter-governmentalist perspective or from a liberal-democratic-centrist perspective. The question is what about non-governmental aspects of international politics and what about states in which undemocratic/totalitarian regimes rule. *Second*, briefly, governance – as a mode of governing beyond government – usually referred to as the “development of governing styles in which boundaries between public and private sectors have become blurred.” (Pattberg, 2006:4) The question, however, is again what about economic contexts where it is not a matter of eroding boundaries between the public and the private, but a matter of the public’s erosion and the private structurally predominance. Contextuality is at the very issue here.

This section concludes with Finkelstein (1995:368) once again. He wrote in the same above-mentioned oft-quoted article that “‘global governance’ appears to be virtually anything.” This is not – and should not be – a definitive fate to GG’s use, and it can be firmly argued that the ongoing contestation even over the very definition of GG and how it

should be used, in both scholars and practitioners' daily language, is doubtlessly healthy for the concept⁵⁹.

Conclusion: Normativity matters!

Bringing normativity back is very critical to the question of legitimacy. It is all about how to re-think legitimacy sociologically rather than philosophically or pure-theoretically; it is to take social contexts and inter-subjective meanings instead of *ahistoricizing* the concept; it is, as stated earlier, to listen attentively to GG – directly affected – actors and consider what they believe to constitute the legitimate and the illegitimate; It is all about the actors involved themselves, how they conceive of legitimacy and how they *hope* it to be practiced.

However, to say that normativity is to re-emphasize the actors involved does not mean, in any way, to set them as the central unit of analysis. Instead, the central unit of analysis “would be the conditions for social activity (e.g., norms and rules) rather than actors and relations between them.” (Dingwerth and Pattberg, 2006:199) Brown, reflecting on the concept of international regimes, considered the actors' expectations convergence around the principles, norms, rules and decision-making procedures within an international regime⁶⁰ – and therefore in any GG mechanism – as “the heart of the matter.” (Brown, 2005:130) Moreover, to bring normativity back to GG conception is to turn GG into a political project rather than a research project. As stated in the Study Commission's report —“Globalization of the World Economy: Challenges and Answers”— of the German Bundestag states, “as the world becomes increasingly globalized and economic activities grow beyond national regulatory frameworks, it becomes more necessary to politically shape economic, social and environmental processes on a global scale.” (Dingwerth and Pattberg, 2006:194) Politicizing GG, to put it simpler, is to engage the actors involved and re-value their activities, of all types, political, social, communicative, epistemic, etc. to get a – if not the central position within GG processing. Such a project needs to be brought into action because, as it has concluded to, the actors involved are the courses of GG's legitimacy. The project although seems to be long-term, perhaps exhaustive, but still *hope*-able. One can point out to the European Union's shining experience as a source for *hope*.

Nevertheless, such optimism should not overwhelm certain criticisms which tend to illuminate some limitations; it should not be “overload[ed] with too many expectations.”

⁵⁹ Pattberg (2006: 9) adopts the “interpretation of the GG discourse as an essentially pragmatic undertaking that derives its success and durability from its relative vagueness.”

⁶⁰ Brown's discussion rests on Krasner's definition of an international regime as set of “implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations.

(Pattberg, 2006: 18) Certainly, a politicization discourse would be double-edged. Normativity implies a set of how-questions which are answered prescriptively; in the case of GG, the how-questions start by how it is *image*-ined, how it is legitimized and ends unexclusively at how it is practiced, i.e. how global challenges are to be met globally. Following this, the project can express either a normative perspective on how global institutions and networks should work or a conservative hegemonic discourse on how not to change the status quo power (im)balance. Many scholars “argu[e] that GG is not a value-free term, but rather a highly politicized concept in the midst of a discursive struggle about who decides what for whom.” (Dingwerth and Pattberg, 2006:196) IR critical-theory-inspired debates are still relevant in this regard.

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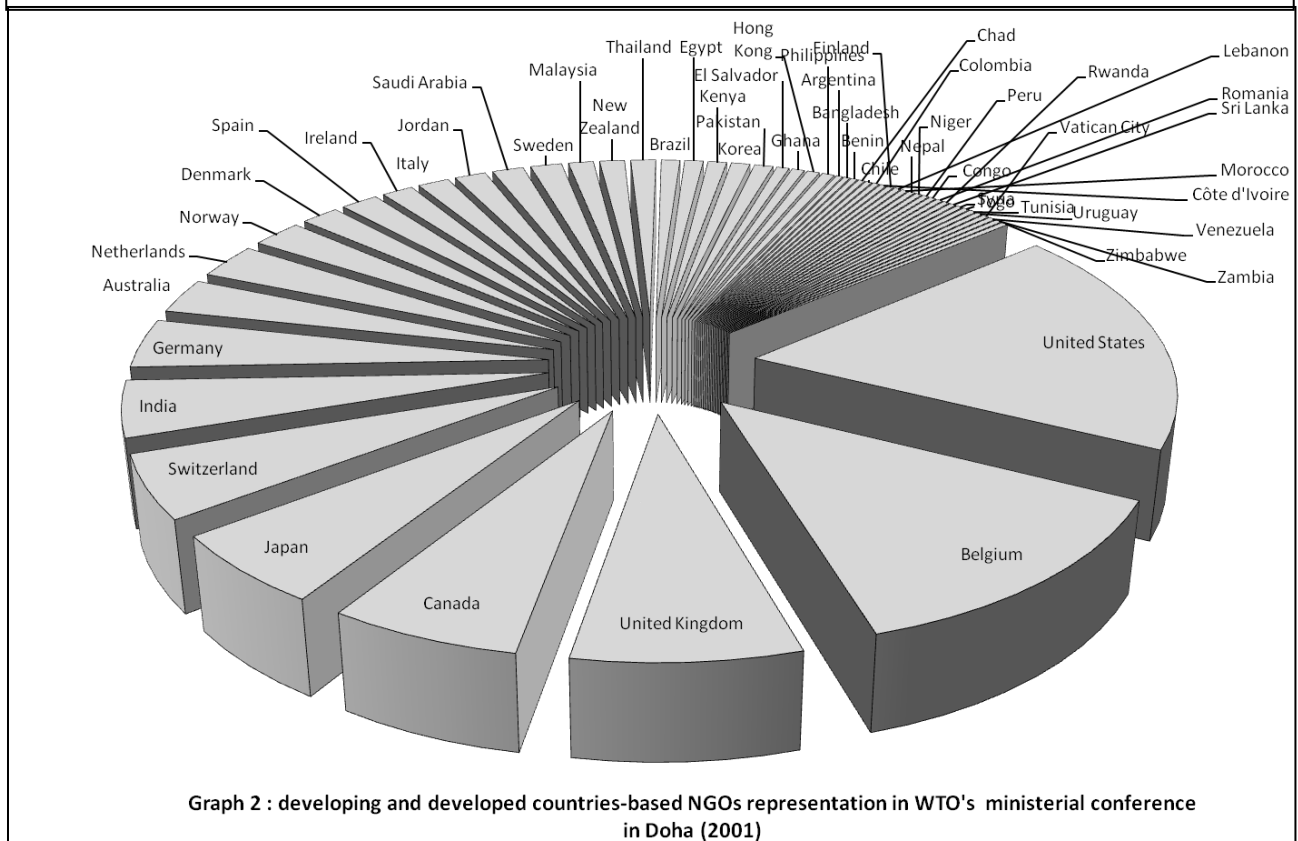
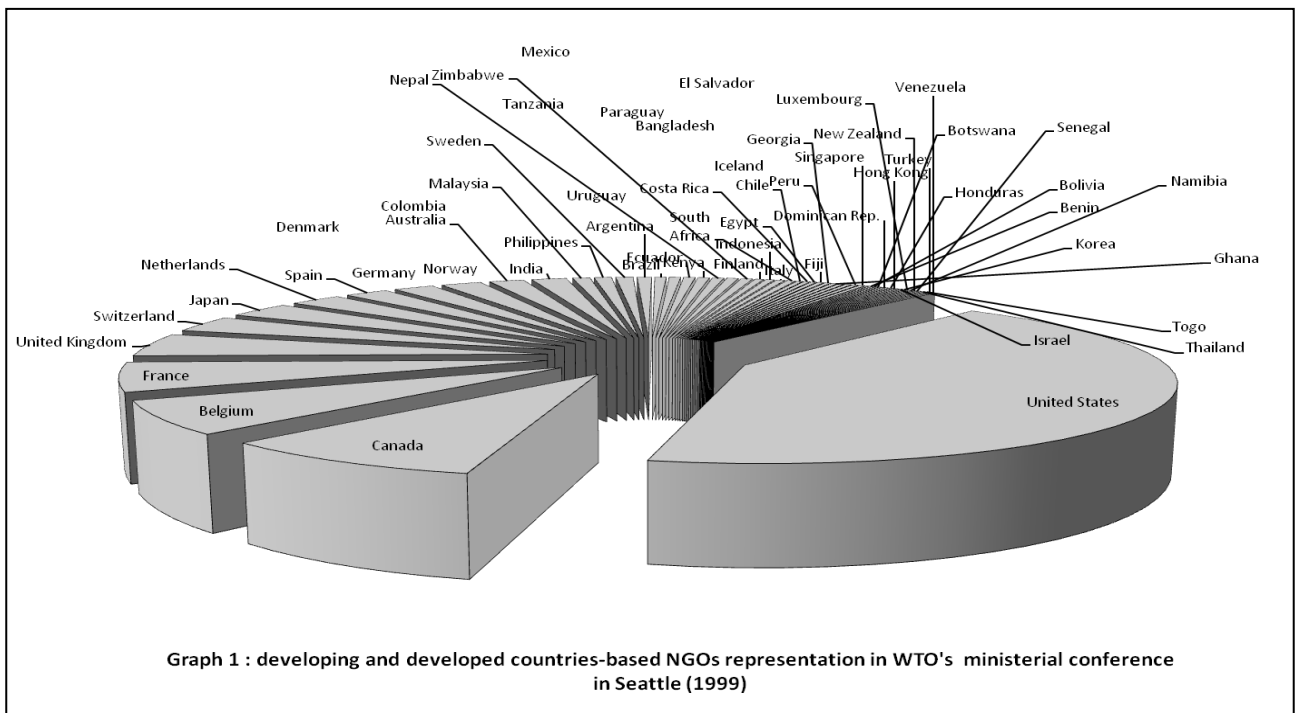
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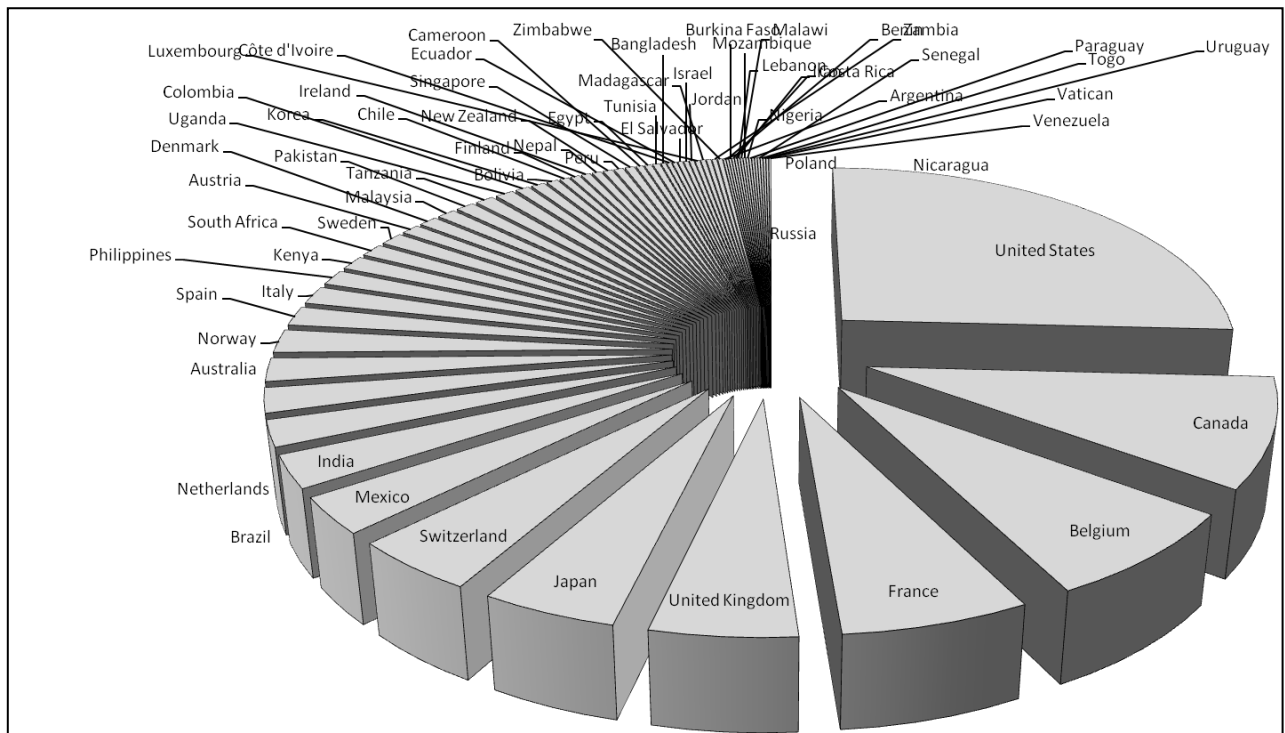
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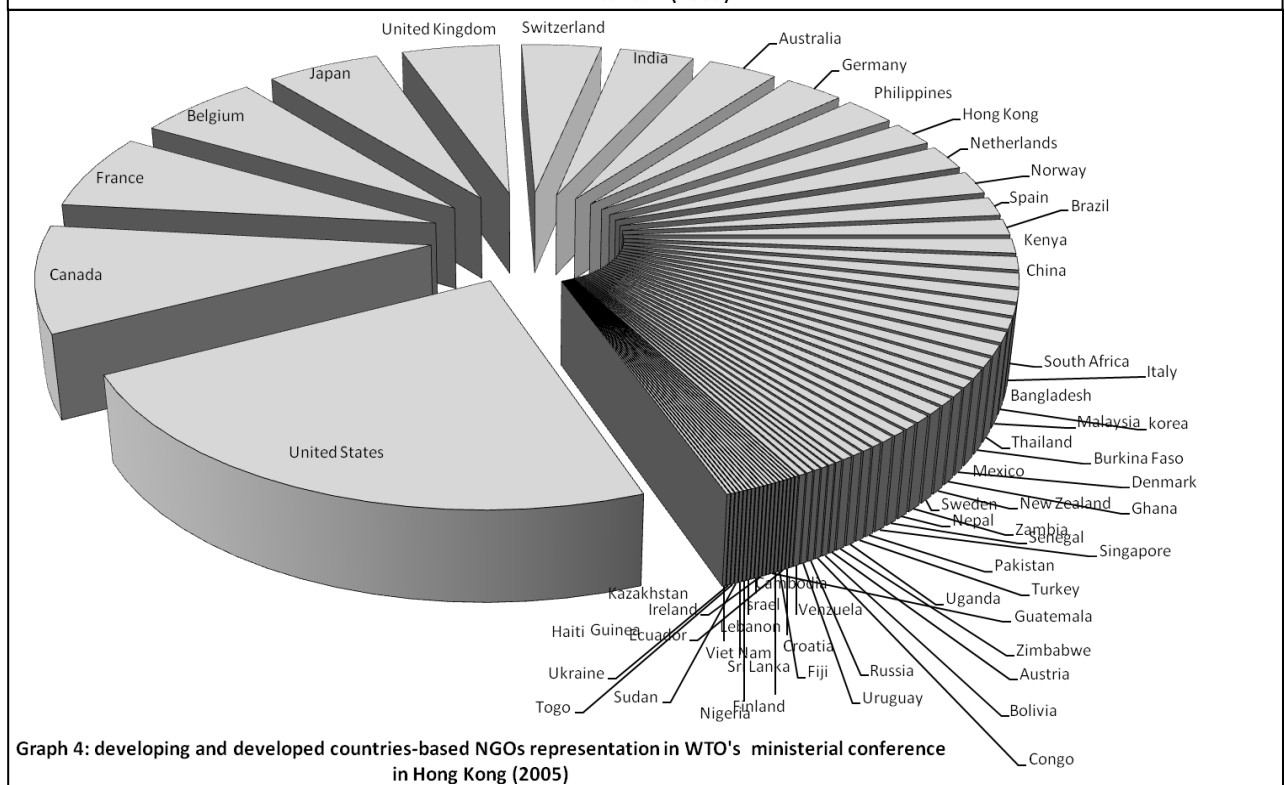
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Appendix

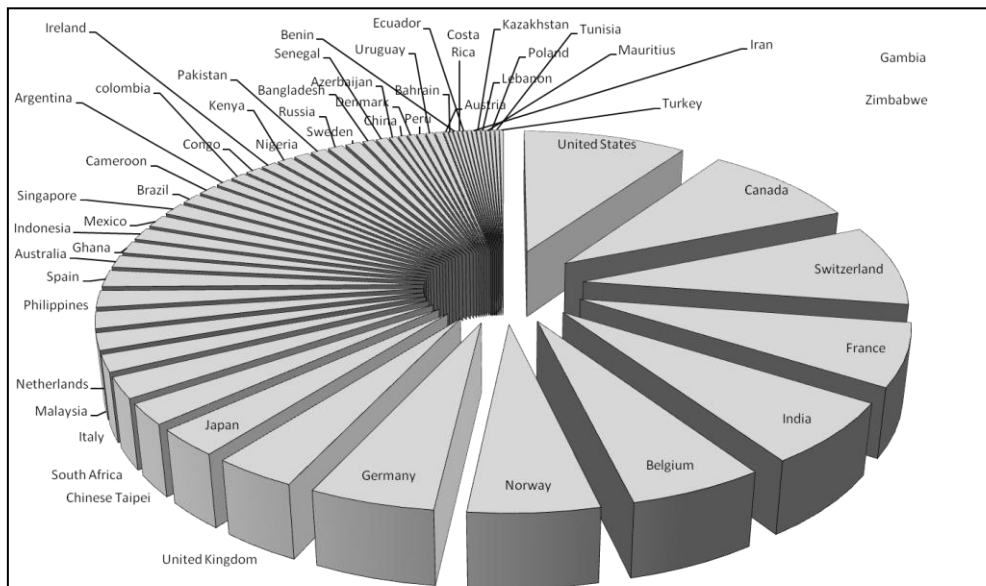




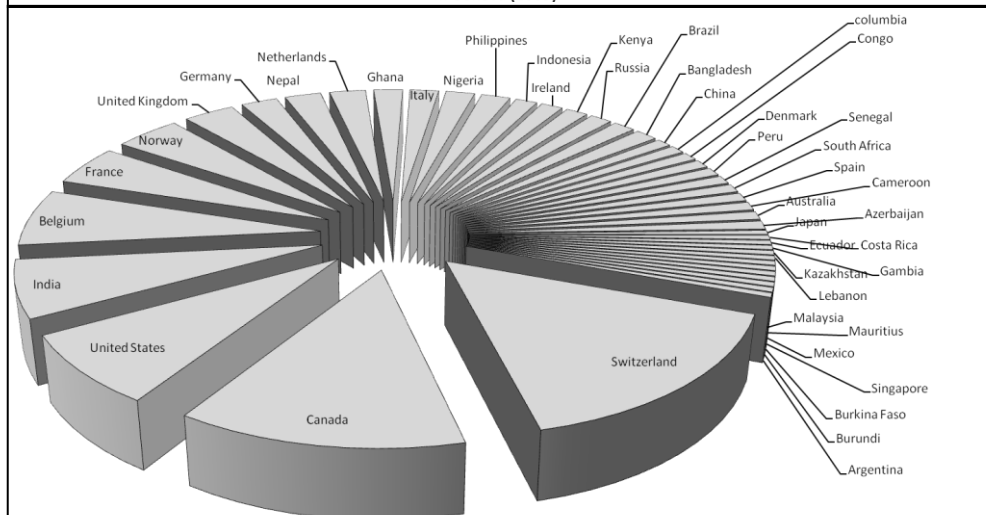
Graph 3 : developing and developed countries-based NGOs representation in WTO's ministerial conference in Cancún (2003)



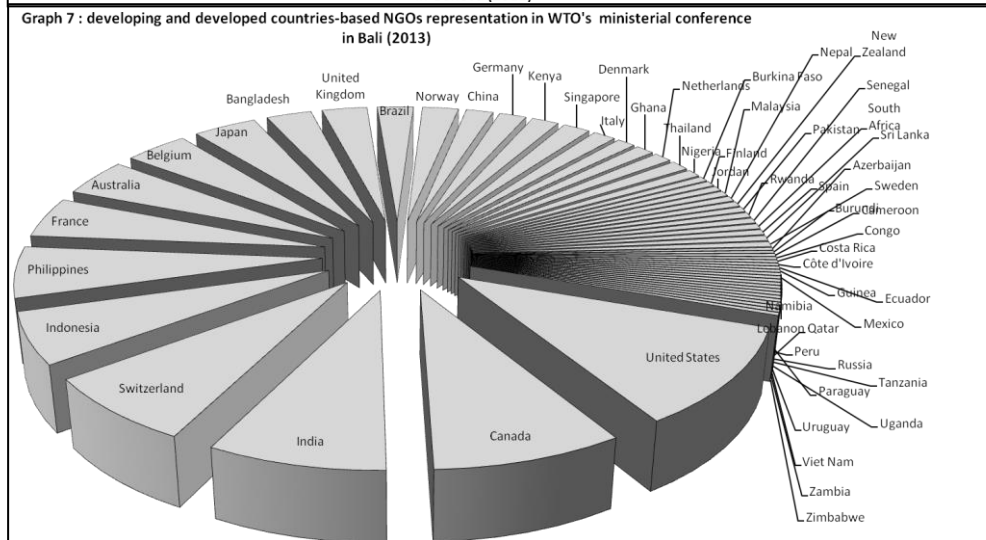
Graph 4: developing and developed countries-based NGOs representation in WTO's ministerial conference in Hong Kong (2005)



Graph 5 : developing and developed countries-based NGOs representation in WTO's ministerial conference in Geneva (2009)



Graph 6 : developing and developed countries-based NGOs representation in WTO's ministerial conference in Geneva (2011)



Graph 7 : developing and developed countries-based NGOs representation in WTO's ministerial conference in Bali (2013)

Why the frustration?:

Explaining civil society constraints in international climate politics

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Abstract

Civil society organizations play an increasingly important role in global politics. However, during the last years, civil society has become frustrated from the negotiations in the United Nations Framework Convention on Climate Change (UNFCCC). This frustration reached a new quality when civil society organizations walked out in the middle of the 19th Conference of Parties (COP19) in 2013. Drawing from empirical data from the COP19 and the negotiations on Loss and Damage, this thesis seeks to explain the low level of influence which has led to this frustration. It can be shown that neither civil society capabilities, nor changing state attitudes towards civil society can explain their contemporary low influence. Instead, this paper argues that the increasing financial and legal relevance of the negotiations substantially constrain civil society from exercising influence.

Keywords: Civil Society; Climate Politics; International Diplomacy; International Environmental Politics; NGO Participation; UNFCCC; United Nations.

1. Introduction

Since the post-war period and in particular since the Earth Summit in 1992, Non-Governmental Organizations (NGO) have acquired more and more influence in all international institutions (Reimann 2006). In particular, human rights and environmental politics have been considered as those two fields in which civil society has become most relevant, which is why hundreds of NGO representatives have been constantly participating in international negotiations since the United Nations first gathered to discuss climate change in 1972 (Brühl 2003, 84-92). However, over the last years, civil society has become increasingly frustrated (Bedall & Brunnengräber 2012; Verolme et al. 2013, 11-15). Many civil society organizations (CSO) organized a new coalition, called Climate Justice Now!, which focuses on protest and prefers not to engage widely in the formal negotiations (Ibid.). Furthermore, many organizations that had initially been supportive of the intergovernmental climate negotiations are reconsidering to what extent it is still useful for them to participate within the official negotiation framework (Maier 2010). This frustration reached a new quality when the majority of civil society organizations demonstratively walked out of last year's negotiations two days before they were actually supposed to end.

Considering the increasing frustration and withdrawal of CSOs from the United Nations Framework Convention on Climate Change (UNFCCC), it can be assumed that CSO influence has to some degree stagnated or even decreased over the last years. This paper will accordingly discuss the following question: What are the reasons for this current low level of civil society influence within the climate negotiation under the UNFCCC? The empirical data used in this paper was collected by observing the negotiations in the first week of the 19th Conference of Parties (COP19) in Warsaw and by conducting several interviews with representatives from civil society and a government delegation. This paper should identify the most pressing constraints to civil society influence in the negotiations and reveal opportunities for future CSO contributions to international climate politics.

The next chapter will open with a brief overview of the international climate regime and civil society organizations. Chapter Three reviews the state of research, identifying three possible explanations for low CSO influence. The methodological framework used in the empirical part of this work is presented in Chapter Four, and Chapter Five reconstructs the negotiations, empirically demonstrating the actual level of influence that civil society exerts. Here, the negotiations on Loss and Damage are used as a case study. Finally, Chapter Six discusses the reasons for this low level of influence before conclusions are drawn in Chapter Seven.

2. The international climate change regime

The international institution concerned with climate change is the UNFCCC, established in 1994 and headquartered in Bonn. Its main objective is to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (United Nations Framework Convention on Climate Change 1992). The countries participating in the UNFCCC meet annually at the Conference of Parties (COP) in order to discuss and adopt further steps to address climate change. In addition to the COP, several subsidiary bodies have been established in order to discuss technical issues on a working level such as the Subsidiary Body of Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

Any non-profit organization with some level of expertise in an issue related to climate change can apply to become an observer organization to the UNFCCC and may be admitted to attending its meetings without the right to vote, unless at least one third of the Parties object (UNFCCC 1996).

Observer organizations may attend the plenary discussions as well as the first and last informal consultations and provide oral contributions (UNFCCC 1996; UNFCCC 1998). However, the decision on whether observer organizations are allowed to attend a certain meeting and to intervene is always up to the decision of the meeting's chair and is usually hard to predict (Dorsey 2011). Furthermore, most controversial topics are not negotiated in the informal consultations but rather in even more informal, smaller meetings (called informal informals) which are closed to all observer organizations. In addition to oral interventions in the open meetings, CSOs are allowed to distribute information material and conference newspapers and speak at workshops.

Civil society shall here be defined as voluntary non-profit organizations aiming to promote values related to equality, freedom, philanthropy, and sustainability in (global) politics (Kumar 2004). Within civil society, many researchers distinguish between classic Non-Governmental Organizations (NGO), which are characterized by a more institutionalized organizational structure, and New Social Movements (NSM), which are organized more loosely and are based on informal and direct membership (Brunnengraber 2011). Furthermore, many scholars distinguish between insider tactics, like strategies that focus on collaboration with decision makers, and outsider tactics focusing more on pressure through protest as well as shaming and blaming (Gulbrandsen & Andersen 2004). Most of the large northern civil society NGOs such as Greenpeace, Friends of the Earth,

and WWF usually employ both strategies (Gulbrandsen & Andersen 2004, 57). This paper however will mainly focus on classic civil society NGOs rather than NSM and more on the success of insider rather than outsider tactics, since the success of the latter is hard to measure without a comprehensive long-term discourse analysis.

3. Explaining varying levels of influence – a theoretical framework

While many scholars agree that civil society plays a relevant role in international politics, measuring and predicting the concrete level of influence often remains a challenge. Part of the reason for this is that it is difficult to conceptualize “influence”, defined here as making a third party act in a way it would not do otherwise (Betsill & Corell 2001, 66). Several case studies have been conducted to observe factors that explain varying influence, most notably Arts (1998), Betsill & Corell (2001), or Brühl (2003). Based on these studies, the factors explaining influence are summarized under three categories: CSO capabilities, resource demand of states, and negotiation structure.

3.1. CSO capabilities

Civil Society Organizations depend on certain resources in order to carry out their activities. Across a number of case studies, scholars identified finances, members, network density, knowledge and mobilization power as particularly important (Berlin 2005). It can be assumed that if those resources diminish, the ability of CSOs to exercise influence may decrease.

3.2. Resource demand by states

Since the UNFCCC is an international institution, its member states play a major role in regulating CSO influence. Tanja Brühl (2003) identified three resource sets, namely knowledge (Wissen), power (Macht), and values (Werte). Countries are interested in obtaining these resources from NGOs and in exchange allow the latter to exercise influence. In her study, Brühl was able to show how the changing demand for these resources can explain varying NGO influence at different stages of the negotiations.

Knowledge refers to technical expertise, local and community knowledge as well as social and political knowledge (Brühl 2003, pp. 205-211). However, the extent to which CSOs can offer technical expertise is relatively low compared to research-oriented Non-Governmental Organizations (Gulbrandsen & Andresen, 2004). Furthermore, local and traditional knowledge is also provided for the most part by indigenous people organizations which have their own constituency at the COP. Therefore, the type of knowledge most likely to be requested from Civil Society Organizations is political and

social knowledge, particularly because CSOs have a broad membership base and represent a certain share of voters and citizens.

When talking about power, Brühl notes that CSOs are mainly requested to provide behavioral power, which refers to negotiation skills such as setting up alliances, strategic timing of proposals, or issue linkage (Brühl 2003, 211-217).

The most important values NGOs can provide are transparency and legitimacy (Brühl 2003, 217-221). States ask NGOs to increase the transparency of the negotiations by giving press conferences and publishing reports in order to enhance the democratic quality of the negotiations. International negotiations are often perceived to be more legitimate when CSOs participate. This legitimacy is often demanded by states as it is important for governments to increase and maintain compliance in their home countries (Bedall 2011).

3.3. Negotiation structure

The participation rules, the stage of negotiations, the legal and financial relevance as well as the level of conflict are often considered to explain CSO influence. Most scholars agree that CSOs exert the most influence in the early stages of negotiations, such as the agenda-setting phase or when general frameworks are established (Betsill & Corell 2008, 192f.). However, in this paper, the stage of the negotiations will only be considered as an intervening variable, since different negotiation topics go through various stages all the time and therefore the current stage of the negotiations cannot explain the overall decrease of CSO influence.

The rules of participation, such as access to meetings and permitting interventions vary wildly within the UNFCCC (Brühl 2003, 109-112). One may think that with stricter participation rules, CSOs can exercise less influence. However, drawing on case studies from six different environmental negotiation frameworks, Betsill and Corell (2008, 191f.) found that participation rights do not correlate with NGO influence and concluded that NGOs manage to find ways of exercising influence even when few participation rights are granted. Therefore, the level of access will not be discussed in greater detail.

Many scholars also assume that the political and legal relevance of a topic affects the level of influence CSOs can achieve. Usually civil society's influence is greater when the issues being negotiated do not require behavioral change (Betsill & Corell 2008, 194-196). Since issues with higher legal or political stakes are more likely to cause diplomatic conflicts, they are usually negotiated in small groups behind closed doors, to which NGOs have little or no access (Arts 1998, 233).

Equally important is the level of conflict during the negotiations, which can be understood as the size of the common interest space between the negotiating parties. If parties disagree completely about the nature of a topic or whether a certain issue should be regulated at all, then the level of conflict can be considered high (Brühl 2003, 226-229). Out of 18 cases which Arts (1998, 244) has analyzed, the majority of cases in which NGOs had substantial influence were those with low levels of conflict and integrative styles of negotiations, whereas most cases in which NGOs had no or very little influence were cases characterized by conflicted and polarized negotiations. The reason for this is that conflicted negotiations tend to take place in smaller and more restricted meetings. Furthermore, highly polarized negotiations are harder to influence because group positions usually are the outcome of tough negotiations within those coalitions and therefore very difficult to be influenced by CSO advice. On the other hand, it is easier for CSOs to exercise influence in negotiations characterized by multiple unconventional ad-hoc coalitions since they are more open to CSO advice than polarized, well-rehearsed coalition blocks (Arts 1998, 239f.).

4. Methodology

In order to discuss the reasons for the actual level of CSO influence, the process of exercising influence on the micro level is reconstructed here. Furthermore, this paper focuses on a single negotiation issue, since it is easier to observe influence on one single topic rather than on the negotiations as a whole (Betsill & Corell 2008, 15). Furthermore, the focus will be primarily placed on northern civil society organizations and their relationship to northern governments. As a data sample, the relationship with the German government is used, since Germany is an important actor in the European Union and the access to data has been favorable.

Since the decreasing number of CSO participants and the walk-out at last year's COP are not sufficient evidence for a low level of influence, the first step was to reconstruct the level of influence achieved at last year's Loss and Damage negotiations before identifying the causes that have led to this level of influence. The most reliable method known to identify influence is process tracing, since it can provide a detailed picture of each step of the process. However, reconstructing this process may be very difficult with imperfect information. Therefore not only process tracing methodology was used but also the analysis of goal attainment and the perception of influence. None of these methods alone can provide the exact level of influence: Even with a low level of goal

attainment, CSOs can have a great degree of influence, for example when worse outcomes have been discussed and defeated by civil society. Similarly, a high level of goal attainment may be accompanied by a low level of influence, when actors other than civil society have advocated the same goals and have been responsible for achieving them. Likewise, the perception of influence may also be distorted by the individual beliefs and experiences of the respondents. Despite these weaknesses, those three methods together may draw a comprehensive picture of the influence achieved by CSOs (Betsill & Corell 2001, p. 80f.). The combination of a high level of goal attainment, positive perceptions, and a reasonable explanatory chain of influential events may be a reliable indicator for a high level of influence and vice versa.

Following the advice of Betsill and Corell (2008, 15), this paper focuses on a single negotiation topic within the negotiations; in this case the negotiations on Loss and Damage (L&D). This topic was one of the three topics next to finance and the post-2020 mitigation goals that attracted most civil society interest (CAN 2013b). Therefore it was possible to predict that CSOs would engage widely in this agenda item. Furthermore, it was expected that something will be agreed upon at this L&D negotiations, since the COP18 agreed in the previous year in Doha to establish some kind of institutional framework on the issue of Loss and Damage in Warsaw (IFDD 2013, 96).

In order to collect the data, several interviews with representatives from civil society and state negotiators were conducted, and the author observed the first week of the COP19 negotiations first hand. Furthermore, primary and secondary literature such as academic literature, civil society publications, and conference reports were analyzed. In addition to those formal interviews, the author conducted many informal talks with civil society representatives in Warsaw and attended several negotiation sessions and coordination meetings of civil society as well as a working group meeting on Loss and Damage and most press conferences and side events presented by civil society.

5. The negotiations on Loss and damage

For a long time, developing countries had been asking for an institutional arrangement that deals with the damages from climate change, such as extreme weather events and slow-onset events (Shamsuddoha 2013). As greenhouse gas mitigation did not progress as quickly as necessary and discussions on Loss and Damage became more frequent, the COP18 in Doha decided that an institutional mechanism dealing with loss and damage from the adverse effects of climate change should be established in 2013 at the

COP19. Therefore, Warsaw was supposed to provide specifications on the needs to be addressed by this framework, its institutional structure, and which instruments should be included (Ibid.).

As early as the Opening Plenaries, many countries mentioned Loss and Damage as an important topic. The next day, an informal consultation was established during which parties and civil society shared their first ideas on L&D. At this meeting, the developing country's coalition group G77 & China issued a new proposal explicitly calling for “compensation and rehabilitation” (ISSD 2013a). It was clear that this was going to be a controversial issue and already the next day, during an informal informal, Australia and Japan refused to talk about any financial mechanism or the provision of insurance (CAN 2013c). However, according to the Philippines, the progress in the negotiations was very slow and when the SBI was about to close, the parties decided to continue the unfinished negotiations in the second week during the high-level segment of the COP (UNFCCC 2013b; TWN 2013a).

As the second week started, civil society urged the parties to make faster progress on this topic. In general, they were not happy with the way Loss and Damage was discussed in the negotiations: Financial mechanisms, for example, are no longer mentioned in the current draft text (CAN 2013d). However, during the night from Monday to Tuesday, the situation worsened even more when the G77 coalition group became so frustrated that they walked out in the middle of the negotiations. They complained that developed countries were blocking any progress on L&D, and Friends of the Earth warned that the negotiations were about to fail (Indybay 2013). On Thursday, civil society finally had enough. The majority of civil society members demonstratively walked out of the negotiation venue in order to protest the lack of progress (Davis 2013). Inside the COP, negotiations continued. The final version of the compromise text was published on Saturday morning. However, parties could still not agree. Developing countries in particular didn't want to accept that the mechanism on L&D should be established under the Adaptation Framework. The EU proposed stopping the plenary for a brief “huddle”, and the negotiators of Fiji on behalf of the G77 and the USA discussed for one hour before announcing that they had found a final compromise (TWN 2013c). In this compromise, the word “under” was left in the text but other paragraphs were added specifying that loss and damage sometimes goes beyond adaptation (Ibid.).

6. Civil Society's Influence at the negotiations on Loss and Damage

6.1. Goal Attainment

Civil society organizations hoped for a comprehensive mechanism as a third pillar next to mitigation and adaptation to enhance cooperation, including a financial instrument, to be fully operationalized in 2015 (CAN 2013b, 23f.). While at least some kind of mechanism was finally created, it was not particularly established as a third pillar next to mitigation and adaptation and does not include any financial mechanisms. All that was established was an advisory panel which will be reviewed and possibly expanded in 2016 (Rönsberg 2013). It is therefore no surprise that civil society heavily criticizes the outcomes of the negotiations (Brot für die Welt 2013). Although NGO's expectations may be lower than stated in their public announcements, CSO representatives also reported in interviews that the outcome only meets "the very bottom line" of their expectations. Considering this, goal attainment can be characterized as low, rather than substantial or high.

6.2. Perceptions

On Thursday, civil society marched out of the negotiations in order to protest the lack of progress up to that point. This happened for the first time in the history of the COP. Therefore it can be assumed that in 2013, it was more important for most CSOs to send a protest signal rather than participating in the negotiation. This may indicate that they considered the influence of their insider tactics relatively low compared to earlier years. Furthermore, civil society representatives reported in interviews that they had not been able to insert their own text elements or phrases in that year's negotiations. Therefore, civil society perception can be classified as low, rather than substantial or high. Since civil society tends to overstate its own influence, this is a strong indication.

6.3. Process tracing

CSOs can already exercise influence in stakeholder consultations preceding the COP. In Germany, such consultations are organized throughout the year. However, as reported in an interview, the talks on Loss and Damage between civil society and the German delegation were not very productive, since their positions differed to a large degree, for example on whether L&D should be established as a third pillar. During the COP, this barrier remained. As civil society opposed the German position to establish L&D under the Adaptation Framework, every party was merely stating its position, and there were few constructive discussions.

Another form of influencing the negotiations is to make statements during the plenaries and the informal consultations. While those interventions reminded decision makers of the opinion of civil society, they did not offer new information or proposals for compromises. For example, the author observed that most of the demands in CAN's intervention at the opening informal consultation on L&D, such as the importance of non-economic losses, had already been mentioned by other country delegations.

Almost all progress towards the agreement was made in bilaterals to which CSOs did not have access. The most significant breakthrough in finding a compromise was achieved in the last hour on Saturday morning. At this time, the majority of CSO delegates had already left the negotiation venue two days earlier, and in the final negotiations between developing countries and the United States, civil society members were not present at all.

6.4. Summary

In summary, it is likely that civil society influenced the tone of the discussion and may have conducted inspiring talks with decision makers, although this cannot be measured systematically. However, a detailed look at the negotiation process has not revealed reliable indications for a substantial CSO contribution in the negotiations on L&D. Furthermore, both the analysis of goal attainment and self-perception indicate a rather low influence. Therefore, overall influence of civil society in the negotiations on the mechanism on L&D can be considered low, rather than substantial or high.

7. Explaining the low level of civil society influence

Referring to the possible explanations outlined above, the following chapter identifies the reasons for the low level of influence of civil society in the negotiations on Loss and Damage.

7.1. CSO Capabilities

CSOs can only work properly when they have sufficient financial assets and skilled employees. However, neither the financial resources nor the skills of CSO employees have decreased significantly within the last years. Likewise, the network density between civil society groups has increased over the past years. The membership of CAN, the dominant climate NGO network, has increased from over 600 in 2010 to over 850 members right now (CAN 2011; CAN 2013e). The network density between CSOs and governmental delegations also remains at a high level. CSO delegates have reported in interviews that the civil society participation in governmental delegations remains constant, and the

participation list shows that CSO delegates from the WWF, Greenpeace, and Oxfam have been included in the official delegations from countries such as Belgium or China at the COP19 (UNFCCC 2013c). Furthermore, the German Federal Foreign Office invited a representative from the WWF to speak at the German Pre-Warsaw briefing in October 2013 which may also indicate a positive relationship.

When it comes to knowledge, CSOs still employ large numbers of scientists and have not been constrained from exercising influence by a raising level of complexity. This has been reported in interviews and can also be demonstrated by the large amount of policy papers and research articles published and commissioned by CSOs over the last years (e.g. Stabinsky 2013, Heede 2013).

Public support is another important resource for exercising influence, since CSOs derive their legitimacy from claiming to advocate public interest. As reported in interviews with CSO representatives, the mobilization power dropped slightly after the COP15 in Copenhagen failed to deliver the expected results. However, public awareness of climate change remains at a high level; in fact, it rose since 2009 all around the world and is perceived by many as the single most dangerous threat (Pew Research 2013; Winter 2013). During the first Saturday of the COP, CSOs organized a demonstration for climate justice attended by 1,200 people, and just after the COP ended, over 60,000 people were demonstrating for a more ambitious climate policy in Australia (Milman 2013). According to interviews with CSO representatives, members of civil society are rather satisfied with this level of participation.

In summary, public awareness increased steadily, and Civil Society Organizations concerned with climate change did not face any significant decrease in material resources, nor do they face problems related to network density or knowledge acquisition. Accordingly, CSO capabilities do not seem suitable to explain the low level of CSO influence.

7.2. Resource demand by states

Knowledge

At the COP19, CSOs provided various forms of social and political knowledge. Greenpeace for example commissioned a representative poll on renewable energy preferences in Poland which they presented at the COP (Greenpeace 2013b). Country delegates reported in interviews that such proposals from civil society were very much appreciated. However, this was not necessarily the case in the negotiations on Loss and Damage, since civil society had been promoting a very different approach towards this

issue. Therefore, consultations were limited to an exchange of different viewpoints. However, according to interviews, there is demand for political knowledge on issues in which civil society positions are closer to those of the respective country delegations.

Power

The national environmental ministries, often entrusted with negotiating in the UNFCCC, not only have to defend their interests against those of other country's delegations but also against other domestic ministries and domestic stakeholders. According to interviews with country representatives, CSO support is very much appreciated in order to communicate environmental interest to other relevant ministries such as the ministries of economy or finance. However, when it comes to negotiations at the COP, CSOs cannot take part in the small or bilateral negotiations wherefore they had little opportunity to exercise behavioral power directly at the COP. Furthermore, country delegations have a very high degree of expertise in diplomacy and do not necessarily rely on strategic support from CSO advice for issue linkage or timed proposals. According to interviews with civil society representatives, this even applies to developing country representatives, which is why few civil society members are included in developing country delegations.

Values

The demand for legitimacy and transparency remains at a high level. As the author observed, the Polish presidency at this COP repeatedly highlighted the importance of civil society participation and in particular transparent operating procedures. Furthermore, the second half of the Pre-Warsaw briefing of the German Foreign Office was devoted to the topic of civil society in the climate negotiations, and a representative from the WWF was invited to hold a speech. Also, the European delegation hold a side event together with CAN in the COP's first week, discussing a future strategy with regard to the 2015 treaty. This indicates that it is still very important for (many) developed countries to have civil society participating in the UNFCCC.

Summary

While the demand for legitimacy has been relatively high, the demand for political knowledge in the context of Loss and Damage has been rather low. However this does not represent a long term trend since the expertise of civil society organizations remains high, and their proposals have been welcomed in other areas. Likewise, the demand for behavioral power can be considered to be at a medium level. While it is still appreciated at

the national level, the opportunity to exercise behavioral power is rather weak at the COP. Taken together, the low demand for knowledge and behavioral power can partly explain the low civil society influence at Loss and Damage. However, these two factors are not sufficient to explain an overall decrease in influence, since knowledge and power were still in demand on other issues.

7.3. Negotiation structure

The negotiations on Loss and Damage at the COP19 were to establish a first governance framework for dealing with the damages from climate change. Usually, negotiations that establish such a general framework are considered not to require a great degree of behavioral change, and usually CSOs have a relatively high influence at such negotiations (Brühl 2003). However, in this case, the losses from climate change were to be regulated, so issues related to responsibility and compensation were discussed right from the beginning (G77 & China 2013). Setting up a framework to establish a compensation fund or assign responsibility for climate-related natural disasters would have had major financial and legal ramifications for developed countries (IFFD 2013, p. 97; Shamsuddoha 2013, 9f.). Therefore, the mandates of developed countries negotiators were strictly curtailed from the start. The EU and the USA did not want to establish L&D as a third pillar and refused to take any responsibility for losses due to climate change, while Australia and Japan even refused to talk about any kind of rehabilitation funds at all (Ciobanu 2013; CAN 2013c). The position of developing countries in fact was rather the opposite. Establishing the L&D framework as a third pillar “beyond adaptation” and including a financial mechanism were their core expectations (CAN 2013b, 23f.).

Civil society mainly supported the positions of developing countries, including their demand to establish L&D as a third pillar and to create comprehensive financial mechanisms. In this situation, it was very difficult for CSOs to exercise influence, given that their own positions were very similar to those of developing countries, leaving the former unable to suggest new ideas or compromises. Likewise, developed country delegations did not consider civil society proposals, since they were given very tight mandates from their home governments which were worried about any legal consequences.

This small interest space also made negotiations very tough. If the discussion climate had been more open and if the mandates had left more space for compromises, it would have been easier for CSOs to make interesting proposals. But in the slow and tough process, any progress was made by bargaining in bilateral and small multilateral groups, where CSOs were not allowed to participate. Furthermore, the author observed the G77

often asking for some time after a new text had been proposed by the facilitators, in order to find a common position within their coalition group. This was presumably very difficult since the G77 is a very sizable and diverse coalition. The constant progress of finding a common position may have made it particularly difficult for civil society to provide advice, since those suggestions are difficult to consider when they always have to be approved by the entire coalition group.

Furthermore, there was no powerful player on the side of the developed countries with whom CSOs could have worked in favor of a compromise. The European Union, traditionally more closely positioned to developing countries rather than other developed countries, was also fully opposed to the proposal to establish L&D as its own pillar in the UNFCCC.

In summary, the high legal and financial relevance of the issue of Loss and Damage as well as the small area of convergence between the highly polarized developing and developed countries provide substantial indications to explain why it was particularly difficult for civil society for exercise influence.

8. Conclusion

The following table summarizes the explanatory power of all factors discussed in the previous sections. In conclusion, the increasingly challenging negotiation structure is most able to explain the low level of influence in the negotiations on Loss and Damage at the COP19.

Table 1: Explanatory power for low CSO influence in the L&D negotiations and in the UNFCCC in general

Variable	Explanatory power Loss and Damage	Explanatory power overall negotiations
Capacity	Low	Low
<i>Resources</i>	-	-
Social Knowledge	Some	Low
Behavioral Power	Some	Low
Values	Low	Low
<i>Negotiation Structures</i>	-	-
Access	Low	Low
Legal relevance	Substantial	Substantial
Lev. of conflict and Polarization	Substantial	Low

Source: Author.

Material and immaterial capabilities of CSOs have not decreased significantly over the last years. Similarly, the demand from states for legitimacy and transparency through civil society participation seems to remain high, and the access to the negotiations was not unusually constrained. Therefore, these factors are unable to explain a decrease in CSO influence.

However, most countries did not demand much social knowledge on L&D from CSOs, which is why this factor has some explanatory power for CSOs influence. Likewise, they neither demanded behavioral power in the negotiations. However, CSO advice was still welcomed on other issues, and behavioral power was appreciated at the domestic level. Furthermore, developed countries have always been very skilled, and civil society has always been excluded from the actual negotiations in bilateral meetings. Therefore, those two explanations may partly explain the low level of influence in the negotiations on Loss and Damage, yet they lack explanatory power for the decrease of civil society influence in the UNFCCC in general.

The greatest explanatory power could be found in explanations that focus on the legal and financial relevance of the negotiations and on the high level of conflict and polarization. Developed and developing countries have been very polarized in the issue of Loss and Damage which has led to tough negotiations between the two large coalition blocks which did not leave a great degree of space for CSO intervention. However, this polarization cannot be observed in the UNFCCC as a whole. In fact, developing country's coalitions have become much more diverse as new coalitions such as the ALBA Group, the BASIC Group, or the Like Minded Group emerged in the last years (IFDD 2013, 137-140). This diversification may indeed offer new possibilities for civil society intervention since opportunities for support and coalitions increase. Therefore, the level of conflict and polarization may substantially explain the low level of influence in the negotiation on Loss and Damage, but may offer little explanation for the overall frustration of civil society.

However, as shown above, the high legal and financial relevance was also substantial in explaining the low level of civil society influence. In fact, the UNFCCC negotiations in general are also becoming increasingly relevant in terms of financial and legal issues. The capitalization of the Green Climate Fund and the Adaptation Fund are overdue and are perceived as important issues. Also, since the Kyoto Protocol failed to deliver the necessary result, it is expected that the new 2015 treaty should deliver comprehensive, measurable, and verifiable reduction goals (IFDD 2013). Negotiations on that issue are already becoming very slow and difficult as every country tries to minimize its

financial and material contributions towards greenhouse gas mitigation (Eckersley 2012). This makes civil society influence very difficult. In conclusion, the increasing legal and financial relevance of the negotiations seem to be mainly responsible for the low level of influence by civil society organizations in the UNFCCC in the last years.

Having said this, it is necessary to remember that the frustration civil society experiences in the UNFCCC not only arose due to the CSOs' own influence constraints but also because of the general lack of process in the international climate negotiations. However, to make a significant change, civil society would have to find ways to increase its influence in climate politics. Since the increasing legal relevance will leave less room for direct influence at the negotiations, it is crucial to focus more on the domestic level, as many CSOs have already recognized. At the domestic level, civil society can enhance the support for strong environmental protection policies by intervening in public discussions and in the ministries of economy, finance, and foreign affairs. Otherwise, tight mandates for negotiators and poor prospects for ratification and implementation will leave little room for ambitious results at the international level.

Although this paper was able to identify important opportunities and constraints regarding the prospects for the effectiveness of civil society's insider strategies, the effectiveness of outsider strategies such as actions aiming to influence the general discussion tone remains unclear. Unfortunately, Political Science still lacks reliable instruments to measure and compare impacts of those strategies. However, since strategies focusing on influencing the general discourse represent a huge share of civil society's contributions to international politics, it will be very important for future research to develop reliable instruments that can assess their impact.

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Global Governance and Control: A Trade-Off Between Freedom and Security

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Keywords: Power, Internet, Security, Limit, Democracy

Introduction

The digital era deeply influences the social and political features of the entire human community: it is related to the phenomenon of Global Governance, affecting the way of communicating, associating, getting and sharing information. It is a new period, and thus far, it needs important rules in several aspects. In this paper, we will talk about how this significant revolution influences, perhaps implements freedom and security and the consequent trade-off between the latter. We will start with some preliminary considerations about the formation of the State and how Global Governance compromises the ancient equilibrium, trying to establish a more open and internationalized worldwide community. In the first chapter, we will talk about how international mechanisms of management of violence call into question the national monopoly of physical force, with the example of NATO and Europol. Moreover, in the same chapter, the discussion will turn to another monopoly, that is no more an exclusive prerogative of the State: economy and the faculty to print money. In this case, we will take the example of the WTO and European System of Central Banks as a clear illustration of this important international economic development. In the third chapter, we will focus on national identity and social media, explaining how the global system is becoming more and more interdependent and symbiotic. The importance of web 2.0 lets us turn to another consideration about the potential asset that this revolutionary instrument could be for both citizens and governments and, on the other hand, the potential risk that it could represent. We will talk about the latter in chapter three, where we will describe with a current scandal one of the possible dangers given by the internet and the social networks. With a description of various cases of espionage programmes we would like to demonstrate that without an international regulation there could be an abuse of the web, which could create serious problems to our society and our democracies. After this analysis, there will be an elucidation about the effects of the internet in terms of freedom and security, particularly focusing on the deteriorations that a non-regulated digital system could create; this will be discussed in chapter four. At the end of this paper, we will propose two possible solutions to avoid the potential degenerations of our system, which could push the trade-off between freedom and security to inauspicious levels. In my opinion, there are two main keys to circumvent these potential consequences: shared rules and digital education. If they are combined in the name of respect for people, plurality of identities and transparency, the unprecedented revolution given by the Internet 2.0 will be extremely useful and positive for the global society.

Preliminary considerations

Before beginning the discussion concerning Global Governance and its limits, we should fix some important concepts about the State, its creation and its possible overcoming. To understand what actually a so discussed phenomenon is, it is important to free up our mind from the idea that conceives Nations as spontaneously created entities that are all along the unique base for our society. This mental work is useful for a more precise and coherent historical analysis as well as an easier examination of the events characterising our time, in which the State will play more and more exiguous role. Two main characteristics shown below that, even foreseeable, are fundamental to go on with our line of reasoning:

- 1) The State is a **human** -precisely European- **invention**: officially born with the peace of Westfalia, in 1648, when we can establish for the first time the mutual recognition of sovereignty by the modern state following the principle of *cuius regio, eius religio*. From this moment on a rudimental form of our international system begins to take shape. Behind this conventional there is a process lasted for centuries in which a double monopoly takes place:
 - The monopoly of physical violence
 - The economic monopoly (faculty to print money as the only official currency for a State)
- 2) The “State Builders” or “Framers” accompanied this double monopoly with the construction of a **common identity** with the concept of Nation-State. A stable building has to be manufactured by solid foundation, so to realize a unitary well-structured State it is necessary that people, the human foundation for this public structure, identify themselves in common principles, professing them as part of their personal identity.

Starting from these basic concepts, we can now develop a more careful treatment of the phenomena that characterize our time, in a political social and cultural outlook, explaining how the state is trying not to lose its importance on the domestic and international scene.

All the powers listed above and previously held almost exclusively by the state are now more than ever in deep crisis and subject to significant changes, flowing in the complex system that takes the name of Global Governance. Therefore, I will analyze the

phenomenon starting from the institutional changes and then focus more specifically on identity aspect that will be the center of our discussion.

1) Violence and Economy: still State monopoly?

1.1 International monopoly of violence

The years of the immediate second postwar period saw an unprecedented proliferation of international and supranational organizations with the task of handling the most diverse sectors of civil life. Especially for what concerns the monopoly of legitimate physical violence in the European case, it is important to mention the progress made in the field of Justice and the cooperation among different police forces (Europol) operating with more and more relevant and differentiated tasks. Another important example of internationally combined use of the violence for foreign affairs is undoubtedly the North Atlantic Treaty Organization. It was conceived as opposed to the Soviet bloc during the Cold War, even though this organization has continued to live after the dissolution of Soviet Union. Consequently, NATO changed the meaning of his existence, becoming a military alliance organism that nowadays manages an even more significant role, not only for the Western powers. To demonstrate this, we should look at the emblematic actions operated by NATO during its first military operation in Kosovo in 1999, when it crossed even the power of the UN Security Council, which gave the authorization to operate only after the initiation of the armed interventions. The early years of the twentieth century also saw a complete doctrinal and organizational restructuring of NATO, through the establishment ACO (Allied Command for Operations), responsible for ongoing operations and ACT (Allied Command for Transformation), responsible for the definition of future strategies. It is expected, therefore, a radical and further processing of this organization, that is including a growing number of member countries and at the same time is claiming more and more autonomy in operations. Decisions remain intergovernmental; however, it is undeniable that the international system is beginning to think of NATO as an advanced functional effective and self-sufficient entity.

1.2 Supranational economic monopoly and the European example

It is known that the State is not the only agent that affects the macroeconomic aspects of the various societies. It is moreover well known that in some cases it is not, nowadays, even the principal regulator of trade policy, taxes and monetary union of its own markets. The enduring rise of multinational companies demonstrates the ability to

transcend, more or less easily, the boundaries of the State in unthinkable ways regarding the organization of the immediate post-war international market. This is also due to the policies of the GATT (first) and WTO (since 1995), which have given rise to an increasingly interdependent world. Leaving aside the global economic collaboration and taxes break policies on the road of free trade, the progresses made by the European Union in this regard are exceptional. This supranational organization, in fact, has created a system of exclusive powers belonging merely to the Union, which include front-line customs union, competition rules necessary for the functioning of the internal market, the common commercial policy and monetary policy to Member States whose currency is the euro. This last point, in essence, allows a common system of price regulation or the ESCB European System of Central Banks. This last has the task to define and implement the Union's monetary policy, conduct foreign exchange operations. It holds and manages the official foreign reserves in foreign currencies of the Member States, as well as the creation of a European Central Bank that pursuant to Article 128 TFEU "has the exclusive right to authorize the issue of euro banknotes within the Union [...]." This set of skills has always returned to the ranks of the prerogatives of the State, is now more than ever the object of important steps to witness. Even the power to print money, always the prerogative of the State, in this case escaped this entity on behalf of another organization.

Can we therefore say that today, centuries later by the process of State formation, those qualities that contributed to Nation States creation are still in force?

2) National identity and new technologies

The economic globalization, through the relocation of increasingly internationalized firms and dissemination of the same objects of common use in every corner of the world is radically changing our habits and our daily lives. At first sight, it would seem strange to think about the identity of an individual observing just what is commonly used; however, they are just tools to define us on daily bases and frame us according to the specific characteristics of our identity. Let us think about smartphones: a search held by the University of Bonn affirms that they are controlled by us, on average, 80 times a day, once every 12 minutes. Are we confident that such a small gesture cannot affect our day? This is the revolution of the web 3.0, so defined because it represents a change of paradigm compared to the web 2.0. It is expected that by 2015 there will be about 25 billion objects that will be connected to the Internet, creating an environment where machines will

automatically collect, exchange, develop and retain all types of information⁶¹. However, this “revolution of globalized things” does not concern only the new technologies: there are several elements, first symbols of national identity and culture, which have been exported and have began part of the identity rooted in other traditions, torn from their homeland and have arrived to become “intellectual heritage” of the global world. Up to seventy years ago, it was unthinkable to find a pizzeria on the outskirts of Taipei, as well as a Japanese restaurant in Pamplona. Today, in contrast, this is less far-fetched than ever.

Despite that the advent of web 3.0 would lead to important insights, we will focus on the revolution created by the Web 2.0 because it is the first example of concrete opportunity of social aggregation inside the net, based not only on individual collection of information, but also on a more rapid and effective exchange of them. Information, in fact, is a far more important element for the educational and cultural individual development. It strongly affects our identity. To describe the changes in this field, the Orientalist and anthropologist Arjun Appadurai speaks of *mediascapes*, or directories of images and information flows that are manufactured and distributed by the mass media at the transnational level⁶². Today’s media, especially for the new generation, moves very quickly and seems to know no limits or boundaries abstract from the States. Internet, in particular, is the most complete and revolutionary source of information: it is fast, cheap, easy to use and is not subject to particular types of limits. The network is a vehicle information never conceived before: we can have immediate information from opposite corners of the planet. The most significant example of the advantages given by this use is without a doubt one of the social networks in the uprisings in the Maghreb. Social networks, playing a key role in the communication of a modern society and altering the way in which people relate, converse and exchange information, ideas and news, have been suggested as a possible new factors that have led simple popular protests to overthrow regimes over decades. Through these media, citizens of countries where freedom of expression has been suppressed for too long have found new channels to be able to get in touch and try to undermine the power system. The network of internet has been fundamental for the sharing of content (text, photos, and videos) that otherwise would not pass the censorship of the institutional bodies of these countries. Nevertheless, because of the uncontrollable nature of the net, governments have failed to curb this “threat” despite various interventions to bring the network under control.

⁶¹S.Rodotà, *Il Diritto di avere Diritti*, Editori Laterza, Bari, 2012, pp.322-323

⁶² A.Appadurai, *Disjuncture and difference in Global Cultural Economy*, University of Minnesota Press, 1990.

To sum up, internet and especially social networks are an immense resource and a vehicle information than ever before. They have consolidated their role in the world, becoming a daily reality for the civil society, including citizens, activists, NGOs, telecommunications companies, software providers, and ultimately governments themselves and their machinery and officials. In a global system in which individuals are increasingly culturally close, where national identity thins in favour of a more complex global knowledge and in a world in which daily habits tend to homologate between diametrically opposite sides of the planet, having control over this informations can be crucial for the survival of entities that fail to keep pace with these profound changes.

3) The counterattack comes from governments

The media "without borders", complicit in this singular metamorphosis of identity, is not only a threat: on the contrary, it could become -if controlled- an unprecedented asset. States, therefore, in a desperate attempt to piece together the human foundation under which lays theirs political and administrative structure, try to seek a roundabout way to get to the beating heart of its citizens. The web gave to some important security agencies the possibility to create an enormous espionage programs that have no precedents. This could be a problem for the health of our democracies because it is difficult to know if these programs were created just to protect the Nation. It could be one of the so called "all-purpose means", by which the governments have "sought to dissemble their purposes, bury their mistakes, manipulate their citizens and maximize their power"⁶³. The striking example of the Datagate scandal, in this regard, is not so surprising if analysed with the perspective of control examined until now.

3.1 Datagate: chronicle

Edward Snowden, former NSA technician and former employee of Booz Allen Hamilton (business information technology consultant to the NSA), assisted by a journalist for the British newspaper *The Guardian*, has revealed several details about secret intelligence programs, including the program of wiretapping between the United States and the European Union on the metadata of communications, PRISM, and Tempora Internet surveillance programs. The news that the communications in many countries of the world would be under control immediately created worries around the world's public opinion, requesting a comment by President Obama. He claimed the highest legality of the program,

⁶³ A.M. Schlesiger, *Imperial Presidency*, Houghton Mifflin, Boston, 1973, p.317.

calling it "private, not secret." According to documents published by the Guardian about the scandal Datagate, the authorization for the FBI to monitor communications would be given in secret by a federal judge April 25, 2013, an order that would grant the government the ability to have unlimited access to data for three months. While checking the phone records would be recent, since 2007, the data related to communications made via the internet by millions of users would be available to American intelligence agencies using the PRISM program, which aims to collect and use data communications via Internet. The initiative to control the communications would be taken by the National Security Agency (NSA), the U.S. intelligence agency, which generally keeps an eye on specific persons considered potential terrorists, although the scope of the interception is unquestionably huge. However, the White House has defended the actions of the NSA, sustaining that this agency was critical to protect the United States from the danger of terrorism. The range of the scandal Datagate was then greatly enlarged with the news that the PRISM program would be associated with several companies, not just Verizon, and under control of the NSA there may also be "unconventional" data, such as photos, videos and information stored on computers, social network profiles and mobile devices. In a first analysis, it would seem that this spying program relates only to the United States and has considerable weight only within the U.S. socio-political context. Instead, there is a further revelation that came to light on COMINT (Communications Intelligence), which is the collection of intelligence from the communications between people, which once covered only radio and telephone traffic and today everything that passes through the internet. The *Guardian* wrote that there would be formal agreements between the United States and various European countries, providing for the exchange of this type of communication data. Another interesting fact comes from Apple, the international giant of new technologies, which published a list containing the states that have requested personal data from this U.S. Company.

Although some European governments have described themselves as the injured part unknowingly involved in this scandal, as supported by major newspapers in some countries of the old continent, according to the NSA Director Keith Alexander revelations of the French newspaper ' *Le Monde* ' and the Spanish ' *El Mundo* ' are *completely false*. In support of this argument arises Dianne Feinstein, chair of the Commission on Intelligence of the Senate, who, while calling for a review of the strategies of the NSA, said that U.S. did not collect autonomously the data, but that they were put together by France and Germany. According to the *Wall Street Journal*, in addition, U.S. intelligence sources say that

the intercepted telephone conversations in France (70 million) and Spain (60 million), *"would be controlled by the NSA with approval of the intelligence services in Madrid and Paris"*. French intelligence services have an agreement to share data with the National Security Agency (NSA) since 2011. France, in fact, enjoys a strategic position with respect to the transport of electronic data: the submarine cable, which passes much of the data from Africa and Afghanistan, arrive in Marseille and Penmarc, in Brittany. *"It's a barter between the direction of the NSA and the DGSE"*, said a source in French intelligence agency. *"They give us whole blocks of these areas and we, in return, we give them parts of the world where they are absent, but the negotiation has not happened once, it widens the scope of sharing in discussions which are still ongoing today."*

The range of this scandal does not extend only to the transatlantic allies: in India, for example, there is a centre of mass control that relies on the monitoring of text messages, phone calls, websites, applications and social media. This system, called CMS (Central Monitoring System), is owned by the Government of India and was described by the newspaper *The Times of India* as *"the single window from where government arms : such as the National Investigation Agency or the Tax Authorities will be Able to monitor every byte of communication"*.

In this scenario of general disorder, the White House is trying to maintain stable diplomatic relations with European nations with a reform of the National Security Agency that starts from the top; German Chancellor Angela Merkel, also spied by U.S. intelligence, has plans to set up a European anti-espionage agency against any similar case in the future. We do not know where the author of Datagate case is, even though some South American nations offered him political asylum.

3.2 PRISM and Tempora

PRISM is a top-secret surveillance program that the National Security Agency has put in place to collect and use information from service providers and Internet communications.

This program became public in conjunction with the revelations about the scandal Datagate issued by Snowden, who has decided to disclose information relating to the PRISM to inform the population about the possibility that sensitive information about communications are monitored by the U.S. government. Despite the fact that news has spread only in June 2013, the program PRISM was born in 2007. At first, the surveillance was called upon individuals identified as potential terrorists, but it would have been extended to millions of American citizens by monitoring communications within the United States or from the United States to foreign countries. The information that the

NSA would have been able to get through PRISM project could include email, voice and video communications, photo, file transfers, and information on social networking profiles. The program uses companies like Microsoft, Yahoo, Facebook, Paltalk, YouTube, Skype, AOL and last in order of time, Apple. They have offered Prism their servers, through which the majority of the global internet traffic passes via "packets" of information, including from foreign countries, which necessarily go to the United States. Without crossing any border, then, PRISM intercept and capture this information when they are in U.S. territory.

Tempora is the name of a surveillance program run by the British intelligence (GCHQ, Government Communications Headquarters, equivalent to the American NSA) and it emerged with documents on Datagate. The program, among other things, browses 600 million "telephony events" per day. How does it work? By directly filtering the data stream that passes from over 200 optical fibre cables. What kind of content it gets its hands on? Telephone conversations, email content, messages on Facebook and all online activities (such as websites visited, etc.) from any kind of user.

3.3 Metadata

It is one of the keywords of Datagate. Literally, metadata are informations obtainable by other information. In the specific case, with regard to the phone calls, they do not indicate the content of the conversation in itself. They disclose the data related to those calls: callers to whom (in the sense of number), for how long and also the geographical location of the phone, although the NSA has declared that it does not preserve this last kind of information. In the case of Internet communications, metadata differ depending on the channel used: for an email, it is the address of the sender and recipient, the IP address, the size of the file, the subject of the letter, to name just a few. Just a post posted on Twitter, regardless of its 140 characters that can be read by everyone, is associated with 33 different pieces of information, including language, geographical location, software used to tweet. Most of the experts of Network and privacy point out that the ability to access en masse to these data and analyse them allows deriving a lot of personal information on the targets. In short, to paraphrase McLuhan, metadata are the message. Because they reveal the context in which we move and our relationships.

Considerations

A so impressive espionage program, developed in almost every corner of the planet, reveals to citizens a famished aspiration to total control by the governments of our

time. At this point, Viktor Mayer Schonberger, a professor at the University of Oxford and Kenneth Neil Cukier, Data Editor at The Economist have written a book titled Big Data. In this volume, the authors reflect on how the internet and technology innovations influence modern society and our daily lives. For example, how can we monitor the status of the development of a virus? How can we stem the crime and prevent it, improving the safety of a city? In addition, is it possible to know the mood of the population of an entire nation? Of course it is, through Big Data, an enormous amount of information that, in spite of privacy, collects information on each individual, acting on the totality of the information and overcoming the concept of statistical analysis. Everything we need to know becomes extraordinarily precise and fast. Yet, there is a downside. On one side, big data may be used for the safety of the population; while on the other hand, the information related to our life, often stored in our total knowledge, can be used for many different reasons. Just log on to a social network, use a smart phone and surf the web. You will provide an impressive amount of information about yourself, your interests, what you think and what you like. These informations are private and intimate, and then if they were poorly managed, they may generate a form of reduction of our rights and our privacy policy, as confirmed by several recent scandals. It is a trade-off between freedom and security in which it is difficult to find a meeting point: through access to this large amount of information we can improve a number of important social variables. If it exacerbates, this attitude ends up creating a global police state where control becomes more important than individual freedom and in which, in order to obtain information that sociology and statistics reveal only partially, we reduce the individual capabilities in the exercise of free will.

4) Freedom and security

“Au citoyen appartient la propriété, au souverain l’empire”. This is one of the most common quote from the Napoleonic Civil Code, took as an example in the civil law of all times. Paraphrasing this sentence, the State has the duty to guarantee to citizens the fundamental liberties, in particular the propriety of themselves; on the other hand, it must ensure stability to its government, with the aim to protect its human community. However, an excessive *empire* reduces *propriety*, as well as the latter, if maximized, could destabilize a strong government. In other words, there is a trade-off between freedom and security in which the executive power, acting on one of these aspects, affects the other and vice versa. It is difficult to find a meeting point between freedom and security, because it also has to

adapt itself to the historical events. As Eric A. Posner and Adrian Vermeule write in the introduction of their paper “*Terror in the balance*”, “when national emergencies strike, the executive acts, Congress acquiesces, and courts defer”⁶⁴. This means that governments, in particular historical moments, can act using some powers and faculties that do not belong to them. As we can see thinking about the Datagate case, the Internet represents an important resource for citizens as well as for governments, because it strongly affects both freedom and security. In the paragraph below we can notice the effects of the 2.0 on these aspects and, consequently, on the entire trade-off.

4.1 Internet and Freedom

The internet considerably affects the concept of freedom and privacy, which is no more conceived as an exclusionary “right to be left alone”⁶⁵. It is nowadays best defined as the “right to freely choose their way of life”⁶⁶. The influence of network communications, information and any kind of social relationship extends the range of the human freedoms in the name of simplicity, effectiveness and immediacy. This would seem to imply a significant enlargement of *property*, both personal and intellectual: the power of the web is unprecedented, there are no stringent constraints imposed by television and other mass media that somehow can convey the thought of the citizens through a more rigid selection of information. The digital world, considered by Yochai Benkler as a meritocratic space⁶⁷, looks like a plural world where it is not possible to stem the inevitable variety of voices, opinions, considerations. This suggests that the impact of this feature on individual and collective freedom is immeasurable. However, a closer analysis shows that what may appear as the biggest selling point for the web hides contraindications that may cause serious risks to the democratic culture of a country. The feeble controls, in fact, are not only a guarantee of greater empowerment, but they represent a danger to the public because the information may be distorted and unreliable; this may adversely affect the thinking of an entire community. If we apply this concept to politics, the ideas conveyed through the network cannot be easily made responses to a public figure or a political party, which, on the contrary, should always take charge of what says in terms of responsibility and accountability. This radicalization of freedom without rules inevitably moves the axis of the

⁶⁴ E.A.Posner A. Vermeule, *Terror in the Balance. Security liberty and the courts*, Oxford University Press, Oxford, 2007.

⁶⁵ S.Warren e L.D.Brandeis, *The Right to Privacy*, in Harvard Law Review no. 5, Boston, 1890, pp.4 e sgg

⁶⁶ F.Rigaux, *La protection de la vie privée et des autres biens de la personnalité*, Bruylant, Bruxelles-Paris 1990, p.167.

⁶⁷ Y.Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom*, Yale University Press, New Haven, 2007.

trade-off to a level that tapers on the side of safety up to alarming levels. If, on the one hand, it gains what we argued so far, on the other hand there is a loss in terms of protection and then defence of the community. It is therefore important to look for the mechanisms by which we can create effective safeguards to ensure that this does not occur.

4.2 Internet and Security

As for safety, it is necessary to analyse the variation in the management of the latter by the democratic nations and their governments. In fact, as we already mentioned in this paper, security is not always administered evenly over time. It has to take account of the historical changes that inevitably influence the policies in this matter. A regime of war or of strong domestic and international tensions cause changes in government decisions in the field of security, which may be more or less a temporary sacrifice of some liberties in the name of protecting the integrity of people. There are various mechanisms to determine if the intent of the government is to ensure the safety or justify misconduct. We can rely on the balance of power, which must be ensured by other constitutional bodies (primarily the Parliament and the Judiciary) or we can create a mechanism in which there is a number of physiological *whistleblowers*, elements within agencies safety data that reveal secrets related to government programs which have the sole purpose of giving the executive authority what does not belong to it. Regarding the latter case, the Internet is once again a very effective expedient because of the range of its communication system and the ability to publish news without barriers and forms of mediation that would be located outside of the digital world. Another form of protection for *whistleblowers* is the anonymity, which allows some protection from the possible sanctions by the agencies in which they work. We have to protect *whistleblowers* if they are acting in the interests of the citizens, since they are the guarantors of freedom and transparency. At this point, an important question arises: who are the legitimate *whistleblowers*? What are their intentions? Are their actions always performed for the collective good? These questions are difficult to answer to. Despite this difficulty, the evaluation of the incisiveness of the network in this not easy mechanism remains fundamental. If, on the one hand, the Internet provides for whistleblowers, on the other hand it may be a risk because it makes it even more difficult to answer the questions we posed. The anonymity can be a fundamental form of guarantee, while on the other side it can also prove to be the other face of irresponsibility: a whistleblower armed with bad intentions can thus undermine the foundations of a security system for personal interests and trigger panic on an entire Nation.

Conclusions

To avoid the extreme consequences given by the arbitrary use of this revolutionary political mean, regulatory actions are required to be more precise, especially in a collective sense. The need for regulation is given by the unique peculiarity, which belongs only to the web, in which the network is used in the dissemination and exchange of information: it knows no territorial boundaries, or if in some isolated case knows, these are not easily traceable. The method of action in this field is twofold and can only be effective if practiced in combination. On one hand, a fundamental legislative action that gives a number of internationally recognized safeguards is needed; on the other hand, it cannot be fully adequate if not accompanied by a concerted intervention on the educational level, which gives people, enterprises or anyone who uses the web a full awareness of this tool and its effects. In this regard important national and global initiatives, which aim to promote and ensure a change in this direction, have been developed. After the Datagate scandal, for example, in its final report "Liberty and security in a changing world", the Committee appointed by Barack Obama to investigate this sensitive issue asks the President of the United States for an urgent and drastic reform, in terms of processing the data of U.S. citizens and of those that concern the data of citizens of other countries⁶⁸. A further step forward was made in the Human Rights Committee of the United Nations, through the approval of the text "Right to privacy in the digital age", which could give a strong international slant to what is hoped to be a collective regulation on digital rights. Concerning the plan of education about the use of the network, a key resolution in this regard was approved during the 35th International Conference on Privacy, which was attended in Warsaw by the authorities that ensure the protection of data around the world. The resolution, strongly supported by the Italian Guarantor, has the implementation of a joint program of digital education involving all citizens with varying degrees of protection and participation. Ultimately, although it is difficult to find a meeting point between freedom and security in the digital space, we should support the fundamental definition of a frame within which the trade-off can take place in a socially acceptable manner and with the utmost self-respect, which is the ultimate and fundamental safeguard in a civil society.

⁶⁸ R.A. Clarke, M.J. Morell, G.R. Stone, C.R. Sunstein, P.Swire, *Liberty and Security in a Changing World*, Report and Recommendations of. The President's Review Group on Intelligence, 2012.

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Shanghai Cooperation Organization & NATO: Regional Polarity And Global Governance

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My name is Adrian-Florin Lupas, age 23, a graduate of a Bachelor degree in International Relations from the University of Oradea, Romania, and currently studying European Studies as a postgraduate degree within the same university. My bachelor dissertation topic was “Romanians in the UK, A Case Study”, and was centered on the analysis of prejudices and attitudes towards Romanian migrant workers within papers in the UK. I currently work as a political consultant and strategist as well as an authorized translator and my interests include diplomacy, political strategy, dialectics, political philosophy and security studies.

Abstract

Regional blocs and organizations such as the Shanghai Cooperation Organization and NATO have started to assume a more significant role in establishing a clear political, economic and military agenda of their member states and can become the main instrument in solving transnational and global problems. Researching the characteristics of each of the aforementioned organizations and putting their agendas into antithesis is vital to understanding some of the future developments on a global scale. Analyzing the apparition of certain regional structures as instruments of limitation for the classic actors in global governance, the ways in which these structures clash and interact and the limitations to their power is a relatable example to the proposed general theme, worthy of discussion and debate. While the Shanghai Cooperation Organization cannot yet pride itself with the same achievements and initiatives on a global scale as NATO, the leaders of the member states and observing states are representatives of half of humanity and pose a serious question to the dynamic of global governance and regional polarity. The subject at hand, of a comparative and structural analysis of the SCO and NATO is all the more intriguing as we observe that the Shanghai Cooperation Organization can be perceived as one of the tentative limitations to US influence in Asia through NATO, acting as an instrument of global governance. Furthermore, the dynamic that can develop between the two organizations can offer interesting power plays in the not-so-distant future.

Keywords: Global Governance; NATO; Polarity; Regional Influence; SCO.

Introduction

Regional organizations such as the Shanghai Cooperation Organization and the North Atlantic Treaty Organization could be set on a path to taking a more active part in establishing the political, military and, from time to time, economic agendas of member states, while also becoming directly responsible of solving both regional and global issues and representing the interests of the aforementioned members should they succeed in gaining the necessary powers at a supra-national level. In a way, these regional structures appear to be instruments of limitation for the classic actors in the process of global governance. This research paper will focus solely on the above-mentioned organizations, deeming it important to analyze the different contexts in which they were formed, their characteristics and reactionary tendencies, their collaboration or differences with other organizations or each-other as well as the way they shift and will continue to alter regional and global influence, transforming the international stage. While a certain amount of historical analysis is necessary in order to properly comprehend the scope of each organization and their individual objectives, there are some issues to clear up regarding both the SCO & NATO as individual organizations and also a possible scenario of clashes between the two organizations in the future, should the international environment evolve in such a direction. The case study within this research paper will aim to address most of these details, such as possible motives for a future conflict or the established regional and global polarity so that a proper conclusion can be elaborated.

Descriptive Analysis

This part of the paper will focus on laying the descriptive groundwork for the case study to come, pinpointing important moments in each of the two organizations history while also touching on ideas such as context of formation, objectives, agenda, principles and cooperation with neighboring or allied entities.

The North Atlantic Treaty Organization was formed in 1949 in an effort to serve three major purposes: the first, and possibly the most important, was deterring the communist threat during the years of the Cold War and halting Soviet expansion, followed by the imposing of a strong North American presence in Europe in order to stop the rebirth of nationalist militarism on the continent and last but not least supporting the idea of European integration. This organization was formed in the context of a devastated post-World War II Europe with a death toll of more than 36 million people and, of course, the poignant and destabilizing Soviet influence on elected national governments throughout

the continent (NATO Public Diplomacy Division, 2012, 1). In this respect, in an organization dominated by the United States from the moment of its conception, it is clear that one of the main functions of the alliance was the institutionalization of a relationship between Europe and North America. It is also important to pinpoint that the basic principle involving NATO is that of collective defense, as noted in Article 5 of the North Atlantic Treaty. From the standpoint of a historical evolution since its birth, we can clearly delimit three distinct but equally important moments that shaped NATO's development and subsequent policy. The first event, mentioned above in small detail, is based around the years preceding the Cold War and represents the first years of this organization; the second phase is tied directly to the period of the Cold War, lasting up to the early 1990's and ending with the fall of the Soviet Union, while the third moment was represented by the terrorist attacks on New York City in September 2001. Each of these separate events were marked by different challenges on an international level and required different methods of response, having a direct effect on shaping and changing the dynamics within NATO with every passing cycle (Akram, 2009, 1-2). Before moving on to discussing the context of formation and objectives of the other organization being analyzed, the SCO, it is vital to note that NATO does not "enjoy" direct competition from other regional organizations within its sector of influence, which differs greatly from the situation encountered by the SCO, which has to integrate or eliminate spheres of influence of other entities such as ASEAN (Association of Southeast Asian Nations) or the Commonwealth of Independent States (CIS). Quite to the contrary, as mentioned in the beginning of this chapter, NATO has long supported the idea of developing a politically sound and united Europe in order to be able to accomplish its future goals regarding security and expand more and more into the East. NATO & the EU share common strategic interests and have long consulted and worked closely together in preventing and resolving crisis situations both in Europe and abroad. There is of course an official document cementing this partnership signed in 2002 called "The NATO-EU Declaration on ESDP", which has basically assured access for Europe to NATO's military planning and defense capabilities and has formulated some mutual standards to be respected by the two organizations such as improved consultation, equality in the decision-making process and respecting the principles enshrined in the Charter of the United Nations (NATO-EU Strategic Partnership, 2004, 3). Additional keystone documents establishing reactionary principles also come to fruition in the following years: the "Berlin Plus Arrangements" adopted in 2003 provide European Union access to NATO collective assets in crisis situations, aiding

the process of crisis management at a global level. Other areas of cooperation include the proliferation of weapons of mass destruction and combating terrorism at an international level (Akram, 2009, 4-6). Furthermore, after the accession of Romania and Bulgaria to the European Union in 2007 and Croatia in 2013, the two organizations now share 22 common member countries. Adding the United States and Canada as powerful non-European actors, the two Nordic countries of Norway and Iceland and Turkish and Albanian influences in the south of Europe, it is becoming quite clear that the level of influence of NATO both in Europe and abroad is considerable, being a strong representative of the “western world” and democratic values (Center for Non-Proliferation Studies, 2012, 1). In layman’s terms, we can conclude that due to the dominant U.S. influence within NATO, and its close collaboration with the European Union, the organization is used as an instrument to achieve objectives such as improved security and defense, non-proliferation of WMD’s, humanitarian efforts and regional stability, further supporting the idea that the United States, through NATO and the tight EU link, hold regional polarity until reaching the Eastern borders of the continent.

The other international organization analyzed as part of this research paper’s descriptive base is the Shanghai Cooperation Organization or the SCO. It is a regional organization comprising of the original “founding five” (1996): China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan, with Uzbekistan joining separately as a member state in 2001. It also features a number of observer states, chiefly India, Iran, Mongolia, Pakistan and, more recently, Afghanistan. The SCO’s declared goals are cooperation in political, military, energetic, economic and cultural areas between its member states, with the organization growing in the past decade and receiving more extensive attention from western powers. The combined population of the member states is of 1.5 billion people, representing almost a quarter of the world’s population, and by adding the observer states, the rate of population representations grows towards a staggering half of the world’s populous. Territorial representation is also extremely vast, encompassing extensive areas of the Near East, Central Asia and South-East Asia (de Haas, 2007, 5). This international organization was formed in the context of maintaining security and diminishing any possibility of tensions occurring along the borders of the countries involved following the collapse of the Soviet Union and the end of the Cold War. Taking a position and establishing a relationship with China was another key goal in the early days of the SCO for the former Soviet republics, strengthening neighborly relations involving mutual trust and cooperation. Similarly to NATO’s historical evolution in distinct phases, the SCO’s growth can be split

into several periods marked by different interests and objectives: the first phase, lasting from the early 1990's until 2001 marked the first agreements between the neighboring countries and established a precedent for a future, official alliance; the second phase introduced the "Declaration of Establishment of the Shanghai Cooperation Organization", marking the official beginning of the SCO and delimiting three clear objectives, or "evils", that needed to take precedence: the fight against terrorism, separatism and extremism. The third phase started in 2004, with the final touches to the institutional transformation of the organization (a secretariat in Beijing and a regional anti-terrorist structure in Tashkent) and is still ongoing today, with the declared purpose of obtaining even more influence through new member and observer states and become the most important international organization in the region, holding the helms of polarity in the area (de Haas, 2007, 7-9).

The Shanghai Cooperation Organization is also beholding to some important guiding principles, stipulated in its very own charter. These principles or norms, often referred to by theorists as the "Shanghai Spirit", sit at the opposing end of those being promoted worldwide by the USA and likeminded western powers, in an effort by the SCO to avoid international strategic and military unipolarity (held in recent years by NATO and the U.S.). Several basic principles found throughout international law sit at the foundation of the organization, such as the sovereign equality of member states and the rejection of dominance and coercive techniques in international relations. The Charter mentioned above also includes an important statement noting the fact that the SCO is not directed "against other States and international organizations". However, taking into consideration the fact that all the above-mentioned norms fit the spectrum of international relations and cooperation between member states, it is important to note that the statement and upholding of several other principles which pertain to more personal issues such as respect for human rights and the right of self-determination of peoples are omitted by the SCO. While NATO upholding of these principles is sometimes questionable (ex. Aggression against Serbia), there is no doubt that more solid guarantees are offered in the case of NATO than in the case of the SCO in relation to the above-mentioned principles. Combined, all these features and principles can be viewed as guarantees among the more powerful members of the SCO (Russia and China) to grant equality to other member and observer states and not intervene in their internal affairs without a specific request, while on the other hand also setting the stage for and supporting authoritarian, centralized forms of government and regimes (Bailes, Dunay, Guang, Troitskiy, 2007, 6). On a final note, it is also important to mention the delicate balance of powers within the SCO that

characterizes the organization to this day. The two dominating superpowers, Russia and China, are faced with fears and tensions on both sides due to small economic disputes and the factor of competition for reaching a status of world supremacy, while the other member states are isolated and have few fields of action beyond regional initiative; even still, Kazakhstan and Uzbekistan are within another layer of the SCO due in large part to their tremendous oil and gas resources and their size. Thus, harmonizing all the interests of the member states and creating stronger bonds between all SCO countries needs to continue to be done by formulating common, more widely applicable principles and delimiting areas of interest that can also be interpreted as guarantees that safeguard the state of the organization (Bailes, Dunay, Guang, Troitskiy, 2007, 8-9).

Case Study – Regional Polarity, Global Governance

While the past chapter was focused on gathering historical and general descriptive data about the two organizations and outline principles, context and objectives, among other details, this chapter will delve deeper into the issue of the relationship between SCO and NATO, notable differences, reasons for potential clashes between the two organizations, their aspirations and level of influence within the international relations system and the relationship between the comprising superpowers of Russia, China and the United States.

Based on the findings presented in the pages above, we can state that, although not directly intended in the beginning, the rise and development of the SCO as a security organization and regional pole of influence in Central Asia was in a very large part linked to the consolidation of a U.S. spectrum of world dominance leading to unipolarity. Thus, we are faced with an ever-growing alteration of the balance of power and a split towards multipolarity, with three decisive international actors and their respective organizations. Within this perspective, the SCO may be seen as a framework where Russia and China could finally balance each-other's influence and restrain each-other's power as to prevent dominance and instability within the organization and the subsequent region it dominates (Ji Noe Oest, Toft, 2007, 6-11). These views on the SCO and its relationship with the U.S. are supported by some security and international relations literature within Russia and China (authored by theorists such as Zhuangzhi), edging on the views of structural realism, which states that the international system is anarchic, leaving no sole sovereign power with the ability to use violence, and offering states the capability to balance internally and externally by allying themselves with others, creating equality between different tiers of

power and leading to bipolarity or multipolarity (Ji Noe Oest, Toft, 2007, 14-16). Stemming from this approach, we can draw the conclusion that, for the most part, even if it was done indirectly, the SCO is being perceived and has blossomed into a counter-organization for NATO. It is therefore recommended and suitable to compare these two international organizations based on the descriptive aspects discussed earlier. One of the differences that is immediately noticeable is the fact that none of the SCO members are members of NATO, although every single country which is part of the SCO with the exception of China has been named as a NATO partner. This difference is somewhat explainable due to the fact that Article 10 of the NATO Charter solely specifies European states as possible future members, and the issue does not extend to non-European states. The above-mentioned partnership can also be explained as a need of SCO countries to be closer to the decision-making process and agenda within NATO in order to better adapt their position and strengthen their own objectives (Sorkina, 2010, 104). In the context of a relationship with other organizations or structures, while NATO enjoys a strong collaborative partnership with the European Union, the SCO needs to overtake or integrate different spectrums of influence and polarity throughout the Near East and Asia. In these particular areas, organizations such as the CIS, resulting directly from the collapse of the Soviet Union and having countries like Azerbaijan or Ukraine in their ranks, or ASEAN, which is mostly an economically-oriented organization formed around South-East Asian countries such as Malaysia or Indonesia have the capacity to place even the slightest of shadows over the right of the SCO to be the sole representative structure of the Asian continent. Even still, the observed lack of activity within the CIS and growing Russian influence within most of the member countries makes it difficult to believe that it will pose a serious threat to the SCO's continental superiority. Similarly, ASEAN's different, more humanitarian and economic agenda places it out of the spectrum of oversight and control of the SCO and does not deem it to be a threat or a counterweight in the fight for regional polarity (Sorkina, 2010, 116-117). Another difference which is applicable is the fact that NATO is a declared security and military organization set on collective defense as a basic principle, also having branches that expand into the civilian sector, while also respecting national sovereignty of member countries and reaching decisions through consensus; in contrast, the SCO does not mention the concept of collective defense as a basic principle, making it seemingly less military in appearance and more oriented towards (border) security, economic development and fighting terrorism in Central Asia. This is not to say however that the SCO completely ignores the military scope, choosing instead to act more

subversively and fly below the radar when considering interventionist or reactionary military and security tactics (Sorkina, 2010, 104-105). More subtle differences can also be noticed in the organizations' respective Charters as compared to the Charter of the United Nations. The introductory part of the SCO charter speaks of historic links between peoples, based on aspects such as common culture (even a long-standing common political system) and a strategic relationship. Furthermore, the member states desire to strengthen peace and ensure security throughout the region by developing international multipolarity (giving the SCO a character of an authoritarian regional security watchdog) and supporting the globalization of the economy. In contrast, even though some of the NATO members have had brushes with authoritarian or communist governments (the example of Romania is eloquent), current NATO members have a common heritage based on principles of liberal democracy and the rule of law, even if this is somewhat recently established, contrary to the straightforward authoritarian direction and communist past and present of some SCO member states (Sorkina, 2010, 105). In regards to structure, we can encounter some similarities relating to departmental responsibilities; thus, the Regional Anti-Terrorist Structure (RATS) wing of the SCO can be compared to NATO's military structure, although in its legal capacity it is only warranted to deal with terrorist activity. This is not to say that there can be no swift military response on the part of the SCO in matters of border defense and protection of common interests should the situation demand it. The scale at which the operations of the two entities are developed is another difference, with the SCO not yet living up to and priding itself with the same achievements and initiatives on a global scale as NATO. While the SCO is struggling to maintain regional security in times of turmoil and to balance the powers of its member states equally within the organization, NATO has several partnerships and programs of cooperation all over the globe, some of them even within the SCO's sphere of influence (such as the war in Afghanistan) (Sorkina, 2010, 106). Historically, the context of each structure's formation has been relatively similar: NATO was formed at the beginning of the Cold War as a politico-military organization and a way of intervention into Europe in order to limit the possible Soviet influences on the continent, while the SCO was formed after the Cold War (similarly as a politico-military organization) in an effort of regional confidence-building and progress and also as a counterweight to the growing U.S. global influence. The SCO also presents itself with a more internal dimension to its goals, transposed in the fact that one of its declared aims is to avoid conflict within the organization, compared to NATO's protective stance against outside attacks (Sorkina, 2010, 106). The recruiting process of both organizations

may have a direct say in confirming the theory of a possible NATO/SCO multipolar system. While NATO will continue to aspire for Eastern European members to join in order to aid their efforts of securing Russian borders as extensively as possible, the SCO is on the verge of welcoming democracy-poor but economically-rich countries such as Iran as members.

Having analyzed the most important differences and similarities between NATO and the SCO, and introduced the theory regarding the SCO's role as a motor for transition towards global multipolarity and regional stability in addition to respecting its founding principles of economic and cultural development, it is vital to touch on the subject of the relationship between the two organizations through actions and negotiations on an international scale between the three main representing superpowers: the U.S., Russia and China, actions which are reflected up the chain in the agenda of the two politico-military entities. Ideological clashes, while not yet apparent, can always be an issue due to the economic, nuclear and diplomatic factors currently in play. Economically speaking, the SCO has developed both as a whole and from the perspective of its individual member countries into an organization which holds great power in the arms trade, energy and oil exploitation sectors. SCO oil reserves, including those of observer states such as Iran, account for 20% of the world total. The situation regarding gas reserves is similar, with 50% of the world's supply being available within SCO member countries. These economic facts represent the financial power base of the organization and grant increased regional and global influence to the actors involved within the SCO, matching economic capabilities offered by Western states (de Haas, 2007, 23). However, before being able to properly compete with the U.S. and its western allies on an economic front, SCO powerhouse states Russia and China need to square away the confusion and their own internal competition. Recent efforts made by both countries to reorient Central Asian economies towards themselves have somewhat clouded the credibility of a possible complete economic unity of the SCO. To this end, important steps have been made to reduce competition and normalize economic relationships between Russia and China as to pose serious individually and jointly capable competition in a multipolar international system. The goal of an EU-like economic community and the implementation of programs such as the Central Asian Regional Economic Cooperation (CAREC) program pave the way for the kind of economic stability needed for progress and matching western capabilities (Wishnick, 2009, 23-25). If from an economic point of view the "clashes" between Russia, China and the U.S., and, subsequently, the organizations they represent, seem mostly benign and too early

to call, nuclear capability is another subject which poses a serious regional and global security threat for some time to come.

In the case of NATO, there are three member countries that possess potent nuclear weapons arsenals: France, The United Kingdom and the U.S (NATO Nuclear Capability, 1). However, the SCO brings together four nuclear states through Russia and China as members plus India and Pakistan as observers. Aspiring member and observer state Iran is also deeply interested in the process of nuclear weapon development and has ignored repeated calls from the West to halt their nuclear program. These issues, combined with the fact that territorial armies of Russia and China are among the largest in the world and can pose a serious threat if the situation on a regional or global level warrants it, could make for interesting future power-plays and developments between the SCO and NATO (de Haas, 2013, 10). While one of NATO's general objectives is the non-proliferation or limiting of the number of nuclear weapons, progress in this area between the two organizations and, more significantly, between independent member states has been more for show. Initiatives between the United States and Russia such as the Treaties of Moscow and Prague, extending nuclear weapon arsenal reduction until 2021, are fading quickly in appeal compared to other responses and clashes between the U.S. and SCO observers India, which refused to enter into a non-proliferation agreement or Iran, with the internationally-known situation of snubbing NATO/UN authority (Hsiung, 5). As such, it is not impossible for further nuclear conflict escalation in future years due to the shaky stance and slow progress of diplomatic talks between member countries. Diplomatically speaking, there is no institutional framework for discussion between NATO and the SCO. For this reason, the emphasis within this case study was put more directly on the members of each organization rather than on communications and clashes of the organizations themselves. Issues of international importance are currently discussed with Russia through the NATO-Russia council, while a dialogue with China has not even reached partnership level. However, in the wake of a post-2014 regional transition period strongly linked to Afghanistan, it is in the best interest of NATO to move closer to the SCO. This, on one hand, entails that NATO actually recognize the SCO as a serious counterpart within Central Asia and not just as a forum for Sino-Russian relationships, while on the other hand necessitates disregarding the hard-line democratic values promoted by NATO alongside its security interests (EUCAM, 2012, 5).

Small steps towards organizational communication have been made as recently as last year, with the occasion of the EURISC Foundation's Bucharest Summit in September

2013. International think tanks from NATO, the European Union and the SCO met for the first time in Romania, which is considered a bridge between NATO and the SCO and an important strategic element due to its Black Sea access. Issues such as fighting terrorism, transnational organized crime and access security were discussed, leading to the first official recognition by NATO of the importance and value of the SCO within the global sphere of influence and a development towards a multipolar international system (EURISC Foundation, 1). One area of common interest of both NATO and the SCO relates to the war in Afghanistan and the subsequent withdrawal of NATO intervention from the region. Both organizations face the same threats related to terrorism by the Taliban and significant drug trafficking, which are widely discussed as issues that can be solved through global initiative and governance. While ongoing political sensitivities make it hard to envision a joint NATO-SCO military collaboration within the area, it is up to the SCO itself to regroup and promote a joint effort in fighting the evils enshrined in its formation charter (de Haas, 2013, 12). The existence of a Special Conference on Afghanistan involving the SCO and representatives from both NATO and the European Union further legitimizes the stance of the SCO as a serious regional interlocutor and leader, while also reminding the United States and NATO allies that the SCO is opposed to U.S. military expansion into Central Asia. Action plans stemming from this conference and other SCO discussions tackle the issues of combating terrorism, putting a halt to organized crime within the region, attaining regional stability and transforming Afghanistan into a viable regional partner (Hall, 2009, 7-8). The aim of this chapter was to present a constructive comparative analysis between the characteristics and agendas of the two organizations, as well as their economic, nuclear and diplomatic capabilities. Since diplomatic communication and organizational contact between NATO and the SCO is at its starting point, researching Sino-Russian and U.S.-Russia-China multilateral relations was also of keystone importance.

Conclusions

The goal proposed in the beginning of this research paper was to clear up some of the most intriguing aspects regarding the SCO & NATO and to propose a scenario for areas of future clashes of the two organizations, should they succeed in establishing their position in the detriment of member states on such an important level. Based on the information obtained through both the descriptive analysis and the case study, the answers to those questions should already be obvious. As a concept, global governance supports politically integrating transnational actors rather than classical actors on the stage of

international relations in order to solve regional or global problems. Judging by this fact, NATO has already established a clear precedent of military and humanitarian interventionism in areas of interest in the name of its democratic Western members and the values they uphold, setting the stage for integrated global governance. Similarly, although it is a much newer organization not living up to NATO achievements, the SCO is making small steps forward in order to gain a position that would allow it represent the interests of Central Asian states and intervene in crisis situations such as Afghanistan, among other areas, where serious issues like terrorism, organized crime or drug trafficking are tackled towards the benefit of not only member states but the entire world. Global governance is directed at solving exactly these types of transnational issues and, as proven by this paper, is set on the right path towards being the go-to mechanism of international problem solving. As such, the concept of global governance can be applied in the case of the two politico-military organizations analyzed in the pages above. In the case of regional and global polarity and level of influence, it can be stated that the apparition and growth of the SCO is viewed by many as a mechanism of coordinated opposition to the United States in Central Asia. Evolving into one of the most powerful post-Cold War organizations, the SCO seeks to guarantee regional security and put a halt to American interventionism and expansion further into the East. Thus, it has enacted the start of the change from an unipolar, U.S./NATO dominated international order towards multipolarity, with superpower members Russia and China gaining substantial influence both regionally and worldwide because of their strong economies, nuclear capability and renewed cooperation. Regionally, the SCO has become the strongest organization in Central Asia in the past decade, while NATO, along with the European Union, has not been replaced as the strongest representative of the West.

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How to solve a crisis of legitimacy?: Empirical insights into the WTO Public Forum

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Abstract

Who participates in the discourse of legitimation taking place in the WTO Public Forum and how do the participants evaluate the World Trade Organization (WTO)? This paper offers two empirical insights into the phenomenon of Global Governance. Firstly, the discourse of legitimation is analyzed with a quantitative text analytical tool. Secondly, as the framework of the discourse is a forum founded by the WTO to start dialogue with civil-society after the crisis of legitimacy in the 1990s, it sheds light on a strategy of Re-legitimation. The empirical results show that (1) the discourse in the forum is "emptying-out" as NGOs are largely replaced by Academia and national politicians and (2) that it is limited by power inequalities between the actors.

Keywords: Global Governance; International Organizations; Legitimacy; Legitimation; NGOs; Power; Quantitative text analysis; World Trade Organization (WTO).

1. Introduction

It has become quite popular among International Economic Organization to found Forums for discussion with Civil Society. Besides the World Trade Organization, at least World Bank and IMF, G8/G20 and the OECD have implemented one⁶⁹. The WTO Public Forum was founded in 2001 in order to start the dialogue with civil society after example of a Global Governance Institution: it invites 1.) a wide range of actors, from NGOs and Politicians to Corporations for 2.) problem-solving as it shall prevent another crisis of legitimacy.

Apart from the functional arguments for multi-actor-cooperation, the inclusion of different actors especially from the civil-society was attributed a big potential of democratization (e.g. Esty 2004). Global Governance thereby delivered just what international elites and researchers were both desperately looking for: legitimacy for the international system. However empirical evidence for this potential was widely lacking.

This paper gives an empirical insight into the legitimation discourse taking place in the WTO Public Forum from 2007-2011 and tackles important questions like: Who is participating (and who is not)? How do the participants evaluate the WTO and on which normative grounds? The results of the discourse of legitimation are paradoxical: on the one hand the forum is clearly “emptying out” as instead of the expected audience of NGOs and Social Movements, academics and ambassadors take the lead in the discourse. On the other hand even these less critical actors are contesting the WTO and claim democracy and efficiency.

The empirical findings support the general critique on Global Governance Approaches. Their focus on horizontal decision making processes has been widely criticized for not matching the reality of international relations (e.g. Deitelhoff 2012: 67), as it does not take into account global power inequalities (Brand et al. 2000:47). But by ignoring the huge power inequalities that characterize the WTO, neither the WTO Public Forum nor the discourse of legitimation can be understood properly. The strategic design of the Forum for example, reinforces existent power inequalities between the WTO and the participants, between different civil society actors and between North and South.

The paper is structured as followed: After the introduction, the second chapter describes the “Opening Up” of the WTO after the “Battle of Seattle” in 1999 in ways of Transparency and Participation and puts the WTO Public Forum into context. The third chapter presents in 3.1 the theoretical and methodological grounds of the analysis; the “Grammar of Legitimation” from Nullmeier et al. (2010), a text analytical method for empirical legitimation research. In 3.2 a short

⁶⁹ World Bank and International Monetary Fund found the annual „Spring Meeting” with Civil Society, G8/G20 organize “Civil8/Civil20” and the OECD hold the “OECD Forum”.

description of the design of the WTO Public Forum and its general participation trends are outlined. 3.3 contains the core of the paper: the empirical analysis of the statements of legitimation in the Forum. The level of legitimation (how positive/negative are the evaluations?), the different groups of speakers (e.g. NGO/WTO; North/South) and the normative grounds on which the evaluations are done (Input/Output; democratic/non-democratic) are analyzed. The conclusion sums up the findings and gives future research perspectives.

2. The “Opening Up” of the WTO after Seattle

Since the 1990s, a lot of international Organizations face criticism and protest from the Global Civil Society. But it is the World Trade Organization (WTO), which became the prime example of an International Organization in a crisis of Legitimacy, since the so called “Battle of Seattle” from 1999. The street protest with 30.000- 60.000 participants led to the break-down of the Ministerial conference in Seattle and generated an enormous attention by media and also by researchers. The latter analyzed since then extensively the lack of legitimacy of the WTO (e.g. Steffek/Ehling 2008; Dingwerth et al. 2011) and presented possible solutions (e.g. Kapoor 2004; Esty 2002).

Based on this literature, the responses of the WTO to the frequent claim for an “Opening Up” after Seattle shall be presented at this point. Thus, the discourse of legitimation concerning the WTO and its frame of the WTO Public Forum can be put into context.

“Opening Up” shall mean *transparency* of processes and decisions of the WTO on the one hand. On the other hand it also implies more *participation* of non-state actors; in the Ministerial Conferences (the highest decision-making organ of the WTO), in the dispute-settlement mechanism and in the thematic committees.

The WTO did not really have another choice than responding to some of the claims of Civil Society, in order to prevent another attention-grabbing protest in the future. Rhetorically this concern can be seen in a speech hold by the Director-General at that time, Mike Moore, in front of the House of Commons in 2000:

“To survive and to be effective, structures have to be underpinned by the support of the people. It seems at the moment that this is singularly lacking. As demonstrated by Seattle, Davos, and now at every international gathering, many people feel that decisions which are having a fundamental impact upon their lives are devised behind closed doors. [...] If the WTO is to succeed, it must reinforce its democratic credentials. It must engage the confidence and the support of civil society, it

must respond to their needs and interests, and it must be answerable for the decisions that are made.”⁷⁰

If the WTO actually lived up to this promises will be presented briefly. For an “Opening-Up” in ways of transparency, the WTO made all official documents available (including documents from the Dispute-Settlement-Mechanism and GATT-documents) on their website, which is generally seen as user-friendly (Steffek/Ehling 2008: 98; Dingwerth at al. 2011: 137). The WTO-Secretary circulates position papers, organizes informative meeting and in particular briefings ahead of the ministerial meetings. In terms of participation, non-state actors can be accredited as observers for the ministerial conferences and hand in civil society statements, so called “amicus curiae briefs”, in the dispute-settlement-mechanism (Van Bossche 2008:726). In sum, the cooperation of civil society and WTO has been strengthened, but the possibilities for direct influence/lobbying remain on the national level. The fact that the WTO “opened-up” much less than for example the UN, is explained by Steffek/Kissling (2006:20-28) with the lack of “Pulling-factors” for the WTO. As a member-based IO with a small bureaucratic apparatus, the organization has no interest at any stage of the “policy cycle” to cooperate with civil society. The policies to enhance transparency and participation that were mentioned above, has to be seen therefore as direct responses to the crisis of legitimacy in the late 90s (Steffek/Kissling 2006: 26f).

Likewise, the foundation of a Public Forum was already outlined in the guidelines of the General Council from 1996, but it was only after the protests of Seattle that the format was changed from a plenary meeting with hundreds of participants in one room to the current design of parallel panels with room for discussion (Van Bossche 2007: 728f). Van Bossche (2007:731) summarizes the goals of the WTO Public Forum:

“The [...] public forums do not lead to any specific outcomes, such as, for example, a civil society statement to the WTO Ministerial Conference or General Council. [...] Their aims have been more modest, namely to facilitate the exchange of views and perspectives on WTO issues in a frank and open way and to allow participants to network and establish contacts.”

The WTO Public Forum as the probably most time- and money-consuming reform after Seattle illustrates the general goal of the “Opening-Up”-strategy of the WTO: much exchange, little direct influence.

⁷⁰ Quelle WTO (1): http://www.wto.org/english/news_e/spmm_e/spmm26_e.htm.

3. “Civilized discourse”⁷¹ or “Calling for the shutting down”⁷²?

Text Analysis of the Publications of the WTO Public Forums 2007-2011

3.1. How to catch legitimation? The Grammar of Legitimation (Nullmeier et al.)

The empirical analysis of the statements made in the WTO Public Forum is done with the method of “Grammar of Legitimation” by Nullmeier et al. (2010). For reasons of limited space, only a very short overview of the theoretical and methodological background can be given at this point. The priority is to make the empirical results of Chapter 3.3 comprehensible.

The book “Precarious Legitimacies” [Prekäre Legitimitäten] by Nullmeier et al. (2010) develops an approach to grasp the dynamics of legitimation concerning international institutions just as nation-states. The approach does rely on Max Weber’s descriptive understanding of legitimacy. But instead of using his concept of Legitimacy as “the willingness to obey”, the authors focus on Weber’s comment that legitimacy always has to be attributed. Nullmeier et al. (2010) outline a model of legitimacy, in which legitimation is the process of evaluations, which then attributes legitimacy to a political order (Nullmeier et al. 2010: 31f). To put the concrete evaluations of legitimacy in the focus of the analysis, offers on the one hand the possibility to get a differentiated viewpoint on the legitimacy of a political order (between secure and absent legitimacy). On the other hand it enables us to grasp the dynamics of legitimation processes as it understands legitimacy as a linguistic process, where the speaker and the normative grounds of their evaluations can be identified (Schneider/Nullmeier/Hurrelmann 2007: 131). This new understanding of legitimacy requires a new method, which can extract and categorize different information from a statement of evaluation: the Grammar of Legitimation.

After slightly adapting the method to the specific case of the WTO and its Public Forum, four variables are coded at each statement (Table 1). The analyzed statements are taken from the “Publications”, the official summaries of the Forum, written by the different organizers of the panels. To make the analysis manageable, 27 panels have been selected from the Publications from 2007-2011, which resulted in 123 statements in total. In the description of the empirical findings only the most frequent groups of speakers and used criteria of legitimation can be taken into account.

⁷¹ Cited from the opening speech of the first Forum by Mike Moore, Director-General of the WTO at that time. Available at WTO (2): http://www.wto.org/english/news_e/spmm_e/spmm67_e.htm (14.09.2013).

⁷² Cited from Aftabalam Khan, International Coordinator of the NGO Action Aid in Session 12, WTO Public Forum 2007, p 124.

Table 1: Overview of all coded variables and their values

Tenor of Evaluation:	Pattern of Legitimation:	Group of Speaker:	Origin of Speaker:
Legitimation	Democratic Input (DI)	National Politician	North
De-legitimation	Non-democratic Input (NDI)	Corporation	South
Claim	Democratic Output (DO)	NGOs	Not defined
	Non-democratic Output (NDO)	Academics/ Think-Tanks	
		WTO	
		other IO	
		Audience	

Source: Author

3.2. What is the WTO Public Forum?

As Director General Mike Moore opens the first WTO Public Forum in 2001, he demands the present NGOs to distance themselves from “masked stone-throwers [...], anti-globalization dot.com types” and instead engage in the “civilized discourse” taking place in the new forum. The foundation of the forum is clearly a reaction to the protests of Seattle, but the statement shows that it never had the goal to integrate the corresponding social movements, but to divide civil society by inviting some, sympathetic actors. The strategic use of the Forum to channel the discourse can also be seen in the design; not every participant or topic is per se accepted, instead: “The WTO will select the best proposals and allocate the sessions” (WTO 3).

The WTO Public Forum is held annually in the WTO Headquarter in Geneva, where discussions take place in around 40 Panels in three days. These Panels are mainly organized by the invited organizations themselves, which have to apply with a panel proposition. The WTO selects the proposals, offers infrastructure and organizes the Opening Panels.

Who participates?

The WTO has documented the general participation in the Forum since 2009. What can be seen from the accordant documents is that the number of participants rises from 2009 until 2011 up to 1520 participants and drops in 2012 to 1359. The biggest groups of participants were NGOs, followed by Academics, National politicians and Corporations. But a closer look at the development over time points in another direction: while all groups follow a positive trend of participation, only NGOs participate less and less. Even though publications from WTO-

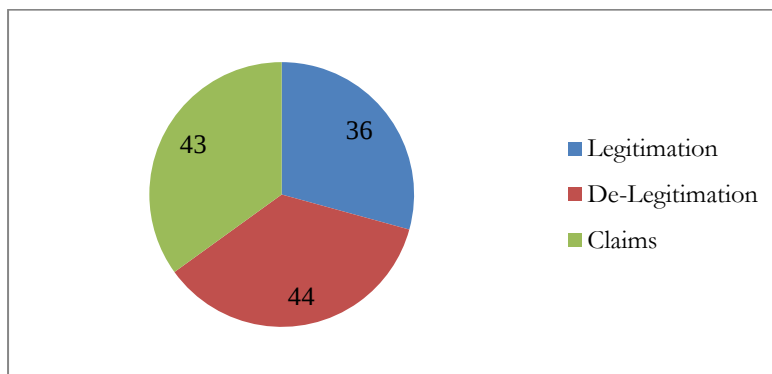
representatives prefer to ignore this development (Pérez-Esteve 2012: 18), it fits perfectly into the new WTO-strategy from 2006 “to promote the participation of experts from all categories of stakeholders [...] in particular government officials and business representatives” (Pérez-Esteve 2012:18). In sum, the Forum has no longer NGOs as the main audience, like in the first years after Seattle.

3.3. Empirical results of the text analysis

Tenor of Claims and Critique

Chart 1 shows the critical tenor of the analyzed statements; De-Legitimations and Claims with almost the same share contribute more than two third of all statements. With only 36 legitimating statements, the level of Legitimation results in 29%.

Chart 1: Level of Legitimation (N=123)



Source: Author

A very critical statement and its reaction shall help to get an idea about the scope of the evaluations. André Misiekaba, Parliamentarian from Surinam states, statement 105:

“a decade and a half of the WTO had delivered a world with closed, non-transparent and unfair trade, a growing gap between rich and poor, and unmet engagement from developed countries. He asked whether this was the accountability the WTO needed to deliver” (Publication 2010, Session 19).

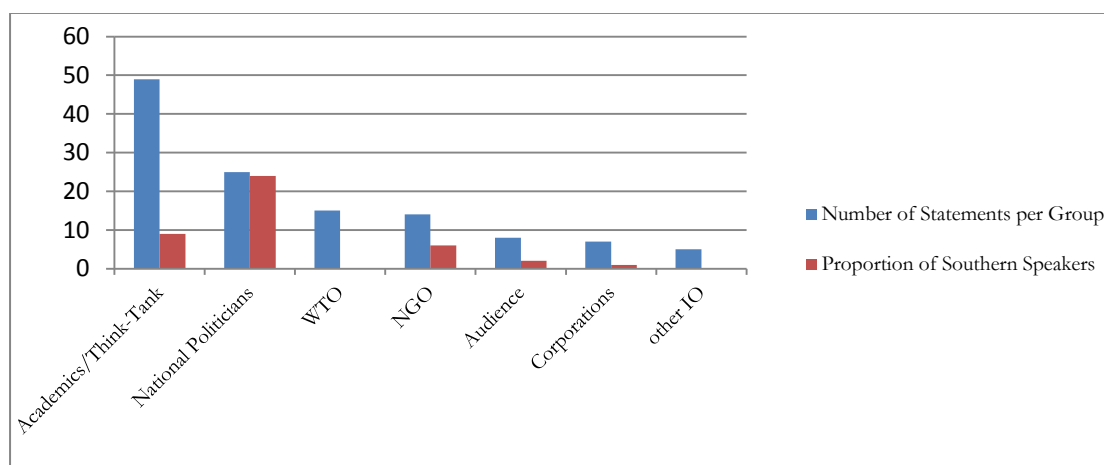
As a defense, Gabrielle Marceau, Legal Affairs Division of the WTO, responded “that this was a moral question and that neither the WTO nor any international forum had a responsibility for wealth distribution” (Publication 2010, Session 19).

In sum, there is a wide scope of evaluations, from enthusiasm about the accomplishments of the WTO to fierce critique of its contribution to global Injustice. The general level of Legitimation in the discourse remains low.

Northern Academics and Southern Politicians

But which groups of Speakers are dominant in the discourse and what role does the origin (North – South) play? Chart 2 provides the crucial information about the bias of participation: First, the number of statements per group is very unequally distributed. The Group “Academics/Think-Tanks” is dominating the discourse in the Forum, followed by “National Politicians”. NGOs only make the same amount of evaluations as the WTO itself. Second, the Southern speakers are focused on very few groups of speakers. While nearly all national Politicians are from the Global South, they are highly underrepresented within the Academics/Think-Tanks. Only NGOs have a balance of North-South speakers.

Chart 2: Number of Statements per Group and Origin



Source: Author

The fact that Academics/Think-Tanks are the most present group in the discourse of legitimation is surprising. In the academic literature on the “Opening-Up” of the WTO, researchers hardly see themselves as actors of civil society or as the addressee of the WTO reforms. The high number of statements by national politicians seems to be illogical: as a member-based organization who decides by consensus, the WTO provides more direct channels of communication and influence for the member-states representatives than a yearly held forum. Nearly all of them being Southern politicians, it becomes clear how little weight they give their own voice in the WTO decision-making process. The WTO Public Forum seems to be an alternative way to be heard. The fact that the majority of the Southern speakers can be found in this group could be explained by the limited capabilities of other Southern speakers to travel to Geneva for the Forum, while the political elites from the South do not have these limitations. The ambassadors might even be situated in Geneva anyways.

Concerning the level of Legitimation per Group of Speakers, the picture stays diverse. Academics/Think-Tanks assess the WTO critically by making many claims. They argue on a high information level, even taking into the account the concept of “Legitimacy” itself in the claims, like in statement 21 from Mayur Patel, Global Trade Governance Project Oxford: “After the bitter experience of not understanding the implications of new rules negotiated during the Uruguay Round, more informed negotiations [...] would strengthen the WTO’s Legitimacy” (Publication 2007, Session1).

National Politicians instead evaluate the WTO in a much more positive way. Some statements are even more enthusiastic than the Self-Legitimation by the WTO, like statement 67/68/69 from Sergio Abreu, Senator and former Foreign Minister of Uruguay shows:

“Mr. Abreu pointed to the WTO as the only organization today, whose structures has not been questions, whose decisions are based on consensus and whose agenda moves in line with –and sometimes ahead of- world events” (Publication 2009, Session High Level Panel).

As expected the speakers from the WTO itself are busy with self-legitimation; their statements have the highest level of legitimation, only two are not legitimating ones.

From the named groups, NGOs take the most critical view on the WTO, only one statement is positive. Alexandra Chandra from Trade Knowledge Network, Indonesia points out in statement 91: “Civil Society groups in Indonesia take a cynical view of the WTO; they like the WTO because they do not think it does very much by way of market opening” (Publication 2010, Session 11).

Mike Moore’s announcement of a “civilized discourse” taking place in the WTO Public Forum seems to limit the space for radical statements, questioning the institution as such. But since 2011, with the deadlock of the negotiations of Doha, more and more speakers see the WTO in an existential crisis. Consultant Jaques Carles, Paris, claims in statement 121 “the WTO is negotiating as if it was still in the 1950s, but now it is 2011. He suggested that maybe it is time to remove the agriculture component from the WTO and create a World Agriculture Organization” (Publication 2011, Session 13). Also northern diplomats, otherwise supportive, like Michaela Dodini, Permanent Representative of the EU to the WTO criticizes: “There needs to be a serious discussion on what is not working and why, as the time for “business as usual” is definitely over” (Publications 2011, Session 19).

Democracy and Efficiency

The grammar of legitimation seeks to extract who raises voice in a discourse and how positive or negative the tenor is. But its particular contribution to empirical legitimation research

is that it can analyze the normative criteria an evaluation (legitimation/de-legitimation/claim) is based on. Table 2 lists in the first column the four patterns of legitimation and its most frequent criteria, the second column contains the distribution of statements per pattern in numbers and percentage and the third column adds the level of legitimation (share of positive statements) of each pattern.

Table 2: Patterns – Level of Legitimation

	Distribution of Pattern of Legitimation		Level of Legitimation per Pattern:
	n	%	%
<i>Democratic Input (DI)</i>	68	55,28%	30,88%
North-South-Justice	17		
Transparency	16		
Participation (non-state actors)	12		
<i>Non-democratic Input (NDI)</i>	11	8,94%	18,8%
Capability/agency	7		
Expertise	2		
<i>Democratic Output (DO)</i>	8	6,50%	37,5%
Contribution to public good	4		
Democratic empowerment	3		
<i>Non-democratic Output (NDO)</i>	36	29,27%	27,78%
Efficiency	17		
Distributive Justice	8		
Relevant agenda	7		

Source: Author

The table shows that the pattern “Democratic Input” is used the most frequently (more than half of all analyzed statements), followed by the pattern of “Non-democratic Output”, which is used almost in a third of the evaluations. The most frequently used criteria of the DI-pattern reflect the two conflict lines after Seattle, described in Chapter 2: Opening Up (Transparency and Participation) and North-South-Justice. Still, it is noteworthy that the WTO with its technocratic mandate is now mainly evaluated by democratic criteria. The pattern of “Non-democratic-Output”, especially the criteria of “Efficiency” comes closest to the “traditional” criteria to evaluate International Organizations: Fulfilling the Mandate. Even though democratic criteria dominate the discourse in the Forum, they still play a significant role for evaluation. Especially the deadlock of Doha negotiations for years could be a reason for the

criticism of efficiency of the WTO. Concerning the level of legitimation, both democratic patterns (Input and Output) are used more frequently for legitimating statements than the two non-democratic ones. Still the difference is small; especially the most common patterns (DI and NDO) only have a level of legitimation of around 30%. In that sense, no pattern or underlying criteria is functioning as a resource of legitimation for the WTO.

As a last point on the pattern of legitimation, it is also worth noticing that the different groups of speakers all established the same patterns for their evaluations. Even though their level of legitimation differs a lot, from highly legitimating like the WTO-Speakers to very critical like the NGOs, they all use mainly the pattern of “Democratic-Input” and “Non-democratic-Output” to evaluate the WTO.

3.4. Summary of empirical findings

The empirical findings on the discourse of legitimation can be summarized in 5 points: First, the discourse of legitimation is characterized by a low level of legitimation (less than a third of the statements are legitimating). For a Forum that was set up for discussion about the WTO that does not come as a surprise. After the widespread protests at the end of the 90s, even a more critical tenor could be expected. This negative tenor of the statements relies mainly on the de-legitimizations and claims by the group of Academics/Think-Tanks and NGOs, while the WTO in particular and also national Politicians seek to strengthen the WTO’s legitimation.

Second, the discourse of legitimation in the Forum is clearly dominated by Academics/Think-Tanks from the Global North, followed by national Politicians from the Global South with half so many statements. WTO speakers and NGO representatives participate less frequent in the discourse; the participation of corporations and other IOs is negligible.

Third, the general trend of participation is therefore confirmed: NGOs are no longer the main actors of the Forum, like in 2001, when Mike Moore addressed his Opening-Speech to them. Those NGOs that opted for the “Civilized Discourse” have either lost their interest in the forum or they are strategically replaced by other (less critical) audiences.

Fourth, the analysis shows the strong attempt of self-legitimation by the WTO, which is confronted since 2011 with the deadlock of Doha-negotiations with more fundamental criticism concerning the whole institution. Still, the “calling for the shutting down” stands alone; instead a lot of the critique is formulated in diplomatic claims.

Fifth, the evaluation of the legitimation of the WTO is mostly done on grounds of democratic-input criteria, like North-South Justice, Transparency and Participation. But also the pattern of Non-democratic Output, in particular the criterion of “Efficiency” plays a significant

role. Both patterns have become established for all the groups of speakers, regardless their different level of Legitimation.

3.5. Conclusion

The empirical analysis gives proof to the assumption some researchers already had: the Forum is “emptying-out” (e.g. Deitelhoff 2012: 72f). While it was never meant to include those parts of civil society that are highly critical (e.g. the various social movements from the “Battle of Seattle”), but instead divide the coalitions of the protests of the 90s (O’Brien et al.:208-209, 222), even the sympathetic NGOs are less and less present in the Forum and academics and national politicians/ambassadors take their place. One reason could be the frustration about the very limited influence, outlined in Chapter 2; Greenpeace International stopped their campaign due to this reason (Steffek 2012: 235). Another reason could be the strategic change of audience since 2006 by the WTO to national politicians and corporations (Pérez Esteve 2012). But the analysis of the discourse shows that nonetheless, the tenor of the discourse is highly critical and claims especially for a more democratic WTO are raised. The importance of power inequalities do not only have impact on the participation of civil society, but the fact that nearly all politicians participating in the Forum come from the Global South, illustrates their marginalization in the decision-making processes of the WTO.

The paper raises several issues for future research. First, the fact that a civil society forum is clearly dominated by academics calls for empirical work (E.g.: What is the role of academics in international discourses?) and normative evaluations (E.g.: Is legitimacy strengthened because academics represent the civil society/because of their expertise or weakened because of the widening gap of information?). Second, a comparison of the various Forums of International Economic Institutions including the design, participation and the discourse would be very interesting. Third, a closer look at the patterns of legitimation, in particular the combination of the criteria of democracy and efficiency could be crucial for the evaluation of International Organizations. Tony McGrew (2001:42) gives an outlook for the WTO:

“The battle of Seattle framed the future of the WTO in terms of a stark choice between a democratic and an effective WTO. A decade later neither alternative has been realized. [...] Rather the existential crisis of the WTO is ultimately concerned with how these aspirations can and must be combined.”

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Appendix (List of all coded statements)

(Abridged due to spatial limitations. Please, contact the author.)

Challenges that Global Governance Currently Confronts to Ensure More Secure, Prosperous and Democratic World

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Abstract

The study intends to explore what those emerging challenges are that global governance presently deals with on its attempts to guarantee more secure, prosperous and democratic world. For that reason, the cases for each specific emerging regional threat have been selected and analyzed. The conclusion drawn from the analysis shows the major deficiencies found in the contemporary system of global governance which can be attributed to the systems incapacity to address these problems with more concerted and coordinated global approach.

Keywords: Conflict resolution; Debt trap; Democratic peace; Global governance; Security.

Introduction: the current stage of global governance

The growing threats that our planet currently faces mainly in forms of repressive regimes, violent conflicts, human rights abuses, poverty, pandemics and environmental hazards, as never before, “require a concerted and coordinated global approach” (Griffits, O'Callaghan and Roach 2008). For that reason, the existing system of global governance needs to be enhanced in a way to respond more efficiently those emerging challenges, implications of which transcends far beyond a nation-state.

Despite the existing or emerging global powers such as the United States, the European Union, the BRICS, together with the numerous multilateral institutions such as the UN and NATO, attempting “to manage relations between states and to facilitate cooperative action across various issue-areas” (Griffits, O'Callaghan and Roach 2008, 127) , no supranational global government yet exists to be able to take immediate and more effective measures against those above mentioned security concerns.

Consequently, citizens around the globe face with dilemma what kind of governing mechanism to rely on to ensure better democratic stability inside and outside of the countries in which they inhabit. Besides, another important issue deserving close attention is how to create such system in a way to ensure its legitimacy and equality.

Pondering nowadays about the creation of the global constitution can still sound as a quite distant futuristic project. Portraying, however, the current state of international system as a mere anarchical also misses the point and distorts the changing reality that now exists.

Hence, it can be presumed that thanks to the all-encompassing and accelerating globalization processes that humankind currently experiences, the modern system of global governance can be better described “as a half-way house between the international anarchy underlying Realist analysis and world state.” (Weiss 2013)

It should be acknowledged that despite some converging tendencies taking place in the current structure of global governance, the system still lacks accountability and legitimacy to act in collective manner. First of all, the global governance so far is heavily constrained by national borders, laws, rules and norms. Second of all, because of sharp disparities among the countries around the world in distribution of the political-economic powers, not every country has the same share and weight in the global governance's decision-making.

Finally, albeit “governance is carried out in the name of the global polity by both governmental and non-governmental organizations” (Griffits, O'Callaghan and Roach 2008, 127) the contemporary system of “global governance lacks fundamental dimensions of constitutional and hence democratic accountability.” (Davis 2012, 4)

Considering the above mentioned problems, in this conference paper, firstly I would like to explore what those emerging challenges are that global governance confronts these days to ensure more secure world. Secondly, I want to find out those existing economic challenges that global governance urges to address at present so as to facilitate more economically prosperous world. Finally, I aim to discuss the challenges that current global governance are encountering on its way to promote more democratic and legitimate world order.

Global implications of regionally emerged security threats: violent conflicts

Recently ignited violent civic upheavals in places as Ukraine, Syria, Thailand and Venezuela, as well as the unresolved ethno-territorial conflicts in the South Caucasus, point to the fact that “the contemporary system of global governance” (Weiss 2013) fails to avert and resolve quickly and efficiently such security threats that emerge foremost at the regional level.

Even though, the violent civil conflicts for the most part are confined within borders of a particular state, their implications to global security often turn out to be critical. Hence, in order to understand how civil conflicts initially emerged at the regional level transform into a problem with a global dimension, several serious concerns can be highlighted.

First of all, in such conflicts, main participants or actors “in a given state often are linked in various ways to actors in other states.” (Billon 2009, 596) Second of all, a “conflict in one state may spread and foster violence in other states as well as generate conflict between nation states.” (Billon 2009) Lastly, the extremely aggressive civil clashes affect other states, including neighboring countries, “through externalities of conflict such as refugees” (Billon 2009), transnational crime and “economic impact.” (Billon 2009)

Explanations of such incapacity to efficiently respond the above mentioned challenges can be many, calling for deeper and further examinations of this topic. For example, one of the main explanations can be ascribed to the institutional deficiencies of governances in a country level itself relating to its corrupted, undemocratic and unstable regimes.

However, this section of the paper focuses on global governance today and its failure to address these problems with more efficiency. Consequently, it can be argued that the global governance’s failure to resolve the above mentioned security threats can be mainly attributed to “the lack of authoritative institutions with truly global reach.” (Davis 2012, 276)

Violent civil upheavals: the Ukrainian revolution

The recent violent street clashes that Ukraine has experienced, leading to “dozens of people dead and hundreds more injured as protestors fought police in the capital, Kiev” (Prodi

2014), points to the fact that failure to prevent violent civil upheaval promptly causes its further deterioration with wider ramifications and consequences.

Although the most blame to precipitate such violent strife in that case falls on the pro-Russian Viktor Yanukovich led government provoking it firstly by “not signing a trade and association agreement with the EU” (Bershidsky 2014), secondly not “to call an early elections” (Bershidsky 2014) that could have sent protesters home, and thirdly resorting to violence to disperse activists, it should be emphasized that the contemporary global system of governance responsible for managing this type of security threats, failed either to prevent this clash from becoming even more deadly and chaotic.

Regardless of international efforts “aimed at ending a lethal spiral of violence in Ukraine” (Higgins and Kramer 2014) resulting in a “hard-fought accord” (Higgins and Kramer 2014) between the pro-European opposition leaders and pro-Russian President Yanukovich that “lasted less than a day” (Shevtsova 2014), the global approaches intended to resolve the conflict seemed far from concerted and coordinated one.

Instead what we witnessed resembles to a zero-sum “geopolitical struggle between Russia and the West” (Higgins and Kramer 2014) over spheres of influence in Ukraine. Hence, as the case of Ukraine shows, due to the sharp internal divide, mutual distrust and winner-take-all approaches characterizing major participants of the modern system of global governance, the system appears to be incapable to address such security threats in more competent way.

Violent intra and interstate conflicts: the Georgia's post-Soviet wars

Similar to Ukraine, Georgia, another post-Soviet state but located in the South Caucasus, has also suffered from several violent internal conflicts since its independence. However, apart from atrocious civil clashes and coups, Georgia fought two ethno-territorial wars with its autonomous republics of Abkhazia and South Ossetia in the early 90s.

Yet, due to the unsuccessful attempts to resolve these “frozen” conflicts, the military interstate conflict between Georgia and Russia had ensued over the breakaway autonomous republic South Ossetia in the August 2008. As in the case of Ukraine, the conflict resolution approaches of the global powers supposed to end the Georgia's post-Soviet conflicts turned into “the clash of alternative regional projects: that of Russia's would-be sphere of influence with that of an ever enlarging sphere of democracy, security and prosperity as promoted by the EU and US.” (Makarychev 2011, 79)

Whatever internal and external “multiple causes and many contributing factors” (Crocker, Hampson and Aall 2009, 493) leading to these conflicts, in this particular chapter, I

want to emphasize the limits of the contemporary global governing system to successfully manage the above mentioned emerging security threats with large-scale repercussions.

The mounting discord between Georgia and Russia over the issues as the breakaway regions of Abkhazia and South Ossetia, the Russia's interest to reassert its influence in the region, the Georgia's Euro-Atlantic drive added with "the Bush administration's unequivocal backing to President Saakashvili" (Bowker 2011, 12) and ill-thought, arbitrary and aggressive rhetoric towards Russia espoused at that time by President Saakashvili and his associates, led the tensions to descend further into bitter hostilities between two post-Soviet states.

Such rapidly progressing hostilities between the countries culminated into the war resulting in 850 casualties from both sides "not to mention those who were wounded, who went missing, or the far more 100 000 civilians who fled their homes." (Tagliavini 2009, 6) Speaking of the wider implications of the war, apart from the military fight between "the Russian and Georgian armies, it was also a clash of ambition and vision between Russia, the US and the EU." (Makarychev 2011, 79)

Moreover, the August 2008 war demonstrated how important Georgia is for the Europe's energy security because of Georgia's geostrategic role of being transit route for energy resources flowing from the Caspian basin (Jones 2013, 345) to Europe. Furthermore, it pointed to the fact that politically unstable Georgia threatens not only the country's internal security but also Europe's. Consequently, the unresolved ethno-territorial conflicts further exacerbate problems associated with refugees, criminality, illegal arms and drug trafficking.

However, despite "the cease-fire agreement negotiated by the European Union on 12 August 2008" (Bowker 2011, 2), overall, the conflict exposed serious constraints of the contemporary system of global governance to avert such emerging challenges efficiently.

With regard to specific shortcomings in the existing global structure to counter successfully the emergence of the intra and interstate violent conflicts, the case of Georgia revealed several of them. First of all, "the war exposed the West's inability to prevent Russia from moving aggressively to restore its primacy over the former Soviet territory." (Sarikaia 2011)

For example, the chain of events as the recognition of Kosovo's independence on February 2008, weak international reactions to the atrocities in Chechnya, refusal to grant Georgia NATO's Membership Action Plan in April 2008, contributed to the Russia's aggressive moves towards Georgia. (Jones 2013, 345)

Besides, despite of the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE)'s eighteen year long involvement in the peace processes in the breakaway region of the South Ossetia, these multilateral institutions, largely due to their

uncoordinated efforts and *modus operandi*, ensured Russian peacekeepers, under the mandate of the Commonwealth of Independent States (CIS), to be the only peacekeeping force to be presented on the ground. (Jones 2013, 337)

However, it is important to note that such outcome was the result of the Russia's permanent membership into the UN's Security Council, empowering Russia to veto any internationally proposed peace initiative. (Jones 2013, 337) In addition, Russia's continuing violation of Georgia's territoriality and sovereignty was not followed with subsequent international sanctions pointing to the notion that compared to the conflicts in Balkans, the West showed less interest towards the conflicts in Georgia. (Jones 2013, 345)

Concluding this section that discussed specifically the limits of global governance with regard to resolve successfully violent ethno-territorial conflicts, particularly in the post-Soviet Georgia, it can be observed that "great power mismanagement -or – 'cacophony' instead of a 'concert' - may be regarded as a symptom of the international society dysfunctions" (Makarychev 2011, 78) leading to military conflicts.

Global implications of regionally emerged economic threats: recessions and inequalities

Since the stability and security of any system, whether local or global, largely depends on its level of economic development and equality, it can be assumed that severe recessions and inequalities can seriously undermine system and even lead to its ultimate collapse. Besides, it can be claimed that implications inflicted by recessions and inequalities can go beyond borders of any nation-state by becoming a problem with worldwide magnitude.

Moreover, "there is broad consensus that poverty constitutes the leading risk factor for conflicts." (Billon 2009, 210) For example, "major interstate conflicts such as the Second World War, often took place following protracted economic recessions" (Billon 2009, 212). Furthermore, as the analysis on the recent world protests shows, 843 protests occurred "between January 2006 and July 2013 in 87 countries covering over 90% of world population." (Ortiz, et al. 2013, 5)

Apart from deep recessions, another important economic and societal challenge in front of global society today is inequalities, which, among many things, are precipitated also by uneven economic growth, corruption and market externalities (e.g. monopolies, cartels etc). For instance, as we have witnessed recently "the Occupy movements which began in Wall Street and then spread elsewhere" (Weiss 2013) was clear manifestation of growing "distaste for inequalities within industrialized countries as well as worldwide." (Weiss 2013)

Accordingly, this part of paper discusses those locally emerging economic concerns such as recessions and inequalities which effects extend much further than a country's economic system causing as well global instability and insecurity.

Recessions: the Greece's debt crisis

When the global "financial and economic crises of 2008" (Ortiz, et al. 2013, 8) wreaked havoc on the entire world's financial system, not only developing but also the Eurozone member countries such as Greece, Spain, Italy and Portugal fell victims of massive bailouts and austerity measures that "exacerbated pre-existing concerns about poverty, unemployment and rising inequality." (Ortiz, et al. 2013, 8)

As a result, Greece, a member of the EU and Eurozone, hit badly by these circumstances plunged deeper into debt and recession spiral. Apart from domestic causes of this emerging Greece's debt crisis, mostly associated with elite corruption and government's inefficient economic policies, the major external factor was the country's heavy "dependence on wider European and Atlantic economic structures." (Fouskas 2013, 133)

It is important to note that dramatic increase of a country's debt ratio, especially external debt, with regard to Gross Domestic Product (GDP) might lead a nation-state downwards to the debt trap, "a situation in which a state has to spend much of its earnings from trade on servicing its external debts rather on economic and social development." (Griffits, O'Callaghan and Roach 2008, 61)

Thus, the consequences inflicted by such crises turns to be grave both domestically, and globally. Speaking of domestic impact, the Greece's debt crisis "brought the country to the brink of economic collapse" (Sotiropoulos 2012, 23). For example, over the five-year long recession, in 2013, the Greece's GDP emerged "20 percent lower than in 2008, unemployment at 26 percent and one in three people living on or below the poverty line" (Fouskas 2013, 132). Moreover, the Greece's debt ratio to GDP amounted to 180 percent.

Apart from devastating economic impact on the country, the economic crisis in Greece revealed internal societal dangers such as "disintegration of middle class", "sociopolitical polarization" and the rise of "the extreme-right Golden Dawn party with 16 percent of national vote" (Fouskas 2013, 137).

As to the economic crisis's international repercussions, if Greece has to "exit from Eurozone" due to "debtor-led default" (Fouskas 2013, 137) "it could not only bring about the end of Eurozone but damage the entire geo-political balance of power in NATO" (Fouskas

2013, 138). Besides, leaving the Eurozone “would also gravely affect other EU national economies” (Sotiropoulos 2012, 34) and “the exchange value of the Euro” (Sotiropoulos 2012, 34).

For that reason, facing with much more complex and highly interrelated world, further concerted and consolidated global governance by “governments and international organizations is needed, in order to manage problems initially believed to be negligible, such as the crisis in Greece” (Sotiropoulos 2012, 35).

Global implications of regionally emerged political threats: political inequality and intolerance

What kind of global governing system would be emerged from the world with still so many undemocratic states around? Since sovereign states “for foreseeable future” (Weiss 2013) remain “the fundamental units of the system” (Weiss 2013) “political inequality at home translates into political inequality on the global stage” (Dubrow 2013, 65).

As the latest study on world protests shows, a large number protests that took place between 2006 and 2013 resulted “not for economic justice per se, but for what prevents economic issues from being addressed: a lack of real democracy” (Ortiz, et al. 2013, 6). For example, other than Ukraine, the most recent anti-government protests flared up in such different parts of the world as Venezuela and Thailand.

It is noteworthy to mention that, akin to Ukraine, both these protest actions turn out to be deadly for the citizens of these countries. In Venezuela’s case, during the protest that started on February 12 2014, demonstrators among security and economic related issues also demanded “protected freedom of speech” (Shoichet, Mullen and Bothelo 2014). Whereas in Thailand, demonstrators called for resignation of Prime Minister Yingluck Shinawarta alleging her in corruption deals.

While the political stability and peace in the world should be among major goals of the contemporary system of globally governance, the above evidences show clearly that only through genuine democratic political systems, as at domestic as well as at global level, are these goals attainable. As Kofi A. Annan wrote in his article “democratic rulers cannot mobilize their countries for war without convincing most citizens that war is both just and necessary” (Annan 2002, 138).

Therefore, in general, wars and conflicts, according to the “Democratic Peace” (Griffits, O’Callaghan and Roach 2008, 67) theory, are less likely within democratic system since disagreements aroused locally or internationally “are resolved through compromise and negotiation rather than conflict and coercion” (Griffits, O’Callaghan and Roach 2008, 67).

For that reason, this section of the paper tries to analyze the locally emerged political threats such as political inequality and intolerance that present great challenges for the existing system of global governance to secure more democratic and legitimate world order.

Political inequality and intolerance: the Syrian turmoil

Reflecting on the violent crisis in Syria, evoked by the Arab Spring and “caused over 100 000 deaths and more than two million refugees” (Hussain 2013, 39), it can be presumed how the behaviors of authoritarian regimes, manifested in political violence and repressions directed towards their dissents, could turn a local political dynamics “into regional rivalry and global threat” (Hussain 2013, 39).

Despite “a landmark agreement on 14 September between John Kerry and Russian Foreign Ministry Sergei Lavrov” (Hussain 2013, 47) on peacefully solution of the crisis last year, there is a risk that the “shaky peace deal” (Hussain 2013, 47) still might not succeed leading to forceful and military resolution of “the Syrian conundrum” (C. Crocker 2013, 16).

Failure of the existing global governing system to manage the Syrian crisis timely and efficiently, and what is most important without so much bloodshed and destruction, further exemplifies the limits of the current international community to deal with such locally emerged political crises with more combined and synchronized global approach.

In short, this particular crisis revealed sharp internal divide within those global and regional actors interested in solving this issue and also exposed “another dangerous development” (Hussain 2013, 48) namely “the incapacitation of the United Nations to act in global affairs in the light of global rivalry and divisions in the UN Security Council” (Hussain 2013, 48).

Conclusion

The major purpose of the paper is to uncover those crucial regionally originated security, economic and political challenges that often convert into global threats and require joint and organized global approach from the contemporary system of global governance in order to avoid their further exacerbation. For that intention, I embarked on analyzing the cases for each particular regionally or locally emerged danger.

While examining the global implications of the regionally erupted security menaces such as violent civil and ethno-territorial conflicts, I invoked cases of the Ukraine’s recent revolution and the Georgia’s post-Soviet wars. Concerning global influences of the locally emerged economic problems, I draw an example from the Greece’s latest debt crisis. Finally, I discussed

the recent Syrian crisis in relation with a global impact of regionally or locally mounted political hazards as the political inequality and intolerance are.

Based on the subsequent observations and analysis of this study, it can be deduced that major deficiencies in the ability of the existing system of global governance to peacefully, efficiently and timely resolve the aforementioned growing security, economic and political challenges can be mainly related to the systems' incapacity, resulting largely from its sharp internal divide and mismanagement, to act in a more unified and coordinated way.

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Votes, Clientelism, and Conditional Cash Transfer Programs: A Case Study in Brazil

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Abstract

Studies in the field of clientelism show that this specific social phenomenon can influence the voting patterns and local behavior in developing countries, maintaining in power a political elite that detains the vast majority of the local economic resources. Conditional Cash Transfer Programs – such as Bolsa Familia in Brazil – are designed to provide direct cash transfers from the government to the poor, in return for some conditions. Those programs represent an unexpected variable in the equation of clientelism – they provide an escape for clients from their patrons, with resources that no longer depend on the patron's approval. This paper pursues a hypothesis that the presence of Bolsa Familia changes the vote-seeking strategies of clientelistic patrons. Despite the theoretical evidences that this should be the observed, data analysis in a case study shows that empirical evidence is inconsistent and that further research on the matter should be pursued and improved.

Keywords: Brazil; Cash Transfer; Clientelism; Public Policy; Voting Strategy

1. Introduction

There is a kind of relationship that unfolds at a variety of scales, in different countries of the world, based on ties of loyalty developed between dissimilar subjects, where one usually has the economic or political power and the other has some minor resource for supporting or maintaining the first in a position of superiority. To this relation was given the name of clientelism. The existence of clientelism has been studied for years by the literature, and many conceptual differences have been observed. It is a complex relationship that requires caution in study and analysis.

The establishment of conditional cash transfer programs in Brazil seems to have brought a fundamental change in the basic structure of loyalty that binds the relationship. This kind of public policy aims to distribute, among socioeconomically vulnerable people, a variable benefit according to the family structure, under some specific conditions. The goal would be to break the intergenerational cycle of poverty and promote inclusion of those individuals in the production and consumption chain. The effects on the social structure of these policies have been evaluated throughout its implementation by several authors. Their findings showed that income transfer programs played an important role in the recent reduction of inequality in Brazil.

However, another effect of the program, also already analyzed by Brazilian literature, was the establishment of new ties of loyalty from the population served by the policy directly with the figure of former president Lula da Silva. This new loyalty, coupled with the increase in income and, consequently, reduced inequality rates, especially in poorer regions, led to the basic question of this research: did the Bolsa Familia program – flagship of the social policies from the Federal Government – promote a change in clientelistic ties that united patrons and clients?

The results showed that the relationship between the voting parameters and scope of the program is difficult to establish, since there is no significant correlation between the compared numbers of both variables. The fundamental discovery rested on the finding of a recurring local political elite that adopts similar electoral strategies and remained apparently isolated from a more forceful influence of the program under their constituencies. Further studies are needed to elucidate the details found on this research.

2. Clientelism

The study of clientelistic relationships has evolved gradually, especially in countries more sensible to the phenomenon. Several authors have sought to define and limit its bases to deepen the knowledge about the formation of the unique ties that bind individuals from such different social backgrounds in a complex relationship of mutuality. The first scientific definitions of the

phenomenon can be found in studies from British anthropologists and social scientists from a variety of nations in the 1950s, when researching about the existence of this kind of relationship in Mediterranean societies (Combes 2010). Inside Political Science, the patron-client relationship was primarily described as "a relationship of personal dependence that is not bound by kinship and which sits on reciprocal exchanges between people – patron and client – who control unequal resources" (Médard 1976).

With the existence of a patron and one or multiple clients, the phenomenon can be drawn in its traditional form, basically, as a particular kind of relationship where patron-client interaction networks are formed, based on social contexts of broad inequality in areas of low economic dynamic or even external economic isolation. While inequality helps to focus the economic resources in the hands of a small group – the patrons – sluggish development or economic isolation contributes to the reduction of alternative options for clients (Shami 2012).

A common misconception overlaps patronage and clientelism as being a single thing. They are alike, however conceptually different. The first one is referred to as the "use or distribution of state resources on a non-meritocratic basis, for political gain" (Mainwaring 1999). If, on the other hand, political clientelism is observed, four main features can be spotted: an unequal character, uneven reciprocity, a non-institutionalized nature, and face-to-face character (Mainwaring 1999).

Voters submitted to this relationship, in general, neglect the larger political spectrum in which they are inserted (Hopkin 2006) and the consequences their decisions in the voting booth may have for the community that will be represented. The important thing is to maintain the bonds of loyalty and pay back the benefit earned. This ultimately produces a reversal in the logic of traditional accountability: instead of voters using the important mechanism of vote to punish or reward political practices, candidates – and their parties – are to observe the behavior of their constituencies and reward or punish them accordingly⁷³. To this inversion, Stokes (2005) gave the name of perverse accountability.

The Latin-American context, with all its complexity, requires a more careful analysis of the matter, beyond the numbers found in studies on vote buying. This implies primarily in the definition of political clientelism. The words of Auyero (1999) serve well in this regard, when stating that "political clientelism consists in the distribution of resources (or promise of) by political office holders or political candidates in exchange for political support, primarily – although not exclusively – in the form of vote". This definition fits better to this study, since it is

⁷³ A classic example would be through distribution of public employment.

less fixed than simply vote buying – adding the expression ‘not exclusively’ leaves an open remark, required when analyzing complex social relations.

The attempts to establish standards for measuring levels of clientelism encountered difficulties for slamming into the debate about what would be the ideal point of reflection on the origin and causes of the cited relationship. The studies that went ahead with measuring efforts, focused some on ethnographic case studies and others in qualitative analysis, with emphasis on surveys among clients (Stokes 2005, Auyero 2001; Levistky 2003, Schaffer 2007 cited in Ocantos 2012), which returned interesting however not universalized results. Quantitative studies are sparse, and the most prominent studied the allocation of resources through U.S. territory, in order to estimate the flow of selective benefits to certain localities (Frish 1998 cited in Hopkin 2006). However, the literature still seems to lack the proper tools to perform more precise measurements.

Party arrangements have a vital role in the development of clientelism (Mainwaring 1999). In contexts of strong and stable national authorities with a hegemonic party – or very few parties – that perpetuates itself in power for a considerable period of time, local leaders are discouraged from challenging the ruling party, since they obviously have fewer alternatives to it (Ansell, 2011). Along the same lines, but in the opposite direction, in arrangements where different parties enter and leave government more frequently, it is possible for local figures to become more prominent than a national institution, also making the alliances less rigid and party loyalty considerably decreased (Ansell 2011).

It is relevant to note that a variable is persistent in almost all the authors who have studied the matter: socioeconomic inequality between patron and client. Inequality becomes essential to the unfolding of clientelistic relations once it acts as a key factor for its formation – without inequality, clients would be in a position of choice and could easily opt out of the relationship at a relatively low cost or even never have the need to engage in this type of social interaction. The bonds of loyalty still represent a relevant connection, but one that would not stand the test of overcoming socioeconomic inequality, in case the individual feels somehow jeopardized within the clientelistic relationship. Ceasing or considerably reducing inequality also reduces the effect of dependence and the individual can be free to make other political choices, as loyalty weakens – even if it is the choice to stay in the relationship (Shami 2012)

In research conducted to analyze the effects of clientelism in a democratic context – for majoritarian elections – on the adoption of redistributive policies, Medina and Stokes (2002) observed that the relationship produces a political monopoly that reduces, but does not eliminate, electoral competition, granting the incumbents high interest in suppressing the

implementation of redistributive policies (Medina and Stokes 2002). The Medina and Stokes' (2002) model mathematically depicts an assertion already found for some time in qualitative literature that clientelism produces a political monopoly, however its conclusions could be drawn only for majoritarian elections.

The dyad inherent to the establishment of the loyalty ties requires an imbalance of economic power – and often political – between the sides. As incumbents have little interest in implementing redistributive policies – since those ensure a diversification of risk free activities and greatly reduce the bargaining power of patrons (Stokes 2002) – some change is expected in the fidelity bonds that connect patron and client, once a redistributive policy that have its structure weakly dependent on local bosses for fulfillment, is implemented. That is the case for conditional cash transfer programs, especially in Brazil.

3. Conditional cash transfer programs

Conditional cash transfer programs are developed aiming at the redistribution of income and wealth produced in a given country through reallocation of resources from the central government – and in some cases local – to a certain category of individuals, ranked by income by legislation, focused on the reduction or reversal of socioeconomic vulnerability under certain conditions to break the intergenerational cycle of poverty. Development and advance of those programs have had Latin America and the Caribbean as a starting point, and where the most prominent and successful examples can be found (ISSA 2008).

Brazil adopted, by the end of 2003, Family Stipend – or Bolsa Familia, a program created to correct the flaws of previous CCT programs, aiming at the poorest to alleviate general poverty. It was planned as a master-program that would embrace other welfare and conditional cash transfer programs under unified ministry command, making its implementation more coordinated and efficient.

The beneficiaries of Family Stipend are those citizens classified by two income levels considered by the legislation: the extremely poor and the poor. Small grants are distributed according to those classifications. As a condition to the benefit earned, the design of the policy requires beneficiaries to fulfill certain conditions relating to prenatal examination, nutritional counseling, health monitoring and school attendance of 85% minimum (eighty five percent). The logic in demanding these requirements is that focusing on children and adolescents, the 'accumulation of human capital can help break the intergenerational transmission of poverty' (Hall 2006).

Altogether with other key economic aspects – like a real increase in the minimum wage in the first decade of the twentieth century, the expansion of credit and a consistent reduction in unemployment rates – the program resonated positively to the increase of social mobility and reduction in absolute poverty levels from 28% to 23% (Castro et al. 2010) and, although extensively broad, the program is relatively cheap for the Federal Government, costing only 0.4% of GDP in 2011 figures (Hall 2012).

The impact of Family Stipend on the inequality indexes has already been described by specialized literature. Vaz (2012) gives an extensive analysis of five social indicators⁷⁴ to assess the effect of PBF on reducing socioeconomic inequality. The results found that, for all indicators examined, there was a significant reduction in the "incidence, intensity and hence the severity of poverty and extreme poverty" (Vaz 2012) with a constant and systemic decline, attributed in large part, to the highly focused strategy of the Family Stipend. There is a reminder, repeated on this and many other studies on the subject, that the macroeconomic context of the country also contributed significantly in reducing the levels of aggregate inequality, but its impact on the focal range of the program's income is considerably reduced by the fact that these families are, overwhelmingly, excluded from the production chain and thus less sensitive to economic changes. Other authors observed similar results (Januzzi, Martignoni and Souto 2012, Soares and Satyko 2009). Nevertheless, there is a steady decline in the leading indicator of inequality, during the analyzed time series, as shown in figure 1.

The Unified Registry System, that houses data from all beneficiaries of the Family Stipend, was redesigned in 2004 with the implementation of the program, and gave to municipalities – hence to local elites – the assignment to register families and consequently include them in the system, dismantling the previous elected selection committees and granting mayors control over the selection of beneficiaries (Ansell 2011, Hall 2006).

It is arguable the real extent that this control returned to mayors – with decentralization – actually meant in terms of material for possible clientelistic bargains. The Family Stipend had no limited slots nor budget limitations to families: the number of families to be benefited would, in theory, be endless – it was enough that beneficiaries were categorized into socioeconomic boundaries described by law and included in the Unified Registry system, to receive the benefits. The cost of adding a new family in the system was null for the mayor – since the funds came from the federal government anyway – and the negative effect of a mayor's misconduct before his own electorate, by not registering in a few families, while most received the benefit, would be

⁷⁴ Gini Coefficient, Atkinson Coefficient, Theil Coefficient, Medium Extreme Poverty Gap and Severity of Extreme Poverty.

too high to be ignored (Ansell 2011), leading them to register families, even without the prospect of electoral bargaining. In the end, although local elites possess discretion over the selection of beneficiaries, the perception of voters fell directly on the Federal Government, in the person of the now former president Lula da Silva, as the main provider. This led, to a certain extent, to a primary dislocation of previous bonds from local clientele networks with the local patron to an early migration for a broader form of personalistic clientelism, focused on the President.

Some of those electoral effects of Family Stipend for the President, have been studied in many papers (Hunter and Power 2007, Nicolau and Peixoto 2007, Soares e Terron 2008 cited in Castro, Lício, and Rennó 2009), and found strong evidence correlating the vote in Lula, in his 2006 reelection, with being a recipient of the program. The authors, though cautious to assert causality of this correlation, emphasized that the statistical reading seemed to point to a preference for candidates who performed redistributive policies, especially Lula da Silva. In the same line, but emphasizing individual perception of voters, Castro, Lício and Rennó (2009) found consistency, in the 2006 presidential election, with being a recipient of Family Stipend not only with the vote in the former president, but also the positive evaluation of his government and his work at the office. These studies bring to the surface the notion that socioeconomic changes resulting from the implementation of Family Stipend had resounding electoral effects on the federal majoritarian elections.

4. The Brazilian electoral system, clientelism and Family Stipend

Brazil aligns itself with the group of countries in the world that adopts a system of proportional representation for the selection of candidates to fill seats in the legislative chambers. The electoral districts are multi-member and defined by the federated states' borders, therefore having a relatively high number of voters – most sharing very different realities within the same district. The Brazilian proportional representation system uses an open party list to allocate the recipients of legislative seats assigned to each party after the elections. This configuration, by itself, tends to considerably increase the weight of the figure of the candidate in the final outcome of the election (Dalton and Anderson 2011), and the Brazilian system maximizes this tendency (Ames 2001). Candidates are free to select any part of the electorate to focus their campaigns and strategies during the elections, however, as identified by Ames (2001), most of them boils down to garner votes in a limited number of municipalities.

Consequently, the spatial patterns of votes for a legislative chair vary in two dimensions, identified by Ames (2001): the dominance-sharing, or vertical penetration in municipalities, and

the concentration-dispersion, or horizontal coverage. The author describes the first dimension as follows:

"Suppose, for every candidate in each municipality, V_{ix} , candidate i 's share of all the votes cast in municipality x , is calculated. Each candidate's municipal dominance is defined as the candidate's share of the total votes cast for members of all parties. These shares represent the candidates' dominance at the municipal level. Now suppose V_{ix} is used to calculate D_i , the average dominance for each candidate across all the state's municipalities, weighted by the percentage of the candidate's total vote each municipality contributes. Candidates with higher weighted averages tend to dominate their key municipalities; those with lower weighted averages share their key municipalities with other candidates. Thus Dominance-Sharedness is the first dimension of spatial support." (Ames 2001).

The second dimension observed by Ames (2001) refers to the parameters of concentration-dispersion of votes for each candidate within the district. In this perspective two distinct voting profiles would be identified: one with a dispersed pattern throughout the state and the other with the votes concentrated in a small number of municipalities. Analyzing the work of Ames (2001), Avelino, Biderman and Silva (2011) explained that "opposed to the single district systems - in which candidates pursue the majority of voters - in proportional representation systems, reelection would be possible if the deputy was able to ensure small, but faithful, slices of the electorate".

Avelino, Biderman and Silva (2011) discussed the calculation methodology of Ames and reached the conclusion that its content could not resist a simple counterfactual test: in case of perfect dispersion of the votes, the measure should return a null value, which did not happen. They decided to adopt a new index for the concentration/dispersion dimension, adapted from regional and urban economics and originally used to measure the contribution of a region to the total output of the economy: the G index (Pinto 2013). This index is easily maneuverable and it "deducts from the observed votes for a given candidate, the total votes that would be expected from this candidate, had his votes been cast in a random distribution among the municipalities" (Avelino, Biderman, and Silva 2011). It ranges from $G = 0$ to $G = 2$, where 0 corresponds to a perfectly dispersed spatial distribution, and 2 to a perfectly concentrated. Moreover, the importance of the municipality in the total amount of votes in the district is also weighted by the index, making that perfect values of $G = 2$ are allocated to candidates who not only got all of their votes in only one municipality, but this municipality also has a disproportionate weight when compared to others (Pinto, 2013).

Therefore, the municipality, for many legislative competitors in Brazil, is the unofficial stage of electoral disputes. Being a local leader, being born in a traditional family or establish

agreements with local incumbents can be crucial in securing the necessary votes to win an election. Further restructure of the Unified Registry system, returning selection of beneficiaries prerogatives to the mayors could have even accelerated this process, with an increase in bargaining power of local leaders.

The introduction of Family Stipend elevated income - with the credit for the implementation shifted to the federal government. This circumstance, added to the fact that clientelism, in Brazil, is of the bossism type, and not corporatist, could lead to a dual impact over local clientelistic bonds: 1) There is a possible lapse of electoral loyalty among clients, dedicated before to local patrons, which now falls on the figure of the president and his party – as attested by previous studies (Castro, Lício, and Rennó 2009); 2) Assuming that politicians are rational, those who possess clientelistic attributes, faced with this change of loyalty, could have altered their spatial vote distribution strategies, aiming in spreading their electorate throughout the district, instead of concentrating efforts in municipalities where they are, slowly, loosing electoral loyalty. This process would have been deepened by the reduction of inequality between patrons and clients, brought by the implementation of the program and consequent rise in income that could promote a significant imbalance in client-patron relations.

Once the logic found in the literature asserts that traditional clientelistic bonds are set in highly unequal societies and restricted economies, taking into account that the adoption of Family Stipend returned an alteration – to a greater or lesser degree – in income and levels of inequality in most municipalities where it was implemented, observing that voters recognized and credited the importance of the program do the Federal Government, under the figure of President Lula, and counting that political actors are rational, a fundamental question was raised: are the two dimensions of spatial distribution of votes, affected in any way by the implementation of the Family Stipend program?

5. Methodology

Evaluating the impact of a social program on clientelistic ties proved to be a challenge. The complexity of the relation was too deep to be reduced to simple numbers of vote buying, so a new approach was considered. It consisted in observing the spatial patterns of votes from winning candidates in three elections (2002, 2006, and 2010) to the local state parliament and to the Federal House of Representatives, in a case study prior and during the implementation of the Family Stipend program. Only the winners were chosen so that it could be perceived how the evolution of the program impacted on their consecutive elections, and that could only be achieved with recurring candidates. Ames' study (2001) guided this part of the research, since his

findings identified four different patterns within the two dimensions of spatial vote distribution, and one of them strongly consistent with clientelism. The goal was to seek among the sample for the pattern that matched clientelism: Concentrated and Dominant.

The assertion in the literature is that the more clientelistic a candidate is, the more he or she will try to concentrate his or her votes on a limited number of municipalities and to dominate the local vote counting by having an expressive proportion of the municipalities' votes⁷⁵. Knowing this, the two dimensions of the clientelistic-identified parameter were separated: Concentration-Dispersion and Dominance-Sharedness. The first was analyzed by comparing the G index numbers from the candidates to observe the behavior of this dimension through time – it was expected that it had shifted from a concentrated pattern, to a more dispersed one. To perform the analysis of the second dimension, a primary correlation was developed⁷⁶: Between the number of beneficiaries from the program and candidates' Dominance rates for each election in which the program was already in course. I expected to find a negative correlation between being a beneficiary of the program and the Dominance each candidate exerts in the municipality, based on the theoretical studies. Since correlation does not imply causation, had the correlation returned significant results, I would have proceeded with more advanced statistical analysis to control other variables and observe how the sample would behave, and draw conclusions from there. This, unfortunately, was not the case.

Choosing Brazil and, within it, the state of Pernambuco, was strategic. In Latin America, Brazil has the largest conditional cash transfer program, with massive numbers of beneficiary families, plus a continental dimension that embraces a multiplicity of realities – an important condition for the development of a study that seeks to interact with clientelistic relations. Inside Brazil, when analyzing data from the implementation of Family Stipend, two regions stood out in terms of percentage of population served: the North and Northeast regions (MDS 2014). The Northeastern region has had historical clientelistic past and is composed by 9 federated states, being the state of Pernambuco selected among them using the typical case technique, which, according to Gerring and Seawright (2008), “uses a representative case of some phenomenon so that the researcher can better explore the causal mechanisms at work in a general, cross-case relationship”. Since measuring clientelism is still a defiant task, sociodemographics were used to

⁷⁵ That is the pattern identified by Ames (2001) with being consistent with clientelism.

⁷⁶ Using IBM's SPSS v. 20, 2011.

scanner for the most representative state. Data showed that the target group⁷⁷ of Family Stipend⁷⁸ was closer to the region's average in Pernambuco state.

To evaluate the dimension of Family Stipend in Pernambuco's municipalities, the number of families that received the Family Stipend benefit, reasoned by the population, in each municipality (Fpbf), gave a panorama of the range the implementation had in the state. Since the program only began in 2004, the data collected ranges from 2004 to 2010.

The candidates were divided into two groups, depending on their legislative posts – Df, for the Federal Deputies and De for State Deputies. In the operationalization of the analysis, it was calculated: 1) the dominance rates of each candidate in the two groups, for each municipality, for the 3 selected elections; 2) the G index for all candidates in the two groups, on the 3 selected elections.

In practice, the dimensions of spatial distribution of votes were used as a *proxy* of clientelism. It must remain clear that this is not the most appropriate or accurate tool to measure such a complex phenomenon, but it is operationally acceptable to choose a *proxy* when trying to represent an abstract, hence difficult to measure, concept, in cases of transmutation of those in quantitative variables (Figueiredo and Silva 2010).

6. Results⁷⁹

The initial N values considered for the groups already shows how high the renewal rates are, for both positions, during the time period analyzed. The total universe of elected candidates in Pernambuco in 2002 was 23 Federal deputies and 43 state deputies, which returns renewal rates of 74% for federal seats and 77% for the states' parliament, since only about a quarter of them managed to reach the 2010 election.

From the analysis of Tables 1 and 2, with the values for the G index for both groups, it can be inferred that the winning electoral strategy, in Pernambuco, for legislative elections, seems to aim at the dispersion and not concentration, contradicting the prediction of Ames' studies (2001). Index values returned much lower numbers than expected in a state with historical features associated with clientelism and demonstrated that the initial hypothesis that winning candidates presented a more concentrated strategic profile and would subsequently disperse it through the influence of the program, in order to guarantee their votes, can now be moved aside by preliminary data. The discovery, however, is significant: the number of deputies, whether state

⁷⁷ The target group of Family Stipend also coincides with the parcel of the population more subjected to clientelistic bonds. For this reason, sociodemographic data played a very important role in case selection.

⁷⁸ Families with per capita monthly income below R\$ 70,00 and those between R\$ 70,01 and R\$ 140,00.

⁷⁹ Database available at Silva (2014).

or federal, who managed to get elected, did so by dispersing their votes. It can not be affirmed, with only the data collected at the research, whether the reason that led them to win was precisely because of dispersion strategies, however there are indications in the work of Pinto (2013) and Avelino, Biderman and Silva (2011), that the decentralized strategy tends to be more successful.

The Dominance-Sharedness dimension was analyzed through a correlation that returned non-significant values. So, it can be interpreted that there are no relevant correlations, in Pernambuco state, for winning legislative candidates, between the amount of families served by Family Stipend and nominal votes or dominance that candidates exert at local municipalities.

It is very important to emphasize that the results do not attest that there is no relationship between Family Stipend and state legislative votes, it simply points out that the figures can not be correlated, which serves as an indication to point out that there may be no relevant influence of the program on voting strategies and that the politicians analyzed did not return spatial voting parameters consistent with clientelism. It is clear that the final result may have been influenced by the selection of the sample – only winning candidates. The expansion of this research to other states, and possibly other countries, will include a larger number of elections, more complex explanatory variables, and a sample that covers all candidates, which could return safer values and more universalizing claims.

The most important finding of this work, however, resided in the detection of a state political elite that remained apparently indifferent to the adoption of such a relevant policy as Family Stipend. Understanding who these actors are, how they act and why they form this elite - not only in Pernambuco, but throughout the country and the continent - is of paramount importance for a better understanding of the Brazilian political system and further comprehension of the complex patron-client relationship.

7. Concluding Remarks

The article aimed to elucidate, through the spatial parameters of votes for seats in the state and federal legislature, with a case study, if there was a possible interaction between the main social program in the Americas and local state politics, for the legislative branch. The results pointed to a weak influence of Family Stipend in spatial parameters of voting, most likely influenced by the sample.

The effects and potential impacts of social policies, especially conditional cash transfer programs, are only now beginning to be understood through data and more complex analysis. Numbers expressing voting preferences, reduction in inequality, and the emergence of a new

social class are everywhere and help to understand the scale of change that these policies may have on the population.

Clientelistic relations are a complex phenomenon. Its attributes and the leading cause for those involved to engage in this kind of relationship have been described and elucidated by the qualitative literature. The main challenge that persist, rests on quantifying and setting measurement parameters, not only in detecting its existence, but also on the implications over social structures. The attempt to unite and correlate both the social relation and the public policy ran exactly on this measurement obstacle.

The existence, however, of a political elite with a moderately similar spatial parameter of vote, and apparently not largely susceptible to an influence from the conditional cash transfer program of the federal government, is a remarkable finding and initiated a series of questions and attempted clarifications to be developed for a future research agenda. The potential for expanding the study with replication in other states and countries, leaves an open door for further scientific development around the matter.

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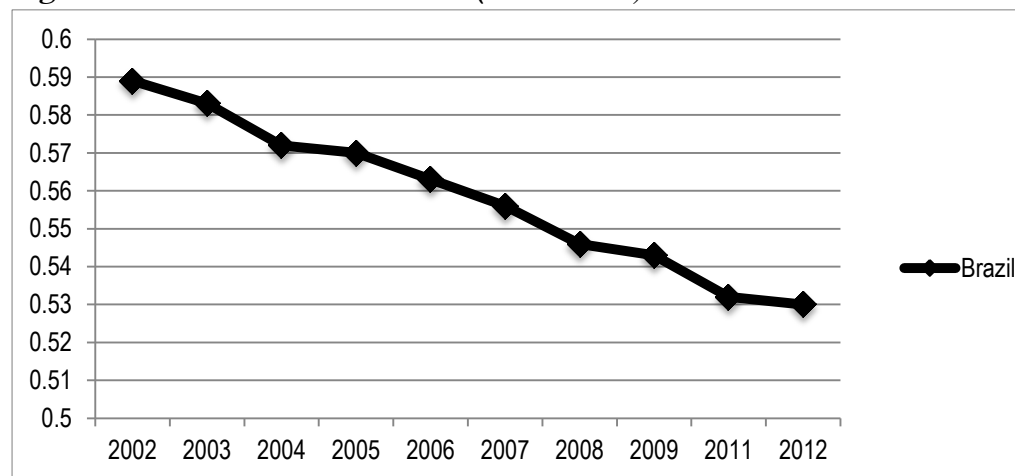
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Appendix

Figure 1: Gini Coefficient – Brazil (2002 – 2012)



Source: IpeaData (IPEA, 2013). Prepared by the author.

TABLE 1: G index for candidates on group De

CANDIDATE	2002	2006	2010
ANTÔNIO DE MORAIS ANDRADE NETO	0,067791678	0,0678322	0,059522585
GUILHERME ARISTOTELES UCHOA CAVALCANTI PESSOA DE MELO	0,1081596	0,095742616	0,068307547
ISALTINO JOSE DO NASCIMENTO FILHO	0,127399508	0,087323485	0,064181094
JOSÉ AGLAILSON QUERÁLVARES JUNIOR	0,201325376	0,156411731	0,17977936
JOSÉ FERNANDO PONTUAL COUTINHO	0,07840588	0,087415786	0,050327961
JOSÉ RAIMUNDO PIMENTEL DO ESPÍRITO SANTO	0,261030341	0,134739068	0,153961408
MARCANTONIO DOURADO	0,150144109	0,15232543	0,120277008
MAVIAEL FRANCISCO DE MORAES CAVALCANTI	0,068525293	0,074788188	0,069433853
SEBASTIÃO IGNÁCIO DE OLIVEIRA JÚNIOR	0,14053114	0,113349557	0,095958793
SÉRGIO JOSÉ LEITE DE MELO	0,096181986	0,117920256	0,109731298
AVERAGE	0,129949491	0,108784832	0,097148091

Source: Author.

TABLE 2: *G* index for candidates on group Df

CANDIDATE	2002	2006	2010
CARLOS EDUARDO CINTRA DA COSTA PEREIRA	0,02383386	0,051558141	0,032544439
FERNANDO DANTAS FERRO	0,02756431	0,019707232	0,029674474
INOCÊNCIO GOMES DE OLIVEIRA	0,052543198	0,054784709	0,05376379
JOSÉ SEVERIANO CHAVES	0,041236821	0,042423089	0,029407633
LUIZ GONZAGA PATRIOTA	0,132955823	0,093415418	0,112443895
MAURÍCIO RANDS COELHO	0,081296944	0,018196733	0,020378127
AVERAGE	0,059905159	0,046680887	0,046368726

Source: Author.

Cosmopolitanism – an alternative for Global Governance?

A new model for a new international conflict line⁸⁰

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Abstract

In the last decades Global Governance was one of the most used and contested terms in International Relations. Many researchers have shown that the concept is overstretched and they call for alternatives. Can Cosmopolitanism as a “new” international political theory be an alternative? I will propose a new theoretical model which can be used to analyze cosmopolitanism empirically. Drawing on both normative and empirical research on cosmopolitanism I demonstrate the necessary combination of both. I formulate a two-axes-model which is based on norms and conflicts. Such a theoretically based and empirically applicable model can be used to analyze different (claims of) actors in relation to a (cosmopolitan) position. In addition the model gives researchers the opportunity to scrutinize the relevance of international norms on different levels and thus offers a possible visualization of the interconnection between global arrangements and local activities. Therefore the model presents an alternative to Global Governance.

Keywords: Communitarism; Cosmopolitanism; Global Governance; International Political Theory; Particularism; Politics of Space.

⁸⁰ I am grateful to the participants of the IAPSS World Congress for their comments as well as Janosik Herder, Martin Nonhoff and Sandra Reinecke for their notes of earlier drafts of this article.

1. Introduction

Governance is both en vogue and an ‘empty signifier’ as Claus Offe (2009) provocatively states. It seems that Governance research has been the ‘new’ paradigm of political science and especially in International Relations⁸¹ the term global governance has been omnipresent in the last two decades. Surprisingly, there is no concrete definition of governance. Moreover, it seems that every researcher has its own interpretation of what governance means and in academic handbooks and anthologies on governance a big variety of definitions and usages of this concept exist (e. g. Schuppert and Zürn 2008; Enderlein et al. 2010; Levi-Faur 2012). Consequently, Schuppert describes governance as an “accepted ambiguous term” in academics (Schuppert 2008) which is an interesting evaluation of the state of the art, but from an analytic perspective it is not very helpful.

Apart from the general and mostly uncritical usage of this term, critics try to examine the deficits and problems of the ‘catch-all-term’ global governance. In the last years a critical debate of global governance concepts has been established. While some researchers try to improve the global governance concept and distinguish between the analytic, the normative and the public use of the global governance term (Dingwerth and Pattberg 2006), other academics criticize (global) governance itself and try to reframe the term in a more emancipated and critical way (Brand 2005; 2007).

Instead of reframing terminological debates on governance, my main question is: *Can a cosmopolitan approach be an alternative to global governance?* In order to answer this question, I introduce the cosmopolitan approach by Seyla Benhabib, but I will go further and develop a cosmopolitan model. I will argue that a cosmopolitan approach has two advantages in comparison to a critical governance perspective. *Firstly*, cosmopolitanism is based on international norms such as freedom or justice. It has a clear theoretical base and furthermore an obvious goal – a cosmopolitan order – which are not existent in either of the other approaches – critical and non-critical governance. *Secondly*, a cosmopolitan approach is not bound to an institutional and efficient-oriented perspective, because cosmopolitanism and democracy cannot be divided. A cosmopolitan order has to be democratic⁸² and cosmopolitan thinkers argue for a broad participation of the people and interest groups such as NGO’s as well as the involvement of nation-states in new international treaties. While governance approaches are mostly focused on changing structures, a cosmopolitan approach recognizes the actors *in* a changing structure. The

⁸¹ By using initial capitals for ‘International Relations’ I refer to the discipline and by using regular letters for ‘international relations’ I mean the topic of the discipline.

⁸² It is not the other way around which means that a democracy does not have to be cosmopolitan.

different actors and their different localizations have to be recognized profoundly for a cosmopolitan model. Moreover, such a model has to clarify what the opposite of cosmopolitanism is⁸³ and, thus, I will argue for particularism as the opposite of cosmopolitanism.

I will structure my paper as follows. In the next chapter I review the existing critics of the governance literature and show that their criticism is not sufficient. I introduce the cosmopolitanism by Seyla Benhabib and describe her main theoretical ideas in chapter three. Based on her approach and findings from the empirical cosmopolitan studies I develop the model and argue for a combination of normative and empirical research in the next part of my paper. In the last chapter I summarize and reflect my work and I argue for the relevance of a cosmopolitan view in governance research.

2. Global Governance and its critics

2.1 Defining (global) governance

The origins of the governance literature are the changing relations of polity, policy and politics as well as complex interconnections of state, economy and society. A functional and territorial distinction of state and market sphere is difficult and thus, as Arthur Benz states (2004, 13-15) the term 'governance' can help to understand and fix its own changes. Edgar Grande defines five aspects of governance: a non-hierarchical structure for the production of public goods, a criticism of the state, multiple interdependence between actors, policies and levels of social action, an increased complexity and the need for cooperation and coordination (Grande 2012, 566-567).

In International Relations the term 'global governance' can be seen as a double shift of the established perspective: from international to global politics *and* from government-oriented politics to governance as a broad technique to manage problems (Kacowicz 2012, 688). Furthermore global governance describes *firstly* the absence of a (global) sovereign with a clear identifiable domination structure, *secondly* the interconnection of coercion and cooperation in international relations and *thirdly* the continuous transformation of structures and processes (Benz 2004, 16-17).

The emergence of new global actors such as transnational social movements, private international networks or non-state spheres of authority goes hand in hand with the

⁸³ It is interesting to note that both the governance and the cosmopolitan approaches mostly have not theorized the opposite of its assumption: If it is not cosmopolitan, what is it? If it is not a (global) governance structure, what is it (for the governance-part see Dingwerth and Pattberg 2006, 389-393; Offe 2009, 551)? I will come back to this point in chapter four.

transformation of structures. Dingwerth and Pattberg (2006, 388) describe this pluralist and non-state-centrist perspective as strengths of global governance approaches. The concept of governance is nevertheless more focused on structures than on actors (Risse 2008; Offe 2009). Hence, there are criticisms on the strong institutional focus, the missing recognition of social and economic circumstances and the absent ethical foundation of global governance (Kacowicz 2012, 695), I will draw more attention to these critics.

2.2 Criticisms of Global Governance

In his articles Ulrich Brand points out that the research on global governance often falls together with an implicit normative understanding of *good* governance. The terminological relevance in the public as well as in social sciences supports a meaning which relates to an efficient solving of (world) problems⁸⁴. A critical governance approach, which tries to investigate an alternative global structure and to show the socio-economic contradictions of the “postfordist politics”, is not wanted (Brand 2005, 165-167; Brand 2011a). Thus, so Brand in another article (2007, 40), the mainstream research on global governance justifies the existing global order and it can be added that this mainstream has “a tendentious blindness for questions of power, distribution, and conflict” (Offe 2009, 558; also Grande 2012, 584).

Although the state is not in the academic focus anymore, Brand criticizes that the regulative ability of the state is further on the implicit normative goal in governance approaches. The western liberal state is not only a neutral instance, but also the exclusive political order for an efficient regulation and has the capacity to act in a global governance structure (Brand 2007, 35-37). Otherwise, as Offe (2009, 555-556) states, governance can be seen as a new rhetoric framework to justify the reduction of state services. Horizontal cooperation and support through *outsourcing* governance structures seems to be more effective than a hierarchical bureaucratic state structure. Moreover, the broader inclusion of non-state actors can introduce societal self-organization and thus governance is the result of the limited state capacity in times of globalization and liberalization. The political result would be a less democratic structure.

Another criticism is that the term ‘global’ in global governance is far away from really being global. Dieter Senghaas scrutinizes the research on global governance and shows the bias between a highly connected and regulated OECD-world and ‘the rest of the world’ including approximately 80 per cent of all human beings which are not integrated in the thick governance

⁸⁴ To solve problems is the ubiquitous goal of global governance, but the academic discourse on governance misses three aspects: *Firstly* if cooperation through governance is the major global acting or the minor acting, *secondly* if every cooperation leads to problem-solving or are these the well-researched exceptions and *thirdly* the failure of governance is not addressed and discussed (Dingwerth and Pattberg 2006, 392-393).

structure. This theoretical and empirical pitfall is hardly recognized in the literature on global governance (Senghaas 2003).

Finally, global governance is a form of regulation and order on a global and complex level and it seems that the crucial aim is not to make a *political* decision but to manage a problem in the *right* manner. In addition, with the focus on constantly changing structures, it seems that any acting in a global governance structure is a problem-solving acting without political or ideological convictions. Instead of political ideologies, conflict and legitimacy, cooperation, effectiveness and regulation seem to be the ruling aspects of global governance. Moreover, the assumption that every actor in the global governance structure theoretically has the same rank and impact on political decision-making (Dingwerth and Pattberg 2006, 381) is naïve and ignores the existing power relations.

The criticisms of global governance are manifold and therefore, the question is, are there alternatives to it and how do they look (similar Grande 2012, 587)? In the next section, I present cosmopolitanism as a possible alternative, describe the main aspects of it and show the advantages of a cosmopolitan perspective.

3. Federal cosmopolitanism by S. Benhabib

Cosmopolitanism has been one of the most important international political theories in the last years (Delanty 2012). The Kantian version of cosmopolitanism is the most prominent one and it has been combined with ideas of deliberative democracy (Held 1997; Habermas 1998b; Archibugi 2003).

3.1 Benhabib and discourse theory

Seyla Benhabib has further developed this approach and apart from using Kant's idea of hospitality, she uses Hannah Arendt's thought on "the right, to have rights" to examine a new cosmopolitan approach (Benhabib 2006a; Benhabib 2009; Benhabib 2011a). Benhabib's federal cosmopolitanism does not have an institutional focus or will propose a new institutional arrangement such as David Held does (1997). Instead her approach is norm-based. She demonstrates that the Universal Declaration of Human Rights (1948) inaugurates a new era of international law in which numerous international agreements and regimes on the rights of women, children or refugees emphasize individuals – and their rights – as its objects.

Since international norms such as justice or self-determination are the base for every international agreement, Benhabib asks how these norms can be negotiated and justified. She uses discourse theory and ethics by Jürgen Habermas (1998a), but she advances two aspects of it.

Firstly, Benhabib claims that every public discourse has to be open for everyone who is affected by the issue of this discourse. Thus, the limits of public discourse have to be questioned⁸⁵. She claims that the discourse participants have to reflect the discourse limitations. The participation in a discourse is her *second* point. Benhabib states that every discourse participant has to recognize the others as equal with the same right to argue. Furthermore, the arguments of the others have to be recognized too and the inner-discursive dispute has to be structured as reciprocal dialogue. In conclusion, Benhabib tries to handle the problems of the deliberative discourse theory through a general *openness* of the discourse for all affected individuals and an *equal* participation and *reciprocal* structure in the discourse (Benhabib 2009, 24-30). The result is that in every discourse the discourse itself, its normative groundings and its discourse principles should be considered.

3.2 From national to international to cosmopolitan law

As mentioned above, Benhabib sees a transformation of law: Starting from a national context of law in the treaty of Westphalia in 1648 which guarantees every state the unlimited sovereignty of its territory to the first international laws at the beginning of the 20th century. Benhabib's final stage is the emerging cosmopolitan law at the beginning of the 21st century. The foundations for this emergence are manifold agreements and treaties such as the Universal Declaration of Human Rights or the Geneva Convention relating to the Status of Refugees of 1951 (and its protocol in 1967). While in international law the main content is the regulation of *national* interests and *national* cooperation, the content of these new treaties are the rights, the protection and the freedom of *individuals* and the fact that nation-states have to guarantee these norms through their subscription. Moreover, apart from the nation-states, the recognition of a plurality of international actors such as NGO's, transnational social movements and individuals is another sign that the law is in transformation; individuals have among others the right to initiate proceedings against states if they violate human rights (Benhabib 2006a). The transformation from a state-centric to a cosmopolitan perspective⁸⁶ is interconnected with the emphasis on human rights as fundamental rights for every human being; independent from their affiliation and nationality. She explains this with Hannah Arendt's account on "the right to have rights": "„I propose that the ‚right to have rights‘ needs to be understood more broadly as the

⁸⁵ For example she exposes the problem of public agency for children or disabled people who are mostly not part of such a discourse because of their age or 'unnatural' physical and/or psychic conditions.

⁸⁶ Important to note is that Benhabib is against the abolition of nation-states or the idea of a world-state. She argues for recognizing the multiplicity of actors on the international level by focusing on the interconnections between human rights, state-centric treatments and non-state actors. Therefore Benhabib argues for a cosmopolitan "republican federalism" (Benhabib 2011c, 112-116).

claim of each human person to be recognized and to be protected as a legal personality by the world community“ (Benhabib 2011b, 9).

Apart from this fundamental consideration Benhabib has the idea that every (international) norm has to be justified through a discourse; it does not matter if this norm still exists or will be introduced by a new treaty. Only a public discourse legitimates an international norm because the people affected by this norm are concurrently the authors of it (through the participation in the discourse). Since the people can participate in such a discourse, they are involved in the pre-decision-making process and can argue for or against the norm, the process itself is democratic. Benhabib calls such a process a “democratic iteration” (Benhabib 2006c, 47-51; Benhabib 2009, 174-179). The iteration symbolizes that a term does not have an original and constant meaning, but is transformed by every usage in different contexts. Therefore, democratic iterations “are linguistic, legal, cultural, and political repetitions-in-transformation, invocations that also are revocations. They not only change established understandings but also transform what passes as the valid or established view of an authoritative precedent” (Benhabib 2006c, 48).

In contrast to the governance paradigm, Benhabib’s cosmopolitanism has a strong focus on democratic processes and participation of the people; also on the international respectively cosmopolitan level. Moreover, she reveals her normative assumptions and goals and does not argue for democratic legitimacy through efficiency and “top-down”-regulation. Benhabib involves the people in two ways: As *objects* by binding them to international treaties and human rights and as *subjects* as authors of cosmopolitan norms which are discussed within the above mentioned public discourses. With these claims, she does not only focus on the global, but also the local and national level for the grounding of *cosmopolitan* norms.

Benhabib scrutinizes her theoretical idea of the interconnection of the local, the national and the global in cosmopolitan norms by examining the head scarf affair in France and Germany and the debate on the definition of German citizenship (Benhabib 2009, 179-202). The problem with her explorative approach is that Benhabib grants the interconnection and the relevance of cosmopolitan norms. It is not clear if the participants of the discourse recognize the same transformation to cosmopolitan norms as Benhabib. Furthermore it seems that the localization of the actors as local or national is not very clear. The result is that Benhabib’s theoretical ideas are interesting but her empirical findings are too narrow and superficial in its *modus operandi*. My aim is to fix this shortcoming by developing a social science model for measuring cosmopolitanism (and particularism as the opposite approach). In the next chapter I draw on the existing empirical research on cosmopolitanism, combine this with Benhabib and a new finding from the cleavage theory. At the end of the next chapter I will present my model.

4. A social science model for cosmopolitanism

Most of the time normative and empirical cosmopolitan approaches do not engage with each other and, thus, they have hardly influenced each other, although empirical research on cosmopolitanism has significantly increased in the last years (Roudometof 2012). I will show that empirical as well as normative findings are well combinable and give fruitful insights for a model of cosmopolitanism.

4.1 Empirical cosmopolitan research

Only shortly after 2000 the broad empirical investigation of cosmopolitanism started and in the journal *Current Sociology* a debate on the measurement and operationalization of cosmopolitanism began.

Victor Roudometof has proposed a one-axis-model to measure cosmopolitanism. In his article he distinguishes between local and cosmopolitan whereas local and cosmopolitan are the end points on a continuum. A cosmopolitan attitude is “more (or less) ,open‘ towards the world” and thus “she or he is less (or more) ‘bound’ by territorial and cultural attachments” (Roudometof 2005, 122). This operationalization poses the questions: What are these territorial and cultural attachments and why can an individual only be a local or a cosmopolitan person? From Roudometof’s perspective, the existence of a local cosmopolitan is not possible and therefore an individual has to detach its local affiliations and belongings to become a cosmopolitan.

Olofsson and Öhman criticize this approach and develop a two-axes-model. Their y-axis is the distinction of local and global while the x-axis is constituted by the distinction of openness⁸⁷ and protectionism. They test their model with survey data from Sweden and distinguish four types: “local protectionists, open globals, global protectionists and open locals” (Olofsson and Öhman 2007, 886). Although their model constitutes a progress, their operationalization is inadequate. They use individual attitudes towards the liberalization (or protectionism) of the Swedish economy to measure openness or protectionism. Olofsson and Öhman mix up a liberal attitude towards an international economy with a cosmopolitan attitude which is based on human rights and the self-determination of the others; as I have shown in chapter three.

Finally, Florian Pichler summarizes the empirical cosmopolitan research and distinguishes between cosmopolitanism as a subjective and an objective concept (Pichler 2009, 710). He uses data from the European Value Survey (EVS), tests numerous hypotheses and

⁸⁷ Openness as crucial aspect of cosmopolitanism refers mostly to Ulf Hannerz (1990).

combines objective aspects such as socio-economic factors (age, education level, income etc.) in the analysis. He examines that the objective concept is much better and grounds cosmopolitan attitudes in a more substantive way. For example only seven per cent of all people advocate the complete openness of national borders for immigrants and asked for the acceptance of different ethnic groups in their neighborhood. About 40 per cent say that they do not want Sinti and Roma in their neighborhood. A high education level and safe social status minimize the refusal of open borders and immigrants in the neighborhood (Pichler 2009, 717). Furthermore with a scale on how people feel affiliated with the local, national or global level, Pichler examines that the higher the affiliation to the local area, the higher is the affiliation to the global level and thus the identification as a cosmopolitan citizen (Pichler 2009, 721)⁸⁸.

4.2 Developing the cosmopolitan model

Since local and cosmopolitan affiliations do not exclude each other, the theoretical opposite of cosmopolitanism and the concrete relation of the localization of actors have to be investigated. From this result I derive the y-axis as a continuum from local to global. However, global is not equal to cosmopolitan, global is just the spatial scope of an actor. For example the United Nations (UN) has a global scope while the mayor of Paris has a local scope. Dependent on the question the researchers can divide the y-axis continuum in several scopes such as sub-national, national or regional.

As I mentioned in the introduction, the opposite of cosmopolitanism is highly contested. Chris Brown (1992) proposes the distinction of cosmopolitanism and communitarism and Michael Zürn expands this into a broader concept for international political theory and the politicization of world politics (2014). The main aspect of communitarism seems to be an account of limited communities which are not open for foreigners. However such a concern is also possible in liberal theories. John Rawls for example is not a cosmopolitan thinker (see the criticism by Benhabib 2009, 79-88), but he is not a communitarian either. Nevertheless, Rawls argues for fixed and limited communities – nations respectively nation-states – he does not see individuals as political actors on an international level and has a concept of international relations based on (neo-) realism (Rawls 2010).

Because of the theoretical ambiguity I reject the distinction of cosmopolitanism and communitarism and follow the approach by Broszies and Hahn (2010). Their distinction of cosmopolitanism and particularism bears the opportunity to subsume different – liberal and communitarian – approaches under the opposite of cosmopolitanism. The authors define

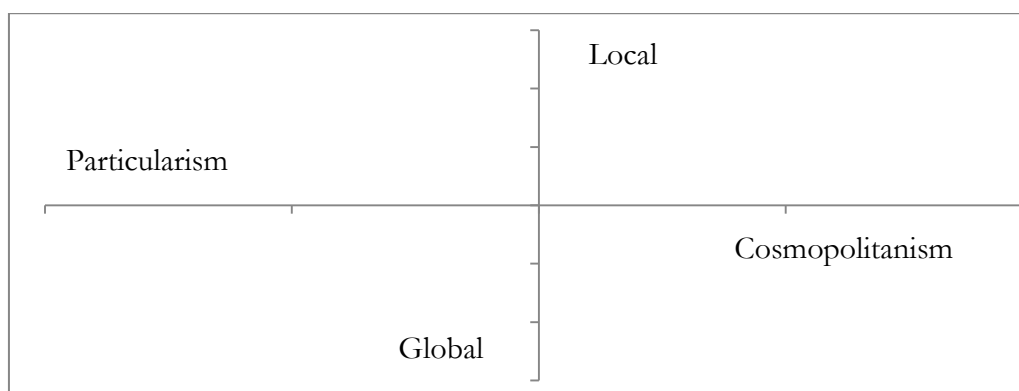
⁸⁸ In a later article Pichler confirms his findings by using data from the World Value Survey (Pichler 2012).

particularism in three aspects: the overlapping of national sovereignty and justice, the realization of justice only for the members of a nation-state and the impossibility of a roughly similar global political structure with the same justice capacities as a nation-state (Broszies and Hahn 2010, 11-12).

Therefore I propose the x-axis as a continuum between cosmopolitanism and particularism. It is a continuum because I argue for an empirical grounding of the distinction in the cleavage theory and thus I see in cosmopolitanism vs. particularism a new international conflict line⁸⁹. The research group headed by Hanspeter Kriesi (2008) describes two issues which do not fit in the existing cleavage theory: the issue of EU-integration and the issue of immigration and integration. They draw the conclusion that there is a new conflict line which they call it *integration* vs. *demarcation*. This conflict line will be the empirical base for the theoretical distinction of cosmopolitanism vs. particularism.

A cosmopolitan approach sees all people as human beings with the same ‘right to have rights’ (Arendt), argues for national borders as open as possible and the recognition of individuals as equal and reciprocal components of a public discourse. That is why cosmopolitanism has an *integrated* standpoint. On the other hand, a particularistic approach argues for limited access of foreigners to the existing national community, the realization of profound justice principles in the nation-state only and sees nation-states as the main actors on the international level. Thus particularism has a *demarcated* standpoint. For an empirical analysis the scope of integrate, less integrated, neutral, less demarcated and demarcated⁹⁰ could be added. The following figure illustrates my considerations.

Figure 1: social science model for cosmopolitanism and particularism



Source: Author.

⁸⁹ In his latest article Michael Zürn (2014) argues in the same way but on the theoretical base of cosmopolitanism and communitarism. As I already mentioned this theoretical distinction is inadequate.

⁹⁰ This scale is based on the considerations of the bridging project “The Political Sociology of Cosmopolitanism and Communitarism” in the Social Science Research Center Berlin (WZB).

In addition I propose that this model can be used to measure claims by political actors in the public sphere, because results from surveys contain the problem of the “sunshine-effect” – societally accepted answers expressed by the respondents during a survey – and the related problem of abstract questions on issues and decisions without a concrete event. The public, however, is strongly affected by events on different issues and through the media political actors such as politicians or NGO’s claim their positions, justify their actions and react on events. Focusing on events also has the advantage that researchers can compare the results over time and can examine different event structures and different levels of participation of political actors. A public debate on a new national immigration law has surely different actors and structure as a public dispute on the violation of human rights in the refugee camps in Greece or Italy.

5. Conclusion

Edgar Grande states that governance seems to be the “all-purpose-tool” in political science (Grande 2012, 565) and it can be added that for International Relation it is Global Governance. The main problem is that governance approaches are too focused on the efficient regulation and problem-solving through institutions. The result is that this concept is blind for power structures and different interests; it has a hidden normative base and does not recognize non-institutional actors enough. Critics of the governance approach try to focus on this term in a critical way and see transformations of the state and fundamental changes on the international level in governance structures.

After my considerations about governance research and its critics in chapter two, I proposed a theoretical approach of cosmopolitanism which can be used as an alternative to the governance paradigm. Thus, I presented the federal cosmopolitanism by Seyla Benhabib and explained her ideas of an equal and reciprocal ‘public discourse’ through deliberations, the change from national to cosmopolitan law and the understanding of ‘democratic iterations’ as transformations of the meaning of norms through public discourses. Although Benhabib’s theoretical considerations are very elaborate, the localization of cosmopolitan norms on the local, national and global level is difficult and her empirical investigation of cosmopolitanism is insufficient.

Therefore and considering some of the first empirical findings on cosmopolitanism, I propose a two-axes-model which is theoretically derived. Moreover it does not equate the distinction between local and global with the distinction communitarism and cosmopolitanism. Since local and global do not exclude each other, I compose the y-axis of my model. For the x-axis I draw on both, the opposite pair of cosmopolitanism and particularism, and new insights

on the cleavage integration vs. demarcation. Furthermore my cosmopolitan model is actor-centric which has the advantage that the convictions of human rights and international norms are connected with concrete actors and their position; without only focusing on international institutions and their regulation efficiency as the global governance approaches propose.

The next step for an empirical cosmopolitan research agenda is the usage of the model and the comparison of the normative considerations and the empirical findings, because, as Bernhard Peters (2000, 279) states, “the power of persuasion of universal principles has to show the plausibility of the concrete application”. A normative theory cannot be disproved by empirical results, but the results can help the theory to focus. Moreover, empirical findings can illuminate possible blind spots in the (normative) theory. If the theory of cosmopolitanism and empirical results of cosmopolitan claims by political actors enter into a dialogue with the institutional focus of governance approaches, their combination produces a more complex view on international arrangements and the power of international norms.

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What theoretical framework and approach is used and why. If applicable, causal model may be shown at this point, or later, after data investigation.

Conceptualization and operationalization

Definition of basic terms and their indicators, choice of variables and their validity testing. Formulation of hypotheses (explicit or implicit) based on the theory/theories. Elaboration of specific claim(s) in the investigated theory/theories. If applicable, description of the causal mechanism, i.e. the chain of events purported to link your explanatory variables to the specific outcome.

Methodology

Description of the specific research method used (i.e., process-tracing, discursive analysis, MLA, etc.), its advantages and weaknesses and why it is chosen.

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Description of the data used, number of cases, method of case-selection, source of data, method of data collection, sampling method.

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What the data show in detail, general tendencies and interesting particularities.

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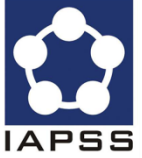
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