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Global Governance and Legitimacy Problems

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Abstract:

Whereas traditional institutions used to be seen as an international complement to a dominantly national paradigm, today's international institutions are an expression of political denationalization. The new international institutions are much more intrusive into national societies than the traditional ones. They increasingly contain supranational and transnational features and thus undermine the consensus principle of international co-operation. When society and political actors begin to comprehend this change, they begin to reflect on the features of a legitimate and effective political order beyond national borders. As a result, denationalization becomes reflexive and thus politicized. At the same time, the politicization of international politics harbors the potential for resistance to political denationalization, which increases the need – both from a normative and descriptive perspective – for the legitimation of such international institutions.

There are two sides to the concept of 'legitimacy'. From a normative perspective it refers to the validity of political decisions and political orders and their claim to legitimacy. From a descriptive perspective, in contrast, the focus is on the societal acceptance of political decisions and political orders as well as the belief of the subjects of rule in legitimacy. In this contribution I will argue, on the basis of this distinction, that the removal of numerous decisions from the circuit of national and democratic responsibility gives rise to normative problems, which in turn lead to growing acceptancy problems and resistance to global governance.

In <u>normative terms</u>, there is broad agreement that currently the functioning of international institutions such as the WTO or the UN does not meet democratic standards. Acknowledged democratic deficits include the lack of identifiable decision-makers who are directly accountable for wrong decisions made at the international level, as well as the inscrutability of international decision-making processes and thus the advantage the executive decision-makers have over others in terms of information. Furthermore, particularly the prime actors in international politics, such as multinational business and the superpowers, are at best only accountable to a fraction of the people affected by their activities. Moreover, most deficits cannot easily be remedied, since democratic majority decisions depend – <u>in descriptive terms</u> – at least partially on a political community built on trust and solidarity. The absence so far of a fully developed transnational political community is incongruous with the existence of transnational social spaces, and poses a congruency problem that cannot easily be overcome. The majority of analyses of international institutions in terms of their legitimacy problems have focussed on these questions.[1]

From the descriptive perspective – that is, with regard to societal acceptance – the democratic deficit of international institutions was for a long time regarded as a purely academic problem. This has changed over the past few years. There have been massive protests, partly violent, at major meetings of international institutions, for instance in Seattle and Genoa, but also at EU summit talks, as in Nice or Gothenburg. Furthermore, there has been an increase in right-wing populist tirades against the EU and other international institutions. Objections by national parliaments, in particular by the USA, to international agreements are also on the increase.

The aim of this paper is to demonstrate that the normative legitimacy deficits of international institutions are in fact increasingly generating problems with respect to societal acceptance. I shall do this by taking up and substantiating in four steps Lipset's hypothesis that in modern societies, empirical belief in the legitimacy of an institution closely depends on the normative validity of a political order.[2] The first step comprises an outline of the institutional dynamic of the international political order since World War II. The argument states that this order has been so successful and dynamic that it enabled globalization and thus undermined its own foundations. In a second step I shall discuss the new quality of international institutions that have emerged in this context over the past two decades, giving rise to the term global governance. It will be argued that the rising need for enlarged and deepened international cooperation in the age of globalization led to the establishment of new international institutions with specific features. As a result the instrusiveness of those new international institutions into national societies has increased dramatically. The third step will then be to offer an explanation as

to how and why the quality of these new international institutions is leading to problems of societal acceptance. I will especially point out that the decision-making mode of 'executive multilateralism' is not any more able to provide legitimacy for the new, more intrusive international institutions. The need for new forms of legitimation and the resistance against global governance dominated by executive multilateralism is described as an expression of <u>reflexive denationalization</u>. Fourthly, and lastly, I shall reflect on how such an explanation can be tested empirically in further research.

The hypothesis that the normative deficits of international institutions inhibit their social acceptability brings us to the conclusion that if we are to continue to enjoy the benefits of multilateralism – the fundamental principle of the vast majority of international institutions since 1945 – it must have the backing of transnational society and the respective national societies. Although multilateralism – in functional terms – seems to be more necessary than ever in a globalized, or denationalized world, it currently appears to be in a legitimacy crisis. Multilateralism must therefore be reshaped to meet the challenges of an increasingly denationalized world. Without radical reform, conventional multilateralism will fail to fulfil the growing societal demands for legitimacy.

I. The Virtues and Institutional Dynamics of Executive Multilateralism

States were never able to achieve all their political goals without taking the activities of other states into account. After all, states only actually became states by being acknowledged as such by other states, and the territorial integrity of a state was unquestionably influenced by the expansionary plans of neighboring states. In this sense, the <u>interdependence of states</u> is a constitutive characteristic of the modern state system.

With the spread of industrialization in the 19th century, this interdependence extended into the economic, and thus societal, sphere. For a long time, the international system of states was unable to cope with the <u>interdependence of societies</u> and the increase of transborder externalities. The crises to which European states were particularly susceptible from the 1870s until the mid-20th century were always triggered, or at least exacerbated, by external forces. Economic historians have convincingly demonstrated, for example, that the world economic crisis of 1929 was not a direct consequence of the so-called Black Friday, but in fact brought about by the reaction of the major trading nations to the sudden fall in stock-market prices. All the economically important states reacted by increasing their customs tariffs and devaluing their currencies so as to protect their own individual economies from the crisis. As a result, world trade broke down completely, paving the way for the Great Depression.[3]

It is only since the end of the second World War, however, that the western world has been able to turn economic <u>interdependence</u> to their advantage. This success can be attributed to the international institutions established after World War II under the leadership of the USA, and of which the economic institutions were of particular significance.[4] Notably, the international trade regime (GATT) and the regimes for regulating currency and financial affairs created an institutional framework without which the world-wide post-war economic boom would not have been possible. The principle behind these international institutions was summed up in the term <u>embedded liberalism</u>.[5] This term describes a fundamental orientation towards free trade and open borders while at the same time resting firmly embedded within the context of national political systems

which are able to absorb the shocks and irregularities of the world market. Embedded liberalism facilitated relatively unrestrained economic trade among all industrial countries, but still left room for different national political and societal structures. In this way, corporatist welfare states were able to coexist quite happily alongside liberal, Anglo-Saxon systems and Eastern Asian state-oriented societies and economies. International institutions thus established a form of international governance which enabled national governance to function effectively, and initially even led to an extension of state activities. As trade barriers fell, the states established welfare systems to offset or at least cushion the undesired domestic effects of free trade. The concept of embedded liberalism is thus not only an expression of the compatability of free trade and welfare statism, but it also points to a positive and very close relation between the two: those national economies which are most integrated in the international market are typically governed by states with particularly extensive welfare systems.[6]

The term embedded liberalism also highlights the essence of this institutional arrangement, i.e. a certain combination of liberalized international markets and national state intervention into the market. Embedded liberalism was engendered by a distinctive method of international decision-making and thus also contains a procedural component that I suggest we call executive multilateralism. The term is used to describe a decision-making mode in which governmental representatives (mainly cabinet ministers) from different countries coordinate their policies internationally, but with little national parliamentary control and away from public scrutiny. On the one hand, multilateralism refers to a decision-making system that is open to all states involved, includes a generalized principle of conduct, creates expectations of diffuse reciprocity and is seen as

indivisible.[7] On the other hand – and this aspect was neglected for a long time – multilateralism after the second World War was heavily executive-centered, since the rules of embedded liberalism were negotiated and implemented nationally without the contribution of the legislatures and without the systematic incorporation of national or transnational societal actors. Embedded liberalism hovered in a sphere beyond the reach of the normal democratic channels of influence in a democratic welfare state. Of course, embedded liberalism also had its domestic bridgeheads, but these were more or less exclusively economic interest groups, whereas the national publics were completely excluded from decision-making.[8]

Post World War II international economic institutions were extremely successful. They supported stable growth in the western industrial societies for almost thirty years; they promoted the integration of the world economy and thus strengthened the role of export-oriented industries within the national political systems; and they helped to prevent the spiralling of protectionism and devaluation during economic recessions. Furthermore, these institutions facilitated the growth of democratic welfare states, through which almost half of the gross national product in some western European countries is channelled. From the perspective of IR theory, these success stories are historic milestones. International cooperation, prosperity and democracy reinforced each other and led to a period of extreme stability and peace among democratic welfare states.[9]

However, the international economic institutions were too successful in some respects. Embedded liberalism gained a momentum of its own, precipitating an ever-expanding liberalization and accelerating technological progress, which between them had a

catalytic effect on the most recent period of accelerated globalization, or rather, societal denationalization,[10] toppling the pillars of the national interventionist state. Societal denationalization, seen as a process in which the boundaries of social transactions increasingly transcend national borders,[11] has challenged the capacity of national policies to bring about desired social outcomes. The effectiveness of state policies comes under pressure in those issue areas in which the spatial scope of national regulations does not extend as far as the real boundaries of transactions. In particular, the potential of effective national market intervention and social welfare programmes gets challenged by the rapid increase in direct investments and highly sensitive financial markets. Moreover, some national defence or deterrence measures do not seem any longer to be effective against many new security threats from outside, be it of a military, ecological or even 'cultural' nature. The paradox of post-war liberalism is therefore that it has ruined its own shock-absorbers. The capacity of an individual nation-state to intervene into market processes in order to cushion the undesired effects is challenged.

Such challenges facing nation-states in their endeavors to achieve their governance goals do not, however, directly translate into the 'fall' or 'retreat of the nation-state'. The challenges are serious, yet the outcome is largely determined by political responses to them, and not to the challenges themselves. Governments and other political organizations can respond to the challenges of globalization in a number of different ways. The establishment of international institutions is probably the most frequent response. It can be stated, therefore, that embedded liberalism has a dynamic of its own: the growing numbers of international institutions since World War II has made national borders less significant for societal transactions (societal denationalization), and this in

turn has led to an increase in the number and political scope of international institutions (political denationalization). While initially it was primarily the economic policy areas that were coordinated through the Bretton Woods institutions, in the course of political denationalization international institutions have meanwhile become involved in a whole range of conceivable policy areas. And while initially the international institutions still allowed the national political systems a large degree of autonomy, they now, in the age of political denationalization, penetrate deeply into the national systems. It is this institutional dynamic, as I shall proceed to argue, that puts the establishment of an expedient political order onto the international political agenda.

II. The New Quality of International Institutions

In what way do the quantity and quality of international institutions reflect this dynamic? What characterizes the institutional dynamic described above? A first measure of the extent of this institutional dynamic is the growth in numbers of international governmental agreements that exist. Indeed, there was a linear increase from less than 15,000 in 1960 to well over 55,000 in 1997.[12] A similar growth rate is measured in the annual ratification of multilateral treaties.[13] These remarkable growth rates, which rank closely behind those of central globalization indicators and far surpass growth rates in national legislation, lie especially in the areas of international economic and international environmental policy,[14] but there has also been substantial growth in other areas such as security or human rights policy.[15] These figures speak for themselves. What is more, the increase in international agreements is accompanied by a growing intensity in transgovernmental relations[16] through the building up of networks among various national

state authorities such as regulatory bodies, courts, executive bodies and also, increasingly, legislatives in different countries. In fact, Ann-Marie Slaughter deems this development to be the crucial step towards the emergence of a new world order.[17]

As well as the growing quantity of international and transgovernmental agreements, a second measure of institutional dynamic is the new quality of international governance. This development becomes manifest when one contrasts the typical traditional multilateral institutions of <u>embedded liberalism</u> with the new international institutions in the age of denationalization. The GATT regime is a good example of a traditional international institution. Its form of regulation has three distinctive features:

- The <u>states</u> are the ultimate and exclusive <u>addressees</u> of the regulation. They are issued with directives not to increase customs tariffs or to apply them in a discriminating way. The objective of the regulation is therefore to influence state behavior in order to solve the problem in question.
- Such regulations take effect at the borders between states, and in this sense they primarily constitute a form of <u>interface management</u>, regulating the transit of goods and bads out of one national society into another.
- There exists a relatively high degree of <u>certainty</u> as to the effects of such regulations. The actors are able to make relatively precise, empirically sound predictions about the economic consequences of their tariffs.

In today's age of societal denationalization and globalization, international institutions have different features. International regimes for overcoming global environmental

problems are typical examples here.

- The ultimate <u>addressees</u> of regulations issued by international institutions are largely <u>societal actors</u>. While the states act as intermediaries between the international institutions and the addressees, it is ultimately societal actors such as consumers and businesses who have to alter their behaviour in order, say, to reduce CO_2 or CFC emissions.[18]

- The new international institutions are no longer merely concerned with interface management. The reduction of pollutants requires regulations that take effect behind the national borders, within the national societies. In this sense, the international climate regime regulates behind-the-border issues, but the new international trade regime, with its focus on the prohibition of subsidization and overcoming discriminatory product regulations, has also developed in this direction.[19] Equally, the measures of the Security Council of the United Nations have for some time now increasingly been directed at intrastate rather than interstate wars.[20]

- International institutions today are for the most part concerned with finding solutions to <u>highly complex problems</u>. There is therefore a high degree of uncertainty as to the ecological and economic consequences of, say, a particular climate regime. The same is true of other environmental regimes, but also financial agreements and regulations on product safety as well as security issues.[21]

Of course, in order to successfully tackle highly complex behind-the-border issues with societal actors as the ultimate addressees, these new kinds of international institutions require a more sophisticated institutional design. The conventional international obligation not to increase import duties on certain goods is, in retrospect, in many ways a

very simple form of regulation. By contrast, the obligation to reduce CO_2 emissions by 30 per cent has much broader ramifications. As the ultimate addressee of the regulation is not the state, but societal actors (such as the car industry and car drivers), the reduction of CO_2 is not simply a matter of volition on the part of the executive. Unlike most other international regimes, its failure is even possible if the signatory governments have the full intention to reduce CO_2 emissions. Substantial financial, administrative and technological resources are needed to fulfil such an obligation. What is more, monitoring compliance in behind-the-border issues such as these is significantly more difficult than in at-the-border issues. In addition, the problem itself is so complex that discussions about an appropriate form of regulation are permanently overshadowed by questions as to the real causes and the actual degree of global warming.

Against this background we can formulate the hypothesis that <u>to the same degree that there is a growth in modern international institutions with the new type of regulation described above, there will be a growth in demand for new types of supranational and transnational institutional features</u>.[22] According to the quasi-functional version of rationalist regime theory, one can expect this demand to be fulfilled to a certain degree[23] even if this has unintended side-effects on the national sovereignty of the states involved.[24]

This hypothesis requires some clarification. Let us begin with the dependent variable, i.e. the notion of 'supranational and transnational institutional <u>features.</u>' 'Supranationality' here refers to a certain degree of autonomy of the international institutions vis-à-vis the nation-states involved. International norms are thus given a certain priority over national

regulations.[25] Similarly, 'transnational' features of international institutions are those in which non-state, private actors get involved for the purposes of self-regulation.[26] These definitions build on a differentiation between primarily supranational or transnational institutions on the one hand and supranational or transnational features within more comprehensive institutions on the other. Hence, international institutions that are essentially controlled by national governments may also have supranational or transnational components. Whether an international institution is intergovernmental, supranational or transnational is therefore not a question of either-or, it is a question of degree.

The theoretical grounds for the hypothesis also require clarification. Functionalist explanations generally tend to be afflicted by severe inadequacies and are not seldom – and rightly so – regarded with scepticism.[27] It should therefore be noted that the hypothesis presented here is not an explanation of the development of an individual international institution. It rather points to a trend by which a growing demand is sometimes fulfilled, as one might expect, but without necessarily assuming that demand is automatically met by supply. An explanation of how individual institutions developed must also take into account the interests, ideals and power resources of the actors involved. What is more, the hypothesis is not based on structuralist functionalism, according to which functions are defined in terms of the requirements of a self-reproducing system. Rather, quasi-functionalism points to a micromechanism – namely, the assumed rationality of the actors – which connects supply and demand. In this sense, the hypothesis formulated here is comparable with the statement that in a heavy snowfall in November, an increased demand for winter tyres can be expected. This mechanism is

based on the assumption of the self-interest of the actors (and not the systemic requirements of road traffic), and makes no claims to be a complete explanation for each individual choice. It therefore acknowledges that the purchase of winter tyres requires sufficient financial resources, the anticipation of further snowfalls in the near future etc.

Now why do the new quantity and quality of international institutions lead to a relative rise in supranational and transnational institutional features? The answer lies in three different mechanisms.

- A high density of international institutions increasingly gives rise to collisions between different international regulations as well as between national and international ones. In such cases a supranational arbitration body is a sensible means of settling differences.[28] The dispute settlement procedure of the WTO for instance decides in case of a collision between WTO rules and domestic regulations as well in case of collision between environmental and trade goals, for instance with reference to the Codex Alimentarus.[29] Furthermore, the increased complexity also gives rise to a greater need for independent dispute settlement bodies. The quantitative growth and the growing complexity of international institutions thus leads to an increased need for supranational components.[30]

- The significance of independent supranational and transnational institutional features also increases as the numbers of regimes grow that are concerned with behind-the-border issues and specify societal actors as the ultimate addressees. In such cases verification problems become more complicated. The more difficult compliance and monitoring become, the greater the need for supranational and transnational agents to gather and provide reliable information on compliance rates.[31] Hence, many

international secretariats have the assignment to gather information about rule-compliance and, at the same time, transnational NGOs, as for instance Amnesty International, are most active in this area.

- Finally, the growing need for international institutions to gather and distribute impartial knowledge and information on complex international problems also strengthens the trend towards supranationalization and transnationalization.[32] The conferences and institutes created by the United Nations Environmental Program are good examples for this development.

These hypotheses can be summarized as follows: if, for the effectiveness of an international institution, an institutional design is required that comprises

- quasi-judicial dispute settlement bodies

- independent monitoring bodies

- und international agents for the collection and distribution of knowledge

then there will be an increased share of supranational and transnational features of international institutions.

Table 1: New and Old Institutions

	International Institutions in the Age of Embedded Liberalism	**International Institutions in the Age of Denationali-zation**	**Regulatory Problem**	**Institutional Solution**

Number of international Regulations	Few	Many	→ Collisions with other regulations-	→ Incentive for transnational or supranational adjudication
Addressees of the Regulations	States	Societal Actors	→ Compliance monitoring	→ Incentive for transnational or supranational monitoring bodies
Locus of Intervention	State borders	Behind-the-border issues	→ Compliance monitoring	→ Incentive for transnational or supranational monitoring bodies
Degree of Complexity of Regulation	Low	High	→ Knowledge problems	→ Incentive for transnational or supranational knowledge Agencies

There has therefore developed a dense network of international regulations and organizations of unprecedented quality and quantity. In the age of denationalization, these new international institutions are far more intrusive than the conventional international institutions.[33] The democratic decision-making processes within nation-states are thus losing their anchorage. They are superseded by organizations and actors who indeed are

mostly accountable to their national governments one way or another, but at the same time quite remote and inaccessible for the nationally enclosed addressees of the regulations in question. Given the extent of the instrusion of these new international institutions into the affairs of national societies, the notion of 'delegated, and therefore controlled authority' in the principal and agent sense[34] no longer holds. At best, the agents – the new international institutions with transnational and supranational institutional features – are answerable to a few governments, but not to all the societies into which they intrude, and certainly not to a transnational society.

III. Defiance in the Face of Unintended Political Denationalization

Whereas traditional institutions used to be seen as an international complement to a dominantly national paradigm, today's international institutions are an expression of political denationalization. The transformation process itself can be separated into different stages. The first stage is marked by the emergence of a trend towards supranationalization and transnationalization as the more or less <u>unintended, indirect outcome</u> of the sum of deliberate political responses to perceived functional demands on international institutions as a result of societal denationalization. In the second stage, the process becomes <u>reflexive.</u> When society and political actors begin to comprehend the changes outlined above, they begin to reflect on the features of a legitimate and effective political order beyond national borders. This is where issues of transboundary identity and transboundary ethics are taken on board in their deliberations. The increasing commitment to improve the living conditions of people of other nationalities and race living in other countries thousands of miles away,[35] as well as the debate over European

identity and European democracy[36] are first signs of this reflexive stage in the transformation process. In this reflexive stage, the intergovernmental processes that allowed for liberalization and internationalization begin to turn against themselves. At this point, borders lose their normative dignity and, increasingly, universalistic political concepts are developed.[37] The connection between increasing integration and the expansion of the application of the principle of justice was pointed out quite early on by Charles Beitz in his cosmopolitan theory of politics, following John Rawls.[38] As a result of this process, denationalization becomes reflexive, and thus politicized. At the same time, the politicization of international politics harbors the potential for resistance to political denationalization, which increases the need – both from a normative and descriptive perspective – for the legitimation of such international institutions.

Reflexive denationalization can be seen as part of the broader process of reflexive modernization.[39] The unintended side-effects of decisions taken in the context of modernization lead in this view to such a radicalization of modernization that an adequate reaction to the consequences within the old system is not possible. According to Beck, it is the inner dynamic of modernization itself that leads to a self-transformation – an independent, unintended and largely unnoticed, reflex-type of transition. In this sense, reflexive thus means self-transformation through self-confrontation. In other words, it concerns – so to speak – the after-effects of processing the side-effects. Concomitant to this process is the politicization of previously un-political issues and debates on political institutions, and not just on the right policies. To put it differently, 'in the age of globalization, the political did not die, it just migrated.'[40]

The ecological consequences of industrial modernity and the concept of 'risk society' originally served as a model for the concept of 'reflexive modernization'.[41] But the history and dynamic of the Bretton Woods institutions can also be seen in the same light, both in substantial and in procedural terms. The steady progression of liberalization has severed it from its national roots. As John Ruggie put it: 'By lowering and eliminating point-of-entry barriers to the flow of economic transactions and by encouraging cross-border corporate ties and market forces, governments have also inadvertently undermined the efficacy of some of their standard policy tools of managing the consequences of liberalization'.[42]

From a procedural point of view, the steady expansion of international institutions through supranationalization and transnationalization led to growing problems concerning the acceptance of executive multilateralism as a decision-making mechanism. The further international institutions intervene in formerly national issues, the more they will be confronted with questions regarding their legitimacy. In this sense, political denationalization has become a reflexive process, creating its own potential for resistance. At the same time, this resistance accelerates political denationalization in certain respects, since the critical movements themselves are an expression of political denationalization. They use the internet for internal communication, the global mass media to transport their message and they aim at re-regulating financial markets.

The politicization of world politics has led to a questioning of the formerly strict demarcation line between national and international politics. In this way transnational protests as exemplified in Seattle 1999, and the rise of resistance against international

institutions within national political systems can be explained as part of the process of reflexive denationalization. Seen thus, however, reflexive denationalization is not only an obstacle to international institution-building, but also a building block for a new world order of legitimate global governance.

IV. On the Empirical Testing of the Hypothesis

In good social science, theoretical reflections are complemented with methodically sound empirical analyses. It should be possible to derive falsifiable hypotheses from the theoretical reflections and test them empirically. The theoretical argumentation put forward here comprises two substantial empirical implications. Firstly, it should be possible to provide evidence that there has in fact been a growth in the quantity of international institutions and at the same time a qualitative trend towards a supranationalization and transnationalization of international institutions. Although there is undoubtedly need for additional research in this area, the evidence presented here should suffice for the time being, for the clearly more contested issue is the second empirical implication that the trend towards a supranationalization and transnationalization of international institutions is resulting in a legitimacy crisis for global governance.[43]

How can this part of the argument be empirically tested? What observations bear out this statement? There are two hypotheses in particular which appear to be testable derivations from the general argument.

- In the course of political denationalization, potentially defiant <u>transnational</u> social movements emerge and oppose the undermining of national decision-making authority as a result of the supranationalization and transnationalization of international institutions and executive multilateralism. These transnational social movements do have mostly a leftist outlook and are mainly directed against liberalizing international institutions such as the WTO, the World Bank or the Multilateral Agreement on Investment.

- The growth of international institutions with supranational and transnational components leads to national resistance which is, paradoxically, not based in the respective nation-states' 'obsession' with sovereignty, but within the national <u>societies</u>. This national resistance often has a rightist outlook and is directed against interventionist international institutions such as the Criminal Courts, international environmental agreements etc.

<u>On Transnational Resistance</u>

At first sight, it may seem an over-exaggeration to interpret the protests in Seattle in the autumn of 1999, Prague in autumn 2000, Quebec City in spring 2001 and Genoa in summer 2001 – to name but a few dramatic eruptions – as part of the process of reflexive denationalization, since the protest groups explicity oppose globalization, and thus ultimately the international institutions with which it is associated. In this sense, the protests against the WTO, the World Bank and the IMF must be interpreted as the anti-systemic resistance of groups who are hardly likely to consider the reform of these international institutions for the purposes of legitimizing them as an option.

This may be underrating the issue, however. While it can hardly be denied that many of these groups see globalization as the root of all evil, to classify the movement summarily as anti-globalist would be to overlook its diversity and the constructive endeavors of many parts of the movement.[44] Many groups in fact mainly focus on 'initiatives for a just world economy'. To a certain degree they accept globalization as given and strive to exert their influence on its political control. After all, mere anti-globalization rhetoric alone would be a contradiction in terms, as the anti-globalization movement itself is an expression of political denationalization. Kaldor, for instance, discusses the phenomenon of 'globalisation from below' and sees Seattle as a victory for political globalization, or – to put it in the terms of reflexive denationalization – an expression of the politicization of globalization.[45] This second view interprets the disturbances above all as a consequence of the legitimacy deficit of executive multilateralism and the poor accountability of its political elites. The politicization of executive multilateralism thus brings legitimacy problems and issues of accountability to the fore. Moreover, the dual impetus of this movement against the disembedding of liberalism and for the democratization of global governance makes sense insofar as the executive locking-in of decision-making processes in order to accelerate liberalization means locking out national parliaments and the political alternatives put forward by the transnational movement.[46] In other words, there is just as much an elective affinity between executive multilateralism and excessively liberal policies as there is between the welfare state and democracy. It was only possible for social policy to become well-established in the nation-state when the democratization of political institutions was emphatically demanded and later pushed through. Moreover, there is also a distributive aspect to the debates over the legitimation of international institutions. In this respect, transnational non-governmental organizations and protest

22

groups quite rightly have a double agenda: campaigning for <u>new policies</u> in <u>new institutions</u>.

There are at least three developments which ought to be taken into consideration in empirical studies when interpreting transnational resistance in terms of reflexive political denationalization:

- <u>The justificatory strategies of the globalization critics:</u> In Europe, at least, legitimacy has meanwhile become a key issue for many transnational groups that are critical of globalization. In its manifesto of 2002, ATTAC – in its origins arguably one of the most outspokenly anti-globalization groups – identifies the legitimacy problem as its main focus: 'It is high time that we shed light on these institutions (EU, WTO, IMF, World Bank, OECD) and made those decision-makers accountable who ostensibly act in our name.'[47] Susan George, vice-president of the French branch of ATTAC, even assumes that we are currently in an 'historic phase ... in which we are striving for a kind of global democracy'.[48]

- <u>The reform strategies of the international institutions:</u> Undoubtedly, among the most fiercely criticized international institutions are the WTO (World Trade Organisation), the IMF (International Monetary Fund) and the World Bank. These institutions especially are under criticism from all sides and are a popular target for protest movements. All three international economic institutions are aware of the issue of acceptance, but put it down less to the content of their policies than to institutional deficits. Therefore, in the light of growing societal resistance, the three aforementioned institutions have taken measures to (i) increase control over the decision-makers through various evaluation procedures, (ii) improve the scrutibility

of the decision-making processes and (iii) increase the share of power of transnational society. Ngaire Woods and Amrika Narlikar have examined these reform measures and ascertained that the predominant reaction to the growing criticism is a substantial improvement in the horizontal accountability of these institutions.[49] The self-interpretation of the legitimacy crisis by the relevant international institutions appears rather to correspond to the logic of reflexive political denationalization than an interpretation of the resistance as anti-globalist.

- The 'new' conditions for successful international negotiations: The results of international negotiations seem to depend increasingly on the consent and support of transnationalizing sectoral publics. Traditional international institution theory, according to which the success of international negotiations through international institutions depends on specific intergovernmental interest coalitions on the one hand and the support of strong national interest groups on the other,[50] no longer seems to hold completely. A comparison, for example, of the successful negotiations on the Anti-Bribery Convention and the Ottowa Convention on Landmines with the failed round of WTO negotiations in Seattle (1999) and the aborted attempt to establish a new Multilateral Agreement on Investment (MAI), quickly reveals that one major difference between the two sets of negotiations lay in the campaign networks of transnational NGOs.[51] The international constellation of power and interests is certainly an inadequate explanation for the outcome of these negotiation processes.[52] In the reflexive phase of denationalization, it appears that negotiators have to justify the results of their negotiations both to the transnational sectoral publics and the national publics, which are increasingly interconnected. One can thus say that international politics are then no longer a matter for a few corporative agents – in

particular states – which coordinate their interests <u>in camera</u> and arrive at common policies which then have to be implemented domestically. World politics are then less a form of 'executive multilateralism', but rather developing into a form of multilateralism borne by society and accountable to both national and transnational publics.

<u>National Resistance</u>

From the point of view of traditional state theories and theories of international politics, the delegation of decision-making authority to supranational institutions and non-state, transnational actors ought to lead to resistance on the part of national governments or the national executives, who one would expect to be reluctant to lose their sovereignty. In this context U.K. Preuß discusses the 'inner necessity – one could almost say instinct – to jealously and suspiciously guard the territorial integrity and exclusivity of the power exercised over it. The reason for this is that both these elements define the state.'[53] From the perspective of reflexive denationalization, however, the greatest potential for resistance to executive multilateralism and the institutional dynamic with which it is associated should be expected to emanate from the societal sphere. In actual fact, the supranational components of international institutions are often thwarted by innersocietal resistance. Consequently, the growth of international institutions with supranational components breeds less resistance from nation-states than from national societies. Two developments especially seem to support this hypothesis:

- <u>Resistance within societies to decisions made by international institutions:</u> A typical example here would seem to be the referendums in smaller states on entering the EU

or on large-scale integrative measures such as the Maastricht Agreement. A positive decision in such cases implies the recognition that in some areas national subordination to supranational European procedures, for example at the European Court, are inevitable. Nevertheless, while the national political elites of Denmark, Norway and Ireland stood firmly behind their respective governments and supported their pro-European policy, the referendums all failed in the first round. The resistance came from society – from 'below'. In general, the European public is less keen on shifting authority to the European level than elites. Whereas in average 93 per cent of the political elites support European integration, this is true only for 53 per cent of the general public.[54] It might possibly be worthwhile examining whether such resistance to 'the new raison d'état'[55] can also be categorized as a phenomenon of reflexive political denationalization. After all, these are by no means isolated incidents. Compliance with institutionalized EU regulations also appears to be thwarted more often by the resistance of national societies than by national states, as witnessed during the BSE crisis.[56] After the EU lifted the export ban on British beef in 1999, Germany and France, both facing on-coming elections, threatened to implement unilateral consumer protection measures – which constituted an open challenge to European Law. The decisive reason for this lay in the compromise made at the height of the BSE crisis in March 1996 that led to the short-term export ban for British beef and an agreement on conditions under which British beef could be traded freely again. The negotiations leading up to this compromise involved executive decision-makers, transnational scientific experts and the societal addressees of the regulation – mainly the food industry. The broad national publics were excluded. If, however, the national publics refuse to accept the central implications of a supranational regulation, then

26

even transnational, legally internalized institutions reach the limit of their capacity to elicit compliance.[57] The national governments, especially in democratic states, must then yield to societal pressure.

- <u>Populism – the Achilles Heel of International Institutions:</u> Increasingly, the vulnerability of international institutions to pressure from broad national societal coalitions is not only restricted to exceptional cases. They also generally seem to be an easy target for right-wing populist polemics on the 'political elites'. All right-wing populist parties in OECD states use a strong anti-internationalist, pro-renationalization rhetoric. Be it Le Pen, Haider or the German Republicans, they all brandmark 'international burocracies' and 'international agreements' as the reason why the 'simple man in the street' no longer earns enough pay. Conversely, office-holders endeavor to keep international pledges and participation in international institutions out of the election campaigns, and if all else fails, they tend to make rhetorical concessions to those favoring renationalization. These processes could also be examined to establish whether they can be interpreted as an expression of reflexive political denationalization.

Generally, therefore, our proposition is that political denationalization has become a reflexive process. The intrusiveness and visibility of the new international institutions gives rise to a politicization of these institutions. It is no longer accepted that executives draw up international policies, to a great extent prejudicing national policies, behind closed doors, but still in the name of the people. Many societal actors who feel affected by these international decisions want to have a say in the decision-making. Executive multilateralism must be extended to include transnational policy networks, even if these

networks are hardly representative of the national societies. On the other hand, when international institutions deal with contentious issues that also concern broad publics, then the mere extension of executive multilateralism to transnational policy networks will not suffice either. What is then required is a transnational, societally backed system of multilateralism, with full mass-media coverage, and with procedures that provide all those affected by the decision with the information they need as well as a chance to participate.

V. From Executive to Societally Backed Multilateralism

Despite unquestionable democratic deficits, international institutions are, from a normative perspective, at least in part a sensible response to the problems facing modern societies in the age of societal denationalization. International institutions help resolve the incongruence between social and political spaces so that they at least partially correspond. Theoretically, the 'emergence of denationalized governance structures'[58] helps integrate everybody affected by a political decision into the decision-making process, thus even observing the fundamental principle of democracy. Furthermore, international institutions give back to national policy-makers the capacity to deal effectively with denationalized economic structures. Seen thus, international institutions are not the problem, but part of the solution to the problems confronting democracy in the age of globalization.

At the same time, the societal acceptance of international institutions clearly seems to be in decline. The constantly growing intrusiveness of international institutions highlights the democratic deficits and generates resistance, which in turn undermines the

effectiveness of these institutions. The anti-globalization movement is usually portrayed as a movement protesting against the <u>disembedding</u> of liberalism. There are, however, good reasons for the assumption that the real source of upheaval is <u>executive multilateralism</u>. The more intrusive these international institutions become, the more justified and intense the demands will be for their democratization. Without an improvement of the legitimacy of decision-making processes, i.e. the incorporation of affected societal actors into the decision-making process, there is a danger that the effectiveness of international institutions will weaken. In order to avoid an acceptance crisis, and consequently an effectiveness crisis, it therefore appears that some kind of <u>societally backed multilateralism with full multi-media</u> coverage is necessary to save multilateralism by putting an end to executive exclusiveness.[59]

The major objection to the concept of societally backed multilateralism with multi-media coverage is that the democratic deficits of international institutions can only be remedied under the right sociocultural conditions, i.e. with some sense of political community and a common ground for communication – both of which are still lacking at all levels beyond the nation-state. That is an important objection, but it must not blind us to the potential of a gradual democratization of international institutions. The pressure to democratize them certainly increases as societal acceptance diminishes. It therefore appears most sensible to continue the search, backed by theoretical findings, for the potentials and limits of democratizing international institutions. Two strategies appear to be particularly promising here.[60] First, institutional mechanisms must be created which allow the highest degree of democratization under the given conditions. Secondly, international institutions must contribute to democratization by facilitating the emergence of transnational political

communities and transnational communication channels, and thus in the medium term improve the institutional scope for direct democratization. One can see the development of a European Convent and debates over it, in spite of all its drawbacks, as an attempt to optimize on both of these counts. And indeed, since the late 1990s the general public's satisfiaction with the EU has grown. In any case, without a strategy for increasing the democratic legitimacy of international institutions, internationalizing politics and multilateralism will be defeated by a lack of societal acceptance.

[1] See, e.g., R. A. Dahl, 'A Democratic Dilemma: System Effectiveness versus Citizen Participation', <u>Political Science Quarterly</u>, 109:1 (1994), pp.23-34; D. Held, <u>Democracy and the Global Order. From the Modern State to Cosmopolitan Democracy</u>, Cambridge, Polity Press, 1995; D. Archibugi, D. Held and M. Koehler (eds.), <u>Re-imaging Political Community. Studies in Cosmopolitan Democracy</u>, Cambridge, Polity Press, 1998; F. W. Scharpf , <u>Governing in Europe</u>, Oxford, Oxford U.P., 1999; F. W. Scharpf, <u>Governing in Europe</u>, Oxford, Oxford U.P., 1999; M. Zürn, 'Democratic Governance Beyond the Nation-State. The EU and Other International Institutions', <u>European Journal of International Relations,</u> 6:2 (2000), pp. 183-221.

[2] S. M. Lipset, <u>Political Man. The Social Bases of Politics</u>, London/Melbourne/Toronto, Heinemann, 1960, p. 77.

[3] Cf. especially C. P. Kindleberger, <u>The World in Depression. 1929-1939</u>, Berkeley, Cal, University of California Press, 1973 and B. Eichengreen, <u>Vom Goldstandard zum Euro. Die Geschichte des internationalen Währungssystems</u>, Berlin, Klaus Wagenbach, 2000.

[4] See R. O. Keohane, <u>After Hegemony: Collaboration and Discord in the World Political Economy</u>, Princeton, NJ, Princeton U.P., 1984.

[5] See J. G. Ruggie, 'International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order', in: St. D. Krasner (ed.), <u>International Regimes</u>, Ithaca, NY, Cornell University Press, 1983, pp. 195-231 and J. G. Ruggie, 'Trade, Protectionism and the Future of Welfare Capitalism', <u>Journal of International Affairs</u>, 48:1 (1994), 1-12.

[6] Cf. e.g. D. Rodrik, <u>Has Globalization Gone too Far?</u>, Washington, DC, Brooking Institution, 1997; E. Rieger, E. and St. Leibfried, <u>Limits to GlobalizationCambridge, Polity Press</u> and, as early as 1984, P. J. Katzenstein, <u>Corporatism and Change. Austria, Switzerland, and the Politics of Industry</u>, Ithaca, London, Cornell U.P., 1984. See D. Cameron, 'The Expansion of the Public Economy, American Political Science Review, 72:4 (1978), pp. <u>1243-1261.</u>

[7] J. G. Ruggie, 'Multilateralism. The Anatomy of an Institution', <u>International Organization</u>, 46:3 (1992), pp. 561-598, p. 571.

[8] Cf. also R. O. Keohane amd J. S. Nye Jr., 'Introduction', in: J. S. Nye, and J. Donahue (eds.), <u>Governance in a Globalizing World</u>, Washington DC, Brookings Institution, 2000, pp. 1-41, p. 26, who liken international politics to a club in which cabinet ministers negotiate behind closed doors without informing outsiders about the negotiation process.

[9] Cf. B. Russett and J. R. Oneal, <u>Triangulating Peace. Democracy, Interdependence, and International Organization</u>, New York, W.W. Norton, 2001; E. D. Mansfield, H. V. Milner and B. P. Rosendorff, 'Why Democracies Cooperate More: Electoral Control and International Trade Agreements', <u>International Organizations</u> 56:3 (2002), pp. 477-513, and J. C. Pevehouse, 'Democracy from the Outside-In? International Organizations and Democratization', <u>International Organization</u>, 56:3 (2002), pp. 515-549.

[10] see M. Zürn, <u>Regieren jenseits des Nationalstaates. Denationalisierung und Globalisierung als Chance</u>, Frankfurt/M., Suhrkamp, 1998 and M. Beisheim S. Dreher, G. Walter, B. Gregor/ Zangl, Bernhard and M. Zürn, <u>Im Zeitalter der Globalisierung? Thesen und Daten zur gesellschaftlichen und politischen Denationalisierung</u>, Baden-Baden, Nomos, 1999.

[11] The boundaries of social transactions are 'the place where there is some critical reduction in the frequency of a certain type of transaction' K. W. Deutsch, <u>Nationalism and its Alternatives</u>, New York, Knopf, 1969, p. 99).

[12] The data is taken from the World Treaty Index Research Programme; University of Washington.

[13] C. Hirschi, U. Serdült and Th. Widmer, 'Schweizerische Außenpolitik im Wandel', <u>Schweizerische Zeitschrift für Politikwissenschaft</u>, 5:1 (1999), pp. 31-56, p. 40.

[14] Since the beginning of the 20th centruy the number of newly concluded multinational environmental treaties and agreements has increased steadily. While up until the 1970s an average of 5 agreements were concluded every 5 years, this figure has increased fivefold since the 1980s (M. Beisheim et al., op. cit. p. 351). The development of new international economic treaties and agreements reveals a very similar pattern (ibid, p. 353).

[15] For a survey, ibid.

[16] See also R. O. Keohane and J. S. Nye, 'Transgovernmental Relations and International Organizations', <u>World Politics</u>, 27:1 (1974), pp. 38-62, who introduced the term transgovernmental relations, and R. Cox, 'Global Perestroika', in: R. Miliband L. Panitch (eds.): <u>New World Order</u>, London, Merlin Press, 1992, pp. 26-45, p. 30, who emphasized the significance of such networks in his work.

[17] A. M. Slaughter, 'The Real New World Order', <u>Foreign Affairs</u>, 76:5 (1997), pp. 183-197, p. 190.

[18] See E. A. Parsons, 'Protecting the Ozone Layer', in: P. M. Haas, R. O. Keohaneand M. A. Levy (eds.): <u>Institutions for the Earth: Sources of Effective International Environmental Protection</u>, Cambridge, MA, MIT Press, 1993, pp. 27-73.

[19] See M. Kahler, <u>International Institutions and the Political Economy of Integration</u>, Washington D.C., Brookings Institution, 1995.

[20] B. Zangl and M. Zürn, <u>Frieden und Krieg. Sicherheit in der nationalen und postnationalen Konstellation</u>, Frankfurt/M., Suhrkamp, 2003, chap. 8.

[21] B. Koremenos Ch. Lipson and D. Snidal, Duncan, 'The Rational Design of International Institutions', <u>International Organization</u>, 55:4 (2001), pp. 761-799.

[22] These hypotheses follw a logic according to which the design of international institutions is largely determined by the underlying cooperation problem. See now B. Koremenos, Ch. Lipson and D. Snidal, <u>The Rational Design of International Institutions</u>, International Organization Special Issue 55:4, Boston, MIT Press, 2001, but also L. Martin, 'Interests, Power, and Multilateralism', <u>International Organization</u>, 46:4 (1992), pp. 765-792; M. Zürn, <u>Interessen und Institutionen in der</u>

internationalen Politik. Grundlegung und Anwendungen des situationsstrukturellen Ansatzes, Opladen, Leske&Budrich, 1992 and M. Zürn, 'Assessing State Preferences and Explaining Institutional Choice. The Case of Intra-German Trade', International Studies Quarterly, 41:2 (1997), pp. 295-320 for a theoretical elaboration of this perspective.

[23] See R. O. Keohane, After Hegemony op. cit.

[24] See especially A. M. Burley and W. Mattli, 'Europe before the Court: A Political Theory of Legal Integration', International Organization, 47:1 (1993), pp. 41-76 and K. Alter, Establishing the Supremacy of European Law. The Making of an International Rule of Law in Europe, Oxford, Oxford U.P, 2001, for convincing accounts of how the European Court of Justice – the best example of a supranational component within the overall institutional concept of the EU – was not the outcome of an intergovernmentally desired decision, but the unintended outcome of a number of developments.

[25] A. Moravcsik differentiates between 'pooled sovereignty', when governments aim to make future decisions by majority within the context of an international institution, and 'delegated sovereignty', when supranational actors are authorized to make certain decisions themselves, regardless of interstate objections or unilateral vetos (A. Moravcsik, The Choice for Europe. Social Purpose and State Power from Messina to Maastricht, Ithaca, NY, Cornell U.P., 1998, p. 67). See also A. Bogdandy, Supranationaler Föderalismus als Wirklichkeit und Idee einer neuen Herrschaftsform. Zur Gestalt der Europäischen Union nach Amsterdam, Baden-Baden, Nomos, 1999, for a constructive use of the term supranationality.

[26] On national self-regulation cf. e.g. R. Mayntz and F. W. Scharpf, (eds.), Gesellschaftliche Selbstregelung und politische Steuerung, Frankfurt M./New York, Campus, 1995 and E. Ostrom, Governing the Commons. The Evolution of Institutions for Collective Action, Cambridge, Cambridge U.P., 1990. A. Cutler, V. Haufler, and T. Porter, (eds.), Private Authority and International Affairs, Albany, NY, SUNY Press, 1999; A. Héritier (ed.), Common Goods. Reinventing European and International Governance, Lanham, Md, Rowman&Littlefield, 2002, and R. Higgot, G. Underhill and A. Bieler (eds.), Non-State-Actors and Authority in the Global System, London, Routledge, 2000, are important contributions on transnational self-regulation.

[27] The discussions of Jon Elster, in particular J. Elster, Making Sense of Marx, Cambridge, Cambridge U.P, 1985, chap. 1 and Sour Grapes. Studies in the Subversion of Rationality,Cambridge, Cambridge U.P. have contributed here. Cf. also a summary and in the context of international politics M. Zürn, Interessen und Institutionen in der internationalen Politik, op. cit, p. 40-62).

[28] See especially K. W. Abbott and D. Snidal, 'Hard and Soft Law in International Governance', International Organization 54:3 (2000), pp. 421-456, J. McCall Smith, 'The Politcs of Dispute Settlement Designs. Explaining Legalism in Regional Trade Pacts', International Organization, 54:1 (2000), pp. 137-180, and other contributions to this special issue of International Organization on legalization.

[29] Collisions between different international regulations are with the exception of the European Court of Justice and the International Court of Justice not settled with the help of courts that are independent of specific regimes. Most dispute settlement bodies are associated with one specific international regime, but in fact settle disputes that take place at the borders between different regulatory areas.

[30] Correspondingly, in the 1990s alone, 40 new arbitration procedures were introduced (C. Romano, 'The Proliferation of International Judicial Bodies: The Pieces of the Puzzle', New York University Journal of International Law and Politics, 31:4 (1999), pp. 709-51, pp. 723-728).

[31] See the contributions in D. G. Victor, K. Raustiala and E. B. Skolnikoff (eds.), The Implementation and Effectiveness of International Environmental Committments: Theory and Practice, Cambridge, MA, MIT Press, 1998.

[32] See especially the work of Peter M. Haas: P. M. Haas, Saving the Mediterranean. The Politics of International Environmental Cooperation, New York/Oxford, Columbia University Press, 1990, and P. M. Haas, 'Introduction: Epistemic Communities and International Policy Coordination', International Organization, 46:1 (1992), pp. 1-35.

[33] See also N. Woodsand and A. Narlikar, 'Governance and the Limits of Accountability: The WTO, the IMF, and the World Bank', International Social Science Journal, 53:170, 2001, pp. 569-583, who discuss the 'new intrusiveness' of international economic institutions particularly in the context of increased conditionality of granting credit and the increased sanctioning possibilities of international rules.

[34] Cf. M. Kahler, Defining Accountability Up: The Global Economic Multilaterals, Paper presented at the Miliband Conference on Global Governance and Public Accountability, London School of Economics, 17-18.5. 2002.

[35] See M. Keck and K. Sikkink, Activists Beyond Borders: Advocacy Networks in International Politics, Ithaca, NY, Cornell U.P., 1998 and Th. Risse, A. Jetschke, Anja and H. P. Schmitz, Die Macht der Menschenrechte. Internationale Normen, kommunikatives Handeln und politischer Wandel in den Ländern des Südens, Baden-Baden, Nomos, 2002.

[36] Cf. the contributions in B. Kohler-Koch and R. Eising, (eds.), The Transformation of Governance in the European Union, London, Routledge, 1999 and M. Th. Greven and L. W. Pauly, (eds.), Democracy Beyond the State? The European Dilemma and the Emerging Global Order, Lanham, Md, Rowman&Littlefield, 2000.

[37] See e.g. A. Linklater, The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era, Columbia, SC, University of South Carolina Press, 1998 and R. Schmalz-Bruns, 'Deliberativer Supranationalismus. Demokratisches Regieren jenseits des Nationalstaates', Zeitschrift für Internationale Beziehungen, 6:2 (1999), pp. 185-244.

[38] Ch. R. Beitz, Political Theory and International Relations, Princeton, NJ, Princeton University Press, 1979, p. 165.

[39] See U. Beck and W. Bonß, Die Modernisierung der Moderne, Frankfurt/M., Suhrkamp, 2001; U. Beck, A. Giddens and S. Lash, Reflexive Modernization. Politics, Tradition and Ästhetics in the Modern Social Order, Cambridge, Polity Press,1997,

and U. Beck, <u>World Risk Society</u>, Oxford, Blackwell, 1999.

[40] U. Beck, <u>Macht und Gegenmacht im globalen Zeitalter. Neue weltpolitische Ökonomie</u>, Frankfurt/M., Suhrkamp, 2002, p. 364.

[41] See U. Beck, <u>Risikogesellschaft. Auf dem Weg in eine andere Moderne</u>, Frankfurt/M., Suhrkamp, 1986.

[42] J. G. Ruggie, 'Trade, Protectionism and the Future of Welfare Capitalism', op. cit., p. 8.

[43] As an example, normatively oriented economists like to point out that the constitutionalization of the free trade regime in particular – by which the strengthening of supranational components is also meant – has a legitimizing effect (cf. esp. E-U. Petersmann, 'Human Rights and International Economic Law in the 21st Century: The Need to Clarify Their Interrelationships', <u>Journal of International Economic Law</u>, 4:1 (2001), pp. 3-39, and R. Howse and K. Nicolaidis, 'Legitimacy and Global Governance: Why a Constitution for the WTO is a step too far?', in: R. Porter, P. Sauve A. Subramanian and A. Zampetti (eds.), <u>Equity, Efficiency and Legitimacy: The Multilateral System at the Millenium</u>, Washington DC, Brookings Institution, 2001, pp. 227-252, take a contrary stance, more in line with the argument developed here).

[44] See R. Broad, 'Global Backlash: Citizen Initiatives for a Just World Economy', Lanham, Md, Rowman&Littlefield, 2002.

[45] K. Kaldor, '"Civilising" Globalisation? The Implications of the 'Battle in Seattle'", <u>Millenium</u>, 29:1, 2000, pp. 105-114, p. 105.

[46] St. Gill, 'Toward a Postmodern Prince? The Battle of Seattle as a Moment in the New Politics of Globalization', <u>Millenium</u>, 29:1 (2000), pp. 131-140, p. 134; and R. Howse and K. Nicolaidis, op. cit., p. 235.

[47] ATTAC Frankreich: 'Mit Attac die Zukunft zurück erobern. Manifest 2002', <u>Blätter für deutsche und internationale Politik</u>, 47:3 (2002), pp. 347-362, p. 349; translation MZ.

[48] S. George, 'Was ist Attac – und was nicht?', <u>Blätter für deutsche und internationale Politik</u>, 47:4 (2002), pp. 419-430, p. 430. For the intellectual background of these movements see C. Leggewie, <u>Die Globalisierung und ihre Gegner</u>, München, C.H. Beck, 2003,chap. 1.

[49] N. Woods and A. Narlikar, op. cit., p. 15. See also G. Marceau and P. N. Pedersen, 'Is the WTO Open and Transparent? A Discussion of the Relationship of the WTO with Non-governmental Organizations and Civil Society's Claim for more Transparency and Public Participation', <u>Journal of World Trade</u>, 37:1, 1999, pp. 5-49, for a detailed account of the relationship of the WTO with non-governmental organizations.

[50] Cf. i.a. A. Moravcsik, <u>The Choice for Europe. Social Purpose and State Power from Messina to Maastricht</u>, Ithaca, NY, Cornell U.P., 1998; B. Zangl, <u>Interessen auf zwei Ebenen. Internationale Regime in der Agrarhandels-, Währungs- und Walfangpolitik</u>, Baden-Baden, Nomos, 1999 and M. Zürn, <u>Interessen und Institutionen in der internationalen Politik, op. cit.</u>

[51] Cf. e.g. N. Bayne, 'Why Did Seattle Fail? Globalization and the Politics of Trade', <u>Government and Opposition</u>, 35:2 (2000), pp. 131-151, and C. Warkentin K. Mingst, 'International Institutions, the State, and Global Civil Society in the Age of the World Wide Web', <u>Global Governance</u>, 6:2 (2000), pp. 237-257. In a project carried out at the Institute for Intercultural and International Studies (InIIS), Günter Metzges examines the significance of NGO networks by comparing two negotation processes initiated by the OECD on international conventions – the Anti-Bribery Convention and the Multilateral Agreement on Investments (G. Metzges, <u>Advocacy Networks als Einflußfaktor in internationalen Regimebildungsprozessen. Das MAI und die 1997 Anti-Bribery Convention</u>, 2003, i.P.). In these studies it is shown on the one hand that transnational protests were not the direct reasons for the failure of the negotiations on the MAI and in Seattle. A careful comparison clearly reveals, however, that owing to the protests a context was developed for the negotiations which made intergovernmental compromise in the executive multilateralist tradition exceedingly difficult.

[52] Metzges, ibid, argues convincingly that it is very difficult to account for this difference in outcomes in terms of power (the US were dominant in both cases), intergovernmental interest constellations (initially more supportive in the MAI case), domestic preferences (which were originally less diverse in the MAI case). It seems that the different role of transnational policy networks made the decisive difference. While these transnational policy networks and the most important transnational NGOs were involved and had a say in the negotiations to the Anti-Bribery Convention right from the beginning, they were excluded from the MAI negotiations.

[53] U. K. Preuß, <u>Krieg, Verbrechen, Blasphemie. Zum Wandel bewaffneter Gewalt</u>, Berlin, Wagenbach, 2002, p. 22.

[54] L. Hooghe, 'Europe Divided? Elite vs. Public Opinion on European Integration', <u>European Union Politics, 4:3, forthcoming.</u>

[55] K. D. Wolf, <u>Die Neue Staatsräson - Zwischenstaatliche Kooperation als Demokratieproblem in der Weltgesellschaft</u>, Baden-Baden, Nomos, 2000.

[56] This seems to be especially true for European regulations that are perceived as undermining the welfare state, while the general public's support is stronger for regulations that stand for the resurrection of the welfare state on the European level (L. Hooghe, op. cit.).

[57] See the case study by J. Neyer, 'Domestic Limits of Supranational Law. Comparing Compliance with European and International Foodstuffs Regulations', in: Ch. Joerges and M. Zürn, (eds.), <u>Compliance in Postnational Constellations</u>, Cambridge, Cambridge U.P., 2003, i.p., which was carried out in the context of a project on 'Compliance in Postnational Constellations' (Ch. Joerges and M. Zürn (eds.), <u>Compliance in Postnational Constellations</u>, Cambridge, Cambridge U.P., 2003, i.p.).

[58] Ch. Joerges, <u>The Emergence of Denationalized Governance Structures and the European Court of Justice</u>, ARENA

Working Paper 16, Oslo, ARENA, 1996.

[59] C. Leggewie, op. cit., p. 112, seems to be quite sceptical about making international politics public. For him, it is the medial visibility of international meetings that has created the resistance. Making international politics public then would be the cause, not the cure for the problem of lacking societal support.

[60] Cf. M. Zürn, Democratic Governance Beyond the Nation-State, op. cit.