



GLOBAL GOVERNANCE, HUMAN RIGHTS & DEVELOPMENT

ADITYA KASHYAP

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CHAPTER 1

GLOBAL GOVERNANCE: HISTORY AND EVOLUTION

Aditya Kashyap, Assistant Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- aditya.kashyap@atlasuniversity.edu.in

ABSTRACT:

Commonly used to describe a phenomena of world-wide governance structures, global governance has become more prevalent since the collapse of the bipolar world order. It refers to the culmination of efforts made by international, national, and local actors to address the effects of growing interconnectedness and to create a world order based on particular ideals and principles. A common source of information for academics is the definition offered by the UN Commission on Global Governance, which was released in 1995. The phrase "a sum of the many ways individuals and institutions, public and private, manage their common affairs" was used to describe governance in this famous passage. The research noted that "there is no single model or form of global governance, and there is no single structure or set of structures" due to the extensive, dynamic, and complicated interactive decision-making process needed in handling shared affairs on a global scale. The growing importance of private actors and the empowerment of individuals within the international system, the multiplicity of levels and actors involved in decision-making and implementation across various spheres of global politics, the increase in the number of international and regional organizations, the decreasing effectiveness of state interventions in the face of the exponential effects of global challenges and crises, and complex. This chapter summarizes the contemporary discussion on global governance using transformationalist, managerial, and critical methods after providing a quick introduction to the topic. Additionally, it elaborates on the connections between international law, development, and global governance.

KEYWORDS:

Global Governance, European Union, International Law, UN Commission, UN Sustainable Development Goals.

INTRODUCTION

Erich Fromm evaluated the causes of the rise of nationalistic dictatorial regimes back in 1941, at the height of World War II (WWII), and he discussed how modern men and women lack the ability to act independently and self-confidently because they feel empty and powerless after achieving their freedom and emancipation from monarchs and autocrats. As a result, they are more likely to follow despotic leaders. However, he also asserted that the only way to defeat tyranny is for the "post-modern people to convert these freedoms and individualizations into responsibilities and participation" Although numerous political systems and regime types have been tried, and certain contemporary constitutional democracies may approach the closest to his goal, there is currently no one governance model that would match best for what he had hoped for.

Global The decision-making and implementation process that most closely resembles which is called governance. And given that local and international political world orders are currently in flux, it should come as no surprise that the first ever Global Summit for Democracy was held in Washington, DC. At this summit, over 100 heads of state, representatives from civil society, and business leaders discussed democratic renewal and the biggest threats facing democracies today. To debate the difficulties of contemporary governance, representatives of countries, international organizations, mayors of cities, and leaders of civil society gathered. The dates for this summit, specifically the 10th of December, the International Day of Human Rights, highlighted the global principles by which contemporary democracies are governed locally while also being influenced worldwide, or globally [1]–[3].

Global governance is a multi-stakeholder governance model based on democratic values and international human rights standards, the interaction of local participatory governance, the growth of institutions, and a political economy approach that focuses on the global changes as they relate to the increasingly globalized expansion of capitalist modes of production, consumption, and societal reproduction. Governmental and civil society representatives laid the groundwork for future challenges for this kind of interaction between the local and the global during the summit, highlighting the difficulties and pitfalls of bolstering democratic institutions and of taking preventive measures to thwart the rise of authoritarianism in the face of threats from climate change, pervasive corruption, and the difficulties of the digital age. The summit focused on the paradigm shifts of governance in the Anthropocene, an epoch in which human activity has had a disproportionately large impact on the planet's climate and environment. Or, to put it another way, could we fix the planet if we could destroy it? Along with this, the participants enhanced the idea of human security, which in turn strengthened the imperative for advancing democracy the desire to be free, free from lack, and to live a life of dignity and self-determination.

Global governance can be summed up as a formal, cyclical, and transient regime of many actors and stakeholders who come together, consult, and forge agreement in accordance with generally accepted norms and standards. Glocalization is the result of the triangulation of three factors: (1) a wide range of local, national, and international stakeholders and actors; (2) principles of good governance and democracy; and (3) universal values and international norms and standards. Glocal governance has been studied for decades as a component of an ongoing global transformation process that, on the one hand, is localizing and individualizing duties. This trend began in the 1990s. However, it is a component of the New Cold War between political systems, which pits liberal democracies against authoritarian surveillance states. Glocal governance is a theoretical framework to better comprehend the political and social paradigm shifts in the global South and the global North against this background. Additionally, it is a proposal to evaluate and clarify the application of international principles and ideals, such as democracy and human rights, at the local and communal levels. Glocal governance is a multi-level decision-making process where various players and stakeholders from the public and private sectors come to consensus choices, assign roles, and implement decisions locally in accordance with universally accepted rules, conventions, and regulations. These procedures and activities provide a transparent and inclusive procedure to address and resolve issues locally. Mistrust and corruption among residents and communities increase if political choices and execution processes are opaque, have hidden goals, are controlled by exclusive, elitist clubs, and if these stakeholders are immune from accountability because they are above the law.

Looking back in time, we can see that the origin of what we can now refer to as glocal government is our adoration for Eunomia (Evo), the Greek goddess of order and lawful behavior. She embodies our desire for a society where everyone, regardless of background, race, gender, or socioeconomic standing, can thrive, have equal access to opportunities, and live in harmony and dignity. Sometimes we assert that this ideal society is communitarian, liberal, or merely a contest of the strongest, fittest, and weakest. However, Eunomia never ceases to remind us of our yearning for internal stability, based on sound laws and the preservation of civil order. The goddess also serves as a reminder that conflicts and wars are more prone to break out in societies that are hierarchical and authoritarian, while chaos also tends to grow in societies that lack leadership and are anarchic. The European Union established its Competence Centre on Foresight in 2019 and published its first paper on "Globalization of Governance" in that year. In this paper, the Union made the case that the multi-level and shared power principle, which is defined by subsidiarity, collaborative working styles, and participatory governance reforms, can increase governments' efficacy and legitimacy. Local communities should act more swiftly and actively participate in global politics and international collaboration (EU Competence Center, 2019). With this declaration, the EU becomes the first body to initiate a campaign with the slogan "The Future of Government 2030+" in line with the UN Sustainable Development Goals (SDG) that were introduced in 2015. It favors innovative governance models that are centered on the needs of the people. The EU is well cognizant of the need to reform modern Nation-States but does not support their abolition.

Therefore, the question of how much glocal governance alters or helps to make governmental regimes more functional and effective is how much do people manage to establish a horizontal and inclusive system of governance, even beyond statehood? From the pioneering works who defined good governance as a set of principles of transparency, accountability, and participation in the context of changing modes of governance in Europe, good governance is a concept for decision-making that involves as many diverse stakeholders on horizontal levels as is practical when addressing societal challenges and resolving issues. Author paraphrases it as making choices on shared public policy issues that result in the establishment of norms, regulations, and institutions that can be freely accepted by the vast majority of people and are thus based on consensus. Governance thus emphasizes the interaction. A social entity, such as a state, organization, group of people, or club, can lead joint decision-making and implementation through a variety of institutions, processes, stakeholders, and actors. These governing principles, which are based on international human rights treaties, are the normative basis for respecting human dignity. They call for individual freedom, fairness, and solidarity.

Investigating the notions of globalizations, locality, and globalism as a foundation for various forms of government, namely glocal governance explained in more detail later in this book is one way to respond to Fromm's ambiguities of modernity. Glocal governance has emerged as a result of certain national governments' failure or unwillingness to address issues having transnational or global dimensions within their own nations, such as cyber security, global health, or climate change. Therefore, study argue that thinking globally and acting locally can be viewed in two different ways: first, as a threat to undermine national sovereignty and authority; and second, as an efficient and workable alternative governance model to corrupt and inefficient national governments.

In a globalized society, national governments are losing both legitimacy and sovereignty. On the one hand, they willingly or unwillingly share and transfer power with three distinct entities: first, with global institutions like the World Health Organization (WHO) or the European Union (EU). On the other hand, if governments are unable to address the demands or issues of citizens, local community leaders, city majors and private enterprises, and civil society organizations and actors (CSOs) fill the power gaps that are left behind. National governments are merely Potemkin villages if individuals place more faith in business, NGOs, the WHO, UN, or EU than they do in the capacity of national governments to address their day-to-day issues with education, income, health, and information access. Global governance emerged as a result of the failure of corrupt and autocratic leaders who upheld a rigid nationalistic type of statehood and were unable to respond to the needs of citizens for security, opportunity, and mobility on a global scale.

A New Cold War between forms of government is raging along these "societal divides" in our thriving bipolar world, which is composed of approximately 60% of the world's population who are globally connected and Internet literate and approximately 40% of the world's population who live in authoritarian, frequently autocratic, patriarchal, and nationalistic societies. Thus, the frontier of the New Cold War between communities and nations with democratically and autocratically governed governments is marked by a 60:40 difference. Additionally, this is where global governance enters the picture as a method for evaluating and improving governing structures of all kinds. The epidemic in 2020 and the financial crisis in 2009, not to mention the wars in Central Europe in the Caucasus in 2020 and Ukraine in 2020, exposed a wide range of dysfunctional regime types in both democracies and autocracies. The latter were not inter-ethnic or civil wars, but rather conflicts between political regimes, namely between regimes like those in Russia and Azerbaijan and Ukraine and Armenia, who slowly dared to become democracies.

DISCUSSION

Civil society involvement, foreign aid and relief organizations, and private businesses substantially met the medical needs of the populace as well as their needs for food and shelter during the 2020 global pandemic. Global principles based on human rights, democracy, and the rule of law implemented by national and local authorities can result in norm contestations and conflicts, according to global governance theorists. However, adherence to and adaptation of global norms by local actors can result in quicker local solutions. Local

practices and the diffusion of norms like these improve local administration, but they also undermine national institutions and state authority, which has a negative impact on law enforcement. To rule locally requires, first and foremost, expanding the traditional notion of territorial and sovereign sovereignty. Thirdly, it is important to consider diverse political, civil, and private actors who take part in any decision-making process in order to understand their capacities, entitlements, and contributions to problem-solving and overcoming everyday obstacles.

Crises and technologies that fundamentally alter how societies manage their commons always serve as the catalysts for both global and local paradigm transformations. What, then, makes these transformations in the twenty-first century so unique? One reason is that technology upends conventional ways of government, giving private and civil actors more voices and decision-making power. The international system of the 20th century, which consisted of sovereign governments settling disputes between nations and controlling a certain territorial territory and the inhabitants of that space, is no longer functional in the Anthropocene. Instead, the global governance strategy of the twenty-first century seeks to mend the strained bonds that exist between people and their governments. The benefit of global stakeholders is that they follow universal standards while immediately responding to local issues in the community. Through new information and communication technologies (ICTs), stakeholders that are engaged locally can connect and share best practices right away [4]–[6].

However, the question of how global norms and agreements are implemented and enforced locally or individually without significant involvement from state authorities still exists. The emergence of extraterritorial and universal jurisdictions over the past few decades has made it possible for law enforcement officials and judges to hold offenders accountable regardless of where they may be hiding. For instance, the German Climate Protection Act of 2019 shows how local actors and CSOs, including Fridays-for-Future (F4F) and the German Federation for the Environment and Nature Conservation (BUND), jointly filed a constitutional complaint against the German government for failing to uphold its responsibility to combat global warming. The German Constitutional Court upheld these people's lawsuit that the government is transgressing international standards not just locally but also globally. The court weakens state sovereignty in some ways by enabling concerns about international threats to be heard, or it challenges state authorities to adopt additional protective measures outside of their own borders.

Localized Forms of Government:

If institutionalizing norms and needs is how governance works to combat individual anxiety, corruption, nepotism, and authoritarianism, then human rights serve as the normative standards that define this institutionalized form of government. The way we structure and institutionalize the society we desire to live in is determined by norms. Goddess Eunomia is only as powerful as the standards and values she upholds. They enable us to negotiate social contracts with all pertinent parties in the form of constitutions and treaties. By doing so, we also specify the type of government we would prefer to be governed and even controlled by. The regimes can be monarchical, patriarchal, oligarchic, cleric, warlord, or rigidly hierarchical dictatorial. They can also be horizontal parliamentary democracies or council-driven regimes. One of the most hierarchical and autocratic forms of government are seen in emirates and sultanates like the Kingdom of Saudi Arabia, the United Arab Emirates, or the Sultanate of Brunei, as well as one-party systems like the Communist Party of the People's Republic of China (CPC). These include the Catholic Vatican State, the Islamic Republic of Iran, the Jewish State of Israel, and the Marxist-Leninist communist Republic of Cuba, among others. Regimes that are ideologically or religiously motivated must continuously use powerful nationalistic narratives and a propaganda apparatus to outmaneuver their self-imposed exclusive privileges granted to citizens based on birth, religion, or party membership. This results in ongoing conflict with democratic principles and practice, if not outright suppression. For instance, the CPC of China required to 10

1 In contrast to democratic, constitutional states and open elections that would allow for fair and equal competition between qualified candidates, the Evolution of Global Governance creates a centralized "surveillance State." Modern states with hereditary constitutional monarchs, like Norway, Australia, the Netherlands, or Japan, frequently do well in terms of democracy but struggle with a lack of legitimacy in

governing, which can occasionally lead to political violence by opponents of the monarchy. However, even non-hereditary democracies like Switzerland or Germany now confront significant obstacles to representative and parliamentary democracy from ineffectively large parliaments and overly bureaucratized governments.

All contemporary constitutions, including the one of China, formally uphold the fundamental liberties and human rights and incorporate some form of the Rule of Law. However, they could not be more dissimilar in terms of how these rules and conventions are actually enforced. The most prevalent form of government now in Eurasia, Africa, and Latin America is an anocracy, which is a combination of authoritarian and democratic authority. The terms flawed, entrenched, electoral, and semi-democratic are also used to describe anocracy. By conducting a formal division of parliamentary and presidential powers, holding frequent elections, and censoring civil society and media freedoms, at least half of the world's constitutional systems exhibit aspects of anocracy. Pseudo-family-driven, clientelist political elite or organized criminals compete for the presidency and the parliament, and they distribute public offices based on patronage, patronage, patronage, or other types of clientelism.

The various forms of local government can also be compared based on how inclusive or exclusive their democratic procedures are. It refers to how inclusive governmental institutions behave; do they provide every member of a minority group an equal voice in decision-making, regardless of their race, gender, or religion? Or are people excluded due to endogenous factors like caste, poverty, ethnicity, or faith? A regime moves toward authoritarian and top-down patriarchal rule the more restrictive it is. The more inclusive it is, the more it moves toward a pluralistic and horizontal governmental system that is based on abilities and qualities rather than ancestry. However, it is at times of crisis, when a political system must act swiftly in the face of dangers that threaten the entire society within its state borders, that the level of governance effectiveness may be best assessed. In times of crisis, autocratic governance regimes are most susceptible to enacting inclusive policies and frequently react with harsh measures like lockdowns, martial laws, or censorship.

The most vulnerable or marginalized people frequently experience the worst effects of these measures, suffering much more than during 'normal' times. Autocratic governments frequently experience dread and turn to drastic measures to address issues. They are more likely to threaten expulsion of certain groups of people or declaration of war against other nations the weaker they are. Because the competition for finite resources is more intense than before and an equitable distribution system was never created during periods of peace, political violence, corruption, and even poverty are on the rise. In contrast, democratic systems are under even more pressure to be open and accountable to the people during a crisis. The currently defunct Nation-State was created as a reaction to the effects of the industrial and colonial era of the 18th and 19th centuries. The solution to the monarchs' erosion in the nineteenth century was to create nation-states.

Globalization is the modern response to the demise of the nation-state. The global conflict of the twenty-first century is between people and statehood, and it centers on how closely or laxly regimes uphold and uphold fundamental liberties. One of the main factors contributing to the current regimes in crisis may be seen in the strict adherence to the Westphalian Nation-State model from 1648. Two forces, namely (1) globalization and ICT and (2) the increased mobility and migration of people, gravely imperil the Westphalian norms of the coexistence of sovereign nations. Both processes are interwoven and have a localized, rather than global, impact on people's lives.

The other important element that compels us to reconsider governance is growth and the metrics we use to track it. Territorial space, public and private property, efficient exploitation of natural and human resources, productivity, innovation, and capital were all key components of economic growth during periods of national sovereignty. A sovereign state is one that exercises both *de jure* and *de facto* control over its (1) territorial resources, (2) security forces, and (3) currency and trade in order to promote economic growth and provide security guarantees for its population in return for taxes and adherence to the law. This social agreement between people and traditional statehood is no longer valid. If we examine these three fundamental tenets of statehood, we can observe that many governments no longer have *de jure* authority. Warlords control the security industry in many nations, and the government's monopoly on the "use of force" is transferred to

private mercenary firms like Black Water (US), Wagner (Russia), and the Frontier Service Group (China), who are paid and dispatched by governments to carry out missions in conflict-ridden nations. Similar to this, transnational corporations create their own rules to assess the economies of other nations and carry out all essential transactions in the lead currencies of USD, GBP, or EUR. Additionally, the adage "who controls the Internet, controls the world" contributes to the de facto loss of statehood because a large portion of private and local business is now conducted on platforms that are primarily owned by firms with CEOs based in the US, Europe, or China, outside the purview of most nations' state control. Clientelism and territorial property become relative but remain contagious. A rise in ethnic-nationalistic-populist (male) leadership that seeks to preserve the status quo of the Westphalian principles of sovereignty is observed in authoritarian states that lose de facto control over their territories, such as recently in Lebanon, Tajikistan, Nigeria, or Venezuela. With the objective of regaining state sovereignty, they defend political violence, violations of human rights, and even military invasions [7]–[9].

CONCLUSION

Critical viewpoints in international relations and law come from a variety of schools of thought. Regarding global governance, IR experts tend to take a two-pronged approach. They start by challenging the global governance's universal roots and common language. Second, they take a pessimistic attitude concerning the objectives of global governance as well as the motives of those who support it. According to some academics, the universal language of global governance conceals the United States' hegemonic role in various spheres of international and global government. The post-World War II global governance structure "emerged as an American order-building project." modern global governance is an odd amalgam of liberal internationalist and Westphalian ideas, and as such, it exhibits both hierarchical and democratic logics. The handling of tensions between these two incompatible logics is done by American leadership. Global governance can be thought of as the "management of liberal internationalism." Geopolitical factors that underlie development rhetoric can be understood in conjunction with the roots of global governance among great powers. Development academics point out that the US government supported sociological inquiries that gave rise to contemporary development theory and promoted capitalist development models in newly independent nations.

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CHAPTER 2

GLOBAL GOVERNANCE AND NATIONAL SOVEREIGNTY: AN OVERVIEW

Meena Desai, Assistant Professor
 Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
 Email Id- meena.desai@atlasuniversity.edu.in

ABSTRACT:

The global financial and economic crisis brought to light the dangers, costs, and hazards associated with a global economy in the absence of a world government. In a world when nations are witnessing the collapse of national sovereignty, the purpose of this essay is to underline the significance of global governance. The two ideas are being examined from a number of angles, including present difficulties and potential futures. Despite the fact that some aspects of global governance and the restrictions they would impose on national sovereignty are not accepted by all governments, particularly big ones, recent events appear to have made global governance a crucial element of the international scene.

KEYWORDS:

Global Governance, National sovereignty, Non-government organizations, UN General Assembly, World Economy.

INTRODUCTION

The idea of global governance is very recent. It is frequently described in terms of what it is not: for example, it is not a global government. James Rosenau defined global governance as a world system lacking a central authority and the ability to carry out international agreements in one of the earliest studies on the topic published in 1992. His concept of global governance is one in which there is already a system in place for controlling interdependence in the absence of a state. There is no mention of who should make or carry out decisions, and the concept is exceedingly broad. The authors offer a more thorough description of global governance in more recent years. Global governance, according to the two writers, entails all laws, regulations, policies, and institutions that form and mediate relationships between individuals, organizations, markets, and nations on a global scale.

Even though Ban Ki-moon is not the president of the entire globe and the UN General Assembly is not a global parliament, we can still say that there is some sort of global government at play. Furthermore, Weiss and Thakur contend that the desire to establish a world government has little to do with the desire to enhance the effectiveness of global governance. Contrarily, the idea of sovereignty dates back to 1648, the year the Treaty of Westphalia was signed, which put an end to 30 years of religious conflict.

World governance:

In order for systems to remain consistent and achieve the desired goals, both governance and the government are made up of a system of laws and procedures through which authority is exercised. Social functions or processes known as governance systems can be created or used in a variety of ways at various times and locations for a range of organizations.

The tools of global governance include formal and unofficial regulations buried in agreements, international institutions, customary international law, and others. Global and regional formal international institutions exist. The North Atlantic Treaty Organization (NATO), the International Monetary Fund (IMF), the World Bank, the Organization for Economic Co-operation and Development (OECD), and the United Nations (UN) are a few examples of global institutions. The Shanghai Cooperation Organization, whose goal is to strengthen the military, diplomatic, and economic ties between its member states, which also includes Russia, China, and the former Soviet republics of Kazakhstan, Tajikistan, Uzbekistan, and Kyrgyzstan, is one of the formal regional organizations. In essence, these nations believe that the coexistence of numerous centers of

peace connected to centers of civilization should serve as the foundation for global security [1]–[3]. The BRICS Summits also include topics linked to global governance. They discussed topics like the need to reform the UN, Russia's inclusion in the WTO, and cooperation in the Council Security for a peaceful resolution of the conflict in Libya at the third BRICS Summit, which took place on April 13 and 14, 2011, with South Africa joining the group.

There are informal institutions like the Bildenberg Club, Club of Rome, Trilateral Commission, G8, G20, and G5 in addition to these international organizations. The absence of bureaucracy is exactly what puts these informal entities ahead of intergovernmental organizations. Although at first glance the informality of these structures, whose decisions are not mandatory but recommended, can be considered a weakness, reality has shown that frequently their influence exceeds that of many formal global institutions. However, author highlights the value of civil society in the process of global governance. In democratic societies, there are potential for better managing globalization thanks to the civil society, which reflects national mobilization, values, culture, and political sensitivity.

Non-governmental organizations (NGOs) play a significant role in this regard. For instance, governments, particularly in developing nations, enact laws like the "polluter pays" principle yet lack the tools to ensure compliance. NGOs are pursuing compliance in this situation. Additionally, despite the fact that they are nongovernmental organizations, are crucial to the provision of proper governance through what is known as "corporate social responsibility."

In other words, there are various levels of governance, starting at the local level and continuing at the national and regional levels, with global issues being handled on a global scale. There are unique institutions with overlapping but not entirely independent authorities and duties for each level of government. Global governance, however, finds it extremely difficult to coordinate the actions of several stakeholders, from local to global, governmental, intergovernmental, and non-governmental.

A rising conflict between the desire of states to exert and maintain national control and the necessity to internationalize as many regulations as possible shapes global governance. Powerful forces are concurrently pressing in both ways, shifting the balance between internationalization and national sovereignty, thus it is impossible to predict whether the two can be reconciled. The previous few decades have seen the emergence of a favorable environment for global governance.

First, other actors—including civil society and foreign experts—have emerged as active players in addition to states. The concept of territoriality is also rigid. The majority of issues are international and cross-border in scope. There is a third level of problem hierarchy. It is now a more complex world than it has ever been because all concerns are interrelated and of equal importance. One might divide the function of global governance into two categories. It can, however, design a structure.

It is possible to design a structure, whether it be an architecture or intricate framework, and so produce a functional mechanism. Global governance, however, has the ability to control a process. In summary, we can develop specific networking, communication, and interaction processes. The topic of national sovereignty has advanced due to the growing significance of global governance. Sovereignty is still being tested in the modern era. The sovereign state is likely still in existence.

DISCUSSION

The world economy entered a recession as a result of the 2007 crisis, which had its roots in the United States. The distribution of power in the world is changing as a result of these factors. The international community has attempted to create a new system of G20-centered global economic governance as a direct result of the global crisis. The leaders of the world's top 20 economies met in November 2008 in Washington, DC, and came to an agreement on a number of measures and a joint action plan to deal with the crisis. These measures included ways to revive their economies (without affecting global trade), regulate global finance, aid the crisis' worst-affected poor countries, and reform international institutions. An action plan established following the first G20 summit assigned particular duties to the Financial Stability Board, the United Nations

Development Program, the World Bank, and other multilateral development banks. In April 2009, the G20 leaders convened once more in London to enhance the group's ability to follow a new action plan. For this reason, they announced almost 750 billion dollars for the IMF. At their third meeting in Pittsburgh in September 2009, all of this was once again altered. At least temporarily, the current financial issues in the euro area may help to legitimize this procedure. The search for new models of global governance will be sparked in the medium and long term by the crisis as the necessity for improved cooperation on international economic policy increases.

National authority:

The topic of national sovereignty has advanced due to the growing significance of global governance. Sovereignty is still being tested in the modern era. Most likely, the sovereign state still serves as the fundamental building block of the international system, but both internal and external pressures undervalue how it operates and its validity.

According to the study, the political authority is under threat due to regional, international, economic, and cultural forces. The legitimacy of the state is increased since governments can no longer supply essential commodities and services to their inhabitants without international collaboration as a result of growing regional and global interdependence. However, in the face of global issues that can completely elude political resolution, such as global warming and volatile financial market movements, international collaboration can frequently be rather insufficient [4]–[6].

Those who contend that the international community (NGOs, international organizations, and states) has the right to interfere during significant humanitarian crises to assist individuals who are not protected by their states question the concept of national sovereignty. In the past, the only parties involved in international law were independent states. Therefore, a political system might do whatever with its population within the confines of a nation, even if it meant to violate their human rights or overlook their most fundamental necessities.

As a result, we might claim that individuals are now exercising sovereign power instead of the national state. People can choose the proper level of governance they require because there are multiple (local, regional, national, and global). People who believe their states have violated their human rights, for instance, can file a complaint with the European Court of Human Rights, at least in Europe. The fundamental freedoms and rights outlined in the European Convention on Human Rights are upheld by the European Court of Human Rights, a supranational institution.

In practice as much as in theory, sovereignty is called into doubt. The dynamics of globalization pose an external threat to sovereignty because they create markets, businesses, and open technologies that are permeable frontiers and powerful nations to outside influences. Internal conflicts, subnational movements, and the worsening of the economic development crises (resource depletion, environmental degradation, and population expansion) all undermine a country's sovereignty. The legitimacy and international foundation of national sovereignty are undercut by this. An increasing number of countries are in collapse due to both foreign and internal forces. However, even the most powerful nations cannot solve the world's problems on their own.

The world, on the other hand, is always evolving. Emerging markets and developing nations have seen tremendous growth over the past few decades. The peaceful development of the BRICS nations has greatly benefited global governance. One billion people managed to escape poverty without provoking much worldwide unrest. The process has been accelerated by the global financial crisis, which has also brought forth additional obstacles and challenges. It is obvious that global economic growth has changed as the crisis persists. It is also evident that the paradigms of global governance have not yet undergone a proportionate transformation. For instance, until recently, it was held that the lack of conflicts in recent decades in many regions of Europe was evidence in favor of the theory that increased global interconnections and integration discouraged states from engaging in violent conflict. The latest situation in Ukraine, however, demonstrates

that this is untrue. Even in the industrialized world, the state of global governance as it stands today cannot provide peace and security. This not only demonstrates that global governance is still in its infancy, but it also offers it the opportunity to develop the form and traits of particular global events. The United States' power is under doubt at the same moment. Although the US continues to be the superior power in absolute terms, its fall over time has become an unavoidable fact.

US remains a significant economic, cultural, symbolic, and military force, but global governance and the way the international order is run have been altered by the shifting balance of power. The international community will reenergize and coordinate efforts to establish global governance in a variety of disciplines in light of the changes in the global environment in recent years. However, global governance can produce improvement in at least three areas during the near and medium terms. A more equitable distribution of global development would be the first. Absolute poverty has decreased significantly during the past 20 years, while inequality has increased tremendously. Globally speaking, wealthy economies continue to gain headway on the least developed nations. The least developed economies are more likely to leave the global economy than to catch up to the developed nations. And inequality is getting worse even within nations. Even if striking a balance between growth and distributive justice is challenging, global governance should mandate that nations do so.

For the atmosphere's greenhouse gas emissions to be reduced and global warming to be stopped, more progress must be made in global governance. Despite a hazardous rate of biodiversity loss, temperatures are still rising. Human action has caused the threat of global warming, yet people are still in control of the remedies. Governments should work more to internalize negative externalities in the energy sector. Third, international cooperation is necessary to achieve a more equitable distribution of global development and a decrease in greenhouse gas emissions. Disregarding the interests of people living in underdeveloped or failed states is more of a global governance architectural problem than it is an internal system failure as these individuals have little influence over it. In contrast to the number of existent states around the world, the G20 is, for instance, looking out for the interests of a select few nations.

Africa is largely left out of the current political conversation on the global stage. The majority of states are not represented by the way that the world is now governed. If NGOs or businesses get politically active, they will like it or not become the authorized representative agencies. As a member, they have obligations to the global community in addition to funders and consumers. We have a lot of challenges to get beyond in order to accomplish these challenges. Nationalism is the first and most significant of them. Collective solutions still frequently conflict with national objectives. Different national or local preferences, which are frequently made worse by a powerful lobby, make people less likely to act in the interests of the international community, which lowers the likelihood of achieving a higher overall result.

Additionally, it is troubling that national media and civil society frequently ignore the global stage. The public's understanding of the international arena can be greatly increased through objective information and multinational NGOs. The international nature of their nation must be known by the populace. The solution to this problem is to identify benevolent nationalist ideologies that are internally and externally open. This suggests a delicate balancing act between the necessity for global governance and human rights and the demand for democratic local decision-making. Sadly, many local leaders today refuse to see beyond the national interest, and many leaders worldwide refuse to respect the integrity of their towns. Three scenarios are feasible, about how national sovereignty may develop in the future. The world is seeing the demise of the nation state in the first scenario. Institutions and individuals over which states have very little authority make decisions about investments, production, and currency rates. National distinctions are useless. States become less able to react to economic shocks. The regions are growing more significant in this scenario.

The second scenario states that the aforementioned are retiring since their roles have changed. These roles either no longer exist or are filled by other entities in the modern world. Susan Strange (1996) talks about a few of the roles that states' decline plays. First, while the state is in charge of protecting the country's borders, there is little threat of a foreign invasion in affluent nations, undermining state power. Second, the government is required to give value in foreign currencies, but inflation in one nation might spread to others.

Third, nations formerly had a say in the type of economic development they wanted to see, but in open economies, such options are now constrained by market forces from the IMF, the World Bank, and private investors. At the same time, the modern state no longer commands the use of resources but rather negotiates, acquiring power from FDI, an educated labor, and a skilled market rather than from military dominance and territorial control. As a result, there is a crisis in democratic politics as nations lose some of their autonomy in deciding which policies to apply to non-state and unelected players.

The third scenario posits that, in terms of national sovereignty, nothing essential has changed because the nations that now exist have little motivation to alter the system. The international system is guaranteed by states, making it challenging for non-state players to have equal rights inside it. There are just a few significant threats to traditional sovereign arrangements, notwithstanding the European Union's evolution's proposal of an alternate model. As nationalist, ethnic, and religious conflicts strengthen the state, national sovereignty is firmly established. Despite the fact that national sovereignty is a flawed system, it is still too soon to announce its demise. Furthermore, several governments have attempted to reinvigorate national institutions and public spending in reaction to the economic crisis of 2007.

Although the comments in each of the aforementioned scenarios about the future of national sovereignty are strongly supported, they merely represent different facets of the same reality. Although the national states are not yet extinct, it is clear that their function has changed. We are currently experiencing what is known as "global governance," which is a method for state and nonstate entities to work together to find solutions to global issues in order to control globalization within the framework of an exchange of power. Since national sovereignty and global duty must be balanced appropriately, improving global governance unavoidably leads to the creation of institutions with this goal [7]–[9].

CONCLUSION

In conclusion, a deeper meaning must be given to the idea of global governance. Global governance must be viewed as the only practicable form of government in a world that is becoming more interdependent and complex. All nations and interested groups should take part in this challenging endeavor as there is still great space for positive action. The most recent global crisis has demonstrated that states cannot solve all of their domestic issues on their own, let alone the growing global challenges. States must adapt and delegate some of their authority to supranational entities in order to effectively address global concerns and challenges, even when they are concerned about the erosion of their national sovereignty. Since there will be a new system of interaction between the major national and international actors, it is obvious that the ideas of global governance and national sovereignty will change. It's feasible that competition and collaboration between nations outside of the world's ruling elite may dominate future international relations. Each state will attempt to use various types of government as a global forum for discussion in order to advance their own national interest, guided by a political instinct and power. Countries will work to develop simultaneously in order to produce public goods on a global scale.

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CHAPTER 3

GLOBAL GOVERNANCE AND FOREIGN POLICY: A DETAILED DISCUSSION

Chetana Dilip Asbe, Associate Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- chetana.asbe@atlasuniversity.edu.in

ABSTRACT:

The tale of global governance is one of human agency overcoming the existential obstacle posed by the globalization-related seismic change in the global order. Although neither of these phenomena is fully understood in academic theory, the field of foreign policy analysis is the best suited to do the necessary in-depth research. Foreign policy theory and practice will inevitably change in a way that is equally radical as the international system. The agency system established by the Treaty of Westphalia in 1648 is being destroyed by this historic trend. In order to make up for this, state and non-state actors have developed a patchwork of structural improvisations. This has complicated international relations by introducing several levels of action above and below the traditional nation-state. This paper begins with definitions of globalization, global governance, and foreign policy analysis. The various definitions of global governance are presented in historical sequence to show how this still hotly debated topic has evolved. This method gives the reader a brief overview of the topic in a field recognized for its nebulousity. The paper first describes the emergence of the global governance idea in the literature of empirical foreign policy analyses, after which it discusses the challenging relationship foreign policy analysis has had with systemic theories of international relations, of which globalization is one. From there, it moves on to discuss the unresolved state of the art in understanding global governance and how it impacts foreign policy with particular attention to the dimensions.

KEYWORDS:

Deglobalization, Global Governance, Foreign Policy, International Relations, Structural Interests.

INTRODUCTION

Foreign policy analysis and systemic theories of international relations have never had an easy relationship. According to the major schools of thought in international relations (such as realism), states interact with one another in the manner of rational, unitary actors seeking their "own" (structural) interests, such as security, under the pressure of an archetypal structure (such as anarchy). According to the author, security is determined by relative power, which is a derivative of how power is distributed within the international system. The domestic political process is essentially irrelevant. Intergovernmental organizations and nonstate entities are acknowledged in liberal theories of international affairs. States can bargain over goals that have been found to be shared, despite being defined domestically in a pluralistic rivalry of interests. This makes institutionalizing interstate cooperation under anarchy possible. In the past, this method produced the anatomy of causal agency, which was a fundamental addition to the study of foreign policy. This strategy has shown, in rather sophisticated and illuminating ways, how many international bargaining spheres can interact with one another and with the domestic politics of the nation-state. Even for international relations Liberals, the agency of identifiable individuals is nevertheless secondary to structure, the system of organizational framework for international politics. In this setting, constructivism, globalization, and the most recent systemic theories have become one of the main issues for researchers studying foreign policy analysis.

Globalization, like other systemic processes, is outside the purview of foreign policy analysis, which from the bottom up examines the unit vectors inside systems that affect the consequences of foreign policy. As a matter of fact, the systemic approach of globalization theory, like that of realism, "self-consciously rejects what Kenneth Waltz calls the kind of 'unit level' analysis which [is] the stock in trade of foreign policy analysis". Therefore, the "unit" or "vector," whichever that may be, but traditionally the nation-state—a

presumption on the verge of becoming problematic under the dissolving pressures of globalization itself—is the border of foreign policy analysis. What should be used as the unit of analysis if not the state is one of the most contentious issues in foreign policy analysis. Concern for human agency is the only constant in this sea of unanswered questions, making it the irreducible (if not always methodically selected) basis for all analyses of foreign policy [1]–[3].

The actual application of foreign policy analysis has guided analysts beyond descriptions of foreign policy making to "understand why such decisions were made, what options were considered (and why not others), who or what explains behaviors as well as outcomes which requires us to think in terms of causes and effects," according to the authors. The "inputs" into the decision-making process, such as political, social, and economic forces and effects, information that is available (and not available), the cognitive makeup of the decision-makers, etc., constitute the widest definition of the causes investigated in foreign policy analysis. They are independent variables because they are causes. The judgments made, options examined, etc. that are the process' final outputs are always effects, making them dependent variables. The decision-making agents who literally "mediate" by standing in the way of first causes and end effects are the most fascinating they or their actions are the results of the causal input elements, but they are also the reasons for the effective outputs or outcomes of policy. Depending on the methodological approach the foreign policy analyst takes, they are dealt with as either one or the other. Without agent mediation, abstract causes (such as Sweden's history in international affairs) and abstract results (such as Sweden's neutrality in World War One) could not "hang together." This effect-cum-cause mediating word is the center of attention in the study of foreign policy. Therefore, globalization has a substantial impact on the variety of mediating agents involved in the formulation of foreign policy, both directly and indirectly. The tale of global governance is one of human agency trying to "survive" globalization.

To do this, foreign policy researchers have created a variety of approaches that are highly unique to their field and dissimilar to IR. Interviewing experts is essential. Foreign policy analysis focuses on the precise actions of a small group of elites rather than the traits of enormous populations of people, of which only a small portion may be studied. This meant that studies of foreign policy historically focused on legal analysis and diplomatic history. Foreign policy analysis was replaced by the emerging discipline of social science in the 20th century, which also introduced its distinctive methodologies, such as the paradigmatic conceptions of human nature that continue to guide the traditional schools of international relations, such as liberalism and realism. A brief period followed when analysts unsuccessfully employed experimental and comparative methodologies as well when these proved inadequate for unit-level analysis. Notably, behavioral psychology took over, which led to the discovery that systemic abstractions like "the state" had no actuality but must instead be embodied in living, breathing agents.

These agents were then made the focus of observation and research. According to behaviorism, rational calculation is only one component of foreign policy; subjective perception may perhaps be more important. The "level-of-analysis" critique, which contends that explanation is possible on multiple levels, including the "unit" and the "system" as a whole, without necessarily contradicting each other, furthered this methodological revolution. This development introduced sociological and social psychology concepts to the discipline. Even after the scientific objective of creating universal laws failed, these innovations have endured. Despite all of these changes, analysts haven't given up on tried-and-true techniques like case studies of foreign policy formulation, which rely on time-tested yet enduring techniques like document and archive analysis and, afterwards, elite interviews via referral sampling.

Foreign policy analysis is a discipline that produces findings that could be at odds with systemic theory and whose technique is often empirical or inductive. Foreign policy analysis deals specifically with second and third approximations, whereas the systemic method is by nature a first approximation to reality. To be clear, all animals on Earth are, roughly speaking from a biological perspective, insects, and you, the reader, do not exist. In his well-known, intuitively realist aphorism, Hobbes was speaking from the perspective of first approximation when he said, "In matter of government, when nothing else is turned up, The crudeness of systemic techniques may not always be recognized by international relations theorists: First approximations

may, in theory, be useful for a wide range of dates and locations yet completely useless for any number of particular circumstances. The seeming contradiction is an artifact of theory's approximative character and not of the system's logic.

DISCUSSION

In conclusion, the following radical challenges to the Westphalian state and its (yet frequently merely prospective) solutions stand out: Technology-induced interdependence; deterritorialization of foreign policy; diversification of actors and venues (or levels) of participation in governance; changes to the very nature of power, including (4) a challenge to hierarchical organization; proliferation of network organization and the resulting importance of nodality; and (6) the impact of foreign policy development on nontraditional domains and departments of the state. These are some of the ways in which globalization has affected foreign policy and the (relatively) state players that formulate it. Adaptation to network organization, indirect, proactive, long-term control of people and/or events, transnational personnel fusion, and the (re)shaping of structures that orchestrate how foreign policy is collectively bargained over are some of the responses of state and nonstate actors to global governance. The first is interdependence, which is mostly brought on by technology advancement. As nations become more interconnected and more likely to use forms of governance that are more cooperative than competitive than in the past, national foreign policies are undergoing radical reinvention.

"Spectacular advances in technology are making global society more interdependent... globalization generates more interdependence. We describe globalism as a condition of the world characterized by networks of interdependence spanning multiple continents. The terms "globalization" and "deglobalization" describe the rise or fall of globalism. Geographically broad networks of interdependence are a feature of globalism. As we stated in the chapter, interdependence "refers to situations characterized by reciprocal effects among countries or among actors in different countries." Globalization is therefore a form of interdependence, but it also refers to networks of links (many partnerships), not only to single linkages. We wouldn't talk about globalism between Japan and the United States, but we might talk about their interdependence on the economy or in the military. Interdependence between the U.S. and Japan is a component of modern globalism, but it is not globalism in and of itself.

The deterritorialization of foreign policy, or as it is put "the growth of 'supra-territorial' relations between people", is a second obstacle. "Domestic and international policy environments are more closely linked in terms of the sources of policy inputs" as a result of globalization. The "very 'boundedness' of the state is challenged. The polity is no longer clearly territorialized if the density of communication reaches [a limit to how extensive the flows of information and material items may be, in a sufficient number of contexts. Governments have started to respond to this new reality; for example, the United States is deterritorializing by taxing goods at the point of origin, claiming U.S. jurisdiction over firms listed on American stock exchanges regardless of where they are headquartered, and engaging in activities like Internet surveillance. Despite the fact that the United States is not a "deterritorialized state" in the traditional sense, the pace and scale of the changes must have an impact on foreign policy the third is the expansion and diversification of "new foreign policy actors" who now "cogovern" alongside and besides states, contending with one another for authority and influence.

They range from nonstate agenda-setters and -keepers, such as advocacy NGOs, to official multilateral decisionmakers, public and private, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) and International Maritime Organization (IMO), respectively; co-implementers (but also issue-makers) of public policy, such as multinational corporations; even to private individuals of exceptional moment, such as philanthropist Bill Gates or journalist Juliette Lewis. A startling fact is that none of the dramatis personae on this seemingly endless list, who participate in the governance of everything from the environment to global finance, in various ways ranging from casual involvement to intense commitment: According to study, "their access to institutionalized for a such as UN bodies is restricted. Yet they acquire such notoriety that other foreign policy actors cannot afford to ignore their demands, so that a real competition

between their various types sets in." They might support state actors, stand in their own right, or even get in the way of them. The new fact that their counterparts will not always be peers must be accepted and adjusted to by national decision-makers, who are accustomed to getting their way. Similar to financial investments, diversity is essential to reducing risk and maximizing return in this weird new environment [1]–[6].

The media's political influence over nations that are still beholden to national interests has been substantially increased as a result of its globalization and "24/7-ization" Even though journalists and diplomats still rely on one another, journalists today have more influence over political objectives. According to author, "the press may not be successful much of the time in telling people what to think, but it is stunningly successful in telling [them] what to think about." A "great power" per se, media ownership has become so cartelized on a worldwide scale that its "different" channels coordinate their stories to produce "reality". Other players in foreign policy may flee for cover if the media repeatedly covers the same story. Morning discussions at the Norwegian Foreign Ministry "address the issue of how to react to headline news". No one has the ability to stir up controversy in the media now; only the opposite is true. Naturally, other political players will try to push back (though a lot will depend on their own resolve).

The Foreign Office was able to favor certain journalists during the Thatcher years, and it frequently barred overtly critical journalists from attending its daily briefing. The revolutionary development of social media, with its limitless ability for agenda-setting and coordination, is arguably the most significant of all. Social media sites like Facebook and Twitter, as well as the internet as a whole, have made it possible for regular people to communicate with one another globally, doing away with the hierarchies of the past even when defining international affairs and security agendas. "Digital media played a major role in the Arab Spring. Social networks allowed communities to come together around common grievances and foster portable strategies for mobilizing against dictators." The media is involved in all aspects of globalization (and might have been classified under any of these aspects), but nowhere does it have greater direct control over it than when it comes to determining political agendas. The pressure that globalization puts on foreign policy decision-makers to be more outward-looking is the ninth problem.

In the past, foreign policy was nearly always formulated in opposition to the wishes of other governments as a prelude to "tough" state-to-state negotiations. entities in foreign policy nowadays must take into account the preferences of both state and nonstate entities, potentially anywhere in the world, on a multilateral and not simply a bilateral basis. To understand the changing situation and adjust to it, this significant difference needs not only outreach but also "what one could call 'inreach,' or the constant monitoring and anticipation of other actors' activities. Even the interests of the nation as a whole are codetermined by those outside of it. This demands greater responsibility, ethics, and transparency virtues that the state has always disregarded as idealistic.

Analysts must pay closer attention to look into the full range of participants. Although nonstate and other nonclassical players have always had a role in the formulation and execution of foreign policy, traditional models had persuaded analysts that they could safely disregard everyone save the state actors who were formally participating. A safe and effective parsimony is no longer this. A thorough understanding of both the units of analysis and all the actors influencing their behavior is required of an analyst, "which considerably alters the focus of the analytical exercise". Analysts, however, also need to be aware of the subjects' own "other-awareness" and the effects it (or its absence) has already had on the policy process and its results. Second, foreign policy analysts need to better understand the multilevel, multigame manifold in which modern foreign policy is being conducted. The multifaceted approach is applicable to both structures and players, as well as to the formulation and (much-ignored) execution of foreign policy. The breakdowns and inefficiencies of such complicated interactions must be studied by analysts. Third, the fundamental ideas in the field of foreign policy analysis will need to be reconsidered, starting with "agency" and "foreign policy." Our conception and terminology must adapt as reality changes or as our understanding of it deepens. Given how crucially dependent regular statesmen are on "irregular" actors in general for the eventual success of their agendas, it is time to place a new emphasis on the understudied area of implementation. Finding out

who is directly or indirectly involved in policymaking can be, and almost probably already is, a serious challenge.

It has been stated that global governance encourages people involved in foreign policy to reconsider authority. Power is the ability to exert influence over the global political economy in order to "shape and determine the structures of the global political economy within which other states, their political institutions, their economic enterprises, and (not least) their scientists and other professional people have to operate." Indicated by the convenience and necessity of multilateral organizations as well as the significance of the emerging competition over them, the diversification of the code determinants of foreign policy "requires greater integrative efforts in the design of foreign policy positions to be defended by various actors in... multilateral bodies as well as greater flexibility and adjustment in their implementation. The most significant lesson from the study of global governance and its effects may be this hard truth. It places multilayer interaction structures among the main goals of foreign policy. The traditional systemic theories of international relations view structures as fixed, external factors that are incapable of being changed by human action and that distribute the same outcomes evenly among all participants. "Global governance discovers that modern global politics frequently amounts to a search for novel institutions.

Finally, strengthening the empiricist perspective of foreign policy experts may be more important than anything else. The area of international relations that has the strongest case for being a science as opposed to a philosophy is foreign policy analysis. Foreign policy analysts had been observing in the field what was not "supposed" to occur: the systemic theories they were accustomed to were incorrectly predicting the types of actors and the range of outcomes they were actually encountering when researching cases (at the unit level), which is how global governance was first hypothesized. In light of systemic globalization, global governance is a developing and still incipient notion of agency [1]–[9].

CONCLUSION

While overcoming its limits, the frameworks of global government rely on hierarchy to provide strategic direction. Hegemonic norms and discourses are equally significant, if not more so. The normative component is crucial and is being vigorously debated more and more. The key to implementation is to use structural authority to modify "the range of choices open to others, without apparently putting pressure directly on them to take one decision or to make one choice rather than others "Structured power "can in the long run lead to fundamental and enduring, 'deep' changes in the behavior and identity of actors" by "altering the context in which other actors operate. This approach to using foreign policy tools goes beyond conventional ideas of bargaining based on relational leverage. This is an extremely difficult task, and there is good reason to doubt the viability of global government. The network of occasionally powerful global elites who have been projecting it appears helpless to carry out their ambitious objective, which includes, for example, imposing global standards for accountability and openness. In one policy battle after another, the initiative has failed to live up to its theoretical potential. " The claimed objective of global governance and credible operational commitments are vastly at odds with one another. The valiant effort to master globalization could easily fail, as such endeavors frequently do.

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CHAPTER 4

GLOBAL GOVERNANCE AND INDIA: AN OVERVIEW

Cleston Jacob Dcosta, Assistant Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- cleston.dcosta@atlasuniversity.edu.in

ABSTRACT:

When the foundation for global governance was laid in the years following World War II, India was among the most ardent participants. In order to create the post-war international order, which was characterized by the bipolarity of the Cold War era, it took part in significant international negotiations. Its distinctive perspective was complemented by its moral leadership of the then-nascently decolonized world, which served as a partial substitute for its lack of material power to influence global processes. It remained non-aligned to the two main power blocs in international politics while still having a keen interest in international institutions. Even though India sought to redefine the global governance agenda through the Non-Aligned Movement (NAM), the intensity of Cold War politics and India's weak economy actually confined it to a regional actor in South Asia. India engaged in what might be described as "universalism of the weak" for the majority of the Cold War, as seen by its positions on the Korean Crisis, the Non-Proliferation Treaty, and the New International Economic Order. Principles frequently prevailed over pragmatism, which caused India to be excluded from global norm-making processes.

KEYWORDS:

Cold War Era, Global Governance, New International Economic Order, Non-Aligned Movement, Regional Development.

INTRODUCTION

In the international politics of the post-Cold War, India's profession and idea of national interests underwent significant changes. Indian interests needed a more active involvement with international organizations, not just as a dissident but as a positive contributor, as a result of the dissolution of the erstwhile Soviet Union. This also occurred at the same time as India's economic liberalization, which freed the country from the constraints of the "Hindu rate of growth". India's involvement in global governance over the past 25 years, whether in areas such as global trade, climate change, or nuclear non-proliferation, attests to both its ascent and its significance. The domestic political landscape also changed as non-Congress governments that were less likely to adhere to the principles of non-alignment came into power. India has quietly but steadily embraced the liberal global order far more vehemently than at any other time in its history in the last eighth of a century. The liberal economic order is primarily responsible for India's revival in the post-Cold War era.

On the other hand, the liberal security system has welcomed India's emergence in large part because of how well-suited the liberal ideals are to democracy in India. Not without cause, the liberal world has welcomed India's rise in contrast to China. This does not, however, mean that the country will completely stop using its previous methods. India's decision-making is still influenced by the remnants of its opposition to several of the international organizations and conventions. India's interaction with the rest of the world is shaped by the conflict between its pragmatic present and its ideological history in modern discussions about global governance.

The current unrest:

The current political unrest in the world is another important turning point in India's approach to global governance, if the end of the Cold War was one. According to the study, the post-Second World War global order is currently in a "crisis. The US hegemony, which was largely to blame for the liberal international order, appears to be waning. The institutions, conventions, and laws that currently regulate international politics are under threat as a result of the ascent of Chinese power. A bipolar system is emerging in terms of

both global governance and the balance of power India's rise is anticipated to encounter significant difficulties as a result of China's influence on international governance institutions. This is due to two factors. First, if a world order centered on China replaces the US hegemony, the future of global governance may look very different from how it does now. Second, even while the US's approach to world governance occasionally seems benign, the same cannot be said of China. Through its aggression in Asia and beyond, China sends a message that it intends to utilize its growing influence against other emerging nations, especially those that it sees as strategic rivals. According to India, this is already visible in the discussion surrounding the enlargement of the Nuclear Suppliers Group (NSG) and the United Nations Security Council (UNSC). Last but not least, systemic aspects of power shift are not only responsible for the current dysfunction in global governance. There is mounting evidence that domestic opposition to globalization is developing steadily. States, who once served as the driving force behind globalization, are now more and more adopting neo-mercantilist policies, as seen by US President Donald Trump's policies and the UK's decision to leave the European Union. This presents India with a significant obstacle.

The current global governance frameworks have greatly benefited New Delhi, and the liberalized world order has worked in its favor. While benefiting from the system, it has consistently emphasized that the current global governance institutions are not sufficiently representative. These actions are typical of all emerging powers. These current institutions are both enabling and restricting for India. They have supported her as she rises through the system, but as she does, she discovers that some of them are out of step with the shifting movements in the global balance of power. Therefore, its main goal has been to support some institutions of the current global order while undermining others. This makes the present anti-globalization trend extremely troubling. India may now need to offer its leadership rather than just participate if the liberal order is to continue (Pant 2017). This would necessitate additional resources and commitments from New Delhi. It will now need to actively develop, maintain, and safeguard global public goods rather than just benefiting from them [1]–[3].

This is also reflected in Indian policymakers' goal to turn India into a "leading power." Indian Foreign Secretary S. Jaishankar stated, "India looks to transforming itself from a balancing power to a leading power," in his 2015 Fullerton lecture on "India, the United States, and China" at the International Institute for Strategic Studies. India, which for a long time maintained a low profile in the international system, now desires to actively influence global outcomes in response to growing pressure on it to contribute more to the upkeep of the world order. The changes in Indian foreign policy during the past 25 years have been profound. India has let go of some of its long-held prejudices and is increasingly accepting the justification for extending its influence outside of South Asia, moving from "looking east" to "acting east." The Indian military is now actively involved in defense diplomacy on a worldwide scale. India now has a significant voice in discussions about global trade and climate change. There are many questions, though, about its capacity to handle this duty. India has made economic progress, but poverty is still a significant problem. The post-Cold War growth trajectory of its population has not yet had a significant impact on a sizable section of its population. The persistent dangers that its hostile neighbors continue to pose along its land borders remain heavily influence its military strategy. Additionally, it lacks the necessary institutional and administrative framework to expand its influence beyond its immediate borders. More crucially, strategists and political commentators both in India and abroad discuss how willing India is to participate in and contribute to global peace, security, and governance.

DISCUSSION

The post-second world war era saw a specific confluence of power, interests, and ideology that gave rise to the current framework of global government. International institutions were shaped by Western hegemony from its own perspective. They were initially a result of US economic and military dominance, with Bretton Woods's institutions and global economic governance being their most overt expression. Only the US could create and maintain the liberal economic order with its economic and military might. If strength was one factor, then interests were another. Their complementary interests made it possible to establish new standards and regulations where one superpower was unable to do it on their own. As a result, the great power consensus

and the existing global governance systems share equal blame. The NPT regime in the post-World War II era was strongly supported by Soviet and American interests in the non-proliferation of nuclear weapons while norms and rules were important for maintaining the balance of power in the hands of the great powers, power was also important for the creation of new norms and rules. Thus, global governance serves as both an offspring and a sustainer of a specific power constellation. Once established, it aids in maintaining the system by forcing others to conform their conduct to previously established norms and regulations. If these standards and laws advance the objectives of the people they aim to rule, they are seen to be more legitimate. Global governance achieves its overall influence over state behavior through this process of internalization of norms and rules.

Two major countries dominated the post-second world war era and defined the international order as well as the frameworks for global governance. After the Cold War ended, American unipolarity temporarily took the place of that bipolar distribution of power. It had a tangible effect on global governance in that it began to closely resemble the neoliberal viewpoint of succeeding US administrations. The first ten years of US hegemony saw the liberal global order reach its pinnacle. However, over the past 25 years, the US's unipolarity has given way to a multipolar world order, whose main agents are a number of emerging superpowers. The shifting of economic dominance from the West to the East laid the groundwork for this new multipolarity. China and India are the new locations for the growth engine of the world, which has now moved to Asia. Their growing economic might has also boosted their military power. Their ascent, however, is not just a result of their expanding capabilities and resource base; their existence is also essential to finding a solution to the world's most pressing problems. These emerging powers are both a part of the problem and its solution, from the restructuring of the global economy to climate change and trade discussions.

Rising India and the Implications for Global Governance:

The mechanisms of global governance, which are essentially a holdover from the post-Second World War worldwide allocation of power, face new difficulties as a result of the growth of new powers. Global institutions, ranging from the International Monetary Fund to the United Nations Security Council, are finding it difficult to adapt to this shift in the balance of power. In addition to demanding a bigger role, emerging powers want to restructure these norms, laws, and institutions. Thus, these emerging powers are shifting from being rule-takers to rule-makers. The desire of increased influence in global economic governance, the drive to become a "normal" nuclear power, and India's bid for a permanent seat at the UNSC are all instances in point. India's goal is to increase participation rather than alter these institutions' fundamental structure. Its goal is accommodation rather than radical reform. This mission has only become more feasible due to its expanding power base. In essence, this makes India a shareholder in and a threat to the current global governance institutions.

However, there are some directions in the liberal international system that attract India's strong objections, if not outright rejection. India is still in the process of moving from "universalism of the weak" to "exceptionalism of the strong". India's unwillingness to completely embrace and absorb the liberal global governance agenda, including that of promoting democracy, the duty to protect, and neoliberal global trading systems, is due to a variety of factors. One reason is that India has not yet freed itself from the ideological shackles of the past.

Though entrenched in its strategic culture, concepts like sovereignty, non-interference, and strategic autonomy also have some domestic political value. Second, even though New Delhi's economic and military might have greatly improved over the past 25 years, its political decision-makers have yet to internalize the readiness to utilize their authority outside of their immediate region. India continues to be very cautious when it comes to using military force. Finally, because of India's particular challenges, Indian decision-makers are extremely sensitive to India's essential interests. India's attention is primarily internal, unlike previous great nations. India's strong economic growth on the one hand, and its large population of the destitute on the other, make clear the paradox in the country's ascent. India's participation in the liberal international order so differs

depending on the subject. India is willing to defy expectations throughout the world when its ideology, interests, and resources require it to do so, despite rising global expectations.

However, developing nations like India must participate in global governance as well as oppose it. The validity of their expanding influence depends on developing, proposing, and putting into practice new international governance arrangements. Given their constrained resources and goals, their most significant contribution to the foreseeable future may be found within their own geographic areas. More so, as India must first demonstrate leadership in its own backyard before its global objectives can be realized. India's native continent is still South Asia. India's ability to alter the area will be a key test of its ambitions to dominate the world. Another area where their contributions will be clearly seen is in the marine realm of the Indo-Pacific, particularly the Indian Ocean. India is currently working to influence the South Asian regional architecture in a number of areas, despite obstacles. Additionally, it is actively supporting maritime administration in the Indian Ocean region. India can only hope to contribute globally by leading by example locally [1]–[6].

The interaction between India and the world system is more difficult now because both countries—India and the international system—are going through significant changes. Due to India's growth, there are more demands for India to participate more actively in regional and international governance. While India has historically sought to be careful when securing a position for itself on global governance concerns, India has typically played an assertive role on regional security matters. India is now eager to take the lead in establishing regional governance frameworks and increase the credibility of its global credentials, notwithstanding the challenge offered by China and Pakistan. India's leadership role is even more important at this moment, when the US is appearing to back away from its promises to the world and China's development is placing pressure on established institutions and standards. These worries about India's ascent and involvement in global governance serve as the background for this special edition. By examining its three aspects, it addresses India's distinctive position as a growing force in the current global governance discussion.

India and the Liberal International System:

This section highlights India's involvement in the areas of present global governance that it finds unsettling and its efforts to reconcile such differences. Despite being one of the biggest democracies in the world, New Delhi has had a shaky relationship with the promotion of democracy. This is due to the country's long-standing commitments to non-intervention and non-interference as well as the apparent unfavorable effects of western democracy promotion agenda in the post-Cold War era. According to Ian Hall's paper, "India has come to democracy promotion relatively late and in a context where its involvement in this area is linked to wider strategic objectives, particularly building a more solid partnership with the United States and managing Chinese influence in its own region, in particular." In order to enhance its objectives and reduce its exposure to any potential drawbacks that could result from going beyond properly regulated democratic assistance, the author claims that India has "chosen to tread lightly in this area."

The Responsibility to Protect (R2P) philosophy and India's paradoxical view of humanitarian interventions are the subjects of the following paper by Kartik Bommakanti. The paradox is highlighted by Bommakanti, who claims that while "New Delhi's interventions within its neighborhood have been justified, at least in part, without an appeal to formal institutional legitimacy," "the opposite tends to be equally true in New Delhi's conduct toward humanitarian situations extra-regionally, which it seeks to legitimize through the formal institutional mechanism.

He contends that India's involvement in R2P will likely be restricted at the extra-regional level, which will have an impact on how much India can contribute to global governance. Bommakanti comes to the conclusion that even as a growing power, India will seek to the UN peacekeeping missions to contribute to global governance whether Indian concerns were "primarily motivated by Indian domestic interests or by the common stated concerns of the G-33 group of developing countries" by analyzing shifts and consistency in India's positions at various ministerial conferences of the World Trade Organization during the Doha Round.

Indian policy-makers prioritized "Indian national interests and political compulsions as much as its wider rhetorical positioning on North-South issues" at each level of the bargaining process. They continue by stating that India will need to "re-define its national interest more broadly and take up a similar coalition-building role in global trade governance that it has begun to espouse in other international fora" given the new political climate in the West, which is less enthusiastic about the benefits of globalization [7]–[9].

CONCLUSION

This chapter focuses on India's efforts to propose new institutions that will replace the existing system of world governance. The authors contend that both India's own self-interest and the interests of the larger region drive its new leadership position in regional development. It is implied that India actively participates in establishing the regional order and that its efforts in regionalism and sub regionalism have paid off, mostly due to improvements in its bilateral ties with some of its neighbors. Increased Indian capabilities have led to expectations from New Delhi's international partners that it should play a bigger global role. Indian policymakers are now redefining their engagements in the global policy matrix. While it actively tries to manage its differences with the established powers, India still maintains a cautious approach in areas like the promotion of democracy, the responsibility to protect discourse, and international trade. India now sees itself as the center of the emerging dynamic in the global nuclear order, environmental debates, and at the UN. India is also making more ambitious attempts to create new institutions in a number of other areas, including regional governance and interaction with other growing countries through forums like the BRICS (Brazil, Russia, India, China, and South Africa) alliance. In many ways, a rising India's participation in global governance has just begun, and it will take some time before all of its ramifications become clear.

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CHAPTER 5

GLOBAL GOVERNANCE IN THE CONTEXT OF GLOBAL DIPLOMACY

Sadaf Haseen Hashmi, Associate Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- sadaf.hashmi@atlasuniversity.edu.in

ABSTRACT:

While attempting to define the term "global governance" in the first section of the Chapter and making some general remarks about the key characteristics of this political concept, in the other sections, we will try to quickly analyze the concepts of "global society" and "harmonious global society" as well as the global actors capable of initiating, developing, and constantly following an agenda of global issues, actors perceived and self-defined as actors. Both the global society and the global society cannot be developed without at least a minimal understanding of "global diplomacy." The global society was established through a variety of global regimes that are fully expanding and improving, through a variety of international institutions, one of which is in the process of being globalized, or emancipating from the jurisdiction of the states. In this essay, we will examine various forms of international relations (IR) diplomacy, each of which offers a unique view on the globe.

KEYWORDS:

Global Diplomacy, Global Governance, Global Society, International Diplomacy, Non-State Actors.

INTRODUCTION

Chinese officials frequently mention the idea of a "harmonious global society" in their official speeches and in the Chinese school of international relations as one of the major focuses of their foreign policy. It is a political idea that is connected to several other ideas and expressions, including the multi-polar order and the Five Principles of Peaceful Coexistence. According to China, a "harmonious global society" is a civilization in which the governments and peoples coexist peacefully and is founded on the Five Principles of Peaceful Coexistence. From the standpoint of global governance, the proposed vision for the early 21st century global system is a very complex and advanced concept that has not yet been completely explored. According to Chinese doctrine, creating a model of a peaceful global society is necessary for mature, true world governance. In terms of globalism and global governance, it's interesting to note that China holds the view that there is a strong inclination toward globalism, with a predisposition to argue for the consolidation of the role of the nations and the states.

China is conscious that a new sort of global order is simultaneously taking shape thanks to regimes, laws, transnational actors, and a complex web of interdependencies, which will eventually give rise to forms of globalism that no state can ignore. Progressively, these forms of globalism produce emerging models of global societies that are not fully developed enough to rule the entire international system as "a unique form of globalism", as defined and recognized by all actors (state and non-state). As a result, there are many interconnected orders in the early 21st century; none of them totally replaces the others. It is a world in which various orders coexist, including the Westphalian order, the order of non-state actors, the order of capital and commercial markets, the order of significant migratory flows that cross state borders and are no longer under state control, and the order of the actors involved in resolving global issues, or the proto-global order. A complex web of interdependencies, competition, and collaboration is created by all these orders. As a result, it is challenging to define the present as "a world of peaceful coexistence" in the early 21st century [1], [2].

The idea put forth by Chinese doctrinarians is far from utopian, though; rather, it aims to establish a new maturity level for the world of the twenty-first century (post-realism combined with a vision of consolidated westphalism, plus accepting the realities of a dynamic world, in full motion and transformation, so the level of global issues needs to be managed appropriately). The intriguing and forward-thinking concept of

"harmonious society" emerges alongside the Westphalian-inspired principles (focused on the idea of enhancing the state's role and consolidating the Westphalian world, which great powers like China wish to prevent from deteriorating and disappearing), from which the ground-breaking concept of "harmonious global society" can be promoted.

We believe that the innovative principles of post-realism can be applied to the emerging global order, which must not be abandoned to a model of ultra-realism or chaos, or to crumbling into multiple levels, unconnected among each other, or to supercentralization, even if in China's view the "harmonious society" is one of state actors and thus a reorganization of the Westphalian world based on the Five Principles of Peaceful Coexistence. We prefer the sophisticated notion of "harmonious global society," which entails cooperation-coordination among the global actors (state and nonstate), both at the global level per se of the governance and at the lower levels (state, infra-state), from among the various models highlighted when analyzing the 21st century type of global order. Without putting the concepts of coordination/cooperation and harmony among the players at the lower levels of the global level of actual governance into practice, a global order cannot be designed in accordance with the model of the harmonious global society. Without all the levels below the actual level of global government also communicating, cooperating, and working together harmoniously, a harmonious global order cannot be envisioned.

Therefore, it is important to make it possible for a highly developed, mature model of global governance to be implemented. This model focuses on isolating the variables that cause chaos, stress, and pressure at various levels of the emerging global order, as well as maximising the techniques, regimes, and tools for inter-actor cooperation at all scales. Second, we see that, starting with the Chinese perspective, which employs the paradigm of the harmonious society, the implementation of a global model of the harmonious society transcends the Westphalian world and the realm of global governance, which is fully and only exercised by state actors. More specifically, the moment we embrace the notion of a peaceful global community,

DISCUSSION

The idea of non-state entities working in harmony to administer the global order would necessitate full sets of stringent standards and regulations that they would have to recognise and accept in order for such an order to function. The non-state actors' global responsibility is currently underdeveloped. They lack a mature conscience (i.e., are not economically self-focused on the idea of durable development, which prevents business development in this direction), and they are not sufficiently controlled by the states to develop their enterprises in the sense of durable development and greater responsibility towards the environment. The creation and dominance of an order by irresponsible or insufficiently responsible non-state actors who are not interested in creating a Durable Development Agenda for Non-State Actors could not be a sustainable order and would, at best, result in the conditions necessary for the Westphalian world to relaunch.

Although centered on a Westphalian vision of the global order of the twenty-first century, the Chinese vision does not ignore the dynamic realities of the early years of this century, taking into account that the global economy is becoming increasingly interdependent and that, as a result, it is crucial to raise the economic standing of underdeveloped or third-world countries in order to prevent the emergence and proliferation of conflict and instability in the world. The Chinese view of a peaceful world order takes into account the shared interests of all nations in achieving peace and prosperity as well as shared development, as outlined by the Chinese doctrine. To achieve this, support should not be conditional on politics and economic transactions should be based on the principles of mutual benefit and beneficial cooperation. The Third of the Five Principles of Peaceful Coexistence states that "all the nations of the world must respect and treat each other equally, share a mutually advantageous cooperation, coexist in harmony, and search for a common area of interest, in the process of solving their differences" (Kornberg & Faust, 2005, p. 211). This principle is closely related to that of "harmonious society" in China's political doctrine. Herein lies yet another hint about China's perspective on world governance and order in the twenty-first century; it is not entirely divorced from Westphalian interpretations; rather, it calls for being rooted in the realities of the interstate world, with global governance being the result of universally enforcing the Five Principles of Peaceful Coexistence, from which

a Harmonious Global Society can emerge. For China, this society can only be an inter-state one, despite the fact that it acknowledges the presence of a global discussion level, the concept of global common commodities, and regimes of economic and commercial interdependency. Global governance, as it is understood by China, can only result from the Westphalian principles of sovereign equality in rights of all states; as such, it is an expression of the intention to dialogue, cooperate, and engage in multilateral negotiations among all countries of the world on an equal footing. China argues that because its entire political ideology is based on the Five Principles of Peaceful Coexistence, global governance cannot be restricted to a particular group of actors or elite.

The Fifth Principle of Peaceful Coexistence, which states that "each country, be it small or large, strong or weak, must have the equal right to participate in consultations regarding the administration of world affairs," should also be noted at this point is also important to mention. This principle unequivocally demonstrates that, under China's vision of global governance, international affairs and global concerns can only be resolved via the equal participation and cooperation of all the states. China does not view any other discussion format as having the authority to bring about world government, whether it be elitist, bilateral, religious, or in a condensed format among the big nations.

In the eyes of the US, Henry Kissinger's usage of the term "world order" is coupled with the logical inquiries about the US's future place in the shifting global order of the twenty-first century. The world order, according to Kissinger, "cannot be the outcome of the policy of a single country acting in isolation," but rather, it must be one in which "its components, while maintaining their own values, assume a second global, structural, and legal culture; this concept of order goes beyond the perspective and ideals of a single region or a single nation, regardless of the nation in question. According to Kissinger (2014), there is a contradiction in the way that the world has developed today: "The international economic system has become global, while the political structure of the world remains state-like," with "a gap between a global economy, which no longer considers the borders, and a policy still in an inter-state stage, based solely on the concept of state borders and state control." Since we are already talking about international economic, financial, and commercial regimes that operate outside of state control, the economic part of global governance is no longer the real difficulty [3]–[5]. Instead, it is international politics. This is not meant to imply that diplomats are largely unnecessary and that their duties are now confined to menial administrative and consular activities with little political relevance.

Along with the rise in the quantity of issues that require global administration, the variety of states has increased as well. They range from extremely large to extremely small, from those that are well-established to those that are on the verge of "state failure." It is difficult to draw order from such variance. The process of bringing on board all of the new "global actors," such as commercial businesses or non-governmental groups, is equally difficult. All agreements reached will ultimately need to be approved by the political institution with the broadest political legitimacy, which is still the state.

For two reasons, diplomats continue to play a role in world government. They give the states useful, multifunctional instruments because these still play a significant role in global governance. Second, they are more equipped than most to negotiate this world of great diversity and uncertainty because they are a part of a broad global network of other diplomats, as well as because of their unique culture and training. They have this since it dates back to their early days. Their responsibility had always been to handle situations, people, and events that were out of the immediate control of the state's internal administrative and political system. That had always required the capacity to build trust, the capacity to pay attention, the capacity to envision and shape compromise.

In response, global governance now views the international political act as a whole. Bring international politics to a distinct, superior stage of globalization (from the inter-state policy to the global policy) in order to achieve a synchronization between the global economy and the interstate policy, or between the two worlds, and in order to discuss a real method of global governance. However, he does not rule out this viewpoint until the paper's final section, where he switches back to a more moderate stance. Instead of

advocating a step towards the stage of global policy (viewed as a super-state, exercised by global institutions, specialized in administering fields of global interest, from the management of global issues to the administration of global goods to the preservation of the common human heritage, which necessitates the creation of unique global protection).

The real difficulty for the actors in the early 21st-century world is the cohabitation of two sorts of cultures (the one of early 21st-century neoWestphalian system components, as Kissinger said, and the one of global cultural, separate from any region and from any nation of the planet). A worldwide order as a neo-Westphalian order is not excluded (for the time being, at the current degree of evolution recorded by the international system), notwithstanding the great powers' differing interpretations of what a true global order entails and of the term "global order". With global governance currently viewed primarily as a possibility for the great powers to participate in various formats in managing international affairs, respectively as a moderate involvement of the global institutions, the safe options, detached from westphalism in favor of global governance (through strong global institutions, with special competencies, superior to the states), remain isolated.

International diplomacy: Definition and Features:

Considering that the opinions of global (state) actors about global governance and the global order are somewhat varied, trying to define the term "global diplomacy" in the framework mentioned above becomes a very difficult task. At the start of the twenty-first century, we may distinguish between several meanings of the phrase "global diplomacy" if we analyze the matter in light of the diverse (both economic and political) structure of the global world. Global diplomacy achieved by global actors (defined strictly as states with the status of great powers or superpowers); - Global diplomacy accomplished by all states, by all nations, great and small, rich or weak, through the impact of implementing the Principles of Peaceful Coexistence at the global level and through the impact of all the states participating in the management of global affairs; -Global diplomacy accomplished only in the field of international relations. Therefore, only non-state global actors players in the transnational economic, financial, and commercial spheres really accomplish post-state diplomacy (also known as global diplomacy or diplomacy of great transnational affairs); - combined global diplomacy, regarding issues of global interest or impact (achieved by both state actors and non-state actors, based on a set of different regulations, in different codes legal or simply of good behavior, freely); It is a form of diplomacy that is superior to that of nations and is carried out by state personnel who have been given specialized roles, either by custom or by changing legislation that apply to these institutions and which cover not just the financial-banking or commercial area [6]–[8].

Types of international diplomacy:

New forms of diplomacy may emerge in the twenty-first century at the international level, signifying the purview of solely global actors (state and non-state entities alike). When we talk about diplomacy, we are not talking about the multilateral and interstate diplomacy of the traditional Westphalian system. The diplomacy we are considering is global in scope; it is to be developed and executed by global actors, including new global institutions (as opposed to the current ones, which are already out of date, such as the Organization of the United Nations, World Bank, IMF, etc.).

This type of global diplomacy can be: A Realist Global diplomacy (managed only by state actors, but exclusively at the global level of governance). A Global Diplomacy Played at the Global Level, Having on the Agenda Only Issues with Global/Transnational Power and Large Impact - Involving Global Mechanisms, Global Special Funds, Global Agencies of Implementing the Global Decisions Taken as a Result of Global Actor Intervention and Negotiations.

1. Pure global diplomacy (based on conversation across cultures and, more importantly, on the paradigm of complex interdependencies)
2. A global informal network of state and non-state entities operating under the same laws and principles is referred to as the "global empire," which can also be regarded as a super-state.

3. An international human rights diplomacy (including terrorist prevention, universal human rights protection, and humanitarian action).

CONCLUSION

We are observing a global trend toward an increase in regional economic integrations and institutions, global special normative regimes, as well as a growing demand for new international institutions with universal roles, such as a reformed UN. In our judgment, new forms of diplomacy will emerge during the twenty-first century, having already exceeded the current stage of the Westphalian world of states as the primary, dominant, and sovereign subjects of modern international law. Future worldwide activity of controlling global difficulties and challenges of the postmodern XXIst century will involve actors other than nations. Non-state actor diplomacy, even diplomacy carried out by High Representatives of Planet Earth (as new subjects of international law, in relations with states and international/regional/global institutions), pontifical global diplomacy, and other cutting-edge forms of diplomacy will complement traditional forms of diplomacy and, at a certain point in time, even challenge and replace it. Innovating tools, able to defend states and nations in a world dominated by regional and transnational actors and under the constant threat of state dissolution will be represented by new regional styles of realizing diplomacy, organized in new forms (surpassing outdated forms of ministries of foreign affairs).

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CHAPTER 6

GLOBAL GOVERNANCE: ISSUES AND CHALLENGES

Malcolm Firdosh Homavazir, Associate Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- Malcolm.homavazir@atlasuniversity.edu.in

ABSTRACT:

The global community is dealing with a number of difficulties. Due to their transnational nature, many current trends transcend the purview and authority of individual states. This suggests that coordinated efforts are required in order to effectively address these difficulties. The idea of global governance represents an effort to find appropriate global solutions. This chapter's main goal is to analyze the idea of global governance as a network of connections between different actors without a clear hierarchy, with the goal of regulating common issues through both public and private institutions. This idea cannot be studied in isolation from the dynamic shifts brought on by globalization processes that hastened global governance. The worldwide context is succinctly presented in the second section of the essay. The final section examines how global governance is conceptualized and outlines the key problems that pose the biggest obstacles to effective global government. These issues include the fragmentation and multiplication of institutions and actors, a lack of legitimacy, as well as the complexity and unpredictability of today's global architecture. The following thesis is made in the paper: Although the notion of global governance has seen rapid development since its introduction in the 1980s, it still lacks the coherence to serve as a useful tool for managing global issues.

KEYWORDS:

East Asian Crisis, Global Governance, Global Governance Architecture, Globalization Processes, International Security.

INTRODUCTION

In recent years, processes of intensifying globalization have been gradually altering the world's order while affecting the administrative, economic, political, ecological, technological, and cultural sectors. Today's changes influence not just the future traits of future generations but also the growth of the modern global economy. The majority of problems facing modern society have a transnational dimension that goes beyond simple remedies. The idea of global governance represents an effort to find appropriate global solutions.

On the basis of theoretical scientific research and in the framework of workable solutions, the discussion of global governance is ongoing at the same time. The definition of sustainable development¹ that is used today was first developed in the report *Our Common Future* by the World Commission on Environment and Development from 1987. It was highlighting the need for the world to implement well recognized operational tactics in this area. The Commission on Global Governance's 1995 report, *Our Global Neighbourhood*, is credited with giving the concept of global governance its more official beginnings. The report, which drew harsh criticism from proponents of the idea of state sovereignty, noted the close interconnectedness of countries and economies as well as the necessity of improving institutional and operational frameworks for global governance. Since the 1990s, the concept of global governance has quickly gained popularity as a crucial phrase in both political and scholarly discussions [1]–[3].

The paper's goal is to explain the fundamentals of the idea of global governance. The concept and definitions of global governance are presented in the paper's opening section. The second section succinctly conveys the overall context. The final section analyzes how global governance is conceptualized and discusses the key problems that pose the biggest obstacles to effective global government. The following thesis is made in the paper: Although the notion of global governance has seen rapid development since its introduction in the 1980s, it still lacks the coherence to serve as a useful tool for managing global issues.

Global governance: some initial thoughts:

One of those concepts that has sparked interest on both a political and an academic level is the idea of global governance. Since the 1990s, worldwide gatherings of heads of state and other major conferences have become more and more common. They ended up serving as evidence of the improvement in quality in world politics. The role of the nation state and international relations is evolving. Governments aren't the only entities operating on the global stage. Their importance in politics and the economy is expanding. International civil society, transnational enterprises, and non-governmental organizations with varied, frequently non-profit objectives are increasingly participating in the global scene.

Despite the fact that the concept of global governance was not present in the terms "government" and "governance" are distinguished and explained that the former refers to methods of process control, while the latter refers to government actions based on legislation and the state's monopoly on force. Their range is very broad, ranging from unofficial arrangements to formal organizations that are equipped with tools for restraint and the capacity to compel the implementation of made judgments. A more general concept, "governance" "embraces governmental institutions, but it also subsumes informal, nongovernmental mechanisms by which those persons and organizations within its purview move ahead, satisfy their needs, and fulfill their wants." The term "government" was replaced by "governance" as a result of developments brought on by the post-World War II consolidation of neoliberal democracy. Why is global governance important? Many of the current changes that are being seen in the political, social, ecological, and cultural arenas are what are known as global megatrends. This global nature alludes to both the outcomes of various events as well as the interactions between specific processes. These changes have an impact on people and communities, influencing how they will develop in the future, but they also have a global impact that transcends continents and national boundaries.

Population trends are becoming a key aspect in determining international security. Projecting demographic changes on a worldwide level is difficult because of the stark differences in population growth, population density, age structure, or the amount of resources available between different economies. However, demographic issues in this or another dimension affect everyone on the planet. The world's population peaked at one billion people in 1800, and according the author it will rise from 6.5 billion people in 2005 to 9.1 billion people in 2050 (medium version). Negative trends in economic, social, or ecological dimensions as well as demographic ones are accelerated by the world's rapidly rising population. The world population growth rate is at 1.2%, down from a peak of 2% per year in the late 1960s. Every nation in the world is experiencing population ageing as a result of rising lifespan, falling fertility, and the aging of the "baby boom" generations. However, as a result of population aging, there are numerous issues that affect both the social and economic aspects of things like economic development, public finances, social security systems, and elderly well-being.

The wave of mass migrations and the extremely high mobility of modern cultures also have an impact on demographic shifts on a global scale. World migrations have been one of the most pressing issues in the previous ten years, but they have also been the most poorly managed. Rapid urbanization brought on by the population boom puts more strain on the environment and its resources. By 2030, it is predicted that the 2.3 billion urban dwellers who made up the world's urban population in 2005 will number 5 billion. Contemporary society are facing a significant challenge from urbanization, particularly sustainable urbanization. One of the distinguishing features of modern societies' spatial organization is the exponential growth of conurbations and megacities. This type poses a serious threat and is a possible catalyst for catastrophes on the social and ecological fronts.

The detrimental effects on the environment are amplified by socioeconomic development and globalization. One of the oldest and most talked-about worldwide issues is pressure on the natural environment. Food security, the risk of biodiversity decline, and many other phenomena in the natural environment of man are seriously threatened by environmental changes such as environment degradation and pollution, climate change, depletion of natural resources, growing pressure on the world's water resources³, and water scarcity.

They represent a serious threat to the future of the human population as well as a growing menace to the global eco-system and general well-being.

Environmental changes and human impact on the environment and society that exceed the ecological capacity of the globe have disastrous effects that are seen not only in the natural environment but also in the economic, political, and social spheres. It was acknowledged in the aforementioned study *Our Common Future* that the concept of sustainable development believes that social and economic development and environmental quality are interdependent. It was one of the first projects to demonstrate the importance of putting a worldwide sustainable development strategy into action.

DISCUSSION

The megatrend that is linked to the transfer of global economic activity from the industrialized West to the nations of Asia and the Middle East may be the most significant in terms of the economy. The political and economic ascent of developing nations like China, India, Brazil, and Russia, as well as the stalling of growth in established industrialized economies, have fundamentally altered the world's power dynamics. Emerging markets have become more significant in recent decades. They have grown to be significant participants not only in global trade but also in the economy. The early twenty-first century has revealed a new fact, "The Western world we have known is fast losing its preeminence to be replaced by a new international system either shaped by the so-called BRICs"). Because the economies of the USA, Europe, and Japan were those that were most badly affected by the collapse on financial markets, the 2008 crisis highlighted the flaws of mature economies even more clearly. The intensification of links between governments as well as the strengthening of relationships between individuals as a result of globalization is not a zero-sum game in which one wins or loses. This method has unmistakably neutral effects rather than overtly positive or negative ones. For many economies, this presents both opportunities for growth and a variety of dangers. Global challenges are becoming more severe as a result of the information and technological revolution and growing globalization process.

The most frequently mentioned global phenomena include shifting demographics and the issue of an aging population, urbanization, increasing geographic mobility, climate change and environmental degradation, resource scarcity, the rise of chronic diseases, continued globalization, rapid technological advancement and innovation, the rise of cyber dependence, the burgeoning middle class in emerging economies, growth of global income and social inequalities, and growing polarization of societies. The world's dynamically shifting balance of power, the shift of economic dominance from the West to the East, the change in the direction of capital flows from developing emerging markets to mature economies and from state capital to private corporations, the growing problem of global debt, the rise of organized crime and international terrorism, or the shifting nature of international governance with rising national sentiment are among the very important issues.

The majority of modern events, which affect both wealthy and poor nations, transcend administrative boundaries of states and continents. Combining and coordinating diverse efforts carried out by numerous entities on various levels is necessary to absorb adverse global consequences. Due to the worldwide character of the phenomenon, coordinated, global measures are required, which necessitates the establishment of global governance and rule-making. Without close cooperation at the transnational and global levels, global problems cannot be solved. The world will slide into violence and strife if mechanisms for a sustainable growth in everyone's wealth do not materialize. The globe won't be able to support an ever-increasing population and ecological burden. Global governance conceptualization. What organization or collection of organizations has the right to exercise power? How is the possibility of power abuse proven? How can a person's freedom and autonomy be protected. The state is "the source and the exclusive location of legitimate, public authority" according to the classical interpretation of power but in the "global" context, it is important to comprehend multi-level structures of governance. The catastrophic growth of global government that characterized international relations after World War II. At the time, international institutions (including the United Nations, the Bretton Woods system, the World Bank, and the International Monetary Fund) were

developing quickly. They had sway over how states and other participants in social and economic life behaved. In order to provide a legal foundation for relations between the nations, these initiatives concentrated on rules in the realm of international law, first in the areas of human rights and the environment. As a result, the early studies conducted on the idea of global governance mostly concentrated on international relations and formal procedures of multilateral public institutions. These institutions' flaws have been exposed during economic crises (such as the East Asian Crisis in 1997 or the global crisis in 2008) as well as issues related to human rights, demography, or the environment.

Both the decline of the Bretton Woods system, which was stabilizing the international financial market, and the end of the cold war, which had been quasi-balancing international relations between the West and the East for many years, contributed to the traditional way of defining relationships in the global space coming to an impasse. Neo-liberalism's wave swept throughout the latter half of the 20th century to advanced economies as well as to those that had just recently started down the road of rapid development. The Washington Consensus on commercial liberalization, privatization, and deregulation served as the cornerstone for reforms carried out not only in post-socialist nations but also in Asia, Latin America, and Sub-Saharan Africa.

Neoliberal fundamentalism's support for globalization eroded traditional forms of governance and management, as well as national institutions' authority and capacity to address social and economic issues. On the arena of global governance, regional institutions (such as the EU) and then supranational institutions with independent authority (such as the ICC, WTO, ILLO, and WHO) began to emerge gradually. Numerous, varied, and increasingly more powerful civil society organizations and networks have grown quickly as a result of the processes of democratization and economic liberalization, as well as accelerating technological development. The second wave of study on global governance focused on the development of new public and private global orders as a means of addressing international problems [4]–[6].

Global governance is evolving due to the active participation of an increasing number of new economic and political actors in both the public and private sectors. Non-profit, non-governmental organizations (NGOs) and transnational corporations (TNCs) play a significant role among new actors. Intergovernmental organizations (IGOs) play a crucial role, although their influence is expanding. Multinational firms entered the scene as a result of the globalization movement and the swift liberalization of economies, and their significance is increasing on levels other than only the economic. Many TNCs have the potential, as well as the financial and political clout, to significantly influence national and international governance, mostly by advocating for laws and regulations that advance their own interests.

The proportion of non-governmental organizations in global public policy should receive particular attention. NGOs are widely acknowledged as the primary third sector actors that function as a check on both national governments and corporate organizations, including TNCs. Globally, there are thought to be 10 million NGOs. NGOs actively operate on landscapes of development, human rights, world peace, environment, humanitarian action, rules of war, humanitarian emergencies, gender issues, economic development, demography, health policy, business regulation, environmental protection, and other areas of public action. NGOs shape circumstances and have an impact on agreements that have been reached. NGOs exert pressure on governments to shape state policy and co-create the circumstances for the international system's operation while bolstering or undermining interstate cooperation. In addition to acting as pressure groups, organizations that associate activists are increasingly playing an active role in politics; they are also active participants in governance and actively shape international cooperation. However, generally speaking, the involvement of non-state players in public policy-making, especially IGOs and NGOs, increases the quality of public policies. Many of these new non-state actors are related with the phenomenon of globalization within their activity. The third generation of global governance research is built on the theoretical underpinnings of research programs in this field, as well as empirical investigations pertaining to various institutional activities and operations that have as their goal the resolution of global issues. A comprehensive system of institutions and governance procedures in certain sectors of international policy should also be included in such an approach.

In recent decades, there has been a proliferation of institutions and actors on local, regional, national, and supranational levels, both public and private, as well as an extension of rules, regulations, and discourses in international affairs. Due to these changes, the concept of a worldwide system of management is being assumed more frequently, and the term "global governance architecture". Despite the fact that networks of governments, NGOs, multinational businesses, and other organizations are increasingly active in the global arena, they lack legitimacy and accountability. Global governance looks for common international consensus in the form of cooperation at many management levels, but the decision-making process may be ineffectual in the absence of well defined hierarchical structures and robust legitimation. A barrier to the spread of global governance is the erosion of authority and the limited ability of international institutions to address problems of international social concern.

Lack of legitimacy is frequently attributed to a lack of openness and access symmetries to various decision-making processes. Developed nations often control the decision-making process, which does not reflect the shifting economic balance of the world. The growing significance of developing market states, particularly China and other Asian nations, and their contributions to the global economy are not reflected in decision-making processes. This disparity led to the formation of the Group of Twenty (G20), whose importance has increased since the global financial crisis of 2008. The G20 contains some significant developing nations and, to a greater extent, it represents the distribution of economic clout in the globe. This is thus because the states account for around 85% of global GDP, more than 75% of worldwide trade, and over 65% of global population. Meanwhile, a sizable portion of states continue to be excluded from the decision-making process, raising concerns about its inclusiveness, representativeness, and accountability [7]–[9].

CONCLUSION

Current trends, which are global in scope, economic, environmental, and social challenges, as well as dynamic changes, form the foundation of modern existence in both the microeconomic and macroeconomic senses. demographic trends, consumption patterns seen in both highly developed and dynamically developing emerging market economies, increasing global polarization, widening social and economic gaps between the rich and the poor, concern over climate change and the effects of human activity on the environment and societies, international threats, and finally, the effects of shifting economic power and these and numerous other manifestations of dynamic changes in the global order need taking steps that transcend beyond national administrative borders and even institutional international solutions. The way we currently construct partnerships throughout the globe is not sufficient to address the problems that are getting worse. The state, as well as intergovernmental organizations, lost the power to create a top-down social and economic order as a result of dynamic changes in the world dimension, and non-state actors began to play a bigger part in this process.

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CHAPTER 7

GLOBAL GOVERNANCE AND PROTECTION OF DEMOCRATIC RIGHTS

Ameya Ambulkar, Assistant Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- ameya.ambulkar@atlasuniversity.edu.in

ABSTRACT:

The safeguarding of democratic rights is one of global governance's most outstanding concerns in the twenty-first century. Many governments have exploited the threat of terrorism as an excuse to weaken important values like freedom of speech, freedom of association for political purposes, the avoidance of arbitrary detention, and the right to seek asylum in the first years of the new century. The beginning of the new century in Australia saw three fundamental changes in the state apparatus: legislation in 2000 to allow the calling out of the military against civil unrest; in 2001 to authorize the forcible turning away of refugee boats; and in 2002 to give the government and its security and intelligence agencies detention and proscription powers as well as expanded surveillance powers. These actions have significant ramifications for both the future of international agreements like the International Covenant on Civil and Political Rights (ICCPR) and civil freedoms. These international human rights conventions have mostly failed to restrain such authority. Following the Bush administration in the United States and the Blair government in Britain, the Howard government in Australia declared that the 9/11 terrorist attacks in the United States required an ongoing "war" against terrorism abroad, as well as restrictions on legal rights at home. This chapter will make the argument that these legislative reactions reveal key inconsistencies in the world's political and economic systems as they become more and more interconnected.

KEYWORDS:

Democratic Rights, Global Governance, International Covenant, International Law, Political Rights, War Against Terrorism.

INTRODUCTION

The domestic deployment of troops has been a source of political controversy and legal ambiguity for more than a century. Although Australia was formerly a penal colony run by the military, one author claims that over time the country's political system evolved to create a significant separation between military and civil authority. Martial rule was frequently enacted in the 19th century to quell riots and uprisings, but the last notable exception to the military-civilian power balance occurred in 1891 when the Queensland Government sent troops to assist the police in putting an end to a strike by sheep shearers. At Federation in 1901, the Australian Constitution was amended to include this division of authority. Section 51(xxxi) gave the Commonwealth control over the military, Section 69 gave the Commonwealth control over colonial defense forces, and Section 114 forbade the States from building up military or naval forces without the approval of the Commonwealth Parliament. The States and their police forces continued to have final say over domestic law and order.

The public's awareness of the constitutional distinction became ingrained. Domestic military use was typically seen as behavior more typical of a military or authoritarian dictatorship than a democratic one. Following a bombing outside a regional Commonwealth Heads of Government meeting at the Sydney Hilton Hotel in 1978, the only time since Federation that a Commonwealth government summoned the military in an urban setting, the sight of armed soldiers patrolling highways and the streets of the New South Wales town of Bowral alarmed the populace [1]–[3]. The measure goes against a political and legal tradition that extends back to the struggles against Britain's absolutist monarchy in the 17th century and opposes using the military to quell domestic dissent. The 1628 Petition of Right called on Charles I to remove the "great companies of soldiers and mariners [who] have been dispersed into diverse counties of the realm... against the laws and customs of this realm and to the great grievance and vexation of the people" in the run-up to the English

revolution of the 1640s. According to the Petition, the Crown's imposition of martial law on people is illegal. The 1688 agreement between the monarchy and the parliament resulted in According to the Bill of Rights, the Crown cannot build or maintain an army without parliamentary approval.

The Industrial Revolution-fueled mass uprisings that began to emerge at the beginning of the 19th century forced the British government to occasionally employ military force to repress them. Following riots in Bristol, three officers were tried before a Grand Jury in the 1832 case of *R v. Pinney*. One officer committed suicide as a result of two officers' refusal to direct the troops to fire without a magistrate's approval being found guilty of negligence of duty. The third cop, who had fired a deadly shot during the event, was exonerated of any wrongdoing. Despite the Petition of Right, British law was prepared to accept the declaration of martial law in the event that disturbance threatened the state's survival. Martial law is in effect "when a state of actual war, or of insurrection, riot, or rebellion amounting to war, exists," according to Halsbury. The right to employ force against force within the realm in order to suppress civil disorder has been loosely defined as martial law.

The legitimacy of martial law is in question. It is asserted to be either a case of a royal prerogative or a common law authority to use force to oppose force. Despite this fundamental uncertainty, the Privy Council expanded the idea of martial law to apply even where the regular civil courts were still in session in the 1902 *Marais* case, an appeal from the Cape Colony. Since Federation in 1901, there have been no documented instances of martial law in Australia; nonetheless, it was frequently used to repress prisoners, Native Americans, and laborers. In response to specific demonstrations and gatherings, military were mobilized during the 1890s strike conflicts with orders to shoot and murder strikers and their sympathizers. Governments are having a lot of trouble removing persons who have been denied refugee status, logistically, diplomatically, and politically, while taking increasingly harsh measures. Governments are spending an increasing amount of money on tracking down and arresting unauthorized immigrants, choosing what to do with them, and managing the results, while the UNHCR, which is in charge of the majority of the world's displaced people, is receiving less funding.

Fundamentally, from the middle of the 1980s, the global economy has undergone an unparalleled degree of globalization, resulting in large capital flows from around the world, a rapid transfer of production from one nation to another, and the emergence of a global labor market. The desire for the right to leave poverty has increased at the same time as the gap between the capital-rich, technologically advanced, and militarily powerful countries and the rest of the globe has widened.

The three richest people in the world, according to the 1998 United Nations World Development Report, have more wealth than the combined GDP of the 48 least developed nations, the 15 richest people have more wealth than all of sub-Saharan Africa, and the 32 richest have more wealth than all of South Asia. The combined wealth of the top 84 earners is greater than China's GDP with its 1.2 billion people. The richest fifth of the world's population took home 86% of the global income in 1997, while the poorest five took home just 1.3 percent. More than 1.3 billion people must live on less than \$1 a day, a situation that puts their lives in danger. In the end, national governments' attempts to limit the flow of people around the world are comparable to King Canute's attempts to control the tides. Millions of people, with or without official status, are increasingly living outside of their countries of birth, whether or not governments like it.

DISCUSSION

The Convention on Refugees:

The Australian government's unusual response to the Tampa asylum seekers has drawn criticism from human rights organizations, refugee advocacy organizations, and the United Nations.⁴⁶ Amnesty International criticized the Australian government and stated that the actions taken "are a flagrant violation of the 1951 UN Refugee Convention to which Australia is a state party. These criticisms were dismissed by the administration, which denied any violation of the Convention. The Tampa incident reveals four fundamental flaws in the Convention. First, because of its restriction to those who are being persecuted, it prevents mass

departure in the face of misery, injustice, or discrimination that is not deemed severe enough to qualify as persecution.

Second, the Convention only places a limited obligation on a national state to refrain from expelling or sending a refugee back to a country where they would face persecution, not a right to enter another state. Thirdly, even those who are granted refugee status are not guaranteed the ability to live there permanently, leaving them in a precarious and uncertain situation. Fourth, the Convention only offers assistance to those who are able to physically enter the nation where they are seeking shelter, almost always using methods deemed to be "illegal." It does not impose any responsibility on a nation to accept offshore applications, i.e., the vast majority of individuals who are confined to refugee camps in the world's poorest regions, whether in their own nations or neighboring governments. Several authors have proposed potential templates for new international protection frameworks to replace the Refugee Convention and helping those who are refugees, typically using a broader understanding of refugee status.

None of these models, however, cast doubt on the fundamental tenet that nation-states and national borders will endure into the twenty-first century. Instead, they look for ways to weaken nation-states' commitments to take in refugees in a way that is more politically acceptable to the writers. Hathaway has made a case explicitly for modifying change recommendations to suit the requirements of national governments. He said, "It is crucial that principled reform proceed in a way which anticipates and responds to the needs of governments in an international legal system based on the self-interest of states." For the majority of the world's refugees, Hathaway recommended a "broader (if shallower) level of protection.

In addition to letting national governments handle refugee policy, this strategy is predicated on upholding the precise demarcation between migrants and refugees. This is a false, deceptive, and ultimately untrue perspective in a globalized society that is increasingly characterized by social injustice. A new type of citizenship, global citizenship, is required if the oppressed are to be granted the same freedom to move around and live as the wealthy and if the right to immigrate as well as to emigrate is to be recognized. As it is currently established, citizenship is limited to a particular nation-state and does not apply to other countries. This idea, however, is in contrast to the expansion of the world economy, which has gone beyond the bounds of the nation-state. With Labor's help once more, the Australian government was able to pass a number of "counter-terrorism" Bills in June 2002, giving the executive branch as well as the police and intelligence services previously unheard-of authority. The Bills provide broad definitions of terrorism and treason, both currently punishable by life in prison, which may make many types of political and labor protest illegal. They have the authority to arrest members of political parties for alleged support of "terrorism," ban political parties, and freeze their funds. Additionally, they shift the burden of proof away from the prosecution in a number of major offenses, thereby forcing defendants to establish their innocence [4]–[6].

The Australian Security Intelligence Organization Legislation Amendment (Terrorism) Bill (ASIO Detention Bill), which sought to allow ASIO, the domestic spy agency, to detain people without charge and question them incommunicado, was temporarily withdrawn by the government due to public opposition and unfavorable parliamentary committee reports. The Bill was finally enacted in June 2003 with only minor changes along the lines recommended by legislative committees, thanks to Labor's backing. The necessity of the entire legislative package was questioned in numerous statements to parliamentary committees, including those of the Law Council of Australia and the Civil Liberties Councils of NSW and Victoria. In fact, it doesn't seem like the rules do much to safeguard Australians against terrorism. Any conceivable terrorist activity, such as a bombing, kidnapping, or killing, was already a major criminal under existing law, according to a parliamentary library report. The government rejected previous advice, adhered to by successive administrations since the Hilton Hotel bomb explosion, that it was unnecessary, inadvisable and constitutionally questionable to introduce generic anti-terrorism laws. In the 1979 Protective Security Review Report, Justice Robert Hope, while recommending a major boost to the powers and resources of the police, intelligence and security forces, did not recommend the creation of new criminal offences, stating that: 'Terrorism by its nature involves breaches of the ordinary criminal law. In an opinion commissioned by the Fraser government as part of Justice Hope's review, former High Court Justice Victor Windeyer came to the

same view. The legislation punishes violent or other criminal activity far more severely if offenders are motivated by political, religious or ideological considerations than if they are acting for revenge, fury, greed, lust or other motives. This indicates that it is political motives, rather than the conduct itself, that the government is seeking to sanction. This suggests that the 'war on terrorism', like the 'war on communism' a half century ago, is being used for political objectives.

Certainly, the Howard government's rhetoric is redolent of the campaign waged a half century ago. After winning the 1949 election in the wake of the coal miners' strike, Prime Minister Robert Menzies claimed a 'political mandate' to position Australia on a 'semi-war footing' against communism. Against a backdrop of global anti-communism, the Communist Party Dissolution Bill was the incoming government's first piece of legislation. The Bill's recitals asserted that its measures were required for the 'security and defence of Australia' in the face of a dire threat of violence, insurrection, treason, subversion, espionage and sabotage. The Australian High Court, however, rejected the use of these recitals to validate the government's claim to be exercising the defence, incidental and executive power of the Commonwealth.

Terrorism, Treason and Espionage:

Central to the legislative bundle are far-reaching definitions of terrorism, treason and espionage. These offences will become some of the most serious on the statute records, with severe penalties. The first two are punishable by life imprisonment; the third by 25 years' imprisonment. Under the Security Legislation Amendment (Terrorism) Bill, terrorism extends to acts or threats that advance 'a political, religious or ideological cause' for the purpose of 'coercing or influencing by intimidation' any government or section of the public. 'Advocacy, protest, dissent or industrial action' is exempted but not if it entails harm to a person, 'serious damage' to property, 'serious risk' to public health or safety, or 'serious interference' with an information, telecommunications, financial, essential services or transport system.

The legislation imposes jail terms ranging from life to 10 years for preparing, planning or training for 'terrorist actions' and for possessing documents or other objects used in the preparation of such acts. A person can be jailed for possessing such a 'thing' even if they did not know it was used for terrorist purposes, but were merely 'reckless' as to that fact. This definition could cover any demonstration or industrial action in which a person was injured or felt endangered. The 'coercion or intimidation' clause is practically irrelevant, given that the purpose of many protests and strikes is to apply pressure to a government, employer or other authority. Nurses conducting strike action that shuts down hospital wards in support of a political demand for greater health spending, for example, could be accused of endangering public health and thus be charged as terrorists. The various, related, terrorist offences could apply to a wide variety of political activity, such as planning or participating in a protest outside government buildings or facilities where damage is alleged to have occurred. Demonstrators who obstruct roads or entrances to financial institutions, such as the stock exchange, could be charged as terrorists, as could computer hackers.

Detention without Charge:

Following the ultimate passage of the ASIO Detention Bill, ASIO now has the power to detain and question individuals without charge or trial. ASIO and Federal Police officers can raid anyone's home or office, at any hour of the day or night, and forcibly transport them away, interrogate and stripsearch them and hold them incommunicado, effectively indefinitely through the issuing of repeated warrants. Detainees do not need to be suspected of a terrorist offence, or any other criminal offence. The Attorney-General can certify that their interrogation would 'substantially facilitate the collection of intelligence that is important in relation to a terrorism offence,' even if no act of terrorism has occurred. This power could be used to detain journalists and political activists, as well as the children, relatives or acquaintances of presumed terrorism suspects. Any detainee who refused to answer ASIO's inquiries would be liable to five years imprisonment. Those detained have no right to know why they are being dragged off for interrogation. If they resist, violent force, including lethal force, can be used against them. If they refuse to answer any query or hand over any material that ASIO alleges they possess, they face five year's imprisonment. Detainees, including adolescents as young as 16,

will be unable to contact their families, friends, political associates or the media. If they know the name of a counsel, they can contact them for legal advice, but only if ASIO does not object to the lawyer.

Even if ASIO accepts a detainee's choice of counsel, questioning can commence without the lawyer being present. In any instance, the lawyer cannot object or intervene during questioning—if they do, they can be ejected for 'disrupting' ASIO. If they inform a detainee's family or the media about the detention, they too face up to five years in prison. A counsel who is provided information by a client may also be detained for interrogation. The Act does not safeguard legal professional privilege in communications between lawyer and client.

Initial detention can last for up to seven days, including three eight-hour blocks of interrogation over three days, but the Attorney-General can easily approve further seven-day periods. To justify serial extensions, ASIO and the government merely have to claim that 'additional to or materially different' information has come to light. In a significant departure from established law, the Act effectively reverses the burden of proof, overturning a fundamental protection against police frame-up. If ASIO alleges a person has information or material, the onus is on the individual to prove otherwise. Section 34JB, permits police officers to use 'such force as is necessary and reasonable' in breaking into premises and taking individuals into custody. This clause grants police the power to kill or cause 'grievous bodily harm,' as long as they believe it necessary to protect themselves. In addition, officers may use 'reasonable and necessary' force to conduct strip-searches. Interrogation must be video-taped and conducted in the presence of a 'prescribed authority,' that is a judge, retired judge or presidential member of the Administrative Appeals Tribunal. Video-taping of questioning, currently mandated for police questioning in most Australian jurisdictions, is no guarantee against the planting of evidence and extraction of false confessions. And a government can readily appoint retired judges or tribunal members, with no judicial tenure, who may be amenable to its requirements [7]–[9].

CONCLUSION

Taken together, these laws represent a grave threat to fundamental democratic rights. Serious intrusions have been made into long-standing principles such as no detention without trial, the presumption of innocence and freedom of speech and association. The pressures of globalisation and the 'war on terror' have set the stage for measures that substantially expand the powers of the military and security agencies. Both the context of the legislation and the extraordinary reaches of its measures invite constitutional challenge, as well as public opposition. More broadly, all three developments reviewed in this chapter the military callout legislation, the anti-refugee provisions and the counterterrorism laws disclose contradictions at the heart of the processes of globalisation. The development of world economy demands global governance and, this chapter implies, international democracy. Yet, globalisation is also producing staggering worldwide inequality, to which many governments have progressively responded by shutting their borders to the poor while introducing anti-democratic measures domestically. On the one hand, transnational corporations and the most economically potent governments forcefully insist upon the dismantling of all limits on the movement of investment funds and production. On the other, they support ever more draconian measures that flout human rights, restrict freedom of movement and imperil legitimate political dissent. Existing refugee and human rights conventions have demonstrated to be no barrier to these tendencies. These contradictions will loom large in coming decades.

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CHAPTER 8

GLOBAL GOVERNANCE AND VIOLATIONS OF HUMAN RIGHTS: PROBLEMS AND SOLUTIONS

Kajal Dipen Chheda, Assistant Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- kajal.chheda@atlasuniversity.edu.in

ABSTRACT:

The chapter examines some conceptual challenges raised by the desire for enhanced democratic accountability in international institutions. In the absence of a world state, it may seem contradictory to demand that global institutions be answerable to everyone who is affected by their decisions while also demanding that their representatives, who serve as members of these institutions, continue to be answerable to the citizens of their own nations for the unique obligations they have toward them. Given the broad adoption of a state-centric understanding of human rights, which holds that governments and only states are ultimately responsible for defending the rights of their populations, this challenge appears intractable. In opposition to this idea, it is contended that the monistic ascription of human rights commitments to nations is no longer tenable in light of the existing global governance frameworks. States are unable to safeguard the human rights of their citizens when prospective violations are either caused by international laws or are committed by non-state actors under the prevailing circumstances. I turn to the ongoing discussion among international law scholars on the human rights obligations of non-state actors in order to demonstrate the viability of an alternative, pluralist view of human rights obligations. The study outlines the different ways that these commitments may be formally enshrined in international financial organizations like the WTO, the IMF, and the World Bank. These illustrations point to workable strategies for enhancing these institutions' democratic accountability while also upholding the member states' obligation to their own citizens. In conclusion that there is no conceptual difficulty in holding states and non-state actors accountable for their separate commitments to respect, safeguard, and fulfill human rights once these disparities are taken into consideration.

KEYWORDS:

Democratic Accountability, Global Governance, Human Rights, Human Rights Obligations Non-State Actors.

INTRODUCTION

Nearly all political philosophers concur that, at the national level, democracy is preferable to any other possible political system. Therefore, it is remarkable that so few theorists advocate for democracy as an appropriate system of government on a worldwide scale. However, it would be incorrect to assume that individuals who are against the idea of a global democracy reject some particular aspect of democracy. The majority of these opponents regard the concept of a single political system with a global government to be unacceptable. It goes without saying that they would find a non-democratic, authoritarian regime much more repugnant. The fundamental concern of these opponents is that a world state, even if it were nominally democratic, would inevitably devolve into totalitarianism as a result of its unprecedented concentration of power. Even if everyone believes that a world state is undesirable, democracy may have some qualities that, with the right adaptations, may be used to international organizations. Without a world democratic government, transnational democratization might be feasible. When viewed in this more constrained light, the desire for global democracy appears to be prevalent in the contemporary literature on global governance. At the very least, there is widespread criticism of the democratic legitimacy of current global governing systems, which leads to the conclusion that some form of transnational democratization would be advantageous. I want to look at this option in what follows. To determine if and, if so, to what degree, the

democratic ideal of political inclusion offers a suitable goal for enhancing the legitimacy of international institutions in the absence of a world state, I would like to concentrate in especially on this ideal [1]–[3].

Democracy, at its most basic, can be described as the consent of the governed to laws and policies. The demand of political inclusion that is implied in this concept has two aspects. One side is concerned with sovereignty, or the issue of who controls policy in a political system. The democratic ideal of popular sovereignty is typically stated as the idea that people who are subject to the law are also its political participants. However, in representative democracies, the ideal of popular sovereignty usually amounts to merely electoral sovereignty: citizens delegate most of the actual decision-making on particular laws and policies to their official representatives, but they do have the political power to elect those representatives, and in certain circumstances, they may also be able to directly decide some significant laws or policies through popular referenda. The fundamental distinction between democracy and other non-democratic systems of political organization is the requirement that voters have some ultimate say in some significant political choices. All adult citizens have the political right to participate in decision-making processes, and this right finds institutional expression in this way.

The democratic ideal of political inclusion would only have one aspect, sovereignty, if all citizens had the last say in all political decisions to which they were subject. However, the democratic imperative of political inclusion imposes normative restrictions on both the sovereignty of individuals and the accountability of their representatives in representative democracies, in which citizens largely delegate political decision-making to others. The democratic ideal states that the latter must continue to be answerable to everyone who is affected by their political choices. If accountability is interpreted in terms of the principal-agent model, democratic accountability differs from other forms of responsibility in that all persons who are affected by the agent's political decisions must be acknowledged as principals. Similar to how political inclusion is essential to the democratic theory of sovereignty (i.e., the alignment between those in charge of making political decisions and everyone who is subject to them), it is also essential to the democratic conception of accountability. The obvious difference is that democratic accountability requires decision-makers to act as representatives for all those affected by their decisions and to take into account the interests of all of them in the decision-making process, whereas democratic sovereignty only requires that all decision-takers be included in the decision-making process itself.

The word "democratic accountability" has multiple meanings as a result of these two facets of the democratic ideal of inclusion. The word refers to the democratic demand that representatives be accountable to everyone who is affected by their decisions when used as an answer to the question of whom representatives must ultimately answer. It can also be interpreted as a response to a separate query, namely, how specifically must accountability be ensured. In this second sense, the term can be interpreted as a synonym for what is typically referred to as "electoral accountability," and as such, it can be used to refer to the particular democratic requirement that representatives be held accountable to all those who are affected by their decisions through the latter's power to remove them from office in elections. 'Democratic accountability' implies electoral sovereignty if we interpret the term in this second sense. Electoral accountability is undoubtedly a sort of democratic accountability, but it is not the only one that is feasible if we define "democratic accountability" in its broadest sense. In constitutional democracies, there are a variety of systems in place to ensure that representatives continue to be answerable to the people who are affected by their decisions beyond elections. In order to prevent any misunderstanding with electoral accountability, I will refer to inclusive accountability rather than democratic accountability in what follows because I will only be answering the first question.

It goes without saying that in almost every existing democratic society, the strong requirement of electoral sovereignty and the weaker requirement of inclusive accountability remain unmet, as the majority of these societies have sizable populations of non-citizens who are not represented in the political process but are nonetheless subject to its decisions. This imbalance between those who make decisions and those who take them at the national level, however, is nothing compared to the same imbalance at the global level, which will be the subject of my attention in the paragraphs that follow.

It is obvious that the current global governance structures fall short of both standards for democratic legitimacy in political decision-making. Lack of electoral sovereignty for people who are subject to choices made by international institutions is the most evident shortcoming. It is less clear, though, whether fulfilling this criterion on a global scale is even feasible in the absence of a world state. I'd want to concentrate instead on the demand of inclusion at the center of the democratic conception of accountability, leaving the topic of electoral sovereignty open for the time being. Although there is broad agreement regarding the lack of accountability within the current global institutions of governance (such as the UN, the IMF, the WTO, or the World Bank), there is far less agreement over the proper solutions. In reality, proposals to apply domestic standards of democratic accountability to international institutions are opposed not only by those who doubt their viability, but also by those who do so because of possible trade-offs in other admirable qualities and worthwhile objectives pursued by the institutions concerned.⁶ Inclusion is a component of responsibility, though, whose favorability on a global scale seems unarguable.

According to Held, the normative premise that demands decision-makers be answerable to all decision-makers holds true at both the national and international levels. The question of whether inclusive accountability can be accomplished at the global level without a world state now seems dubious and has in fact been raised. Here, the motivations are more conceptual than empirical. From a purely normative perspective, it appears that if we want to maintain the division of political space by states, we must maintain the equivalent division of principals by states as well, leaving empirical concerns of feasibility aside. If so, insisting on maintaining the normative importance of states while still demanding inclusive accountability at the global level would just be a conceptual muddle. It is impossible to have our cake and eat it too. In what follows, I'd like to make a case for a particular solution to this seeming impasse. My goals, though, are fairly low-key. I don't want to offer answers to the challenging implementation issues that come with recommendations for institutional reform. I'm not attempting to address all of the accountability gaps in the existing international organizations with my argument. My goal is to simply demonstrate that there is nothing conceptually illogical or impossibly difficult about holding global institutions accountable to all decision-makers while also maintaining the members of these institutions' special obligations to their own nation's citizens as representatives of those nations.

DISCUSSION

The mismatch between decision-makers and decision-takers is one of the fundamental issues with the emerging frameworks of global governance, as was previously highlighted. This results in a very specific form of accountability gap. The issue here is less that decision-makers can conveniently dodge accountability anytime they do not have the final say in political decision-making procedures. The fact that decision-makers aren't even intended to be responsible to all decision-takers in the first place is the specific issue at the global level. Powerful nations can impose international economic rules that could have disastrous effects on many decision-makers. This happens less because those nations' representatives in international financial institutions try to avoid responsibility than because they take those decisions in the name of responsibility. Delegates believe they have a duty to defend and advance the rights and interests of their own citizens, not those of all decision-makers, because they are accountable to the citizens of their own countries regardless of whether decisions are made at the domestic or international level. Therefore, increasing delegates' responsibility to the people in their own countries will only make the issue worse rather than resolve it. There is absolutely no reason to expect decision-making in global organizations to be responsible to all decision-takers in the absence of any institutional elements intended to remedy the fragmentation among various (and very unequal) principals [4]–[6].

Given this structural inconsistency, many scholars come to the conclusion that only a world state that acts as a single agent and is answerable to all world citizens as a single principal could achieve inclusive responsibility at the global level. As is frequently the case, agreement on this conclusion is subject to the standard *modus ponens/modus tollens* argumentative alternative. As a result, some authors offer it in support of the need for a world state for transnational democracy, while others see it as a direct refutation of cosmopolitan claims to global justice that downplay the normative significance of states. Now that a world

state is not a particularly appealing alternative, it appears that the best course of action is to investigate the specific content and scope associated with assigning states primary responsibility for the protection of the rights and interests of their inhabitants. The heart of the prevalent understanding of human rights obligations is that nations are primarily responsible for defending the human rights of their own populations. Despite the fact that this conception is common, it is still important to consider the normative credentials of the state-centric view of human rights obligations because it is the attribution of obligations that leads to the fragmentation of principles that renders the expectation of inclusive accountability in the absence of a world state incoherent. I agree with two of the statements that lead to the normative dilemma cited by Nagel, which will give you a hint as to the line of reasoning I will pursue in the following. I concur that some tenets of the state-centric conception of human rights are inconsistent with the imposition of inclusive accountability on institutions of global governance, and I also concur that the creation of a world state is the only way to achieve compatibility between inclusive accountability at the international level and the state-centric conception of human rights obligations.

However, there is a third (and more desirable) choice available, thus these two assertions do not add up to a true problem. The wisest course of action would seem to be to reject the problematic tenets of the state-centric definition of human rights rather than having to accept the necessity of a world state or resign to the demand of inclusive responsibility at the global level. However, the state-centric notion cannot be normatively compelling if individuals who are responsible for such decisions cannot also be held accountable due to the fact that states are not held accountable for laws and decisions that are made outside of their power. The fact that this "accountability gap" cannot be closed within the state-centric model is a serious flaw in and of itself, but it also has significant implications for the secondary obligations of the international community. It seems like the incorrect course of action for the international community to follow if, *ex hypothesi*, a global economic regulator is compromising the defense of citizens' human rights in some nations. The best course of action would be to amend the faulty regulation rather than patching up the original issue.

This logically clear reaction, however, cannot be taken into account by the state-centric viewpoint. Given that the state-centric conception recognizes that the secondary responsibility of the international community for ensuring the protection of human rights is shared among a number of international and transnational institutions (UN human rights agencies, states, NGOs, etc.), it may appear that it can unproblematically account for the fact that various corrective measures may be required to fully discharge this responsibility. Betis provides an illustration of this reasoning technique in *The Idea of Human Rights*. Although he explicitly supports a state-centric understanding of human rights, he lists six "paradigms of implementation" or "enforcement" of human rights that different agents might use to try to stop or correct the failures of states to protect human rights, one of which includes the potential for altering a global regulation.

If it turns out that, in light of that very conception, the practice's goal of securing human rights protections worldwide is doomed from the start under contemporary circumstances, then a conception of human rights that aims to give an account of the meaningfulness of human rights practice can hardly be plausible.²⁷ But unless the 'accountability gap' that results from the monistic ascription of human rights obligations to states can be successfully addressed, this dismal conclusion seems inevitable. Everyone is in agreement that if global finance regulations do not actually hinder such protection, the goal of protecting human rights internationally cannot be accomplished. Given this circumstance, it is simply insufficient for proponents of the state-centric viewpoint to claim, as Beitz does, that there are legal avenues via which international economic norms that severely impede the preservation of human rights may be changed. It must be demonstrated that there is a mechanism to guarantee that such restrictions will be changed (in a way that is legal and effective). Finding actors who have the obligation and actual legal power to carry out such a modification is then necessary as a result of this. However, this task appears to be impossible to complete within the state-centric conception because both the actors with the obligation (individual states) and the actors with the legal capacity (the WTO, IMF, or World Bank) lack the legal authority to carry it out. It is true that, in accordance with the state-centric perspective, a state's failure to uphold human rights may enable competent and adequately situated outside parties (such as non-state actors) *pro tanto* justification to take

action. However, Beitz concedes that "in the general case, a human rights failure in one society will not require action by outside agents. This is the problem that, in my opinion, the state-centric view of human rights cannot solve, even when interpreted positively.

Of course, the crucial query here is whether or not the current situation has a workable substitute. Is it tenable to argue that non-state entities, like the WTO, have a duty to defend human rights? This would need the WTO changing from a voluntary group created to promote trade among its members to a human rights agency. Now, it is crucial to focus on the ambiguity within the idea of 'protecting' human rights in order to demonstrate how an alternative to the state-centric conception's monistic ascription of human rights obligations need not also result in such implausible consequences. The terms "protect" and "uphold" can have significantly different connotations when used in relation to the obligations to respect, protect, and fulfill human rights, according to terminology that has come to be accepted. Whether responsibilities are understood narrowly as (merely) respecting human rights or broadly as (actively) fulfilling human rights determines these various interpretations. While it does seem very plausible to say that states are the only actors who have a primary responsibility for upholding the human rights of their citizens in the second, more general sense, it does not seem at all plausible to say that states are the only actors who have a primary responsibility for providing the protections, entitlements, and services required for fulfilling (i.e. promoting and enforcing) the human rights of their citizens. States and non-state actors are both bound by the need to respect human rights in the sense of not aiding in their violation. This obligation appears to be universal.

In this situation, it's critical to resist equating the two different ways of "protecting" human rights with the distinction between "acts" and "omissions," according to which "fulfilling" human rights necessitates taking positive action while "respect" only calls for restraint. This distinction may be helpful in some situations, but our current situation is not one of them. In some circumstances, non-state actors may be justified in abdicating their responsibility to uphold human rights; however, not all of them. To fulfill its responsibility to uphold human rights, a multinational firm may choose to withdraw from a nation with a long history of human rights abuses. For international financial organizations (like the WTO, the IMF, or the World Bank) in charge of policing various facets of the world economic system, this is not a viable choice. They have no choice but to actively choose among alternatives and enact one regulation or another as long as their objective is to execute global economic regulations and policies. For these institutions, the distinction between promoting and upholding human rights does not depend on whether an action is taken or not. There is a difference between accepting the responsibility to ensure that the rules they implement in pursuit of their respective goals (such as trade liberalization, financial stability, economic growth, etc.) do not compromise the protection of human rights globally and making the fulfillment and enforcement of human rights throughout the world their own goal (i.e., becoming a human rights organization). Given this distinction, it is evident that whether or not these institutions should make actively promoting and enforcing human rights part of their legal mandate or whether this responsibility should be left to states and human rights institutions is unrelated to the distinct question of whether they are required by international human rights law to respect human rights by ensuring that the regulations they implement [7]–[9].

CONCLUSION

This brings us back to the original question of whether it is conceptually sound to expect members of international institutions who are representatives of states to be accountable to all decision-makers while also continuing to be accountable to the people of their own countries for their unique duties toward them. The conceptual conundrum seems to lose a lot of its credibility whenever the topic is expressed in terms of the duty of international organizations with respect to human rights. As long as they adhere to the general obligation they have as representatives of global institutions to ensure that their collective decisions do not adversely affect the possibility of protecting human rights worldwide, it seems perfectly reasonable to assert that members of global institutions have a special responsibility to advance the interests and rights of their own citizens as vigorously as possible. This concept of numerous responsibilities is deemed normatively credible by the analogy at the national level. As long as they adhere to the restrictions imposed by their participation in a national institution, which requires them to ensure that their collective decisions do not

adversely affect the possibility of protecting the constitutional rights of all, representatives of various regions in a country with a federal political structure may have the special responsibility of promoting the interests and rights of the citizens of the regions they represent as strongly as possible.

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CHAPTER 9

DISCUSSION ON GLOBAL GOVERNANCE AND SUSTAINABLE DEVELOPMENT: A SOCIO-POLITICAL AND SOCIO-ECOLOGICAL PERSPECTIVE

Meena Desai, Assistant Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- meena.desai@atlasuniversity.edu.in

ABSTRACT:

This chapter illustrates how sustainable development and governance are produced and appropriated to serve various ends. It makes the case that governance and sustainability are closely intertwined. The socio-political views and the socio-ecological views are examined in connection to how various disciplinary perspectives have interpreted the relationship between sustainability and governance. It contends that discussions of alternative strategies for advancing sustainable development and sustainability transitions through governance have been framed by these two points of view. The study emphasizes power, scale, system dynamics, uncertainty, involvement, and solutions to show how each perspective has developed a distinct image of governance. It does, however, show that the recent rise of sustainability science has emphasized the need to move beyond these two dominant points of view and reconsider governance in terms of a solution-oriented approach that supports structural reforms on both a socio-political and a socioecological level.

KEYWORDS:

Global Governance, Socio-Ecological View, Socio-Political View, Sustainable Development Goals, Sustainability Paradigm.

INTRODUCTION

In the latter half of the 1980s, the phrases governance and sustainable development both gained popularity. Sustainable development has always been viewed as a normative term to promote equity between and between generations, making it basically a political and ethical distribution issue. Consolidating the notion that the world was on an unsustainable trajectory was the recognition of the mutually reinforcing dynamics between ecological integrity loss, rising inequality, and a world paradoxically characterized by increased wealth and consumerism. Thus, the idea of sustainable development emerged as a means of addressing ecological degradation, justice, and human growth within the context of continued economic prosperity. The Sustainable Development Goals (SDGs), which serve as a roadmap for international development, were introduced by United Nations member states in 2015. The established unique objectives urge for collaboration between the developed and the Developing countries should cooperate with measures that enhance the economy, education, and health, as well as reduce inequality, while addressing a variety of ecological concerns.

Although "sustainable development" swiftly gained popularity, little public or private action followed. Governments and international organizations embraced it fast. Although intergenerational justice may have been rendered essentially irrelevant in terms of practical implementations by sustainable development, its all-encompassing nature allowed for lively and fruitful discussions about future visions, desirable societal goals. However, despite the fact that the normative objectives necessary for sustainable development are appealing to all people and inspire formal treaties, declarations, and charters, putting these ideas into practice is contentious. In any event, questions about how to make sustainable development a reality center on governance. Experts are coming to the conclusion that sustainable development may have simply been a plan to subjugate society and ecology to economic expansion after decades of postponed implementation. In addition, new phrases like "green economy" or "green growth" have appeared as substitutes that offer less ambitious but more sensible objectives. These problems are now recognized as structural threats to economic

sustainability in general. As a result, the notion of sustainable development itself appears to be in crisis, which has been made worse by the underwhelming outcomes of the supposedly "landmark" Rio+20 meeting. In the post-Rio+20 era, practitioners are starting to reevaluate the concept's actual meaning and create new, more persuasive narratives to demand more radical changes in global environmental governance. Even though sustainable development and the institutions of government associated with it may be at a crossroads, the idea of "sustainability" is growing in popularity as a principle that can entrench changes in the ways that businesses, educational institutions, and other organizations currently operate. When used in this context, the term "sustainability governance" refers to "met governance for sustainable development," which is the process of directing companies and other organizations toward improvements that could tip the system toward more important social reforms.

An important question related to the emergence of "sustainability," which could arguably be seen as an alternative to failed sustainable development global governance institutions, is to what extent non-governmental institutions will be interested in, have the capacity for, and may ultimately prove to be more successful in addressing equity, social justice, and human-environment relations. Given the widely held accusation that the conversation around sustainable development has been greatly influenced (if not hijacked) by neoliberal forces since the 1990s, these concerns are understandable. Examples of this include initiatives to convert environmental preferences into market preferences. If "sustainable development" evolved from being an environmental and social movement addressing fundamental needs and rights of people and the environment to becoming a discussion on how to increase the role of markets and the private sector, should we not consider current "sustainability" agendas to be the result of this process of cooption?

The basic difference between sustainability and sustainable development is that they were born out of various global governance structures. In a context marked by the consensus on climate change, the systemic financial and economic crises that have impacted virtually every country on earth, the acceleration of socio-economic change, and the predominance of neoliberal rhetoric globally, the term "sustainability" first surfaced more recently. It is crucial to take into account this particular contextual scenario when analyzing whether sustainability is more likely to fulfill social and environmental goals and whether sustainability governance, as previously said, is more likely to have beneficial outcomes [1]–[3].

This essay examines these concerns and argues that sustainability governance's emphasis on deliberate social transformation is its main advantage. The old paradigm of sustainable development, which emphasized the need to balance the interests of the social, economic, and environmental realms, is positively departed from by this. The development and successful implementation of fundamentally unique alternatives are not guaranteed by this transformative attitude. The argument made in this essay is that it presents an opportunity to merge the two important governance paradigms that have influenced the sustainability debate.

Understanding Governance and Sustainability:

The idea of governance was a natural fit to the discussion over sustainable development because both concepts are based on the balancing of their constituent dimensions: private sector, government, and civil society in the case of governance, and environmental, social, and economic spheres in the case of sustainable development. It was simpler to include governance in studies on sustainable development and vice versa because governance and sustainable development are linked conceptual constructs. The outcome was the idea of "governance for sustainable development," which was first conceived as a goal-oriented activity including the deliberate adjustment of governance processes to achieve sustainable results. The realization that sustainable development is not an end state but a social process has had an impact on the gradual re-signification of this conceptual fusion as the dynamic process of changing the structures that govern socio-ecological interactions. In order to comprehend sustainability as a design concept for socio-ecological transformation, rather than just a new approach to "development," it is essential to place attention on the process. Nowadays, phrases like "sustainability governance," "trans-governance," "sustainability transitions," and "pathways for sustainability" are commonly used to emphasize socio-ecological change while emphasizing the anticipatory, reflexive, and political aspects of sustainability. Sustainability governance

results in a new approach to governance that goes beyond disciplinary scientific research, toward more trans-disciplinarily; beyond boundaries imposed by states and other institutions, toward trans-border approaches; beyond conventional methods of measuring progress, toward new, more interactive measuring methods; beyond linear forms of innovation, toward open innovation; beyond cultural integration or assimilation, toward looking for compatriots; and beyond economic development, toward seeking out compatriots.

This study looks at the theoretical foundations, historical progression, and relatively new field of sustainability science, which can be broadly characterized as an emerging design principle for managing socio-ecological transitions in the context of our increasingly globalized world. This paper identifies two key viewpoints on governance in the literature that come together to produce the concept of "governance for sustainability." These two viewpoints have emerged independently from sociological and ecological research on governance applications.

Examining the Perspectives of Governance:

Effective governance requires, the capacity to influence outcomes, well-defined objectives, and a firm grasp of relevant causal relationships. From the standpoint of sustainability, each of these three requirements appears challenging. Power is distributed across numerous people and subsystems, and goals are unclear and contested. Policymakers lack the ability to bring about change because power is distributed throughout intricate social systems that are interrelated and constantly changing. It is essential to respond to the question of how academics in sustainable development and sustainability science have tackled these governance difficulties in light of this assessment. While some authors contend that these issues are not unique to sustainability and have plagued governance in all fields—they are simply more politically contentious—others argue that the globally integrated world we live in is a complex, interconnected system, and that managing a complex system necessitates a governance revolution. In order to solve governance for sustainability, many disciplines have defined these challenges differently and constructed their solutions on diverse philosophies.

The first perspective, which we refer to as social-political, primarily addresses the third challenge, distributed power and authority. One definition of globalization states that it is the process of rearranging power systems that have called into doubt the legitimacy of governments and introduced new actors to creative. Before examining the consequences of this redistribution of power for sustainability governance, this body of work begins with a study of power and governance. Sustainability is viewed as both a new agenda and a novel set of guiding principles for inclusive government in this discussion.

The second perspective, known as socioecological, is one that is commonly used by deep thinking and resilience scholars, and it has undergone tremendous transformation in the last three decades. As we err dangerously close to running out of natural resources, passing tipping points, and violating planetary boundaries, the need for a complex systems approach to governance is growing. This social-ecological paradigm has advanced from trying to understand system dynamics and pinpoint causal links to offering governance solutions for local social-ecological systems (SESs) that are characterized by uncertainty. In order to govern for sustainability in bounded systems marked by uncertainty, incomplete information, and inevitable surprises, scholars also try to understand the qualities that a governance structure should have or the tasks that governance must accomplish. The social, political, and economic effects of globalization are noticeably absent from this perspective, which limits the function of globalization to its effects on local system dynamics. The next sections go into further information about these two points of view. It is suggested that we use their synthesis as a springboard to enhance concepts and methods for sustainability governance.

DISCUSSION

Taking a Socio-Political Viewpoint:

Our generation is dealing with environmental and governance concerns as a result of the globalization that defines our day. Because of the transfer of power from the state to non-state actors, the central question that emerged in the wake of globalization was whether the state was no longer the dominant vehicle of

governance. The effects of globalization include the emergence of new global centers and the transfer of power to specialized agents of global governance.

Globalization has resulted in fragmentation and integration, globalism and localism, and a disintegration of authority. According to some governments have been and will continue to be the primary source of governance even though there have been new actors on the governance stage. Researchers also claim that the growing influence of civil society and non-state actors is the new "rationality" by which the government organizes governance. The behavior of non-state actors could be coordinated by governments to further their objectives, according to this perspective on governmentality. Taking a sociopolitical view Concerns about the role of the government, particularly its probable decline and the ensuing power vacuum, have been seen as both a threat and an opportunity in terms of sustainability governance. On the one hand, when it comes to the idea of governance as the exercise of authority, the absence of a single authoritative figure portends a bleak future for sustainability governance. Conversely, when centralized authority declines, excitement about the ability of hybrid forms of collaboration and governance networks to achieve sustainability goals grows. Decentralization and polycentricity are thus viewed from a social-political viewpoint, which includes two competing views on the consequences of power distribution for sustainability governance, as either a threat or an opportunity [4]–[6].

The challenges of distributed power and authority outweigh any chance of agreement, collaboration, or the development of coordinated institutional steering mechanisms. Typically, this disintegration of authority is connected to the state's decline. In order to evaluate this fragmentation. According to the essential concept, every rule system acquires and uses authority in its own special way. Compliance is a sign that a sphere of authority is present. Governance is the ability to establish authority and encourage compliance. Through accepted conventions, unofficial agreements, conversations, and other forms of governance, other players and rule systems may acquire legitimacy.

According to other academics, distributed authority gives rise to different forms of organized regulation and collective action. This viewpoint contends that the state's political and economic collapse offers a chance to create sustainable governance. This concept has been studied from a range of disciplinary viewpoints, including political science, political ecology, geography, and even ecology, within the framework of resilience thinking and complex systems theory. In order to effectively combine governance and sustainability, new disciplines of research and methods of thinking have emerged in response to the evolving patterns of power relations.

Social-Ecological Viewpoint:

The second broad approach on sustainability governance's examination of the mechanisms governing the interdependence of human and environmental components uses the social-ecological system (SES) as its core analytical unit. It is now widely understood that the social and ecological aspects of a problem are intricately interconnected and require holistic approaches to problem-solving. Adaptation, vulnerability, and resilience were listed as traits that may be studied through governance research, starting with the dynamics of the SES. Resilience researchers have focused on the growth of institutional structures and the factors that sustain their stability. It became more and more clear that social and natural systems are intertwined, making it impossible to examine the resilience of natural systems in a vacuum. Resilience thinking has evolved from viewing social forces as external threats to natural systems to considering them as crucial components of coevolving human-environment systems.

The original idea behind SES governance was to use cutting-edge techniques to manage ecosystems. Uncertainty, a lack of information, and a poor understanding of complex system dynamics are the defining characteristics of the governance-sustainability paradox in complex systems. As tipping points and non-linear changes further exacerbate the problem, it was quickly realized that the management of these systems would need to adapt from trying to control change to learning to deal with changes in these systems. Adaptive governance was created with a focus on handling complexity within the SES. As a result, the social components of SESs were characterized as complex systems unto themselves. Leadership, social capital,

networks, and learning through experimentation were all taken into account in the development of adaptive governance.

One must look beyond the conventional notions of risk, stability, and control and instead concentrate on the dynamics of resilience, vulnerability, and adaptability to understand complex and unpredictable coupled systems. These authors contend that sustainability governance is the most effective way to make the move from managing SESs as static entities for maximum benefits to managing them as dynamically changing systems demanding adaptive responses to problems, shocks, and surprises. The fact that maintaining these systems is a difficult, dynamic process has also been noted. Because of this, controlling sustainability presents challenges that go beyond basic ignorance of the complex systems that sustainability issues originate from and take shape in. They also involve issues with how governing systems behave dynamically.

Researchers studying resilience have come under fire for utilizing parallels from natural dynamics to analyze social (and governmental) systems without taking politics, power, justice, and ethics into account. There are fundamental differences between governmental structures and ecological systems that at first glance appear to have gone overlooked. The concept that the social and political system is composed of "individuals who can reflect on their circumstances and acts, who are endowed with intrinsic moral rights, and who hold normative convictions" is however starting to gain increasing acceptance.

Societies could also generate and distribute goods for the benefit of everyone, guide society toward reaching desirable goals, and work together cooperatively to put such normative convictions into practice. It is highly challenging to incorporate resilience thinking because it inherently lacks the strong normative feature of social systems that is necessary for governance and sustainability. Adaptive management contributes to the reframing of governance in the field of natural resource management by advancing the idea that socio-ecological systems are best handled in the face of unforeseen events and surprises. In order to allow for systemic change, this seeks a form of governance that is dynamic in and of itself. Contrary to other approaches, adaptive management believes that policy failures will occur and that they will greatly advance learning. Preventing opportunities for active learning by avoiding mistakes may help to sustain the status quo. The emphasis is on desired qualities in a governance system rather than the actual institutions of government as described by the social-political approach.

Bringing the Socio-Political and Socio-Ecological Viewpoints Together:

Both sociopolitical and socioecological viewpoints are considered while discussing various structural solutions for how government might be constituted. The distribution of central governmental authority both vertically to actors positioned at various territorial levels, and horizontally to non-state actors. The multi-level nature of governance could operate as a pivot point for sociopolitical and socioecological perspectives. In the section that came before this one, author discussed the use of Spheres of Authority, which in his view make up the Möbius strip or web of global government. An "organizational explosion" that would overwhelm the governance stage and hinder effective governance is possible as a result of excessive power fragmentation, according to a sociopolitical perspective. New international spheres of authority emerge to control social and ecological processes as the state loses control over expanding flows of resources, money, people, pollution, and ideologies. These realms of authority can be categorized as multi-level governance, polycentric governance, network governance, hybrid partnerships, and sustainable governance.

The socio-ecological approach gives an analytical perspective on multi-scale and multilevel governance in addition to analogous socio-political framings. Federalism's offspring, type I multi-level government, consists of general-purpose jurisdictions at a small number of levels with non-overlapping membership. The European Union is a typical illustration of Type I multi-level governance. The characteristics of Type II multi-level governance include intersecting memberships and task-specific jurisdictions. Another example of the adaptability of jurisdictional entities is the concept of Functional, Overlapping and Competing Jurisdictions (FOCJ). A FOCJ is flexible since it can be established or withdrawn as needed and serves as "the institutional mechanism to adjust the scale of public jurisdiction to avoid spillovers. Each of these foundational elements jurisdictions, polities, or FOCJs, for example represents a lengthy history of numerous

academic fields cooperating to develop a framework for the "new" form of government that the world is presently experiencing. It is possible to see the concept of "multilevel governance for sustainability" as providing a framework or environment in which these core elements can be articulated and coherent understandings of governance across disciplines and techniques are offered. In this new field of global sustainable governance, NGOs, transnational environmental networks, and epistemic communities defined as networks of knowledge-based expertise all have a part to play [7]–[9].

CONCLUSION

This paper claims that sustainable development falls short of the aspirations of the international community because technocratic attempts to balance the social, economic, and environmental sides of an issue necessitate governance systems that we are presently missing. In order to make the transition to a time when such systems flourish, the concept of sustainable governance has been proposed here. This essay explains why sustainability governance must take into account sociopolitical and socioecological perspectives on governance. In contrast to the socio-political approach, which emphasizes agency, power, authority, legitimacy, and accountability as key concepts for transformational social change, the socio-ecological perspective sees governance as a dynamic process. We are urged to consider fundamental questions of change and stability, adaptability and design, hierarchy and self-organization when we study multi-level governance systems in particular. Efficacy, accountability, and equity are three traditional metrics for evaluating public government. However, there is always room for improvement in how resilience and complexity insights are combined with cultural and political aspects of governance. In the governance for sustainability paradigm, the significance of culture, local knowledge, and traditional practices is sometimes overlooked. Few studies have examined how power may be researched in social-ecological systems, and even fewer have focused on this issue, despite the increased emphasis on the necessity to investigate power.

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CHAPTER 10

ROLE OF CORPORATE SOCIAL RESPONSIBILITY IN GLOBAL GOVERNANCE

Neha Nitin Karnik, Associate Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- neha.karnik@atlasuniversity.edu.in

ABSTRACT:

Through the actions of states, multilateral organizations, and non-state actors, global governance seeks to address widespread global issues. These actors participate in interactive decision-making processes and take into account a variety of policies and practices while developing tools to address global issues. The eradication of corruption, the protection of human rights, and environmental violations are some of these external Corporate Social Responsibility (CSR) concerns. The social and ethical issues that firms face while they conduct business have elevated CSR to the fore and firmly positioned it under global governance. CSR focuses on the effort to control corporate behavior in order to make sure that businesses conduct their operations while taking the interests of many stakeholders into account. CSR also considers how such efforts may affect societal growth in terms of social, political, economic, and economic factors. In order to obtain contracts, advance human rights, or protect the environment, businesses often bribe high-ranking state officials. This chapter will look at how global governance affects this practice.

KEYWORDS:

Corporate Social Responsibility, Environmental Violations, Global Governance, Responsible Entrepreneurship, United Nations.

INTRODUCTION

According to the Commission on Global Governance, global governance is a vast, complicated, and interactive process of decision-making that is continually changing and adapting to new situations. For the purpose of creating collaborative policies and practices on issues of shared interest, it requires a large number of players and relationship formations. The term "global governance" encompasses more than the official structures and organizations that support the management of international affairs. It encompasses social systems' means for command and control, including private enterprise, but does not always entail legal or political power. A few examples of behaviors that encourage control mechanisms that support governance without government include having information and expertise, applying pressure from active or mobilizable individuals, and using careful preparation, good timing, deft manipulation, and tough negotiation.

Legal, political, and other types of authority are only a few examples of how global governance can be categorized. This makes it challenging to assess the relevance, if any, that global governance may have on universal issues like anti-corruption initiatives. This is due to the fact that it is challenging to distinguish between what falls under global governance and what does not under such a viewpoint. Global governance, for instance, might be defined as the actions taken by a formally organized group, such as nongovernmental organizations (NGOs), to persuade others to adopt a specific viewpoint.

While such NGO initiatives are to be commended, some restrictions must be placed before designating them as global governance. It is not always obvious if the sheer behavior of social systems, which may or may not result in rules, or the rules that may or may not result from such activity, should be correctly defined as global governance. Global government requires interdependence and cooperation, therefore generally, it should be the former. Because of interdependence, decisions made at one level always have an impact at lower levels as well. Compromises about how governance is carried out will unavoidably be required given the extent of cooperation and interdependence envisaged in global government. In some circumstances, market forces will take precedence over legal restrictions and enforcement. Other times, there will be conflict between

competing parties who have different ideas on how to proceed. For instance, there is a rift between trade associations like the International Chamber of Commerce (ICC) and NGOs about the necessity of CSR regulations [1]–[3].

Corruption frequently has a connection to governance or government in that poor governance or poor government decisions cause corruption. The majority of papers on governance and corruption discuss how governments and corruption relate to governance. Here, an attempt is made to connect corruption to global governance—decision-making that results in a diversity of laws affecting multiple parties. In particular, the role that global governance may play in curtailing MNCs' corrupt actions and the necessity of reforming and strengthening public, private, and intergovernmental institutions are discussed in order to guarantee that international frameworks for the eradication of corrupt business practices are effectively followed.

Through the influence of actions taken by states and non-state actors on the international, regional, and national sectors, global governance can lessen corrupt practices by MNCs. The United Nations Convention against Corruption (UNCAC), the OECD Anti-Bribery Convention, and the Organization of American States Inter-American Convention against Corruption are three international instruments that can be used to combat corrupt business practices, as was mentioned in the introduction to this paper. The Inter-American Convention against Corruption was ratified on March 6, 1997, after being adopted on March 29, 1996, in Caracas, Venezuela. The purpose of the convention is to: (a) encourage and strengthen the development by each of the State Parties of the mechanisms necessary to prevent, detect, punish, and eradicate corruption; and (b) encourage, facilitate, and regulate cooperation among the State Parties in order to ensure the efficacy of measures and actions to prevent, detect, punish, and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

The Convention does not define transnational or overseas bribery, which is the offering or granting, directly or indirectly, of an undue financial or other advantage to a foreign public official, as an offense that all States Parties should establish as a crime through legislative or other means. Instead, it is only an act of corruption between States that has made it a crime. States who have not made transnational bribery an offense must merely offer support and cooperation in dealing with the crime. The Convention addresses the prevention of transnational bribery and is applicable to all State Parties. It calls for the implementation of preventive measures, including the creation of "mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable their officers to detect corrupt acts." On 18 December 1997, the OECD Anti-Bribery Convention was signed, and it became effective on 15 February 1999. The Convention calls on State Parties to take action in order to define the crime of bribery of a foreign public official in order to put a stop to bribery in international economic transactions. The "active bribery" or "supply side" of corruption, which is the offering of bribes by natural or legal persons to foreign public officials in cross-border economic transactions, is the subject of the Convention. The Convention states that payments to foreign public officials must be punished by "effective, proportionate, and dissuasive criminal penalties," but non-criminal sanctions may be employed in countries where the legal system does not accept criminal responsibility for legal persons.

The UNCAC was ratified on October 31, 2003, and it became effective on December 14, 2005. The UNCAC aims to secure international cooperation and technical aid in the anticorruption battle, as well as to promote integrity, accountability, and good management of public affairs and public property. It also aspires to prevent and combat corruption efficiently and effectively on a worldwide scale. Preventive, criminalization, and law enforcement measures are all included in the Convention's provisions. The preventive measures consist of a number of anti-corruption laws and procedures. State Parties are obligated to make an effort to establish and promote effective anti-corruption practices as well as to periodically assess the effectiveness of pertinent legislative and administrative tools in preventing and combating corruption. The Convention makes it illegal to bribe domestic, foreign, or representatives of public international organizations. It mandates that State Parties adopt legislation and other measures to clarify the legal responsibility of corporations for paragraph.

DISCUSSION

The aforementioned discussions have briefly shown the effects they have on MNCs' involvement in overseas corruption. However, both state and non-state actors are involved in the development and use of these weapons. Multistakeholder approaches to combat corruption and other CSR issues involve international organizations like the United Nations. Initiated by the former UN Secretary-General Kofi Anan, the UN Global Compact seeks to forge partnerships between business, government, civil society, and the UN to ensure that companies are committed to aligning their operations and strategies with ten generally accepted principles in the areas of human rights, labor, environment, and anti-corruption. Anti-corruption is a topic covered by Principle 10: Businesses must fight corruption in all its manifestations, including extortion and bribery. They should also create programs and policies to combat corruption.

Another international institution, the Organization for Economic Co-operation and Development (OECD), has created voluntary guidelines to support ethical corporate practices. These rules cover a range of CSR topics, including bribery, labor, the environment, and human rights. Businesses must adhere to several anti-corruption rules, including rejecting bribe solicitation, abstaining from using subcontracts, purchase orders, or consulting agreements to funnel payments to public officials, ensuring appropriate and legal remuneration of agents, and adopting management control systems, financial and tax accounting, as well as auditing procedures preventing secrecy [4]–[6].

Additionally, non-state players have created soft law enforcement systems to combat international corruption. Transparency International (TI), a well-known NGO in the forefront of anti-corruption initiatives, is one of these actors. For instance, in 2002, the TI Business Principles were developed and facilitated by TI and the Social Accountability International. The creation of the TI principles benefited greatly from the involvement and assistance of private sector businesses, other NGOs, and labor unions. The TI principles are designed to offer actionable advice for preventing bribery, establishing fair competition, and fostering long-term commercial advantages. According to the TI principles, businesses must have zero tolerance for bribery and be committed to putting an anti-bribery program in place. It has also released a document that serves as advice for businesses looking to develop or update their anti-bribery measures.

The Partnering against Corruption Initiative (PACI), established by the World Economic Forum (WEF) in collaboration with TI and the Basel Institute on Governance, is another instance of non-state actor action in reducing overseas corruption. According to the WEF, MNCs have a crucial role to play in promoting and defending the values of human rights, labor, the environment, and anti-corruption. The mission of PACI was to unite the private sector's efforts to combat bribery and corruption and shape the developing regulatory framework, as well as to galvanize corporate leaders, governments, civil workers, and legislators behind the fight against corruption. The PACI Principles are based on the TI Business Principles and, like those principles, they demand that businesses commit to a zero-tolerance stance on bribery and create a workable implementation plan. Another non-state actor tackling corruption is the International Chamber of Commerce (ICC). The ICC created the ICC Code of Conduct and Recommendations for Combating Bribery and Extortion. According to the Rules, businesses must forbid bribery and extortion at all times and in all forms, ensure that agents and other intermediaries abide by company policy, and make sure that payments made to agents are legal and appropriate. They also must make sure that joint venture partners accept the company's anti-bribery policies, put corporate policies or codes into practice, and ensure accurate financial recording and auditing. All of these state and non-state actors' actions serve as illustrations of how global governance helps to curb MNCs' unscrupulous business practices. These players' actions and the effects they have on shifting public perceptions of CSR have been crucial.

Some occupations could be more productive than others. As can be seen from the numerous prosecutions that have occurred as a result of the application of the U.S. Foreign Corrupt Practices Act (FCPA), 53 using corporate liability to hold corporations accountable for foreign bribery may be more effective than urging companies to have zero tolerance for bribery without providing effective means of ensuring corporations

comply. However, all of the initiatives at least raise awareness of the fact that corruption exists on a global scale and seek to address CSR issues like reducing overseas corruption.

To combat international corruption, institutions need to be strengthened and reformed. It is crucial to remember that stolen assets are made up of foreign bribes from MNCs with roots in poor nations while discussing asset recovery, which is concerned with public officials who hide stolen funds in the financial hubs of developed countries.⁵⁴ In order to assist developing nations in recovering stolen assets, it is a good thing that the World Bank and UNODC launched the Stolen Asset Recovery (StAR) initiative. It is also a good illustration of how improved global governance can reduce corruption.

The UNCAC must be ratified by all nations, according to the StAR initiative, which emphasizes the importance of cooperation between international and bilateral organizations, civil society, and the commercial sector. The program will aid UNCAC signatory governments in enhancing their ability to put Chapter V on Asset Recovery into practice. Although the UNCAC chapter on asset recovery does not specifically target MNCs, it indirectly affects MNCs by preventing the use of financial centers in developing countries to deposit stolen assets.

Additionally, arguments for greater direct corporate accountability in international law were sparked by these claims and their ramifications. The 2003 Draft Norms on the Responsibility of Transnational Corporations and Other Business Enterprises with Respect to Human Rights ("Draft Norms") attempted to establish such direct responsibility. The Draft Norms, which the United Nations Charter took into consideration, sought to advance the respect for and observance of fundamental rights and freedoms on a global scale. It sought to create rules that would apply to all corporations in the areas of labor, the environment, and anti-corruption while also holding them directly accountable for upholding human rights standards. Critics, however, were quick to point out that the standards went beyond the mandatory limits of state responsibility set forth in current international law. States have always been in charge of ensuring that third parties, like MNCs, do not violate human rights. Under international law, corporations could not be held personally liable. Because companies lack legal personality under international law, this was in force.

The Draft Norms are no longer as relevant as they once were. The U.N. Special Representative, John Ruggie, was chosen to resolve the Draft Norms deadlock. In his opinion, the Draft Norms overstated legal assertions and conceptual uncertainties. Legal responsibility is highly disputed in sectors other than those involving international crimes, but there is potential for the application of soft law initiatives and standards in the growth of corporate responsibility in the future. Ruggie has put up a paradigm, according to which corporations are obligated to uphold human rights while the government is responsible for defending them.⁸⁰ Companies must do due diligence, which should include policies, impact assessments, integration, and performance tracking, in order to successfully fulfill their need to respect. The Global Compact discusses issues relating to human rights, as was indicated under the discussion on anti-corruption above. Businesses are obligated under Principles 1 and 2 to refrain from being complicit in violations of human rights and to support and respect the protection of internationally recognized human rights. On the subject of business and human rights, the Global Compact and the Office of the High Commissioner for Human Rights have made significant progress. As an illustration, they have offered guidance on the global compact's human rights principles (and how they relate to ideas like complicity and sphere of influence), good management practices for protecting human rights, reporting on human rights performance, and human rights impact analyses. Companies that sign up for the program must also comply with the Global Compact's mandate that they report on their progress in upholding its values.

The goal is to guarantee more corporate openness and accountability to multiple stakeholders. Companies that don't report their progress risk having their status modified, being delisted, and having their information removed from the Global Compact website. According to the Global Compact website, approximately 1000 corporations had been delisted as of March 2009.⁰⁰ More than 5200 businesses in 130 countries have endorsed the principles since the Global Compact was introduced in 2000.¹⁰¹ This implies that a communication on their reports would need to be submitted by each of these businesses. As a result, concerns

concerning corporate performance monitoring and measurement are brought up by the communication of progress. The Global Compact has made it plain that it is not intended to track or evaluate corporate performance¹⁰²; as a result, it is recommended that the majority of the work associated with performance tracking be carried out by civil society, the media, and the businesses themselves. The Earth Summit's approval of Agenda 21 and the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro represent attempts to encourage such corporate accountability. Agenda 21 is a comprehensive plan of international action that addresses every aspect of sustainable development. As it makes suggestions on how to increase the roles of important groups like business, industry, and NGOs in attaining sustainable development, Agenda 21 is particularly helpful for corporations.

Business and industry are urged in Agenda 21's Chapter 30 to participate in the implementation and evaluation of Agenda 21-related activities; lessen their impact on resource use and the environment; and make environmental management their top corporate priority and a crucial factor in sustainable development. The two program areas for businesses that Agenda 21 suggested were responsible entrepreneurship and the promotion of cleaner production. As a result, businesses were expected to boost resource usage efficiency, including enhancing the reuse and recycling of residues, as well as reduce the amount of trash discharged per unit of economic output, in order to promote cleaner production. Additionally, businesses are encouraged to adopt and report on the application of codes of conduct encouraging best environmental practice, as well as to provide yearly reports on environmental records, energy use, and resource use. Companies are advised to promote the idea of stewardship in the management and use of natural resources, increase the number of entrepreneurs implementing sustainable development policies, and create global corporate policies on sustainable development in order to promote responsible entrepreneurship [7]–[9].

CONCLUSION

In order to solve CSR issues, this research looked at what states, international organizations, and non-state actors were doing. Global governance is important for CSR since it allows different players to confront corporate misbehaviors globally. A variety of policies and procedures are emerging to address CSR issues as a result of the actions of these entities. However, there must be agreement and coordination of efforts for global governance to be effective in advancing the CSR agenda. This study made the case that CSR should be divided into several portions in order to reconcile divergent viewpoints and achieve any attempts at consensus. The study demonstrated that UNODC is leading the way in reforming, bolstering, and coordinating efforts to combat corruption. The United Nations Environmental Program is at the forefront of environmental reform, while the Office of the High Commissioner for Human Rights is at the forefront of human rights reform and coordination in tandem with the Global Compact Initiative. These initiatives are in accordance with the Commission on Global Governance's opinion that the United Nations must maintain its position as the primary global governance institution.

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CHAPTER 11

A STUDY ON G-20'S CONTRIBUTION TO THE GLOBAL CRISIS RECOVERY

Zuleika Homavazir, Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- zuleika.homavazir@atlasuniversity.edu.in

ABSTRACT:

The global financial crisis showed that in order to establish an efficient global regulatory framework and a secure international financial system, international cooperation is required due to the interconnectedness and economic integration of the world's economies. The G-20 and the system of global governance have become more significant in this context. The purpose of this chapter is to assess the G-20's contribution to the global crises' recovery within the framework of reforming global governance. In order to achieve this, the notion of global governance is developed, and the G-20's efficacy and legitimacy are examined using this concept. Analyses are done on discussions and negotiations between developed and developing nations on various venues, such as the G-20 summits. Reforms in global governance face both domestic and international political challenges, which are examined. It was determined that the financial crisis increased the significance of the global governance system because it was obvious that developing and developed nations needed to work together to restructure the international financial and monetary system. The G-20 was identified as the group that could address the deficiencies in the global governance system's representativeness, coherence, and compliance. However, it is anticipated that global governance reforms would go slowly due to the conflicting interests of the Anglo-Saxons, the E.U., and the developing nations. If Anglo-Saxon, European, and developing country interests continue to diverge, it is predicted that the transformation of the global governance structure may turn into a hotbed of international politics.

KEYWORDS:

Federal Reserve, Global Governance, G-20 summits, International Consensus, International Financial System.

INTRODUCTION

The idea of global governance has been studied by eminent academics since the end of the Cold War. In a little more than ten years, the little-known global governance notion rose to prominence as one of the major guiding principles in international studies. The concept of global governance is described as the collective management of common issues at the global scale. The concept of global governance encompasses all the organizations, systems, partnerships, and networks that support international cooperation and issue solving. According to a more comprehensive definition, the term refers to "systems of rule (rule means control or steering) at all levels of human activity, from the family to the international organization, in which the pursuit of goals through the exercise of control has transnational repercussions.

After it became clear that global challenges were putting a strain on national capacities, the idea of global governance gained relevance and after events like the fall of the Bretton Woods System and the debt crisis of emerging nations in the 1980s demonstrated the inability of individual states to resolve global issues. The 2008 global economic crisis showed that competent global governance and response to global crises are both necessary. As the number of issues requiring international cooperation expanded, so did interest in the idea of global governance. According to this theory, "the hard shell of states became more like a semi-permeable membrane through which all manner of political, social, cultural, and economic matters pass, some of them of considerable importance and a good many of them not mediated by the state. The organization of states changed, increasing interdependence and necessitating cooperation among them on a variety of economic, political, and security challenges. This increased the significance of efficient global governance.

Even if the need for efficient global governance and global collaboration is well accepted, it is also acknowledged that the international institutions suffer from a democracy deficit. It is claimed that developing nations are underrepresented in international institutions and thus global governance lacks democratic legitimacy. Some, however, disagree with the claim that, when measured against existing democracies rather than ideal models of democracy, international institutions fall short on democracy [1]–[3]. In addition to the debates over the overrepresentation of rich nations and the underrepresentation of developing nations, there are debates over the involvement and representation of non-state entities. Despite this, many contend that states are essential participants in the processes of global governance and that it is not realistic to attain democracy in global governance outside of the nation state. Martin contends that prior to the global financial crisis of 2008, the G-20's experience shown that only political actions may have a significant impact on the world economy.

Given that it is anticipated that disputes over the international monetary system and currency policy will worsen, the global crisis increased the importance of global governance, particularly with relation to the governance structures of the international financial institutions. Since following mercantilist methods by all major economies could put deflationary pressure on the global economy, effective collaboration and joint action are crucial. States began to handle economic, political, and security matters in and around multilateral forums, which increased the relevance of global governance and multilateralism. Prior to the global financial crisis, it was said that the G-8 and the system of global governance lacked credibility in terms of who decides the rules of the game and why they are in place. It was stated that countries' desire for global governance reforms was a result of the fundamental shift in the global balance of power from developed to developing countries and the slow loss of US leadership. The US lost the capacity to ram through decisions at international summits without caring to win the argument in advance as its position as a hegemon eroded relative to other hegemonies. The debates were more heated and the reform process moved faster due to the global crisis. "Any new conceptualization of world order is not designed as an emergency measure, but that such a redesign needs an emergency," said Henry Kissinger.

However, as the preceding instances make abundantly evident, reforms to global governance are not simple to implement. For instance, plans to modify the Security Council and create an Economic Security Council were vehemently opposed in the middle of the 1990s. The global crisis made it necessary to restructure international institutions' decision-making processes so that developing nations had a stronger say. For instance, the global crisis impacted the balance in the World Trade Organization (WTO) and pushed the grouping towards greater multipolarity by shifting the balance of power further in favor of emerging nations. The G-20 emerged as the ideal organization in this situation, which would help the G-7/8's legitimacy and effectiveness problems. The rise of the G-20 is attributed to a number of factors, including its recognition as a key forum for managing processes during the global crisis, its legitimacy as a group that represents nearly 90% of the world's gross domestic product, 80% of its trade, and 65% of its population, as well as its organizational design that promoted participation by developing nations like the BRIC nations.

A necessary (though not sufficient) requirement for any properly functioning government or governance system is that the major players buy into it; by giving them a greater say in the decision-making, the G-20 has strengthened its democratic legitimacy of global economic governance. Scharpf contends that both input and output legitimacy must support global government. According to many detractors, the traditional basis of legitimacy for international institutions effective problem-solving is no longer sufficient. In this context, it is crucial that developing nations participate in decision-making processes at international financial organizations. It is stated that trying to address the issues that contributed to the most recent crisis could cause a delay in genuine financial market developments and set the stage for the next governance failure. Ikenberry and Wright contend that the style, goals, and institutional structures of global governance are likely to change as a result of the shifting balance of power in international politics. Regional governance institutions and informal steering committees like the G-20 are two types of global governance that are projected to become more significant.

DISCUSSION

Objections to the G-20:

The G-20 has partially resolved the G7/8's legitimacy problem. It is still criticized, though, for not being sufficiently representative. It is believed that a more representative entity should take the place of the G-20. The Global Economic Coordination Council should take the role of the G-20, recommended the Joseph Stiglitz-led Commission of Experts of the President of the UN General Assembly. Following the 2008 global financial crisis, each of the 192 nations in the world has various goals and concerns with relation to global governance. In a variety of institutional and diplomatic settings, they are attempting to take part in the reform of the global financial and monetary system. In this context, it is suggested that the G-20's legitimacy is constrained by the exclusion of the great majority of nations.

Five non-member nations were invited to the Seoul Summit by the G-20 in order to broaden its appeal and legitimacy. In addition to Spain being "one of the largest economies in the world," Malawi was invited in its capacity as the chair of the African Union, along with Ethiopia as the chair of NEPAD, Vietnam as the chair of ASEAN, Singapore as the chair of the Global Governance Group (3G), and Ethiopia as the chair of the New Partnership for Africa's Development.

The ideal number of G-X members is a subject of debate. According to recent research, it is theoretically feasible for a group of twenty leaders to come to a consensus accord if they are astute about the consequences of their choices, look for opportunities to link issues, and are honest about their values and interests. It is asserted that the G-20 would contain the current G-20 members based on various lists compiled by various groups using various techniques. The list of nations created using the "comprehensive national power" concept proposed by China, the list of nations invited to the Major Economies Forum, which the United States first hosted in 2007, and the list of nations created by Carin and Mehlenbacher all reveal at least seventeen common nations.

Barriers to an Effective, Representative, and Legitimate G-20:

The necessity for structural changes to the current institutions of global governance was widely agreed upon during the early stages of the global crisis. In this setting, the G-20 grew in significance and established itself as the primary forum for global economic cooperation. But as soon as the crisis subsided, so did the desire for major reforms, and many of the commitments made by the G-20 leaders remained unfulfilled. It is argued that following the first emergency period of cooperation between rich and developing nations, the international arena is evolving into a conflict zone as efforts to forge an international consensus on numerous subjects, such as trade and currency policy, are complicated by competing interests. Even though the G-20 was successful in coordinating regional, national, and international efforts, it is contended

In contrast to the 1940s, when the Bretton Woods System was established, Helleiner contends that changes in global financial governance and a new international financial system are likely to emerge through a slower and more incremental process of development. He breaks the process down into four stages: the crisis of legitimacy, the interregnum, the formative stage, and the implementation stage. He claims that despite the legitimacy issue brought on by the global financial crisis, the process has not yet moved from the interregnum phase into the constitutive phase [4]–[6].

Even though the G-20 took significant steps to coordinate fiscal policies and stimulus initiatives, to reform the financial regulatory framework, and to increase the IMF's financial resources, the emerging countries will continue to rely on their reserves to safeguard their financial stability because changes to the IMF's decision-making process have come to a screeching halt. Despite demands from emerging nations, particularly the BRIC countries, the G-7 countries (with the exception of France) were hesitant to publicly address fundamental reforms of the international monetary system inside the G-20 process or to consider the expansion of the usage of SDRs. The BRIC nations demanded that the dollar be replaced as the world reserve currency in order to restructure the international monetary system. Even if the G-20 enhanced the participation of emerging nations, philosophical and substantive disparities still exist between Anglo-Saxons,

European nations, and developing nations. Making the G-20 framework function is said to present three challenges: establishing quantifiable criteria, defining targets, and creating an enforcement mechanism.

There are disparities between both sides of the Atlantic, among the European countries, and among the emerging countries in addition to those between Anglo-Saxons, Europeans, and developing nations. For instance, the Greek sovereign debt crisis grew worse and spread to other European nations because the European Union was unable to resolve it for months. Additionally unsuccessful, the G-20 evaded public criticism by opposing enforceable objectives and shifting the blame on the International Monetary Fund. It is stated that rather than discussing the G20's potential to overhaul the system of global governance, states should focus on what the G20 can actually accomplish. Sheng employs network analysis to determine the best course of action for enhancing global and financial governance.

The global financial architecture, according to him, is seen as a "complex evolutionary network of local networks, highly concentrated with power law distribution of transactions by value, highly interactive, and currently prone to financial instability due to volatile capital flows arising from structural imbalances and policy errors," he writes. He contends that the fundamentals of the game have not altered, even though the balance of power is shifting from developed to growing nations like China and India. The underlying drive by vested interests for asset bubbles and increasing leverage is still present, and there is still a strong desire to maintain the status quo. It is argued that if China gains power without there being a hegemonic succession, global governance may become corroded. Even while there are signs of a change in the material balance of power, it is said that in order for China to succeed in establishing its desired system, which does not exist, there must be convincing proof of China's successful socialization of its goals. Even while the necessity for global financial regulation is widely acknowledged, some contend that the G-20's effectiveness is limited by the fact that financial regulation occurs mostly locally. All of these issues now have a national as well as an international component, as the financial crisis has amply demonstrated. It is argued that the convergence and divergence of governmental positions on the reform of global governance, specifically the reform of the banking industry (and the international financial system), cannot be fully explained by the logic of the global system, institutions, and globalization. Positions are influenced by domestic ideals and interests.

Therefore, it is necessary to modify the way that global finance is governed by taking into consideration significant changes. The organization of international financial relations between financial intermediaries, their home governments, and sovereign wealth funds (SWFs). The "revolving doors" problem, according to which regulators are enticed to comply with business demands through implicit promises of lucrative future positions in the regulated industry, is one of the challenges facing the regulatory reform of the financial sector. One of the challenges to financial sector regulation in the U.S. is the so-called "Wall Street Washington corridor," in which some Goldman Sachs workers took on significant roles at the Treasury and the Federal Reserve before returning to the business. The start of the financial crisis in 2008 gave international economic cooperation outside of the G7/G8 a new boost.

The framework for holding G20 ministerial meetings being in place made it simple to organize a leaders' summit in Washington on November 15, 2008, which also included the Netherlands and Spain. The G20 ministerial procedure was elevated to the rank of a leaders' meeting in an effort to overcome some of the persistent problems with the G7/8's efficacy and legitimacy. However, because the G20 was born out of the 1997–1998 emerging markets crisis and the 2008–2009 global financial crisis, many of the long-standing concerns about the representativeness, efficacy, and expansion of the G7/8 were sidestepped. The G20 was viewed as a workaround for many of these issues, by increasing the membership of the G7/G8 rather than genuinely addressing them. The fact that a G20 for finance ministers already existed, as noted "allowed the United States to circumvent debate on inclusion." It was simpler to just extend an invitation to the existing group of twenty government officials than to attempt to reach consensus on who should be included. Time was not available for such a discussion.

The G20's first membership was chosen at random in 1999 on the initiative of the United States, Germany, and Canada. Subsequent membership additions were made as needed. Although the G20 is statistically more

representative, this comes at the expense of shared interests and values. In contrast to the Asia-Pacific Economic Cooperation forum (APEC), the G20 lacks a natural geographic focus to bring its members together and does not share the same set of ideals as NATO. It also lacks membership requirements, unlike organizations like the World Trade Organization (WTO), which Cato Journal may rely on to justify its validity. Applying membership criteria in line with the G20's stated objectives would result in the exclusion of Argentina, Indonesia, Mexico, and Russia and the inclusion of Malaysia, Norway, Singapore, and Switzerland. Thus, many of the difficulties and unresolved problems from the G7/G8 predecessor were carried over to the G20 leaders' process. Although membership growth solved the issue of inclusivity, it exacerbated the issues caused by a lack of shared interests and beliefs. "The legitimacy of the G20 is fundamentally uncertain and problematic because the G20's membership and connection to existing forms of multilateralism remain contentious," writes Steven Slaughter. The willingness of decision-makers and non-state actors to project an ever-growing list of topics onto the G20 agenda, resulting in the creation of thin and frequently wordy communiqués, illustrates how hollow the G20 is. Despite the fact that the G20 is viewed as a tool for solving global issues, the meetings of the leaders only significantly increase institutional capacity, legitimacy, and political capital. Even if this conclusion ultimately depends on judgment and interpretation, a critical examination of the G20's accomplishments to date supports it [7]–[9].

CONCLUSION

Since it was obvious that developing and developed nations needed to work together to restructure the international financial and monetary system, the financial crisis increased the significance of the global governance system. In this context, the G-20 emerged as the group that might address the deficiencies in the global governance system's representativeness, coherence, and compliance. At least on some subjects, the G-20 nations were able to come to an agreement during the early stages of the global crisis. However, when the emergency subsided, the Anglo-Saxons, European nations, and emerging nations' choices for monetary and fiscal policy began to vary due to an asymmetry of interests. While states tried to avert the crisis with short-term policies, the global governance reforms came to a halt as the policy choices varied, leaving larger issues unsolved. With regard to issues like the reform of the governance structures of the international financial institutions, the G20 lost some of its effectiveness during this process, and divisions between Anglo-Saxons, Europeans, and developing nations (particularly the BRIC countries) grew. Global governance improvements are anticipated to move slowly and remain relatively small-scale. If Anglo-Saxon, European, and developing country interests continue to differ, it is predicted that the reform of global governance may turn into a flashpoint for international politics.

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CHAPTER 12

ROLE OF WORLD TRADE ORGANIZATION IN GLOBAL GOVERNANCE

Sarika Kumar, Assistant Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- sarika.kumar@atlasuniversity.edu.in

ABSTRACT:

One of the major achievements of international cooperation is the global commercial system, which is represented by the World Trade Organization (WTO). However, other significant areas of international policymaking, such as environmental, labor, human rights, and competition policy, have not been as successful as that system. The trading system has been under pressure recently as a result of its success being felt in these "non-trade" domains. For instance, it is now harder for nation-states to apply trade sanctions on governments that don't implement particular environmental measures as a result of trade liberalization and the creation of international trading norms. Concerned about how the trading system may affect these non-trade issues, governments, non-governmental organizations (NGOs), and individuals have pressed the WTO to address the matter. On the issue of how to strike a balance between current trade interests and these new interests, there is still no agreement. The technique suggested in this paper would enable states to debate both trade-related and non-trade-related interests in a single forum. This paper presents a novel idea to establish independent, subject-specific departments within the WTO in order to combat the organization's trade bias.

KEYWORDS:

Doha Development Round, Environmental Issues, Global Governance, Non-Governmental Organizations, World Trade Organization.

INTRODUCTION

The global community occasionally experiences periods of stress as governments work to manage the international system. During these times, the community is forced to consider reforming its institutions and practices due to intense social and economic pressures. Probably the most stressful period in recent history, the Second World War's aftermath gave birth to the Bretton Woods system, which included the International Monetary Fund (IMF), the World Bank, and the General Agreement on Tariffs and Trade (GATT), and brought stability and order to the global economic system. A similar turning point happened when the United States abandoned the Gold Standard at the beginning of the 1970s, which sparked the demise of the fixed exchange rate regime and the return to floating rates. One might make a compelling case that the globe is currently experiencing another stressful time period. Although it has its roots in other policy areas like the environment and labor, in this case, the stress is felt most acutely in the trading system. The World Trade Organization's (WTO) exceptional performance is a contributing factor in the issue.

The GATT/WTO has evolved from a set of regulations that forbade specific trade tactics over time, particularly as a result of the Uruguay Round, to a set of laws mandating certain affirmative acts from the government. The result is a WTO that monitors and decides the validity of domestic regulations that are not primarily about trade. These cover laws controlling intellectual property protection, the service sector, health and safety regulations, and despite the fact that each of the accepted rules (with the probable exception of the TRIPs Agreement) has a significant relationship to liberalized trade, it is hard to evaluate these rules solely in terms of trade due to their nature.

Areas not covered by any specific WTO regulations are also affected by the trading regime. Although the WTO does not have jurisdiction over matters relating to human rights, labor, competitiveness, or environmental policy, these issues have all been impacted by trade and the trading system. There have been numerous protests over the impact of WTO obligations on non-trade domains. The WTO is still primarily a trade organization, according to critics, and its ventures into what were once thought of as non-trade domains

have led to the trade issues being prioritized above the non-trade ideals at risk. Accordingly, the organization has elevated trade at the expense of other issues due to its immense power and efforts to influence legislation in non-trade domains [1]–[3].

The spectacular collapse of the Seattle Ministerial Conference of the WTO in 1999 highlighted the discontent of some groups with the current condition of globalization. Protesters were successful in getting people's attention by bringing up labor, environmental, and human rights concerns. The failure of the Seattle Ministerial serves as stark evidence that globalization and international collaboration cannot proceed just through trade. Additionally, not just demonstrators share this viewpoint. Members of the WTO seem to have understood the importance of addressing other issues. The WTO most recently outlined an agenda for the "Doha Development Round" at the Doha Ministerial Conference in the fall of 2001, which opens the door to a discussion of at least some of these nontrade concerns, such as the environment, competition policy, and investment. These changes have put the WTO and the global economic community in a difficult position. Either the WTO advances by including additional regulatory problems under its mission or retreats and narrows its emphasis to trade, excluding contentious subjects like environmental concerns from its effect.

Even though there are many obstacles in the way of include more topics in the WTO, the alternative of lessening international economic cooperation is incompatible with the demands of a world economy that is becoming more interconnected. The fact that non-trade concerns are tied to trade issues does not change if we ignore them or turn our backs on them. Instead, it keeps the development of open and well-organized policies and forces these problems into the background. Maintaining the status quo is also not a viable choice. The WTO's influence has allowed it to expand into areas unrelated to trade, including intellectual property, the environment, and health and safety. However, if pertinent trade laws are to be upheld, non-trade interests in these sectors must be given a voice due to their strength and significance. If such a voice is denied, the already strong forces opposed to the WTO and globalization will gain even more strength. That is, the issues raised in Seattle and elsewhere should be addressed by stepping up international cooperation in the areas of labor, the environment, human rights, competition law, and intellectual property, as opposed to slowing down progress in the trade sector.

At first look, the notion of increasing global control rather than decreasing it may appear at odds with critics of the WTO's complaints. But when one closely considers the issues raised by these groups, it becomes obvious that the only way to effectively address them is through more global cooperation. Given the worries of WTO skeptics, it is difficult to defend the idea of slowing globalization. Critics acknowledge that international collaboration is necessary to handle the problems caused by globalization, just like WTO advocates do. So it seems strange to advise turning away from the most successful international organization on the planet. This paper suggests that the WTO should eventually broaden its purview to cover non-trade concerns with large trade-related repercussions. To achieve this, the institution will need to undergo reforms, some of which are described in this paper. Although this is not the first paper to advocate for the growth of the WTO, it does so in a unique way and proposes changes that would help the organization maintain its efficacy as it grows.

DISCUSSION

Despite stark differences in viewpoint, both WTO supporters and detractors concur that some sort of international collaboration is necessary. That these parties with divergent objectives should come to an understanding is probably not surprising given that any serious discussion of issues like the environment, intellectual property, and health and safety regulations must finally take into account their significant global ramifications. When discussing environmental issues, for instance, it doesn't take long before global issues like greenhouse gases are brought up. No matter how one feels about the proper balance between, say, the environment and economic development, it is obvious that environmental issues can only be resolved through state cooperation. A retreat from globalization is necessary in order to create that kind of harmony and cooperation, and specialized international organizations are ill-equipped to foster the required communication. The WTO should be reformed and transformed into a World Economic Organization in

order to capitalize on its current achievements. The difficulties in the economy and in regulations are growing as global integration progresses. These issues have not gone unnoticed by academics and professionals focused on international cooperation. Creating or bolstering international entities focused on specific issues is the most frequently recommended answer. Such requests have been made in the literatures on environmental, labor, and competitive policy. Others have proposed that WTO dispute panels should apply some non-WTO principles more vehemently and include promises made outside the WTO when assessing state behavior.

The issue of global governance in an era of interdependence is addressed differently in this paper. The international community ought to take advantage of the WTO's current strength by extending its jurisdiction to cover more substantive issues rather than creating separate international institutions with their ensuing fixed costs, start-up costs, and uncertainty about their success. Additionally, there is the issue of how these institutions will interact with one another. Of course, such expansion brings with it new difficulties and dangers, and it necessitates the institution needs to be changed in order for future international negotiations to run smoothly and for the new organization not to prioritize trade interests over other issues. Some of the larger systemic questions are addressed below. Parts III and IV go into more detail on other issues.

The complexity that would result from broadening the WTO's jurisdiction is a problem that needs to be taken into account right away. The institution's daily operations, future negotiations' planning and execution, as well as conflict resolution, would all become more challenging to handle and convoluted. First, consider how adding new issues would make the WTO's current negotiations more difficult. An expanded WTO would need to take into account additional issues, such as labor and environmental concerns, in addition to commerce, as opposed to just trade, as it does now. At addition to the complexity issue, the advantages of specialization and knowledge that have benefited the WTO may be at jeopardy if WTO power is expanded. It's possible that combining unrelated subjects into one organization will make each topic's regulation less effective.

Fortunately, the institution's structure can be used to address the issues of growing complexity and loss of expertise. This Paper specifically suggests that the expanded WTO be set up along departmental lines. In other words, a new department would be created for each topic under the WTO's purview. Naturally, this has some similarities to the current Council for TRIPs, Council for Trade, and Council for Trade in Services. However, compared to the current Councils, the departments would have more freedom and power, as will be covered below. The management of recurring negotiations aimed to address problems within each department would be one of the departments' key tasks. A round of discussions over environmental pledges, for instance, might be managed by an environmental department. Any agreements that result from these "departmental rounds" would subject member nations to WTO commitments. The proposal's use of departmental rounds is crucial because without them, WTO negotiations may grow unmanageably complicated. More issues would be available for discussion if more subjects were included in the WTO's purview. As a result, there would be a significant rise in the number of potential agreements, negotiators, and interests involved at the very least, it would be inefficient to attempt to conduct all negotiations concurrently. Departmental rounds would do away with the requirement for this kind of all-at-once negotiation to cover every problem. The agreements made during a departmental round would only be applicable to the topics covered by the department.

However, there is every reason to believe that many worthwhile accords may still be struck in this manner. Almost all international negotiations on regulatory issues to date, whether conducted inside or outside the WTO, have focused on a specific problem area, frequently with fruitful outcomes. In contrast, environmental talks (conducted outside the WTO) have been restricted to environmental matters, while competition policy agreements have only addressed antitrust issues. As an illustration, the numerous trade rounds at the WTO have largely concentrated on commerce. The fact that some of these more in-depth conversations are being held on subjects that are covered by the WTO is not a reason to give up. It makes sense for the WTO to schedule regular negotiations on each of its problem areas in order to promote global cooperation on particular issues.

Department-specific discussions would enable states to come to an agreement at a lower cost than negotiations involving all departments, but they would not be able to structure concessions from one department to another. The trade department, for instance, wouldn't be allowed to put environmental commitments in its deals. It would be possible to staff the departments and engage in negotiations with subject-matter experts without running the risk that, for instance, the environmental department would approve a set of measures that include trade restrictions without fully taking into account pertinent trade concerns. Even though the planned MegaRounds would be challenging, the existence of Departmental Rounds of negotiation, where many issues can be settled without the need for discussion at a Mega-Round, would make them simpler. This will allow for agreements that will increase welfare and decrease the amount of topics that must be discussed in the MegaRounds. In any case, there must be negotiations that cover a range of subject matters if there are to be real conversations about the proper link between trade and non-trade issues. The unavoidable outcome of attempting to solve the challenging challenge of how to reconcile conflicting interests on a global scale is complexity [4]–[6].

The agreements would be incorporated into a state's WTO duties regardless of where they are reached, whether at departmental rounds or a Mega-Round. As a result, unless states specifically stated in their agreement that another dispute resolution process would apply, they would be subject to the DSU's dispute resolution clauses. The dispute resolution process would continue to be governed by a single WTO procedure and would not be in any one department's hands. The general framework of the dispute resolution procedures would not change, although some revision of the current procedures would be necessary. Later in the paper, there will be a more in-depth review of the DSU improvements that have been suggested as well as their justification.

Through the use of an incorporation approach, the main issues that a stand-alone organization creation plan presents can be eliminated or significantly minimized. With the right changes, it would be possible to use the WTO's institutional power to avoid or overcome the difficulties faced by standalone organizations while also preventing the reformed organization from prioritizing trade over other interests. The WTO might be restructured to be divided into various departments, which would allow other significant values to be fairly considered. The importance of trade would not diminish, but it would have to share the spotlight with other issues like the environment, labor laws, and so forth. It is frequently impractical to expect international collaboration in non-trade fields to occur without some sort of linkage because of the nature of international regulation. States that are able to make compromises that cut across issue-areas are significantly more likely to reach international agreements in areas like labor, the environment, and competition policy.

It is difficult to negotiate and is likely to thwart accords that could benefit all states if trade problems are separated from non-trade matters (and the non-trade issues are separated from one another). This brings up the obvious yet underappreciated point that there should be a forum where issues are grouped together throughout the negotiating stage to allow for appropriate cross-issue transfers. The fact that the states have different interests is just one of the numerous difficulties that international cooperation faces in areas including the environment, human rights, labor, intellectual property, and competition policy. States may disagree because they have divergent preferences and priorities, but they may also dispute because, if they acted sensibly, states with divergent economies and trade flows would have divergent international objectives. The realm of intellectual property offers the most glaring example. Since developed nations account for the vast bulk of innovation, they have every incentive to maintain a robust intellectual property policy. In fact, the desired international regime for a nation that exports intellectual property is more protective of those rights in the presence of trade than it would be in an otherwise equivalent closed economy (i.e., one without international trade). A closed economy would seek to strike a compromise between the advantages of intellectual property (more innovation) and its drawbacks (limited low cost access to old technology). However, an open economy assesses such advantages and disadvantages differently. Particularly, compared to a closed economy, one that exports intellectual property places more emphasis on the advantages of future innovation and less emphasis on the lowered consumer access to the technology.

Any agreement that results in a change in the current level of international intellectual property protections will be advantageous to some states while being detrimental to others since the underlying economic interests are what drive governments to have divergent policy preferences. States that stand to be harmed by an agreement will refuse to assent to it unless they are compensated in some way. In theory, payment might be made in any amount or in the form of concessions in other aspects of international relations. Negotiators, however, must be given the authority to bargain over issues other than intellectual property in order for such compensation to be offered and accepted. It is doubtful that an agreement will be reached while discussing intellectual property in a specialized forum like the World Intellectual Property Organization (WIPO), as the participants cannot make concessions in other areas. However, integrating intellectual property negotiations into a group that also negotiates on other issues creates the possibility of cross-issue agreements that might benefit all parties. That's pretty much what occurred with intellectual property, in fact. The WTO took up the issue after numerous failed attempts to negotiate an agreement through the WIPO, and an agreement was reached in which developing countries were offered compensation in the form of concessions relating to agricultural subsidies, market access for agricultural goods, and protection against [7]–[9].

CONCLUSION

The WTO cannot just focus on non-trade issues as potential trade obstacles that need to be controlled. Without reform, the WTO would continue to be questioned about its legitimacy and criticized for its bias against certain industries. Because they are accurate, these criticisms are potent. Up until now, the organization has managed to strike a balance between commerce and non-trade principles like the environment or human rights, but this equilibrium is the result of the organization's unique institutional structure rather than a decision made by all of its members as a whole. There is little justification for the connection between, say, environmental concerns and commerce under Paper XX of the GATT. The WTO's approach to the issue has really been driven by its dispute resolution mechanism. Member states have never publicly attempted to define the trade-off between environmental and trade values. Additionally, it is impossible to seriously consider such a tradeoff. a position in the current framework for international collaboration. No other organization has the capacity to oversee the trading system, and the WTO lacks the knowledge and motivation necessary to thoroughly research and assess non-trade concerns. The WTO is further hindered by the fact that environmental organizations and groups are wary of the organization and think its judgments are biased in favor of trade values rather than nontrade values. The same issues exist in relation to employment, human rights, and competition.

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CHAPTER 13

CORPORATE GOVERNANCE AND CORRUPTION: A CROSS-NATIONAL ANALYSIS

Vinima Gambhir, Associate Professor
Department of ISME, ATLAS SkillTech University, Mumbai, Maharashtra, India
Email Id- vinima.gambhir@atlasuniversity.edu.in

ABSTRACT:

While the demand side of corruption, or the corrupt officials who accept bribe payments, has received the majority of attention in the empirical literature on the causes of corruption, the supply side of corruption—the private sector—has not received the same level of attention. In this essay, we contend that corporate governance is one of the crucial elements affecting the degree of corruption. We examine hypotheses that directly relate different indicators of corporate governance to the degree of corruption using a cross-country dataset. Our findings demonstrate that the effectiveness of the global anti-corruption campaign can be significantly impacted by corporate governance standards. Following the financial crisis in Asia, Russia, and Latin America, corporate governance has become a significant policy priority for many developing nations. The demise of Enron shows that even highly industrialized nations like the United States are not exempt from the terrible consequences of poor corporate governance. Low corporate governance requirements increase the cost of capital, reduce industry operating performance, and obstruct the flow of investment, according to studies. Following the corporate scandals like Enron, WorldCom, and Tyco, an increasing number of nations have started corporate governance reforms to better safeguard the interests of investors.

KEYWORDS:

Aid Organizations, Corporate Governance, Corruption, Global Governance, International Law.

INTRODUCTION

Bribery can occur in a variety of commercial endeavors over which some government officials have authority. For instance, businesses may pay off public officials to gain contracts for public procurement, avoid paying taxes, get around rules and regulations, or prevent the entry of potential rivals. Bribery first appears to be a cost-effective strategy for businesses since it frequently only represents a small portion of the total cost of the services provided by corrupt officials. When public officials have the authority to punish the businesses for failing to pay the bribe (for example, by cancelling the business license), the case for bribery becomes even more persuasive.

The owners or shareholders of the companies may miss, or at the very least underestimate, a number of hidden costs associated with the practices of bribery that appear to be justified (for financial gain or for survival). First and foremost, bribery exposes the companies to significant future legal and financial problems. Companies who engage in bribery run the danger of facing legal action if the activities are discovered. Corporate managers who are found guilty of bribery are frequently charged under criminal statutes and may also receive a jail sentence in addition to a fine. Additionally, there are considerable financial dangers involved.

Governments may elect to cancel contracts that were started or influenced by bribery, or they may decide to exclude certain companies from participating in future government projects. The Singaporean government forbade five international corporations (from submitting bids for any government contracts for a period of five years in 1996. following the conviction of their consultant for bribery in connection with utility building projects. A well-known company's reputation makes up a sizeable portion of its entire market worth, and engaging in bribery exposes companies to the danger of losing this value. Charles Lee and David Ng conclude that the degree of corruption has detrimental effects on the shareholder value of the firms in their new empirical study on corruption and international corporate value.

Second, companies that permit corruption may later find it challenging to refuse requests for bribe payments. Corrupt officials are more likely to demand bigger bribe payments from businesses with a reputation for buying their way out, often for services that are customarily provided without bribery for other businesses. From the standpoint of the possible corrupt authorities, bribe payments from companies with such a reputation may be seen as "safe" and they (the corrupt officials) may enhance the level of bureaucratic interferences in order to obtain bribe payments from these companies. As a result, businesses hoping to get around government rules can instead experience more bureaucratic interferences. Daniel Kaufmann and Shang-Jin Wei use firm level data to find that companies who pay more bribes experience more, not lower, effective red tape because dishonest authorities frequently have the ability to tailor the type and intensity of harassment that companies experience in order to maximize bribe collection [1]–[3].

Perhaps the most detrimental effect of bribery on businesses is how it inhibits their desire to create sustainable competitive advantages. Managers would be busy courting government officials rather than focusing on increasing the competitiveness of the company if they knew they could gain business through bribery rather than by offering superior products or services through invention and wiser financial choices. When the U.S. government first passed the Foreign Corrupt Practices Act (FCPA) in 1977 to prohibit American businesses from bribing foreign public officials, critics argued that this unilateral action would disadvantage American businesses' ability to compete in many emerging markets. American-based multinational corporations are now acknowledged as industry leaders in many of the industries in which they compete. In retrospect, tougher anti-bribery laws may have compelled American businesses to concentrate on creating sustainable competitive advantages through innovation and wiser investment choices.

Therefore, in order to safeguard the interests of the owners or shareholders, businesses should avoid or reduce the potential for bribery techniques. Bribery practices have numerous hidden costs for the firms that may much outweigh any immediate profits from such operations. The principal-agent problem appears when there is a distinction between the firm's owners, known as the principals, and its managers, known as the agents, and when the principals' interests may not be the same as those of the agents. For instance, the managers (the agents) may be driven by their own personal interests, whereas the owners (the principals) are more concerned with maximizing the return on their investments over the long term. In addition to having a different time horizon and risk tolerance than owners, managers have a different incentive structure.

Bribery may give management the chance to profit from any temporary upswing brought about by such activities while allowing the owners or shareholders to bear any potential risks and costs in the future. For instance, securing a public project by bribing public officials may increase the value of the cooperation in the short-term and thereby significantly increase the managers' pay, but the firms run the risk of being prosecuted for their role in the bribery in the future, and the shareholders are forced to bear this risk. The ability to gain business through bribery may also allow underperforming managers to cover up their inability to increase the value of the companies through strategic planning and hard work. Bribery may even allow the managers to avoid taking responsibility for their actions without being held accountable. The conflicting interests and goals between inner and outside shareholders give birth to another aspect of the principal-agent problem. Inside shareholders and outside shareholders can be impacted by bribery tactics in different ways due to their disparities in top management control, access to financial information about the company, and holdings portfolios. For instance, the inside stockholders can shift the responsibility for bribery through their influence over the management.

DISCUSSION

The principal-agent paradigm of bribery may only partially explain the pervasive bribery practices brought on by two situations. The first is that, although we have so far concentrated on the active bribe, many bribery practices are started by managers in an effort to escape the consequences of not paying the bribes. For instance, in a society with a high level of corruption, all businesses must follow suit in order to survive because they fear being outbid by rivals who pay bribes. In the second situation, the amount of corruption is particularly high in nations where the majority of enterprises are family-owned and don't have principal-

agent issues. For instance, Haider Khan doubts the wisdom of implementing the principal-agent model of corporate governance in Asia, where the vast majority of enterprises are held by families.

To demonstrate the decisions made by corporations in certain scenarios, we can utilize the following straightforward coordination game. The payoff matrix is displayed in the table below. It is assumed that two firms would compete for a public contract. The reward for Firm A is represented by the number in the top-left corner of each cell, while the payoff for Firm B is represented by the number in the bottom-right corner of each cell. We suppose that the company that bribes can unfairly advantage itself over the company that doesn't bribe, but that advantage would be compensated by the expenses outlined in the final section. The change from 4 to 0 indicates that the firm deciding not to bribe given the other firm's bribery will incur significant losses. The results also demonstrate that the two political institution variables, have the predicted effects on the level of corruption: countries with long histories of democracy have lower levels of corruption, and federal states are more corrupted than states with more decentralized administrative structures.

The coefficients, however, do not have statistical significance. When we account for the potential association between these two variables in Columns and by adding one variable at a time, the results remain consistent. Additionally, as shown in Column, there is almost little change in the model's overall fitness when these two variables are not included, showing that the explanatory power of the model is not significantly increased by the addition of these control variables. Overall, our regression study indicates that, when other sources of corruption are taken into account, the variables reflecting political institutions are weak predictors of corruption. The findings offer strong support for the two theories that link corporate governance to corruption. The coefficient have the expected effects on corruption and are statistically significant when controlling for important factors that have been extensively researched in empirical studies on the causes of corruption. The prevention of accounting irregularities, such as taking profits and wages off the books, can also be helpful in the fight against corruption. A nation whose corporate boards properly serve the interests of shareholders will have less corruption.

The two corporate governance factors combined predictive power is equally outstanding. Our research based on both the demand and supply sides of corruption offers reasons for hope, whereas studies focusing on the demand side of corruption have presented a relatively dismal perspective of the worldwide anti-corruption campaign. It is in the businesses' best interests to strengthen corporate governance, which will not only place additional restrictions on their decision-making about bribery but also put corrupt officials at a larger risk of being exposed. Corporate governance may very well turn out to be an essential component in ending the corrupt and bribery loop. Due to a high degree of corruption, corporations are forced to engage in bribery practices. However, as firms become more involved, the perception of high levels of corruption increases, which makes bribery practices even more difficult to manage. The improvement in corporate governance may act as a catalyst to interrupt the vicious cycle of bribery and corruption, according to our examination of the relationship between corporate governance and corruption [1]–[6].

The reform in corporate governance may provide double rewards to shareholders and investors in nations with high levels of corruption. Companies with superior corporate governance have greater growth potential and are valued more highly by the market. According to the McKinsey report we previously noted, international investors are willing to pay more for companies with excellent corporate governance. Our research based on both the demand and supply sides of corruption offers reasons for hope, whereas studies focusing on the demand side of corruption have presented a relatively dismal perspective of the worldwide anti-corruption campaign. It is in the businesses' best interests to strengthen corporate governance, which will not only place additional restrictions on their decision-making about bribery but also put corrupt officials at a larger risk of being exposed.

Corporate governance may very well turn out to be an essential component in ending the corrupt and bribery loop. Due to a high degree of corruption, corporations are forced to engage in bribery practices. However, as firms become more involved, the perception of high levels of corruption increases, which makes bribery practices even more difficult to manage. The improvement in corporate governance may act as a catalyst to

interrupt the vicious cycle of bribery and corruption, according to our examination of the relationship between corporate governance and corruption. The reform in corporate governance may provide double rewards to shareholders and investors in nations with high levels of corruption. Companies with superior corporate governance have greater growth potential and are valued more highly by the market. According to the McKinsey report we previously noted, international investors are willing to pay more for companies with excellent corporate governance. The world is a place where many people pay bribes. In the poorest nations, at least 50% of respondents to Transparency International's Global Corruption Barometer claim having paid bribes. Less than 10% of wealthy nations have comparable rates. Up to 1.6 billion people pay bribes annually for government services, and around one-third of all persons who interact with the police do so globally. Within nations, corruption is typically regressive; poor people are forced to bribe more frequently, frequently to gain access to services that ought to be provided without charge. Of course, businesses also bribe: the overall worldwide value of bribe payments may amount to as much as 2% of the world's GDP.

In some instances, the bribes are nothing more than a straight-up shakedown by government agents stealing from the populace. In other situations, rewards encourage people to steal from the government. For instance, only around 55% of the electricity produced in Bangladesh and Orissa, India, in the middle of the 2000s, was paid for. The remainder was lost due to commercial and technical failures. True technical losses may have accounted for 15 to 18 percent of these losses, indicating that as much as 30 percent of the generated power may have been lost due to unauthorized connections or underbilling. A large portion of such loss was made possible by paying electricity workers bribes. Additionally, government employees commit theft. Between 30 and 76 percent of nonwage monies earmarked for primary schools in African countries, for instance, were discovered to have been lost in considerable amounts by public-spending monitoring surveys, which monitor the flow of funds through the various tiers of the government bureaucracy. Rather than simple theft, some or possibly even the majority of these losses resulted from resource redirection.

The detrimental consequences that corruption and bad governance have on regulation can have a substantial and harmful influence on commercial infrastructure projects in addition to publicly funded infrastructure. Buildings in poorer nations frequently fall down as a result of poor building practices. Despite the fact that 98 percent of the population lives in earthquake-prone areas, more than half of all buildings in Turkey in 1999 did not meet construction standards.¹³ Massive wrongful death is one outcome of this regulatory evasion: in 1999, when an earthquake struck close to Istanbul, 11,000 people perished as a result of poor building. Building collapses during the 2010 Haitian earthquake killed several people because current building codes weren't followed. One or more of the causes of these fatalities may have been bribery and the "theft of time" by regulatory staff. Politicians and bureaucrats frequently use and create regulations in the developing world explicitly to obtain bribes or other types of favors rather than to really make things safer, more sustainable, or more effective.

The World Bank's Mary Hallward-Driemeier and Harvard's Kennedy School's Lant Pritchett looked at statistics on how long it ought to take businesses to legitimately secure a construction permit and how long they actually claimed to have spent doing so across various nations. The measurements hardly had any link with one another. For instance, it typically takes 85 days to obtain a construction permission in Brazil. It would take 411 days to obtain the same permit if all rules had been strictly adhered to. While comparing countries, the enterprises whose requests were granted the quickest saw their actual time to obtain a license increase by just three days while going from an official time requirement of 77 days to 601 days. It is a different situation for unfavorable businesses those who do not have good connections or who are unwilling to bribe the required individuals for whom the time required to obtain a permit increases by 130 days. Additionally, a World Bank investigation reveals that businesses report more serious corruption issues in nations with extremely onerous government licensing procedures [7]–[9].

CONCLUSION

With the exception of a few tiny, developing nations and post-conflict states, the conventional aid model is out of date. A new approach to aid is required, one that prioritizes accomplishments over payments.

According to such concept, project outcomes would be tracked, and, whenever practical, recipients would be paid in accordance with those results. Such a strategy, however, does this by design rather than through constant inspection. It accomplishes so by offering the correct incentives for development projects to succeed and minimizing the ability of corruption to derail them. The facts on aid, corruption, and development also suggests lessons for how NGOs and aid organizations present the story of their work: rather than emphasizing control over achievement when speaking about developing nations, they ought to highlight agency. If they emphasize the failure and stagnation in Africa or South Asia, draw attention to corruption, and imply that impoverished people can only develop with the aid of the wealthy, they are reinforcing the poisonous failure narrative. Donors should be concerned about corruption since it is a severe barrier to development progress that can particularly harm the poor. However, they should respond with strategies that promote rather than obstruct development. The arguments against the presumptions that support the current donor consensus on corruption and aid are presented in the following chapters. The conventional metrics of corruption are questioned which focuses on the discrepancy between public concern about corruption and survey evidence of bribe payments and "expert perceptions" indexes. Expert opinions appear to be skewed and unreliable indicators of both the prevalence of bribery and public concern about corruption.

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