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Civilizing the World Order? The Scope and Potential of Transnational Norm-building Networks

Cord Jakobeit, Robert Kappel and Ulrich Mückenberger

Civil society organizations, epistemic communities, and lobby groups—what we call transnational norm-building networks—are influencing the global economy and global politics more than ever before. We argue that such transnational norm-building networks, in contrast to the dominating executive intergovernmental elites and democratically deficient supranational bodies, hold the scope and potential for a more civilized world order. They are—together with states and international governmental organizations—creating new norms; they are setting standards. They associate the voice of stakeholders with decision-making processes, thus leading to an increase in legitimate world governance.

Analysis

A closer look reveals several significant patterns of global politics and economics in the current financial and economic crisis:

- Experience has shown that in times of crisis, expectations of state crisis management are particularly high. This was the case in the period 1929–1931 and in the immediate post-war period; it is no different in the current global economic crisis. However, this reliance exclusively on the nation-state's creative capacity and on interstate cooperation is misleading because as a result, the risks of the action based on this reliance are not adequately taken into consideration.
- The development opportunities offered by new scenarios and actor constellations—transnational non-state actors, in particular—are not recognized.
- Today's world must be seen and evaluated as being networked. Transnational networks play a greatly underestimated role in the globalized world, the global economy and global politics.
- Consequently, the world's nation-states are only one type of actor among many.
- Globalization and the erosion of the importance of territorial borders represent, on the one hand, threats to established democratic achievements, as the "bad networks" of transnational organized crime, among others, demonstrate. On the other hand, they open up space for a new, civil world order.
- In this phase of increasing networking, it is essential to establish the foundations for the legitimacy of transnational actors and for effective norms. This would be a contribution to the democratic civilizing of the world.

Keywords: globalization, transnational norm-building, networks, state, executive, NGOs, world order

1. The Networked World and the Nation-state

The global financial crisis, with its various impacts on the OECD world, among the new regional powers (China, India, Russia, Brazil and South Africa), and on developing countries, has resulted in a global economic crisis. Numerous industries and banks are bankrupt, while several states are suffering from mistakes made in the past and from speculative attacks on their currencies. Private rescuers obviously only help out when the business pays off and when states and/or intergovernmental organizations subsidize downsizing and adjustment. Almost all countries are enacting extensive rescue plans in order to secure the banks, industrial enterprises, and jobs. The crisis managers are following in the footsteps of the Keynesian model of the 1920s and 1930s. At that time the British economist John Maynard Keynes proposed the use of massive economic stimulus packages, national credit measures (for example, for driving demand through the provision of jobs), and economic interventions to resolve the Great Depression and thereby avoid militarization, de-democratization and war (Keynes 1983). Today's crisis appears to be the "hour of the executive powers" once more: these executive powers make us believe that they are able to do as they see fit. But whether it is the American or the German nation-state, or all currently acting governments, they are at the limits of their national and global scope of action and are burdening their successors and future generations with ever greater and almost impossible to overcome debt.

In recent decades the State has increasingly been "de-Stateified." The government spending ratio has decreased, State operations have been privatized, and the State intervenes significantly less often to regulate the market. The State is also being increasingly "denationalized." It has ceded numerous responsibilities to supranational organizations such as the EU or the WTO. These organizations are today taking on a more guiding role than ever before. The weakened nation-state is also the result of the new dynamics of globalization, according to which national states, as a result of transnational linkages, are only one set of actors among many (Zürn and Leibfried 2005; Risse 2004; Beck and Grande 2007).

The actors of globalization are networking the world. This led American journalist Thomas Friedman (2006) to the following thesis: "The

world is flat." There is something to this—not entirely new—idea. The world is becoming smaller: transportation, logistics and transaction costs have decreased; with the exception of 2009, trade is increasing more than national economic power; and economic interdependency has increased dramatically due to foreign direct investment. These worldwide interactions, according to Friedman, make the world flatter. Transnationally active businesses organize production, transport chains, and bank transactions. Numerous concrete examples of the "flat" globe exist: the trade in coffee and flowers, the auto and chip industries, the banking sector, sea transport, air traffic, and all areas of industrial production. Retail chains and large corporations dominate these so-called buyer- and producer-driven chains. Even smaller businesses, the hidden champions, are integrated in global value-chains. This fundamental and very rapid process has led to an irreversible shift in economic power relations and structures. Through their activities, globally active businesses are establishing networks across the entire globe. These networks develop globally effective norms and standards—for instance, technical and business norms and environmental, labor, human rights and quality standards (Schmitz 2004; Gereffi, Humphrey, and Sturgeon 2005; Kappel and Brach 2009; Bartley 2007; Kollmann 2008).

Businesses and trade associations together manage their activities, enter into contracts, establish norms and agree upon long-term delivery relationships. In the event of disputes, it is the businesses themselves that settle them. Businesses, lobby groups, transnational advocacy networks (Keck and Sikkink 1998), consulting firms and human rights, environmental and consumer groups engage interactively in norm building within value chains (Brach and Kappel 2009); act with an eye to the public; and, through heavy lobbying, directly influence economics, society and politics. The State is often only peripherally involved in such negotiation processes. It concerns itself mostly with the framework conditions and laws, but the interactions among the transnational actors and the formation of the relationships within the value chain take place largely alongside and outside of State structures.

The State's room to maneuver is also being challenged by illegal networks such as mafia groups and criminal networks, which have built up extensive illegal economic structures and which challenge, and

sometimes successfully defy, nation-states' control (Gottschalk 2009; Saviano 2008; Adelstein 2009). Such transnational organized crime networks dominate in some parts of the world, for instance, southern Italy and large areas of Afghanistan. The retreat and weakening of states in many parts of the world has in recent decades opened up new and often difficult to control terrains and options for action—money laundering, the drug and diamond trades, counterfeit goods, bet rigging, prostitution and human trafficking—for these criminal networks (Bakonyi and Jakobeit 2007).

As numerous studies illustrate, the power of states no longer depends only on economic and military power, but rather on soft power, that is, their networking capacity vis-à-vis other states (Slaughter 2004 and 2009). The State is becoming a “network agency.” Migrant networks, universities' allure, research and cultural exchanges, economic cooperation, and non-state networks are limiting the influence of states more strongly than previously assumed and are making clear how much global networks influence states—for instance, non-state development organizations; pro-fair-trade groups; and the actions of politically active groups such as Amnesty International, Greenpeace, Oxfam and Transparency International. The standardization of technical norms; the worldwide establishment of labor, environmental and human rights standards; codes of conduct for businesses, such as corporate social responsibility (CSR); and the expansion of public-private partnerships demonstrate transnational networks' increasing scope of political action.

2. The Threat to Democracy as a Result of Governmental Internationalism

The above illustrations demonstrate the extent to which various actors are networking and establishing norms. These new developments are, however, largely left out of the current debate. Instead it is claimed, particularly in parts of the global governance literature, that in the global world it is the supranational entities—such as the WTO, the UN or the EU—that can best steer global processes (Commission on Global Governance 1996). But these inter- and supranational organizations are threatening democratic achievements. The erosion of and deficit in democratic legitimacy become apparent when one observes the decision-

making levels of supra- and international organizations such as the EU or the WTO. Citizens are excluded from effective participation; instead it is the nation-state and intergovernmental executive powers that act.

The elections to the European Parliament, which took place from June 4–7, 2009, have made clear that, despite the gradual expansion of the European Parliament's participatory rights, there can be no talk of a parliamentarily legitimized European legislature. The voting decisions are determined by national considerations and national political dynamics, not by the expectation that here an actual European legislature, much less a European *constituante*, is forming. The nation-state executive bodies, together with the European Commission, remain the most important actors in European norm formation. Simultaneously, the European Court of Justice has made itself the most important, yet least democratically legitimate, European norm-building and norm-monitoring entity.

The widespread unease with the decisions out of Brussels is based not least on the fact that this decision-making process is neither transparent nor easy to follow; that is, the rights and duties that come “from Brussels” are at best indirectly ascribable to the desires and the “voice” of the citizens affected. This is true not only of the core area of European integration, economics, but also increasingly of the “third pillar” of integration, in the areas of justice, freedom and security. Attempts at and the tendency towards the strengthening of the executive powers, which are interlinked across borders, abound. The legal, security, finance and migration experts of the national executive bodies are collaborating without democratic controls and without the involvement of the new transnational actors from civil society. They are formulating the standards which they themselves then apply, monitor and sanction. The EU develops European supranational law, which is superior to the constitutions of its member states. It isolates itself from the people, who are not included in its decisions. The European *demos* is turning away, something made clear by, among other things, the low and further decreased voter turnout for the elections to the European Parliament. And why should this caricature of the separation of powers according to the rule of law be implicitly legitimized through encouragement from the citizens via increased voter turnout?

The problem is even more apparent at the global level (that of the WTO, the World Bank and the International Monetary Fund). On the one hand, the executive powers, which are scarcely subject to parliamentary or civil society control, cooperate here as well, set standards, and make often-irreversible decisions. The deficient legitimacy of this practice could possibly be offset through good, quick and effective decisions. On the other hand, however, this latter form of decision making often lacks every effectiveness as well. While the current financial and economic crisis appears to have necessitated Europe-wide and international cooperation among nation-states, this is in reality scarcely taking place or, given the reconstitution of national interests, is limited to the symbolic politics of valorized intergovernmental institutions such as the G-20. The possibilities for action on the part of the EU in cooperation with the nation-states are thus restricted. If the governmental internationalism before the crisis was oriented to the expansion of globalization, privatization and deregulation, so could it now be the case, in the aftermath of the shock, that national responses and rhetorics could again gain the upper hand. Here it is apparent that illusions of options that can scarcely be carried out have been awakened: numerous political fields have already been codified in a binding fashion as a result of the activities of international governmental organizations, for instance, within the framework of the WTO. Here also we are not dealing with democratically legitimized decision-making and norm-building processes: it is transgovernmentally linked national executive bodies that are operating. They are practicing a self-referential type of politics and are largely defying democratic controls. Regulations are determined beyond direct parliamentary review and legitimization and largely without the inclusion of transnationally active civil society actors.

A fundamental problem with such supra- and international decisions is that the implementation of the regulations and decisions formulated is delegated to the nation-states, within which they have not directly, and at best indirectly, achieved democratic legitimacy. The consequence is deficits in both legitimacy and effectiveness. Communities made up of approximately 200 nation-states and without wide-reaching supra- and international regulatory and enforcement entities can generally only make decisions according to the lowest common denominator. These decisions are not directly

democratically legitimized, nor can they be effectively implemented at the operational level of the international organizations. It is often left to particularly interested states and transnational civil society actors to improve these decisions and to monitor their impact. Examples of this are evident in the areas of arms control, human rights, and environmental policy. The 1997 Ottawa Convention prohibiting the use of anti-personnel mines would not have been realized without the high degree of participation by nongovernmental organizations and the active engagement of a group of states made up of, among others, Canada, Norway and Austria. Nongovernmental groups and peace groups were also important actors in the monitoring of the provisions of this convention. In human rights policies, Amnesty International and Human Rights Watch, among others, have proven to be drivers and supervisors of state actions. In international environmental politics related to the improvement and monitoring of existing agreements on species protection, nongovernmental organizations such as the World Wide Fund for Nature or Conservation International have made a name for themselves. One could argue that we are talking here about marginal themes and policy fields; however, the examples demonstrate that the transgovernmentally networked national executive bodies cannot operate as they wish to everywhere.

3. Integrating Civil Society in Norm Building at the Global Level

The globalization-driven norm-building and integration processes described above, within which the national executive bodies in many cases dominate, exhibit two central problems. The citizens affected no longer perceive them as being traceable to their desires and their voice, and they thus lack democratic legitimacy. Additionally, they do not measure up to expectations in terms of their reach and practical implementation, and are thus lacking in practical effectiveness. These two problems need to be in the foreground when one wishes to develop—as we will try to do in the following—an alternative conception of a civilized world order in the age of globalization.

A few years ago there were critiques of the State and “Stateification” and calls for a global civil society and for approaches regarding a dis-

cursive collectivization at the global level (Risse 2006). Not only has this discussion become silent, but massive opposition which supports the return of the state has also emerged (cf. the verdict of the German Federal Constitutional Court on the Treaty of Lisbon). Only rarely do we hear the call for transnational cosmopolitanism or a global societal contract. Just as there can be no global *demos*, so can there also be no democratically legitimate global state. However, we are by no means saying that the present world order cannot be a democratically civilized one—even without a global *demos* and a global state. We make two claims to this end, one more theoretical and one more practical. The theoretical claim is as follows: a democratically civilized world order requires that decisions made at the global level regarding rights and duties need to be more strongly linked to the desires and voice of those affected by these rights and duties. The practical claim is the following: what is required is, first, the validation, encouragement, and support of civil society actors and networks that are striving at the transnational level for universal regulations regarding rights and duties and their implementation; and, second, the linking of such non-state norm-building networks with national and international state entities that are democratically legitimate (above all parliaments).

Given the variety and diversity of the world's *demos*, to speak of a global *demos* would be a mistake. One can rather speak of global civil societies—in plural, however, because they form and make themselves known on different topics and in different constellations. These global civil societies often exhibit a border-, language-, and culture-transcending character—as demonstrated by, among others, the networks surrounding the UN World Conference on Women. Based on experience to date they are often “hybrid formations,” consisting not only of civil persons but also of state representatives, parliamentarians, economic representatives, etc. This makes them well suited to building bridges in the global-“governance” triangle of politics, the economy and civil society (Mückenberger 2008a). In our opinion these global civil societies are, so to speak, the ideal seeds of the democratic civilization of the world order.

Civil society initiatives and movements are increasingly raising their “voice” for worldwide norms (Mückenberger 2008b; Hirschman 1970). There is a multiplicity of themes and actor

constellations: women's rights, human rights, core labor norms for the employed, social and environmental standards, etc. Networks of a different nature strive towards regulations for fair economic market relationships and quality standards. Still others are working towards regulations for an economically sustainable lifestyle and way of working. These civil society constellations share the view that the classical form of international politics (“governance by governments”) is not suitable for solving global problems. They also see the supra- and international structure as inefficient, inadequate and even possibly autocratic. These civil society initiatives and movements either take on regulatory development themselves and comply with self-generated norms (“governance without governments”), or they pressure international political and economic actors to develop and practically implement such regulations (“governance with governments”). An example of “governance without governments” is the Forest Stewardship Council, which began to develop the first certification system and quality seal for sustainable forestry at the beginning of the 1990s. The organization's decision-making body is composed of timber companies as well as social and environmental NGOs; the members cannot out-vote one another but are instead obligated to reach consensus-based decisions. Overall, the area dealing with the establishment of social and environmental standards—with organizations such as RugMark fighting child labor in carpet production or the granting of quality seals (fair-trade) for products from developing countries—has experienced a real boom in the last two decades (Bartley 2007).

One may debate the magnitude, reach, effectiveness and weight of these civil society actors, initiatives and movements; who they represent and how, as well as the mandate according to which they operate, must also be scrutinized (Jordan and van Thuil 2007). They have to be distinguished from the “bad networks,” which pursue only particular interests and use illegitimate methods. Within the networks described, one can distinguish cosmopolitan civil societies and attempts at civilizing the world, both of which design cross-border norms and can exercise “voice” on the basis of these new norms.

As a result of transnationally active initiatives and movements and of civil actors and organizations, it is only an inconsistent plurality of rules

and regulations that has for now come into being in the globalizing world (Dingwerth and Pattberg 2006). These are at times purely private in nature; in many cases they also constitute hybrid structures between public and private norm building. Often regulatory frameworks of different origin become connected in practical work—for instance, when transnational companies incorporate the core labor norms of international labor organizations or the human rights catalogue of the UN's Global Compact in their codes of conduct (Ruggie 2002). At times the regulatory frameworks make different, even contradictory, claims. Regime collisions—some corporate codes of conduct do not conform, for example, with those advanced by human rights organizations—arise and require mediation, which more often than not leads to the development of competing norm and certification systems. Nevertheless, these transnationally negotiated norms make perceptible the texture of a world law and a civilizing of global politics (Risse, Ropp, and Sikkink 1999; Schuppert 2006).

These transnationally devised norms have at any rate not arisen only from the outcomes of states' negotiations. Rather, actors exert considerable influence on the concepts and ultimately on the agreed-upon norms at the non-state—economic and civil society—level within the formation and enforcement processes. That the efforts of a world civil society contribute to the emergence of codes, standards, norms and international law makes clear the extent to which global democratic structures have already emerged. A newly developing connection between the raising of voice and the quest for rights and duties (entitlements) can be detected—as is characteristic of democratic communities but which has until now only been observable at the level of nation-states.

Gradually—and this is what we view as the opportunity of globalization—this nexus of voice and rights/duties also appears to be taking on a transnational character. Therefore, the possibility cannot be excluded that within the new global interplay of networks, norm building and transnationality the cornerstones of a new legitimate and effective democratic world order will be revealed. These will naturally not replace the activities of the nation-states and their international organizations, but will rather build upon, monitor and supplement them.

The current crisis shows how necessary it is not only to respond to the globalizing economy with

civilizing regulations but also to channel the uncontrolled executive power of the nation-states to the democratically legitimizable goals of a world society. Additionally, “criminal networks” need to be pushed back and the legitimacy of international actors needs to be increased. We call this the “civilizing of world order.” The term refers to what has been, based on Karl Polyani (1944), labeled re-embedding. This means the reconnection of economic and political power with accepted socio-cultural norms (Granovetter 1985). In his analysis, which was composed under the influence of fascism, Polyani concentrated on the re-embedding of the economy in society. Today we go further: we must view the transnationally active networks as the new designers of a civil world order, opposing the increasingly unbounded executive power of the nation-states with a new model of a democratizing world order. Who other than the emerging cosmopolitan civil societies could be the appropriate agents of such a civilizing of globalization?

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