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## **Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective**

From the destruction of the twin towers on 11 September 2001 to the failure of trade discussions at Cancún in September 2003, issues are raised which not only concern large swathes of the world's population, but can only be adequately resolved by increased coordination and cooperation across borders. How such coordination and cooperation can be achieved, and how and to whom there should be accountability, are the themes of this article. The article is in six parts. The first part sketches the contemporary nature of global politics; the second examines problems and dilemmas of global public policy-making; the third explores how global governance can be strengthened; the fourth sets out the framework of a cosmopolitan polity which would place democratic accountability at its centre; the fifth unfolds a related concept of multilayered citizenship; and the final part explores the underlying cosmopolitan principles of the argument. The modern polity was built on the idea of the modern state and a system of state-based accountability. While this represented a hugely important paradigm shift, it is no longer sufficient to help understand the proper form of democratic accountability in a global age.

### GLOBAL POLITICS

A distinctive aspect of the contemporary world order is the emergence of 'global politics'.<sup>1</sup> Political events in one part of the world can rapidly acquire world-wide ramifications. Sites of political action

<sup>1</sup> See A. McGrew, 'Conceptualizing Global Politics', in A. McGrew et al., *Global Politics*, Cambridge, Polity Press, 1992.

can become embedded in extensive networks of political interaction involving states and nonstate actors. As a result, developments at the local level – whether economic, social or environmental – can acquire almost instantaneous global consequences, and vice versa.<sup>2</sup>

Nations, peoples and social movements are linked by many new forms of communication. Over the last few decades a wave of new technological innovations, along with the transformation of older technologies, has generated global communication and transportation infrastructures. These have opened up a massive series of communication channels that cross national borders, increasing the range and type of communications to and from all the world's regions. In addition, contemporary patterns of communication have created a far greater intensity of concepts, symbols and images, moving with far greater extensity and at a far greater velocity than in earlier periods. This process is compounded by the fact that new global communication systems are used for business and commercial purposes. While there remain significant differences in information density and velocity in different parts of the globe, it is becoming increasingly difficult for people to live in any place isolated from the wider world.

These developments have engendered fundamental changes in the organization of political life. The intimate connection between 'physical setting', 'social situation' and politics, which distinguished most political associations from pre-modern to modern times, has been ruptured; the new communication systems create new experiences, new modes of understanding and new frames of political reference independent of direct contact with particular peoples, issues or events. The speed with which the events of 11 September 2001 ramified across the world and made mass terrorism a global issue is one poignant example.

The idea of global politics calls into question the traditional demarcations between the domestic and the foreign, and between the territorial and the non-territorial, found in modern conceptions of 'the political'.<sup>3</sup> These categories not only shaped modern political thought but also institution-building, as a clear division was

<sup>2</sup> See A. Giddens, *The Consequences of Modernity*, Cambridge, Polity Press, 1990, ch. 2.

<sup>3</sup> See D. Held, A. McGrew, J. Perraton and D. Goldblatt, *Global Transformations*, Cambridge, Polity Press, 1999, chs 1, 2 and 8.

established between great ministries of state founded to focus on domestic matters and those created to pursue geopolitical questions. Global problems highlight the richness and complexity of the interconnections which now transcend states and societies in the global order. Moreover, global politics is anchored today not just in traditional geopolitical concerns – trade, power, security – but in a large diversity of social and ecological questions. Pollution, water supply, genetically engineered food and drugs are amongst an increasing number of policy issues that cut across territorial jurisdictions and existing political alignments, and which require international cooperation for their satisfactory resolution. In many parts of the world the notion of global politics corresponds much more closely to the character of politics than do obsolete images of politics as simply state and interstate relations.<sup>4</sup> There are now multiple spheres of politics and authority.

In mapping political globalization, it is important to explore the way in which the sovereign state now lies at the crossroads of a vast array of networks and organizations that have been established to regulate and manage diverse areas of international and transnational activity – trade, communications, crime and so on. The rapid growth of transnational issues and challenges has generated a multicentric system of governance both within and across political borders.<sup>5</sup> It has been marked by the transformation of aspects of territorially based political decision-making, the development of regional and global organizations and, in many places, the increased importance of regional and international law. There is nothing inevitable, it should be stressed, about these developments. While they form highly significant trends, they are contingent upon many factors, and could be halted or reversed by protracted global conflicts or cataclysmic events.

At the core of these developments is the reconfiguration of political power. While many states retain the ultimate legal claim to effective supremacy over what occurs within their own territories, this should be juxtaposed with, and understood in relation to, the expanding jurisdiction of institutions of global and regional

<sup>4</sup> R. O. Keohane and J. S. Nye, 'Globalization: What's New? What's Not (and So What?)', *Foreign Policy*, 118 (2000), pp. 104–19.

<sup>5</sup> J. Rosenau, 'Governance in a New Global Order', in D. Held and A. McGrew (eds), *Governing Globalization*, Cambridge, Polity Press, 2002.

governance and the constraints of, as well as the obligations derived from, new and changing forms of international regulation. This is especially evident in the European Union, where sovereign power is divided between international, national and local authorities, but it is also evident in the operation of international governmental organizations (IGOs) such as the WTO.<sup>6</sup> However, even where sovereignty still appears intact, states do not retain sole command of what transpires within their own territorial boundaries. Complex global systems, from the financial to the ecological, connect the fate of communities in one locale to the fate of communities in distant regions of the world. Globalization, in other words, is associated with a transformation or an ‘unbundling’ of the relationship between sovereignty, territoriality and political power.<sup>7</sup>

This unbundling involves a plurality of actors, a variety of political processes, and diverse levels of coordination and operation. Specifically, it includes:

- different forms of intergovernmental arrangements embodying various levels of legalization, types of instruments utilized and responsiveness to stakeholders;
- an increasing number of public agencies – e.g. central bankers – maintaining links with similar agencies in other countries and thus forming transgovernmental networks for the management of various global issues;
- diverse business actors – i.e. firms, their associations and organizations such as international chambers of commerce – establishing their own transnational regulatory mechanisms to manage issues of common concern;
- nongovernmental organizations (NGOs) and transnational advocacy networks – i.e. leading actors in global civil society – playing a role in various domains of global governance and at various stages of the global public policy-making process;
- public bodies, business actors and NGOs collaborating in many issue areas in order to provide novel approaches to social problems through multi-stakeholder networks.

<sup>6</sup> M. Moore, *A World Without Walls*, Cambridge, Cambridge University Press, 2003.

<sup>7</sup> See J. Ruggie, ‘Territoriality and Beyond’, *International Organization*, 47: 1 (1993), pp. 139–74.

While many people – politicians, political activists and academics – link contemporary globalization with new constraints on politics, it is more accurately associated with the expansion of the terms of political activity. Not only has contemporary globalization triggered or reinforced the significant politicization of a growing array of issue areas, but it has been accompanied by an extraordinary growth of institutionalized arenas and networks of political mobilization, decision-making and regulatory activity which transcend national political jurisdictions. This has expanded the capacity for, and scope of, political activity and the exercise of political authority. Yet, this is not to overlook the many challenges posed by economic and political globalization to the public policy process at diverse levels. The focus here is on the global.

#### PROBLEMS AND DILEMMAS OF GLOBAL PUBLIC POLICY-MAKING

Problem-solving at the global level is marked by a number of difficulties. In the first instance, there is no clear division of labour among the myriad of international governmental agencies; functions often overlap, mandates frequently conflict, and aims and objectives too often get blurred. There are a number of competing and overlapping organizations and institutions, all of which have some stake in shaping global public policy. As one observer has noted in relation to global social policy, the fragmentation and competition that takes place is between:

- the World Bank, IMF, WTO and the UN system;
- the UN Secretariat and UN social agencies;
- the G7, G20, G16 and G77 and other groupings of countries;
- and a host of national social initiatives.<sup>8</sup>

The World Bank's health and social policies are not the same as those of the WHO, UNESCO or the International Labour Organization (ILO), to name but some agencies. The United Nations General Secretary's initiatives, such as those involving the Millennium Project, are not necessarily the same as, and are in some tension with, the social policies of the UN's Department of Economic and Social

<sup>8</sup> See B. Deacon, 'Global Social Governance Reform', in B. Deacon et al. (eds), *Global Social Governance*, Helsinki, Hakapaino Oy, 2003.

Affairs and the aims of the United Nations Development Programme (UNDP) and WHO. While the G7 often has a set of reasonably clear global policy objectives, these are typically in conflict with the G20 and G77, the latter often seeking to form an opposition grouping to the agenda of the G7.

Reflecting on the difficulties of interagency cooperation during his time as head of the WTO, Mike Moore has written that 'greater coherence amongst the numerous agencies that receive billions of taxpayers' dollars would be a good start . . . this lack of coherence damages their collective credibility, frustrates their donors and owners and gives rise to public cynicism . . . the array of institutions is bewildering . . . our interdependent world has yet to find the mechanism to integrate its common needs'.<sup>9</sup>

A second set of difficulties relates to the inertia found in the system of international agencies, or the inability of these agencies to mount collective problem-solving solutions when faced with disagreement over objectives, means, costs and so on. This often leads to the situation where the cost of inaction is greater than the cost of taking action. For the reform of the world trade regime and the treatment of serious diseases which threaten many countries, it has been estimated that the costs of inaction are about one hundred times greater than the costs of corrective action.<sup>10</sup> The failure to act decisively in the face of urgent global problems can not only compound the costs of dealing with these problems in the long run, but can also reinforce a widespread perception that these agencies are not just ineffective but unaccountable.

The perceived accountability deficit is linked to two interrelated difficulties: the power imbalances among states as well as those between state and non-state actors in the shaping and making of global public policy. Multilateral bodies need to be fully representative of the states involved in them, and they are rarely so. In addition, there must be arrangements in place to engage in dialogue and consultation between state and non-state actors, and these conditions are only partially met in multilateral decision-making bodies. Investigating this problem, Inge Kaul and her associates at the UNDP have made the telling point that 'the imbalances among states as well as

<sup>9</sup> Moore, *A World without Walls*, op. cit., pp. 220, 223.

<sup>10</sup> See P. Conceição, 'Assessing the Provision Status of Global Public Goods', in I. Kaul et al. (eds), *Providing Global Public Goods*, Oxford, Oxford University Press, 2003.

those between state and non-state actors are not always easy to detect, because in many cases the problem is not merely a quantitative issue – whether all parties have a seat at the negotiating table. The main problem is often qualitative – how well various stakeholders are represented.<sup>11</sup> Having a seat at the negotiating table in a major IGO or at a major conference does not ensure effective representation. For, even if there is parity of formal representation, it is often the case that developed countries have large delegations equipped with extensive negotiating and technical expertise, while poorer developing countries often depend on one person delegations, or have even to rely on the sharing of a delegate. Moreover,

a one person delegation today does not necessarily have the same negotiating strengths as a one person delegation several years ago. The negotiating load has increased: the international policy agenda is lengthening, issues are becoming more complex, organizations are multiplying, conference venues are being shifted from continent to continent, meetings are being held in parallel sessions, and ‘informal informals’ are becoming a common negotiating tool.<sup>12</sup>

All of these issues stretch the capacities of small negotiating delegations to the limit. The difficulties that occur range from the significant under-representation of developing countries in agencies such as the IMF – where 24 industrial countries hold ten to eleven seats on the executive board while 42 African countries hold only two – to problems that result from an inability to develop substantial enough negotiating and technical expertise even with one person one country decision-making procedures.<sup>13</sup> Accordingly, many people are stakeholders in global political problems that affect them, but remain excluded from the political institutions and strategies needed to address these problems.<sup>14</sup>

An additional problem emerges as a result of issues which span the distinction between the domestic and the foreign. A growing

<sup>11</sup> See I. Kaul et al., ‘How to Improve the Provision of Global Public Goods’, in *ibid.*, p. 30.

<sup>12</sup> *Ibid.*, p. 31.

<sup>13</sup> See A. Buiira, ‘The Governance of the International Monetary Fund’; P. Chasek and L. Rajamani, ‘Steps towards Enhanced Party Parity’; and R. V. Mendoza, ‘The Multilateral Trade Regime’ – all in *ibid.*

<sup>14</sup> There were interesting signs at the September 2003 trade discussion at Cancún that leading developing countries are beginning to learn from these problems and combine expertise and negotiating resources.

number of issues can be characterized as intermestic – that is, issues which cross the *international* and *domestic*.<sup>15</sup> These are often insufficiently understood, comprehended or acted upon. For there is a fundamental lack of ownership of global public problems at the global level.<sup>16</sup> It is far from clear which global issues are the responsibility of which international agencies, and which issues ought to be addressed by which particular agencies. The institutional fragmentation and competition leads not just to the problem of overlapping jurisdictions among agencies, but also to the problem of issues falling between agencies. This latter problem is also manifest between the global level and national governments. The time has come – to say the very least – to examine these matters again.

Underlying these institutional difficulties is the breakdown of symmetry and congruence between decision-makers and decision-takers.<sup>17</sup> The point has been well articulated recently by Kaul and her associates in their work on global public goods. They speak about the forgotten *equivalence* principle.<sup>18</sup> This principle suggests that the span of a good's benefits and costs should be matched with the span of the jurisdiction in which decisions are taken on that good. At its simplest, the principle suggests that those who are significantly affected by a global good or bad should have a say in its provision. Yet, all too often, there is a breakdown of 'equivalence' between decision-makers and decision-takers, between decision-makers and stakeholders, and between the inputs and outputs of the decision-making process. As a result, we face the challenge of:

- *matching circles of stakeholders and decision-makers* – to create opportunities for all to have a say about global public goods that affect their lives;
- *systematizing the financing of global public goods* – to get incentives right and to secure adequate private and public resources for these goods;

<sup>15</sup> Rosenau, 'Governance in a New Global Order', op. cit.

<sup>16</sup> Moore, *A World without Walls*, op. cit., p. 218.

<sup>17</sup> See D. Held, *Democracy and the Global Order*, Cambridge, Polity Press, 1995.

<sup>18</sup> Kaul et al., 'How to Improve the Provision of Global Public Goods', op. cit., pp. 27–8.

- *spanning borders, sectors, and groups of actors* – to foster institutional interaction and create space for policy entrepreneurship and strategic issue management.<sup>19</sup>

Failures or inadequacies in global political processes often result from the mismatch between the decision-making circles created in international arenas and the range of spillovers associated with specific public goods or public bads. ‘The challenge is to align the circles of those to be consulted (or to take part in the decision-making) with the spillover range of the good under negotiation.’<sup>20</sup>

Traditionally, the tension between the sphere of decision-makers and the sphere of decision-takers has been resolved by the idea of political community – the bounded, territorially delimited community in which decision-makers and decision-takers create processes and institutions to resolve the problem of accountability. During the period in which nation-states were being forged – and the territorially-bound conception of democracy was consolidated – the idea of a close mesh between geography, political power and democracy could be assumed. It seemed compelling that political power, sovereignty, democracy and citizenship were simply and appropriately bounded by a delimited territorial space. These links were by and large taken for granted and generally unexplicated. But they can be no longer. Globalization, global governance and global challenges raise issues concerning the proper scope of democracy and of a democracy’s jurisdiction, given that the relation between decision-makers and decision-takers is not necessarily symmetrical or congruent with respect to territory.

The principle of inclusiveness and subsidiarity is often regarded in democratic theory as a helpful means to clarify the fundamental criterion for drawing proper boundaries around those who should be involved in particular decision-making domains, those who should be accountable to a particular group of people, and why.<sup>21</sup> At its simplest, it states that those significantly (i.e., nontrivially) affected by

<sup>19</sup> I. Kaul et al., ‘Why Do Global Public Goods Matter Today?’, in Kaul et al., *Providing Global Public Goods*, op. cit., pp. 5–6.

<sup>20</sup> Kaul et al., ‘How to Improve the Provision of Global Public Goods’, op. cit., p. 28.

<sup>21</sup> See D. Held, *Models of Democracy*, 2nd edn, Cambridge, Polity Press, 1996, part 3.

public decisions, issues or processes should, *ceteris paribus*, have an equal opportunity, directly or indirectly through elected delegates or representatives, to influence and shape them. Those affected by public decisions ought to have a say in their making.<sup>22</sup>

While this principle points in an important direction, it is only in association with the idea of a political community that it is compelling; for here decision-makers and decision-takers meet by convention to resolve matters of common fate. But the issue is: how is the notion of 'significantly affected' to be understood when the relation between decision-makers and decision-takers is more spatially complex – when, that is, decisions affect people outside a circumscribed democratic entity? To take some examples: a decision to permit the 'harvesting' of rainforests may contribute to ecological damage far beyond the borders which formally limit the responsibility of a given set of decision-makers. A decision to build a nuclear plant near the frontier of a neighbouring country is a decision likely to be taken without consulting those in the nearby country (or countries) despite the many risks for them. A decision by large US corporations such as IBM or Microsoft can have profound effects on the economic opportunities in countries such as India, but it will in all likelihood be taken without consultation with those in far-off lands.<sup>23</sup> In these situations, as Robert Keohane put it, 'the normative question arises . . . : should the acting entity be accountable to the set of people it affects? . . . Merely being affected cannot be sufficient to create a valid claim. If it were, virtually nothing could ever be done, since there would be so many requirements for consultation and even veto points.'<sup>24</sup>

This is a hard issue to resolve. The issue becomes a little easier to think through if the all-affected principle is connected directly to the idea of impact on people's needs or interests. If we think of the impact of powerful forces on peoples' lives, then impact can be divided into three categories: strong, moderate and weak. By strong

<sup>22</sup> See M. Saward, 'A Critique of Held', in B. Holden (ed.), *Global Democracy*, London, Routledge, 2002.

<sup>23</sup> Other examples include the decision to go to war. However, war raises a number of exceptional questions which I will not address in this article.

<sup>24</sup> R. O. Keohane, 'Global Governance and Democratic Accountability', in D. Held and M. Koenig-Archibugi (eds), *Taming Globalization*, Cambridge, Polity Press, 2003, p. 141.

I mean that vital needs or interests are affected (from health to housing) with fundamental consequences for people's life expectancy. By moderate I mean that needs are affected in such a way that people's ability to participate in their community (in economic, cultural and political activities) is in question. At stake here is the quality of life chances. By weak I mean an effect which impacts upon particular lifestyles or the range of available consumption choices (from clothes to music). These categories are not watertight and require further theoretical analysis,<sup>25</sup> but they provide some useful guidance:

- if people's urgent needs are unmet their lives will be in danger. In this context, people are at risk of serious harm;
- if people's secondary needs are unmet they will not be able to participate fully in their communities and their potential for involvement in public and private life will remain unfulfilled. Their choices will be restricted or depleted. In this context, people are at risk of harm to their life opportunities;
- if people's lifestyle needs are unmet their ability to develop their lives and express themselves through diverse media will be thwarted. In this context, unmet need can lead to frustration. (Frustration could be thought of as a weak term, but it can give rise to serious tension and conflict.)

In the light of these considerations, the principle of inclusiveness and subsidiarity needs restating. I take it to mean here that those whose life expectancy and life chances are significantly affected by social forces and processes ought to have a stake in the determination of the conditions and regulation of these, either directly or indirectly through political representatives. Democracy is best located when it is closest to and involves those whose life expectancy and life chances are determined by powerful entities, bringing the circles of stakeholders and decision-makers closer together. The argument for extending this consideration to decisions and processes which affect lifestyle needs is less compelling, since these are fundamentally questions of value and identity for communities to resolve for themselves. Whether McDonald's should be allowed access across China, or US media products given free range in Canada, are questions largely for

<sup>25</sup> Cf. L. Doyal and I. Gough, *A Theory of Human Need*, London, Macmillan, 1991; and Held, *Democracy and the Global Order*, op. cit., part 2.

those countries to resolve, although clearly serious cross-border issues concerning, for example, the clash of values and consumption choices can develop, posing questions about regional or global trade rules and regulations.

The principle of inclusiveness and subsidiarity points to the necessity of both the decentralization *and* centralization of political power. If decision-making is decentralized as much as possible, it maximizes the opportunity of each person to influence the social conditions that shape his or her life. But if the decisions at issue are translocal, transnational, or transregional, then political institutions need not only to be locally based but also to have a wider scope and framework of operation. In this context, the creation of diverse sites and levels of democratic forums may be unavoidable. It may be unavoidable, paradoxically, for the very same reasons as decentralization is desirable: it creates the possibility of including people who are significantly affected by a political issue in the public (in this case, transcommunity public) sphere. If diverse peoples beyond borders are effectively stakeholders in the operation of select regional and global forces, their *de facto* status as members of diverse communities would need to be matched by a *de jure* political status, if the mechanisms and institutions that govern these political spaces are to be brought under the rubric of the principle of inclusiveness and subsidiarity. Stakeholders in *de facto* communities and networks of local, national, regional and global processes will be politically empowered only if they achieve the necessary complementary *de jure* status.

Properly understood, the principle of inclusiveness and subsidiarity should be taken to entail that decision-making should be decentralized as much as possible, maximizing each person's opportunity to influence the social conditions that shape his or her life. Concomitantly, centralization is favoured if, and only if, it is the necessary basis for avoiding the exclusion of persons who are significantly affected by a political decision or outcome.<sup>26</sup> These considerations yield, as one analyst has written, 'the result that the authority to make decisions of some particular kind should rest with the democratic political process of a unit that (1) is as small as

<sup>26</sup> T. Pogge, 'Cosmopolitanism and Sovereignty', in C. Brown (ed.), *Political Restructuring in Europe: Ethical Perspectives*, London, Routledge, 1994, pp. 106–9.

possible but still (2) includes as equals all persons significantly . . . affected by decisions of this kind'.<sup>27</sup>

Elsewhere, I have proposed three tests to help filter policy issues to different levels of democratic governance: the tests of extensity, intensity and comparative efficiency.<sup>28</sup> The test of extensity assesses the range of people within and across borders whose life expectancy and life chances are significantly affected by a collective problem and policy question. The test of intensity examines the degree to which the latter impinges on a group of people(s) and, therefore, the degree to which regional or global initiatives are warranted. The third test – the test of comparative efficiency – is concerned to provide a means of examining whether any proposed regional or global initiative is necessary insofar as the objectives it seeks to meet cannot be realized satisfactorily by those working at 'lower' levels of local or national decision-making. Accordingly, the principle of inclusiveness and subsidiarity may require diverse and multiple democratic public forums for its suitable enactment. It yields the possibility of multilevel democratic governance. The ideal number of appropriate democratic jurisdictions cannot be assumed to be embraced by just one level – as it is in the theory of the liberal democratic nation-state.

#### STRENGTHENING GLOBAL GOVERNANCE

To restore symmetry and congruence between decision-makers and decision-takers, and to entrench the principle of equivalence in a manner that is consistent with inclusiveness and subsidiarity, requires a strengthening of global governance and a resolve to address those challenges previously discussed – institutional competition, overlapping jurisdictions, the excessive costs of inaction, the failures of accountability, etc. In the first instance, this agenda can be thought of as comprising three interrelated dimensions:

- promoting co-ordinated state action to tackle common problems;
- reinforcing those international institutions that can function effectively;

<sup>27</sup> *Ibid.*, p. 109.

<sup>28</sup> Held, *Democracy and the Global Order*, op. cit., ch. 10.

- and developing multilateral rules and procedures that lock in all powers, small and major, into an accountable multilateral framework.<sup>29</sup>

Such a strategy means promoting intergovernmentalism and interstate action to tackle problems like international criminal networks and the containment of new epidemics; and adopting the widest possible strategies for intergovernmental and interstate consultation and coalition building. This amounts to a policy of creating an enlightened multilateralism, a useful first step in establishing democratic accountability at the global level. But it can only be regarded as a first step – ambitious as it is in the current political climate.<sup>30</sup>

Systematizing the provision of global public goods requires not just building on existing forms of multilateral institutions, but also extending and developing them in order to address questions of transparency, accountability and democracy. A programme in this regard has been set out recently by the UNDP. It suggests the necessity of developing a number of new global institutional tools to foster both the provision and the public nature of decision-making. The following recommendations are made:

- promoting the principle of stakeholder–decision-maker equivalence;
- developing criteria for fair negotiations;
- strengthening the negotiating capacity of developing countries;
- developing rules for interactions between state and non-state actors;
- creating advisory scientific panels for all major global issues, following the example of the Intergovernmental Panel on Climate Change;
- creating negotiating arenas for new priority issues (such as the right of access to water for all people) together with appropriate grievance panels (such as a world water court);
- creating demand-driven review and response facilities to promote flexible implementation of policy regimes, such as a trade and development review council within the WTO.<sup>31</sup>

<sup>29</sup> See P. Hirst and G. Thompson, 'The Future of Globalization', *Cooperation and Conflict*, 37: 3 (2002), pp. 252–3.

<sup>30</sup> Ibid.

<sup>31</sup> Kaul et al., 'How to Improve the Provision of Global Public Goods', op. cit., p. 35.

The programme offers an imaginative leap forwards in the thinking about how to provide global public goods in a framework of public involvement.

Jean François Rischard has recently also stressed that the current international system is simply not effective, accountable or fast enough to solve many of the big global issues we face, issues concerning our planet, our humanity and our rulebook: see Figure 1. In this regard, he argues that the creation of major treaties is typically too slow a process, and often leads to legal agreements and instruments that are not enforced; big UN conferences are good and helpful at raising levels of awareness about a global issue but often fail to produce detailed solutions to those issues; G7/G8-type meetings can be very productive but are mostly reactive to problems that have occurred; and the world's leading IGOs, while they are sometimes quite effective, are rarely in a position to take a major initiative with regard to pressing global public problems.<sup>32</sup> Rischard stresses too that it is not enough simply to develop existing multilateral institutions, but that new innovative solutions are required if the core political problems we face are to have any hope of effective resolution within a legitimate framework of accountability. He is sceptical about our ability to create new institutions in sufficient time to resolve pressing global issues, and he is sceptical too about the ability of such institutions to act effectively in the short term. So against such notions, he proposes a series of global issue networks (GINs). He argues that what we require is a distinct global issue network for each urgent policy problem (see Figure 1). What would this look like?

Rischard argues that it is possible to conceive of the development of global issue networks in three stages:

- a constitutional phase, when the network is convened and set in motion;
- a norm-producing phase, beginning with a rigorous evaluation of options and alternatives; and
- an implementation phase, in which the network takes on a rating role, helping the norms exert their influence through reputation effects.<sup>33</sup>

<sup>32</sup> See J. F. Rischard, *High Noon*, New York, Basic Books, 2002, part 3.

<sup>33</sup> *Ibid.*, p. 171.

**Figure 1**  
*Twenty Global Issues*

**Sharing our Planet: issues in volving the global commons**

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- Global warming
- Biodiversity and ecosystem losses
- Fisheries depletion
- Deforestation
- Water deficits
- Maritime safety and pollution

**Sharing our Humanity: issues requiring a global commitment**

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- Massive step up in the fight against poverty
- Peacekeeping, conflict prevention, combating terrorism
- Education for all
- Global infectious diseases
- Digital divide
- Natural disaster prevention and mitigation

**Sharing our Rulebook: issues needing a global regulatory approach**

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- Reinventing taxation for the twenty-first century
  - Biotechnology rules
  - Global financial architecture
  - Illegal drugs
  - Trade, investment and competition rules
  - Intellectual property rights
  - E-commerce rules
  - International labour and migration rules
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*Source:* Rischard, *High Noon*, op. cit., p. 66.

Such networks could be permanent or temporary and each would be charged with initiating policy recommendations for core pressing problems, such as global warming, biodiversity and ecosystem losses. Each network would be initiated by a leading international actor working purely as a facilitator – not a problem-solver in its own right. The GINs' membership would include representatives of governments concerned by and experienced with the issue at hand, as well

as knowledgeable people from business and international NGOs. The GINs' brief would be to dissect a global problem and search for solutions. They would be asked to draw up detailed norms and standards which could, in principle, resolve the issue, and which could be used to put formal and informal pressure on the various players involved in the generation, and future solution, of the problem. The core phases in the development of global issue networks are set out in Figure 2.

GINs would seek to set out new standards of behaviour required by key agents to solve global problems, and would then act as a kind of rating agency to expose countries, businesses or other players that were not living up to the new standards. For example, they would regularly 'name and shame' governments that had not passed legislation conforming to the standards, or had not ratified or enforced a perfectly useful treaty, or had not altered domestic policy where it mattered.

The creation of a global issue network is clearly, in principle, a very flexible instrument to help bypass or circumvent organizations that have insufficient clarity about the issue involved, confusing mandates, or an inability to act decisively.<sup>34</sup> But there are problems with this mechanism if used alone. While the new networks are designed to put pressure on government organizations and agencies to perform better and more effectively, they contribute little to the question of norm and rule enforcement in the face of a reluctant actor – political, economic or social – that might refuse to come into line or that, by virtue of taking no action, could perpetuate and add to the core problem involved. Nor do they provide a solution to the problem of how one determines the range of legitimate voices or stakeholders that ought to be involved in a GIN, or how this matter can be effectively arbitrated. In this respect, it is helpful to think of GINs as a useful short-term mechanism in the creation and

<sup>34</sup> It is interesting to note that the EU is exploring similar policy instruments through its 'Open Method of Coordination'. In utilizing this method, member states agree to formulate national action plans in particular areas by drawing upon their distinctive and common experiences; subjecting proposals to test by a panel of expert officials drawn from a broad spectrum of member states; reviewing performance against relevant targets; and considering various incentives, and sanctions if necessary, to ensure policy success. See J. Cohen and C. F. Sabel, 'Sovereignty and Solidarity: EU and US', in J. Zeitlin and D. Trubek (eds), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford, Oxford University Press, 2003.



extension of an enlightened multilateralism, but an insufficient mechanism to reshape global governance alone.

The policy issues and suggestions discussed above lay out an agenda for thinking about the reform of global governance in the immediate future. But a democratic agenda for global governance reform also needs to think about how the current form of intergovernmentalism, with its existing problems of overlapping jurisdictions and fragmented structures, can be developed and improved in the longer run. Here, it is necessary to think more boldly about a cosmopolitan multilateralism. This is not a multilateralism that can, of course, be implemented in all respects in the immediate future. But setting it out helps set down paths and goals for democratic reform at the global level. With this in mind, the following section lays out an agenda for a robust cosmopolitan multilateralism.

#### COSMOPOLITAN MULTILATERALISM

Cosmopolitan multilateralism must take as its starting point a world of ‘overlapping communities of fate’. Recognizing the complex processes of an interconnected world, it ought to view certain issues – such as housing, education and policing – as appropriate for spatially delimited political spheres (the city, region or state), while seeing others – such as the environment, world health and global economic regulation – as requiring new, more extensive institutions to address them. Deliberative and decision-making centres beyond national territories are appropriately situated when the principles of inclusiveness, subsidiarity and equivalence can only be properly upheld in a transnational context; when those whose life expectancy and life chances are significantly affected by a public matter constitute a transnational grouping; and when ‘lower’ levels of decision-making cannot manage satisfactorily transnational or international policy questions. Of course, the boundaries demarcating different levels of governance will always be contested, as they are, for instance, in many local, sub-national regional and national polities. Disputes about the appropriate jurisdiction for handling particular public issues will be complex and intensive; but better complex and intensive in a clear public framework than left simply to powerful geopolitical interests (dominant states) or market-based organizations to resolve them alone.

The possibility of a cosmopolitan polity must be linked to an expanding framework of states and agencies bound by the rule of law, democratic principles and human rights. How should this be understood from an institutional point of view? Initially, the possibility of a cosmopolitan polity could be enhanced if the UN system actually lived up to its charter. Among other things, this would mean pursuing measures to implement key elements of the rights conventions, and enforcing the prohibition of the discretionary right to use force.<sup>35</sup> However, while each move in this direction would be helpful, it would still represent, at best, a move towards a very incomplete form of accountability and justice in global politics. For the dynamics and logic of the current hierarchical interstate system (with the US in pole position) would still represent an immensely powerful force in global affairs; the massive disparities of power and asymmetries of resource in the global political economy would be left virtually unaddressed; ad hoc responses to pressing international and transnational issues would remain typical; and the accountability gaps between decision-makers and decision-takers would remain unbridged. As a result, the deeply embedded difficulties of the UN system would be unaddressed and unresolved – the susceptibility of the UN to the agendas of the most powerful states, the weaknesses of many of its enforcement operations (or lack of them altogether), the underfunding of its organizations, the continued dependency of its programmes on the financial support of a few major states, the inadequacies of the policing of many environmental regimes (regional and global) and so on.

Thus, a cosmopolitan polity would need to establish an overarching network of democratic public forums, covering cities, nation-states, regions and the wider transnational order. It would need to create an effective and accountable political, administrative and regulative capacity at global and regional levels to complement those at national and local levels. This would require:<sup>36</sup>

- the formation of an authoritative assembly of all states and agencies – a reformed General Assembly of the United Nations, or a complement to it. The focus of a global assembly would be the examination of those pressing problems which are at the heart of

<sup>35</sup> See R. Falk, *On Humane Governance*, Cambridge, Polity Press, 1995.

<sup>36</sup> The following points are adapted from D. Held, 'Cosmopolitanism: Globalization Tamed?', *Review of International Studies*, 29 (2003), pp. 465–80.

concerns about life expectancy and life chances – concerns, for instance, about health and disease, food supply and distribution, the debt burden of the developing world, global warming and the reduction of the risks of nuclear, chemical and biological warfare. Its task would be to lay down, in framework-setting law, the standards and institutions required to embed the rule of law, democratic principles, and the minimum conditions for human agency to flourish;<sup>37</sup>

- the creation, where feasible, of regional parliaments and governance structures (for example, in Latin America and Africa) and the enhancement of the role of such bodies where they already exist (the European Union) in order that their decisions may become recognized and accepted as legitimate independent sources of regional and international regulation;
- the opening-up of functional IGOs (such as the WTO, IMF and World Bank) to public examination and agenda-setting. Not only should such bodies be transparent in their activities, but they should be open to public scrutiny (on the basis perhaps of elected supervisory bodies, or functional deliberative forums, representative of the

<sup>37</sup> Agreement on the terms of reference of a global assembly would be difficult to say the least, although there is no shortage of plausible schemes and models. Ultimately, its terms of reference and operating rules would need to command widespread agreement and, hence, ought to be generated in a stakeholder process of consensus-building – a global constitutional convention – involving states, IGOs, international nongovernmental organizations (INGOs), citizen groups and social movements. A global process of consultation and deliberation, organized at diverse levels, represents the best hope of creating a legitimate framework for accountable and sustainable global governance. Three core issues would need to be addressed: Who is to be represented, governments or citizens? What is to be the principle of representation, one state, one vote, proportional representation, or a mixture of both? What are the proper scope and limits of action of a global assembly? These are demanding questions which admit of a number of sound theoretical answers. The case for each would have to be considered and weighed in the context of the diversity of interests which would be brought to a global constitutional convention, for example the inevitable differences that would emerge between the developed and developing countries on whether population size or economic strength, or a mixture of both, should count in the determination of the basis of representation. While the legitimacy and credibility of a new global assembly would depend on it being firmly grounded on the principle of consent and electoral inclusiveness, it is likely that any assembly in the foreseeable future would be constituted by compromises between theoretical ideas and practical constraints. Accordingly, rather than set out blueprints for the nature and form of a global assembly, it seems better to stress the importance of a legitimate process of consensus-building in and through which these issues might be deliberated upon and settled.

diverse interests in their constituencies), and accountable to regional and global assemblies;

- the establishment, where IGOs are currently weak and/or lacking in enforcement capability, of new mechanisms and organizations, e.g. in the areas of the environment and social affairs. The creation of new global governance structures with responsibility for addressing poverty, welfare and related issues is vital to offset the power and influence of market-oriented agencies such as the WTO and IMF;
- the enhancement of the transparency and accountability of the organizations of national and transnational civil society, addressing the potentially disturbing effects of those who are able to 'shout the loudest' and of the lack of clarity about the terms of engagement of nonstate actors with IGOs and other leading political bodies.<sup>38</sup> Experiments are necessary to find ways of improving the internal codes of conduct and modes of operation of nonstate actors, on the one hand, and of advancing their capacity to be represented in IGOs and other leading political bodies preoccupied with global policy processes, on the other. Moreover, to avoid citizens of developed countries being unfairly represented twice in global politics (once through their governments and once through their NGOs) special attention and support needs to be given to enhance the role of NGOs from developing countries;
- the use of general referendums cutting across nations and nation-states at regional or global levels in the case of contested priorities concerning the implementation of core cosmopolitan concerns. These could involve many different kinds of referendums including a cross-section of the public, and/or of targeted and significantly affected groups in a particular policy area, and/or of the policy-makers and legislators of national parliaments;
- the development of law-enforcement and coercive capability, including peace-keeping and peace-making, to help deal with serious regional and global security threats. It is necessary to meet the concern that, in the face of the pressing and violent challenges to fundamental human rights and priorities, 'covenants, without the sword, are but words' (Hobbes).

<sup>38</sup> See M. Edwards and S. Zadek, 'Governing the Provision of Global Public Goods: the Role and Legitimacy of Nonstate Actors', in Kaul et al., *Providing Global Public Goods*, op. cit.

In the long term, a cosmopolitan polity must involve the development of administrative capacity and independent political resources at regional and global levels. It would not call for the diminution *per se* of state power and capacity across the globe. Rather, it would seek to entrench and develop political institutions at regional and global levels as a necessary supplement to those at the level of the state.<sup>39</sup> This conception of politics is based on the recognition of the continuing significance of democratic nation-states, while arguing for layers of democratic governance to address broader and more global questions. The aim is to forge an accountable and responsive politics at local and national levels alongside the establishment of representative and deliberative assemblies in the wider global order; that is, a political order of transparent and democratic cities and nations as well as of regions and global networks.

#### MULTILEVEL CITIZENSHIP

Against this background, the basis of a new conception of citizenship can be disclosed – a citizenship based not on exclusive membership of a territorial community, but on general rules and principles which can be entrenched and drawn upon in diverse settings. This conception relies on the availability and clarity of the principles of democracy and human rights. These principles create a framework for all persons to enjoy, in principle, equal freedom and equal participative opportunities. The meaning of citizenship shifts from membership in a community which bestows, for those who qualify, particular rights and duties to an alternative principle of world order in which all persons have equivalent rights and duties in the cross-cutting spheres of decision-making which affect their vital needs and interests. It posits the idea of a global political order in which people can enjoy an equality of status with respect to the fundamental processes and institutions which govern their life expectancy and life chances. As a result, the opportunities of citizenship would be extended to cover all political communities in which people have a critical stake.<sup>40</sup> Citizenship would become multilevel and multi-dimensional, while anchored in common rules and principles.

<sup>39</sup> Cf. M. Doyle, 'A More Perfect Union?', *Review of International Studies*, 26 (2000), pp. 81–94.

<sup>40</sup> See D. Held, *Democracy and the Global Order*, op. cit., ch. 12.

Within this context, the elusive and puzzling meaning of global citizenship becomes a little clearer. Built on the fundamental rights and duties of all human beings, global citizenship underwrites the autonomy of each and every human being, and recognizes their capacity for self-governance at all levels of human affairs. Although this notion needs further clarification and unpacking, its leading features are already within our grasp. Today, if people are to be free and equal in the determination of the conditions which shape their lives, there must be an array of forums, from the city to global associations, in which they can hold decision-makers to account. If many contemporary forms of power are to become accountable and if many of the complex issues that affect us all – locally, nationally, regionally and globally – are to be democratically regulated, people will have to have access to, and membership in, diverse political communities. As Jürgen Habermas has written, ‘only a democratic citizenship that does not close itself off in a particularistic fashion can pave the way for a *world citizenship*. . . . State citizenship and world citizenship form a continuum whose contours, at least, are already becoming visible’.<sup>41</sup> There is only a historically contingent connection between the principles underpinning citizenship and the national community; as this connection weakens in a world of overlapping communities of fate, the principles of citizenship must be rearticulated and re-entrenched. Moreover, in the light of this development, the connection between patriotism and nationalism becomes easier to call into question, and a case built to bind patriotism to the defence of core civic and political principles – not to the nation or country for their own sake.<sup>42</sup> Only national identities open to diverse solidarities, and shaped by respect for general rules and principles, can accommodate themselves successfully to the challenges of a global age.

The international community has already produced a body of common rules and standards which ground this possibility, and which can be elaborated and built upon in the future (see below). In addition, the changing practices of citizenship itself are pushing in this direction. For example, a typical resident of Glasgow can participate and vote in city elections, as well as in those of Scotland, the UK and Europe. And if this is not enough, he or she can participate in the rich web of relations of global civil society. These complex and

<sup>41</sup> J. Habermas, *Between Facts and Norms*, Cambridge, Polity Press, 1995, pp. 514–15.

<sup>42</sup> See D. Heater, *World Citizenship*, London, Continuum, 2002.

overlapping political relations anticipate a world increasingly defined by multiple forms of citizenship, anchored in clear and established general rules and principles.

## COSMOPOLITANISM

I refer to a global polity with multilevel citizenship as a cosmopolitan order. Why? What does 'cosmopolitan' mean in this context?<sup>43</sup> In the first instance, cosmopolitanism refers to those basic values which set down standards or boundaries that no agent, whether a representative of a global body, state or civil association, should be able to violate. Focused on the claims of each person as an individual, these values espouse the idea that human beings are in a fundamental sense equal, and that they deserve equal political treatment; that is, treatment based upon the equal care and consideration of their agency, irrespective of the community in which they were born or brought up. After over 200 years of nationalism, and sustained nation-state formation, such values could be thought of as out of place. But such values are already enshrined in the law of war, human rights law and the statute of the International Criminal Court (ICC), among many other international rules and legal arrangements.

Second, cosmopolitanism can be taken to refer to those forms of political regulation and law-making that create powers, rights and constraints which go beyond the claims of nation-states and which have far-reaching consequences, in principle, for the nature and form of political power. These regulatory forms can be found in the domain between national and international law and regulation – the space between domestic law which regulates the relations between a state and its citizens, and traditional international law which applies primarily to states and interstate relations.<sup>44</sup> This space is already filled by a plethora of legal regulation, from the legal instruments of the EU, and the international human rights regime as a global framework for promoting rights, to the diverse agreements of the arms control system and environmental regimes. Cosmopolitanism is not

<sup>43</sup> See D. Held, 'Law of States, Law of Peoples', *Legal Theory*, 8: 1 (2002), pp. 1–44, from which I have adapted the following four paragraphs.

<sup>44</sup> P. Eleftheriadis, 'The European Constitution and Cosmopolitan Ideals', *Columbia Journal of European Law*, 7: 1 (2002), pp. 21–39.

made up of political ideals for another age, but embedded in rule systems and institutions which have already transformed state sovereignty in distinct ways.

Yet the precise sense in which these developments constitute a form of 'cosmopolitanism' remains to be clarified, especially given that the ideas of cosmopolitanism have a long and complex history. For my purposes here, cosmopolitanism can be taken as the moral and political outlook which builds upon the strengths of the post-1945 multilateral order, particularly its commitment to universal standards, human rights and democratic values, and which seeks to specify general principles upon which all could act. These are principles which can be universally shared, and can form the basis for the protection and nurturing of each person's equal interest in the determination of the institutions which govern their lives.

Cosmopolitan values can be expressed formally, in the interests of clarification, in terms of a set of principles.<sup>45</sup> Eight principles are paramount. They are the principles of: 1) equal worth and dignity; 2) active agency; 3) personal responsibility and accountability; 4) consent; 5) collective decision-making about public matters through voting procedures; 6) inclusiveness and subsidiarity; 7) avoidance of serious harm; and 8) sustainability. While eight principles may seem like a daunting number, they are interrelated and together form the basis of a compelling internationalist orientation.

The eight principles can best be thought of as falling into three clusters. The first cluster (principles 1–3) set down the fundamental organizational features of the cosmopolitan moral universe. Its crux is that each person is a subject of equal moral concern; that each person is capable of acting autonomously with respect to the range of choices before them; and that, in deciding how to act or which institutions to create, the claims of each person affected should be taken equally into account. Personal responsibility means, in this context, that actors and agents have to be aware of, and accountable for, the consequences of their actions, direct or indirect, intended or unintended, which may substantially restrict and delimit the choices of others. The second cluster (principles 4–6) form the basis of translating individually initiated activity, or privately determined activities more broadly, into collectively agreed or collectively sanctioned

<sup>45</sup> See Held, 'Law of States, Law of Peoples', *op. cit.*, for an elaboration of the first seven principles.

frameworks of action or regulatory regimes. Public power can be conceived as legitimate to the degree to which principles 4, 5 and 6 are upheld. The final principles (7 and 8) lay down a framework for prioritizing urgent need and resource conservation. By distinguishing vital from non-vital needs, principle 7 creates an unambiguous starting point and guiding orientation for public decisions. While this 'prioritizing commitment' does not, of course, create a decision procedure to resolve all clashes of priority in politics, it clearly creates a moral framework for focusing public policy on those who are most vulnerable. By contrast, principle 8 seeks to set down a prudential orientation to help ensure that public policy is consistent with global ecological balances and that it does not destroy irreplaceable and non-substitutable resources.

These principles are not just western principles. Certain of their elements originated in the early modern period in the west, but their validity extends much further. For these principles are the foundation of a fair, humane and decent society, of whatever religion or cultural tradition. To paraphrase the legal theorist Bruce Ackerman, there is no nation without a woman who yearns for equal rights, no society without a man who denies the need for deference, and no developing country without a person who does not wish for the minimum means of subsistence so that they may go about their everyday lives.<sup>46</sup> The principles are building blocks for articulating and entrenching the equal liberty of all human beings, wherever they were born or brought up. They are the basis of underwriting the autonomy of others, not of obliterating it. Their concern is with the irreducible moral status of each and every person – the acknowledgement of which links directly to the possibility of self-determination and the capacity to make independent choices.<sup>47</sup>

The eight cosmopolitan principles can be thought of as the guiding ethical basis for a cosmopolitan polity. They lay down some of the universal or organizing principles which delimit the range of diversity and difference that ought to be found in public life. And

<sup>46</sup> B. Ackerman, 'Political Liberalism', *Journal of Political Philosophy*, 91 (1994), pp. 382–3.

<sup>47</sup> It is frequently alleged that democracy itself is a western imposition on many developing countries. Yet, as George Monbiot has pointed out, 'the majority of those who live in parliamentary democracies, flawed as some of them may be, live in the poor world' (*The Age of Consent*, London, Flamingo, 2003, p. 109).

they disclose the proper framework for the pursuit of argument, discussion and negotiation about particular spheres of value, spheres in which local, national and regional affiliations will inevitably be weighed. These are principles for an era in which political communities and states matter, but not only or exclusively. In a world where the trajectories of each and every country are tightly entwined, the partiality, one-sidedness and limitedness of 'reasons of state' need to be recognized. States are hugely important vehicles to aid the delivery of effective public regulation, equal liberty and social justice, but they should not be thought of as ontologically privileged. They can be judged by how far they deliver these public goods and how far they fail; for the history of states is, of course, marked not just by phases of corruption and bad leadership but also by the most brutal episodes. A system of democratic accountability relevant to our global age must take this as a starting point, and build a politically robust and ethically sound conception of the proper basis of political community, and of the relations among communities.