

Poul F. Kjaer and Antje Vetterlein (eds.): ‘Regulatory Governance: Rules, Resistance and Responsibility’, Special Issue of *Contemporary Politics*, 24, 5, 2018.

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Abstracts:

Introduction: Poul F. Kjaer and Antje Vetterlein: Regulatory Governance: Rules, Resistance and Responsibility

Regulatory governance frameworks have become essential building blocks of world society. From supply chains to the regimes surrounding international organizations, extensive governance frameworks have emerged which structure and channel a variety of social exchanges, including economic, political, legal and cultural, on a global scale. Against this background, this special issue sets out to explore the multifaceted meaning, potential and impact as well as the social praxis of regulatory governance. Under the notions rules, resistance and responsibility the special issue pins out three overall dimensions of regulation and governance thereby providing a theoretical and conceptual framework for grasping the phenomenon of regulatory governance. This is combined with extensive case studies on a number of regulatory governance settings ranging from the World Bank to agricultural reforms carried by the International Transitional Administrations (ITAs) in Kosovo and Iraq as well as global supply chains and their impact on the garment industry in Bangladesh.

Poul F. Kjaer: Facilitating transfers: regulatory governance frameworks as ‘rites of passage’

Departing from the paradox that globalisation has implied an increase, rather than a decrease, in contextual diversity, this paper re-assesses the function, normative purpose and location of Regulatory Governance Frameworks in world society. Drawing on insights from sociology of law and world society studies, the argument advanced is that Regulatory Governance Frameworks are oriented towards facilitating transfers of condensed social components, such as economic capital and products, legal acts, political decisions and scientific knowledge, from one legally-constituted normative order, i.e. contextual setting, to another. Against this background, it is suggested that Regulatory Governance Frameworks can be understood as schemes which act as ‘rites of passage’ aimed at providing legal stabilisation to social processes characterised by liminality, i.e. ambiguity, hybridity and in-betweenness.

Andre Nollkaemper: The duality of shared responsibility

This paper examines the duality of shared responsibility. The paper argues that shared responsibility is generally regarded as having the potential to address responsibility gaps in situations of concerted action. As such, shared responsibility may be important for global governance in relation to such diverse areas as peace-keeping, climate change, migration, and conservation of natural resources. The paper also argues that the sharing of responsibility can

lead to a diffusion of responsibility that makes it more difficult to determine who is responsible for what. Thereby, it can undermine the effectiveness of global governance and moreover generate a new set of responsibility gaps. However, on the basis of international law, principles can be articulated that operationalize the abstract idea of shared responsibility and mitigate these negative consequences.

Antje Vetterlein: Responsibility is more than accountability: from regulatory towards negotiated governance

This paper critically assesses the notion of responsibility and argues that by adopting a broader understanding as going beyond accountability will shift our focus from regulatory to negotiated governance. Negotiated governance emphasizes the origin of rules and regulations and their contestation over the focus on compliance and enforcement. In order to elaborate this argument, I use the case of corporate social responsibility (CSR). The paper takes departure in the governance literature. Reviewing that scholarship, I develop a typology of responsibility to first substantiate the paper's claim that responsibility is more than accountability. In a second step, I derive a taxonomy of CSR practices that are loosely associated with different meanings of responsibility. The taxonomy highlights two specific problems that the literature focusing on accountability leaves unanswered, these are the moral underpinnings of CSR and how companies take on moral agency and come to prioritize and justify their choices and the expectational context in which that happens, that is the respective community of responsibility. Taking 'responsibility' in the meaning of the word seriously as a normative and relational concept shifts our attention to the contested nature of what CSR means and the way how it is negotiated in such communities.

Eugénia C. Heldt: Lost in internal evaluation? Accountability and insulation at the World Bank

Over past decades, the World Bank has been criticized by scholars, policymakers, and civil society groups for being unaccountable and inefficient. Confronted with this wave of contestation, the Bank established several internal accountability mechanisms, including the Inspection Panel, the Independent Evaluation Group, and the Compliance Advisor/Ombudsman. Against this background, this article investigates how the proliferation of accountability mechanisms in a large and complex organization such as the World Bank reduces rather than enhances transparency and lines of accountability. I argue that the establishment of a myriad of accountability mechanisms has paradoxically made the Bank even more encapsulated and less accountable to the outside world. Unpacking the differential effects of external and internal accountability mechanisms makes this contribution of significant interest to scholars working on the accountability and performance of international organizations.

Maj Grasten and Ntina Tzouvala: The political economy of international transitional administration: regulating food and farming in Kosovo and Iraq

This article reconstructs how democratic participation and interference can be fended off by the construction of an international authoritarian political architecture and a strongly legalised and specific form of market economy. We do this by interrogating International Territorial Administration (ITA) regulations established to administer post-conflict Kosovo and post-

invasion Iraq. In following the regulations and executive decrees of a largely unaccountable international policy-making bureaucracy in reforming the agricultural sector, the article demonstrates how and with what impact an authoritarian-liberal approach to economic reform materialised in the agricultural sectors of post-conflict Kosovo and Iraq. The regulation of land reform and patent law in turn served in these cases to establish distributional outcomes in favour of large-scale agricultural interests and multinational corporations. Even though the two administrations focused on different aspects of land and agriculture regulation, we argue that significant commonalities exist between their political preferences and interests. Our work draws on the tradition of critical legal studies in International Law (IL) and we posit that by drawing on this tradition, scholarship on post-conflict international territorial administration is better able to capture the long-term ramifications of international intervention.

Larry Catá Backer: Theorizing regulatory governance within its ecology: the structure of management in an age of globalization

This article examines regulatory governance ('RG') within its own ecology. It considers RG as an ideology of governance, as its own set of techniques to that end, and as a methodology and psychology of the relations of regulatory organisms to one another and to their context. The object is first to chart the structures and modalities of this ecology, and second to understand the properties that makes RG both coherent (singularly as the method of regulating a field, as the framework for the use of RG techniques, and as an ideology of governance), and structural (as a means of structuring regulation as an exercise of ordering power. After a brief introduction, the article introduces the regulatory context through a close reading of the operation of global garment supply chains in Bangladesh, examining RG in action within the ecology of global production. It then theorizes the meta structures of RG within this ecology as a mechanics for governance within institutions, and as an ideology for ordering systems of governance among institutions.