

Social Rights as a Global Public Good: Development, Human Rights, and Accountability*

Taekyoon Kim

This study is undertaken to tackle the two critical frontlines of global governance for development aid: (i) translating human rights in the developmental context with the particular emphasis on social rights as a global public good; and (ii) introducing the accountability mechanism as a practical alternative to the organizational failure of legalist approaches. In dealing with the social construction of global governance, the study demonstrates mainly theoretical observations and normative foundations for advancing social rights as an alternative to blind faiths on the hard-core legalism, rather than empirical in-depth analyses. International society is characterized by the absence of world government and no centralized authorities to give sanctions against rule-breakers and also power relations among states. Power, however, is always legitimate only so long as it serves its original purposes, which, in the case of human rights, are the protection of rights and the pursuit of the public good. The manifest lesson from this study is that the new conceptualization of human rights by taking social rights as its soft substitute and the launching of accountability functions into international institutions are both socially constructed by the extended interactions of all parties involved in global governance. Accountability is at the center of institutional processes through which human rights is conceptually specified as a concrete form of social rights, and the implementation methods are reformulated from ideational legal measures to a realistic mechanism to hold agencies more accountable for their activities.

Keywords: *Social Rights, Accountability, Development, Global Public Goods, Human Rights, International Society, Global Governance*

1. INTRODUCTION: HUMAN RIGHTS AND DEVELOPMENT

The idea of human rights in the terrain of development has attained near-celebrity status. In relatively short period of time, it has gone from the ranks of the unknown to a significant level of international awareness in practices, and it seems to acquire an officially essential status in international discourse on the rights-based approach (RBA) to development. Weighty international boards have been recurrently gathering to sanction the severe violation of human rights at every corner of the world and address the question of how to fulfil human rights as a universal task of human beings. Undoubtedly, the rhetoric of human rights becomes politicized as a normative universal idea which is more widely accepted today than it has ever been in the past. At least the language of national and international dialogues seems to reflect a shift in priorities and emphasis, taking into accounts the natural integrity of

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human rights in the context of human development. The international society has been incessantly endeavouring to locate human rights at the centre of development-related agendas and spread them out by enacting international laws and mobilizing epistemic communities where academics and practitioners produce new paradigms of human rights under the changing external environments (Bull, 1985; Vincent, 1986). Indeed, human rights have become an integral element of the literature on development.

Yet, this apparent victory of the human rights discourse always remains with some real suspicion and challenges against the depth and logical coherence of this positive approach. The scepticism pivots around the twin problems of human rights: the poverty of its cogent conceptualization; and the absence of centralized authorities for enforcing human rights at the global level. Firstly, the entire conceptual structure that underlies the oratory on human rights calls into question not only “whether we can coherently talk about rights without specifying whose duty it is to guarantee the fulfilment of the rights” but also whether the moral authority of human rights is conditional on the nature of acceptable ethics or it should be universal without considering contextual differentiations (Sen, 1999:228). Secondly, in the vicinity of enforcement institutions on human rights, the hard-core legalist approach arguing human rights as legal obligations rather than charity (Hamm, 2001; Higgins, 1984) adversely coexists with another hard-core legal pessimists holding “law of peoples as realistic utopia” (Rawls, 1999). Either conceptually or legally, the idea of human rights lacks the practicability of its applications in the real domain of international and social development.

In response to these critiques, more conceptualistic labors to taper invisible distances between the utopia and realities are required as a prerequisite for identifying the hands-on intersection of human rights and development. The presence of well-argued practical concepts for human rights is a necessary condition to undertake a better implementation of RBA by minimizing inoperable utopian ideations and the dearth of its contextual applications. Its better implementation also ensues if there is a global accountability mechanism through which those who govern are held accountable to the governed at the global level. Accountability mechanisms, indeed, are not only an international legal institution with the specificity of binding punishments (as the legalist perspective) to some degree, but also a global governance apparatus aimed to reduce the possibilities of human rights abuse in aid relations (Kim, 2011).

In this regard, this study sets out to address the mutual constitutionality of human rights and development via a social constructivist approach on the process-oriented basis. Avoiding a simple-minded analysis of the RBA to development by legalist approaches or utopian frames, such a process-based approach covers the social construction of developmental paths within which the notion of social rights is *conceptually* brought back as a global public good in the discussion of development aid, and the accountability mechanism is *practically* institutionalized as a ‘soft’ substitute for unworkable legal obligations among aid-related actors. In a nutshell, the intersection of human rights and development creates another joining of a conceptual translation of human rights as social rights and a practical device of the accountability mechanism to achieve social rights at the global level. For this constructivist point of view, this study proceeds in three steps: (i) a short review on the stunted manifestation of global governance for the RBA to development through the theoretical prisms of the English School (International Society); (ii) the construction of social rights as a conceptual platform to combine human rights and development in a functional fashion; (iii) the launching of accountability mechanisms which is taken to be foundational

for sustaining social rights as a global public good.

2. STUNTED GLOBAL GOVERNANCE FOR THE RBA IN INTERNATIONAL SOCIETY

Development aid and its effectiveness cannot be positively evaluated without the betterment of people in need. The real promotion of peoples' life betterment also requires the empowerment of people through participation and the endogenous development of economic growth. The RBA to development refers to a value-added approach that aims to achieve a positive transformation of power relations among the various development actors by blurring the distinction between human rights and development (Bellamy, 2003; Ibhawoh, 2011). This innovative idea considers not only strengthening the capacity of the duty-bearers who are obliged to fulfil the rights of the rights-holders, but also empowering the rights-holders who does not experience full rights for development.

With regards to the global nature of RBA in aid relations, the realization of participatory development inevitably calls for global governance through which the RBA to development can be secured on institutional grounds beyond state sovereignties. Effective management of global governance, thereby, has been taken into consideration as an essential international regime organizing the global-local nexus for the protection of human rights as well as social development via people's participation (Craig, 2010; Sinclair, 2012).¹ It also becomes an effective policy prescription with which international development agencies tackle a growing array of globalized social problems in response to the deficiency of centralised enforcement mechanism in world politics (Deacon, 2007; Yeates, 2001). Thus, global governance can be recaptured as "governance without government" (Rosenau, 1992).

The expansion of global concerns about the RBA to development has been rapidly and widely consolidated in the legal process of institutional authorities within intergovernmental organizations, particularly the United Nations over the last half century. The legal solutions have been a major apparatus for the human rights community to stretch out the importance of human rights as a universal value, rather than the simple replica of Eurocentric values in previous years (Uvin, 2004:17-19). Characteristically, the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948 under the excellent leadership of Eleanor Roosevelt, famously enshrined the full catalogue of human rights as the package of moral entitlement. This universal coverage of moral privilege, due to its little comfort to those who experience real-life violations of human rights, resulted in two additional covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which were both adopted by the UN General Assembly in 1966. Altogether, the UDHR, ICCPR, and ICESCR are referred to as the International Bill of Human Rights (IBHR).² While separating

¹ International regime is often defined as "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner, 1983).

² Other international covenants include the Convention on the Political Rights of Women, the Convention Relating to the Status of Refugees, the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, the Convention on the Elimination of All Forms of Discrimination, the Covenant on the Rights of the Child, the African Charter of Human and Peoples'

the rights into two Covenants contributes to the perception that the nature and value of human rights differ by category, the intent was to provide legal protections and support for the moral entitlements embodied in the UDHR. A series of UN world conferences in the first half of the 1990s helped to create and consolidate the consensus that democracy, human rights, sustainability, and social development are closely interdependent and self-reinforcing (Hamm, 2001:1007). The demand for linking human rights and development policy was put forward repeatedly at the 1993 World Conference on Human Rights in Vienna, the 1995 World Conference on Women in Beijing and the 1995 World Summit for Social Development in Copenhagen. Aside from specific United Nations conventions, the United Nations Commission on Human Rights (UNHCR) was authorized by a 1970 resolution of the UN Economic and Social Committee (UNECOSOC) to investigate reliable complaints about gross violations of human rights. The IBHR and UNHCR have contributed to providing legal foundations for a number of legal challenges against human rights violations henceforward at international forums and also lend weight to the legalistic argument that states are obliged by international human rights law and its enforcing mechanism – for example, the International Court of Justice (ICJ) – should be constituted as a core of global governance (Koh, 1999).

However, such popularity of legalistic assertions in human rights community always encounters contrasting views embedded in the very fundamental challenge of no centralised world government which is supposedly authorized to make all states conform. There are influential thinkers such as Immanuel Kant who treat all rights as artifacts of state actions. This position would seem to imply that there are no human rights where there is no state to recognize them. Referrals of human rights violations to international bodies would violate the Westphalian model since they would constitute an external source of authority beyond national sovereignty (Booth, 1995). Jack Donnelly (2003) also confirms this sceptic of legal solutions by arguing that human rights exist because the international community has agreed that they are fundamentally important, and that governments can only enjoy legitimacy if they fulfil their human rights obligations. In addition, cultural critiques come to the fore of scepticism to legalistic solutions (Sen, 1999:228). Given that human rights should be viewed as being in the domain of social ethics, the moral authority of human rights is conditional on the nature of acceptable ethics which depend upon societal contexts prepossessing qualities or virtues of life and are hardly generalized as a particular set of universal values (Miller, 2007). The absence of world government, therefore, marks the Achilles' heel of global governance for the RBA to development.

Under the circumstances of conflicting views between sovereign realism and the normative legality of human rights, the 'English School' or the 'International Society' school presents an alternative theoretical platform to envisage the human rights community as having constitutive power of international society in the terrain of human rights (Bull, 1977; Buzan, 2001). The English School is designed to overcome the realist limits by proposing that there is a 'society of states' at the international level, despite the condition of anarchy lacking a global ruler or world government. The theory of International Society firmly stands for the conviction that ideas and norms, rather than simply material capabilities, shape the conduct of international politics and generate a high possibility of transforming the generic contents of international system. It thus can be seen as a middle road between realism and liberalism (or cosmopolitanism) but also has independent contents that clearly distinguish the

Rights, the Cairo Declaration on Human Rights in Islam, the American Declaration of the Rights and Duties of Man, and so forth.

English School from both positivism and reflectivism (Buzan, 2004).

The first scholarly effort incorporating the theory of International Society into the issue of human rights comes from R. J. Vincent's seminal volume *Human Rights and International Relations* (1986) in which he combines a cosmopolitan moral awareness with a keen opposite sense that political power is concentrated at the level of states. Realists' disquiet about the capacity of sovereign states to enhance human rights is neutralized by the notion of international society contending that state legitimacy is no longer exclusively conditioned by a contract with other states but also by its adherence to a set of state-transcending human rights ideals, despite the undeniable fact that states retain most of their sovereign functions (Beitz, 2001; Levy and Sznajder, 2006). This notion would be perfectly consistent with international legal conceptions of sovereignty if the contending states had agreed to their jurisdiction as binding enforcements. In this vein, Stephen Krasner (1999) redefines state sovereignty as 'organised hypocrisy' which means that states have never been sovereign and rulers have been motivated by a desire to stay in power and violated frequently this longstanding norm of sovereignty for their won objectives.

The English School's another important observation on the global governance for RBA stems from its explanatory power of the expansion of international society (Bull, 1985). The expansion of modern states is an unavoidable and necessary condition for an international society in the sense that states from other cultures are bound to join the mainstream of international society because of the fact that the norms, rules and institutions of international society interact with the domestic life of polities rooted in different civilizations, thereby sustaining international norms under these circumstances (Hurrell, 2007; Jackson, 2000). The conception of international society theory presupposes that the potential scope of international society is somewhat wider, possibly embracing shared norms about such things as limitations on the use of force, and acceptable standards of civilization with regard to the relationship between states and citizens, such as human rights. Indeed, international society focuses on the possibility of shared moral norms underpinning a more expansive and interventionist understanding of international order beyond the Westphalian notion of state sovereignty. Such a convergence of nation states in the wake of the expansive international society can be recaptured by a sociological perspective of 'institutional isomorphism' which is referred to as a similarity of the processes or structure of one organisation to those of another, be it the result of imitation or independent development under similar constraints (Meyer and Rowan, 1977; Meyer *et al.*, 1997; DiMaggio and Powell, 1983). Thus, any single superpower in world politics is not at ease able to reject the universalistic extension of human rights as a sort of public goods at the global level.

Despite its theoretical visibility of constructing the global governance for human rights, the English School fails to avoid the stunted structuration of global governance, which results from the lack of centralized enforcement mechanisms and the relative ignorance of power struggle among states. It is a vital lesson from the English School's theoretical interpretation to admit power relations surrounding international human rights institutions and develop practical approaches to the social construction of the universal norms for human rights (Ibhawoh, 2011; Evans, 2005). Without methodical investigations on alternative real-world institutional mechanisms that impose political conditionality, rather than on unrealistic rigidities of legalistic solutions, it would be of no use to frame global governance as an effective dynamics integrating human rights in the context of development (Uvin and Biagiotti, 1996). More fundamentally, the following discussion is about whether the social construction of power and resistance on the intersection of human rights and development is

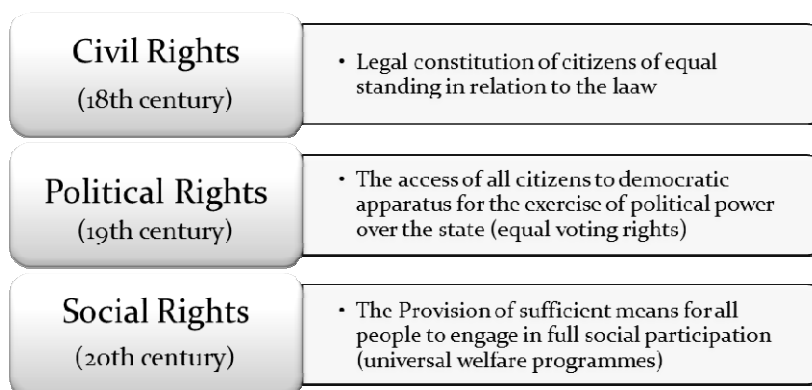
a civilizing or a corrupting force by differentiating the conceptualization of power (Barnett and Duvall, 2005). Such a social constructivist approach results in denying the longstanding nominal domination of natural rights over the principle of utility, which has been taken for granted throughout the historical development of human rights (Hunt, 2007). In doing so, the constructivist concept of human rights needs to be modified in a sophisticated manner in the specific form of social rights in order to enable willing states to engage with their own judicial contexts of human rights abuses and their articulation in cosmopolitan legal frames.

3. SOCIAL RIGHTS AS A CONCEPTUAL PLATFORM FOR THE RBA

Projecting human rights as a conceptual foundation for the RBA, without proper modifications, would cause the implementation problems of its practical applications to real grounds of the RBA to development. The comprehensive nature of human rights involves the pros and cons of its practical applicability. In a positive sense, human rights *per se* are an all-encompassing universal provider of multiple aspects of human dignity, thereby stretching out the normative utility to cover any values related to the right to live of people in different sites. In a negative term, however, human rights are considered just a mixed bag of all possible general concerns about the RBA if they are conceived of as human values by overstretching the conceptual boundaries of human rights. Hence, it is a light task to manipulate them as one likes because they are exposed to the risk of arbitrary interpretations. The refurbishing project of the human rights (re)conceptualisation is necessarily undertaken to prevent the overtaxed use of human rights, foil the paradox of empty promises, and encourage the conceptual standardization and specific qualifications of human rights (Hafner-Burton and Tsutusi, 2005).

The main idea of how to modify the wide-ranging concept of human rights is to scale down the conceptual purview from human rights to social rights which are regarded as a practical substitute for them. Social rights are advanced as a prime substance for the RBA beyond a minimum threshold of political and civil rights, and towards more advanced right to social equality which is based upon the societal entitlement of citizenships and universal social protection (Minkler, 2013; MacNaughton, 2013). More clarification of the human rights conception with the particular emphasis on social aspects of human rights contributes to not only making human rights more properly implemented with a specific set of accountability but also curtailing the overstretching risk of the RBA at random and preventing human rights from being degenerated as a political rhetoric. Social rights should be advanced as the final stage of modern citizenships where international society pursues the realization of human's welfare by not only addressing universal values of rights but also admitting the existing power of states due to the fact that states are the effective actors who can secure social protection in reality.

The introduction of social rights as a prime foundation of human rights draws a theoretical basis from the late British sociologist, T. H. Marshall (1964)'s systematic accounts for rights-based citizenships (see figure 1). Marshall's class formulation of citizenship rights in the historical evolution of industrial society contains three elements in sequential processes: civil rights (18th century), political rights (19th century), and social rights (20th century). First form is the legal constitution of citizens as of equal standing in relation to the law; second is the access of all citizens to democratic apparatus for the exercise of political power over the state; and third is the provision of sufficient means for all

Figure 1. The Three Rights of T. H. Marshall's Rights-based Citizenship

Source: Marshall (1964).

people to engage in full social participation. The coexistence of these civil, political, and social rights, which he argues amounted to the conditions necessary for full citizenship, is seen as the necessary precondition for their continued existence, and more clarifications on the concept of human rights. The realization of social rights, which can be recapped as the 'right to welfare' (Marshall, 1971), is claimed as the final and fundamental goal of human rights organisations as well as development agencies, given that the development of human rights eventually is going to converge into social development based upon economic redistribution and freedom from poverty via social rights (Pogge, 2008).

The notion that social development is indispensable for the realisation of human rights is already clearly stipulated in Article 28 of the UDHR from 1948: "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." UDHR's Articles 22-26 also have come to be identified with social rights, because those articles cover entitlements to work, social security, education, and an adequate standard of living, which includes food, clothing, shelter, and medical care. Further legal stipulations of social rights remained more specifically under the ICESCR (A Covenant) within which social rights are taken into account as a normative conceptualization to cover the other civil and political rights. From those UN-initiated covenants, it is confirmed that the relationship between human rights and development is beyond question in the sense that full commitments to social rights is not incompatible with general targets of international development communities such as poverty reduction, the ownership and empowerment of people, sustainable development, mutual accountability and so on. As a universal value, social rights enable every single individual to claim sufficient resources for a dignified life no matter what a country's average income or income distribution might be (Minkler, 2013; Stiglitz et al., 2010). The idea of social rights in the domain of global human rights presents that the value of social rights should be greater than the simple sum of what individuals seek for the realization of economic or political betterments.³

³ Although good development and growth policies are necessary, they have not been remotely sufficient to reach those most in need. Researchers have concluded that neither current nor conceivable economic growth rates would be sufficient to achieve the Millennium Development

In a nutshell, a conceptualistic renovation of human rights takes place in light of the advancement of social rights as a conceptual platform for the RBA to development. Our tasks ahead to get this job done require two more commitments of the conceptual polishing and practical mechanisms to secure accountabilities of the RBA implementation.

4. RECOGNIZING SOCIAL RIGHTS AS A GLOBAL PUBLIC GOOD

The advent of neoliberal economic globalization threatens social rights to development. The protection from negative aftermaths of globalization entails a stronger consideration of human rights. The provision of social protection as an institutional and universal apparatus to realize social rights for sustainable development should be taken as a global public good by international society. The first rationale for this claim comes from the primary goods which social rights are able to supply, which contribute the betterment of welfare and the empowerment of people who receive them. The primary goods constitute the basic liberties and the basic obligations simultaneously: adequate standards of living, freedom from poverty, social protection, the social bases of self-respect, and mutual responsibilities. Secondly, all individuals across the world have the rights to access those goods on the equal basis and without competition to get more goods than others.

More often than not, public goods have been discussed without specifying the geographic or jurisdictional reach of their benefits – local, national, regional or global. When it comes to international development and its relatedness to human rights, public goods need to have global benefits by creating commonality in a world of extreme disparities and poverty. Global public goods have been so far recognised as a critical mission which international aid agencies should provide. According to UNDP's definition of global public goods, they are based upon microeconomic elements of public goods in the following manner. These are goods that benefit all but which are not particularly in the interests of any one person to make and sell or any one consumer to buy (Kaul et al., 2003). Strictly speaking, such goods are non-rivalrous and non-excludable in their consumption. If one person benefits from its provision, it does not stop another doing so. Universal coverage of social protection, in this regard, becomes a fundamental public good that peoples have the rights to access globally on the equal and no-competition conditions. Likewise but differently, the World Bank (2008), in its strategy for addressing global public goods, identifies five areas of global public goods for its engagement in a more concrete fashion. These include the environmental commons including the prevention of climate change and biodiversity, communicable diseases including HIV/AIDS, tuberculosis, and avian influenza, international trade, international financial architecture, and global knowledge for development.

All in all, goods moving beyond national territories have a special potential for being *de facto* public at the global level if they have non-excludable benefits, non-rival benefits or both. Global public goods are goods whose benefits extend to all countries, people and generations without discrimination of beneficiaries. With the nature of their fundamental publicness, social rights are reconsidered as a global public good to all citizens of the world as a whole. Every individual of international society has the right to ask social protection and freedom from poverty to his or her nation-state and the international community as well; in

Goals (MDGs) of halving even the lower global poverty rate of \$ 1 per day or less from 1990 by 2015 (World Bank, 2008).

turn, international aid providers have the public obligation to supply such goods. Albert Hirschman (1970) aptly articulates, when people have no exit options – when they cannot refuse consumption – they cannot help but belong to the community of stakeholders. More often than not, the only strategy available to them is to seek a stronger voice and more direct participation in matters that affect their lives. Such ‘no exit’ situation is often the case for global public goods in the sense that individual actors normally opt for their direct engagement in the realization of social rights. The very critical issue with social rights as global public goods, therefore, is the extent to which some goods are global naturally and others have become global by policy choice of the public sector and participatory interventions of civil society. Also, the definition and range of public goods for social rights – whether they are confidentially limited or publicly open – are socially constructed by the increasing level of interdependence between civil society and public authorities at the both domestic and international levels.

By borrowing the concept of the public sphere (*Öffentlichkeit*) from Jürgen Habermas (1989), the structural profile of social rights as a global public good is more visibly portrayed in terms of the aforementioned social construction processes. The storehouse of global public goods can be restated as a global public sphere where a public space occurs outside of the control by the state, and thereby individuals are able to exchange views and knowledge within this space (Hohendahl, 1999). In Habermas’s view, the essential characteristic of the public sphere culture is its critical nature embedded in its proactive movement removing ‘representational’ culture where only one party is active and the other passive. Accordingly, an international entity, if it enables the public sphere culture for social rights to be cultivated by a dialogue as individuals either met in conversation or exchanged views via institutional channels, marks the gradual replacement of the existing one-sided conceptualization of human rights with a globalized public good of social rights. A deeper attention needs to be given to the recognition of an institutional set of accountability mechanisms as the globalized public sphere that can formulate and promote social rights as a global public good.

5. ACCOUNTABILITY MECHANISMS FOR SUSTAINING SOCIAL RIGHTS: THE POST-2015 DEVELOPMENT AGENDA FRAMEWORK

Along with the conceptual reformulation of human rights, another important task is how to sustain practical mechanisms to promote the implementation channels providing global public goods for the realization of the RBA to development. Strict legalist approaches have inherent limits on the issue of effective and accountable implementations to protect human rights, because they are unable to provide legally binding enforcements. The prevalence of voluntary agreements of member countries in intergovernmental organizations leads us to find an alternative way of ensuring the implementation and evaluation of development policies to meet some principles of social rights. To this end, this paper proposes the introduction and vitalization of the accountability mechanism within international aid organizations.

The accountability mechanism is considered a central practical instrument which secures a formal or informal channel to prevent the violation of human rights by investigating the claims that people affected badly by aid conditionality bring to the accountability enforcement processes. Accountability refers to the notions that “some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their

responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been met” (Grant and Keohane, 2005:29). In other words, decision-makers do not enjoy unlimited autonomy but have to justify their actions vis-à-vis affected parties or stakeholders (Held and Koenig-Archibugi, 2005). Affected parties are able to evaluate the actions and omission of rulers and to sanction them if their performance is severely poor by removing them from their positions of authority, primarily through the electoral processes. The successful presence of accountability requires institutional arrangements securing reliable information and communication between decision-makers and stakeholders as well as institutional capacity to impose penalties for poor performance. Therefore, the logic of accountability relations reflects a principal-agent view presenting rationalist mechanics in which the leading actor or principal sets goals and employs agents to accomplish them (Mulgan, 2003). The primary accountability mechanism lies in constraining the opportunistic behavior of representatives, and thereby principal’s authoritative sanctions lie at the heart of the accountability relationship.

However, the enforcement mechanisms imposing sanctions for shortfalls in compliance are less likely to be effectively arranged in public institutions at the global level (Weber, 1999). Instead of centralized enforcement, discussions of global accountability have centered on the ‘democratic deficits’ afflicting global governance in the sense that international organizations have too much secrecy within internal processes and much international organizational activity does not take place even in the shadow of democratic elections (Keohane and Nye, 2000; Caporaso, 2000; Nye, 2001). Accordingly, such a democratic question of global accountability generates three dimensions characterizing its distinctive path of interactions: (i) power does still matter inside international institutions; (ii) accountability gaps between normative ideas that international institutions create and actual practices that they project in reality undermine effective governance; and (iii) external actors are invited as counterparts who contribute to reducing the accountability deficit (Kim, 2011:26).

In fact, the accountability gaps resulting from discrepancies between a principal’s demands on an agent to report his or her activities and the agent’s response to it call for the institutionalization of mechanisms for monitoring and evaluation in order to fill in the gaps. The commonly espoused solution for the accountability deficit includes better oversight through tougher regulation, combined with harsh penalties as a deterrent. The magic wand of accountability is similarly seen to be at play in instances of global and local governance, where it is regarded as a supervening force able to promote democracy, justice, and greater human decency through the mechanisms of participation, transparency, benchmarked standards, and enforcement (Weisband and Ebrahim, 2007). Over the past decade, a large number of international aid organizations have begun to establish the accountability mechanisms within their internal structure of governance systems. Multilateral development banks (MDBs) such as the World Bank launched the Inspection Panel in 1993.⁴ Regional

⁴ The World Bank Inspection Panel (WBIP) was established in September 1993 by the Board of Executive Directors of the World Bank to serve as an independent institution to improve the accountability deficits in Bank operations with respect to its policies and procedures (Shihata, 2000; Kim, 2011). The WBIP is an instrument for groups of two or more private citizens who believe that they or their interests have been or could be harmed by Bank-directed development projects to present their concerns through a Request for Inspection. It was an ambitious step towards the reform of accountability creating a more transparent environment for the agencies involved in Bank-financed

development banks such as the Asian Development Bank (ADB), the African Development Bank (AFDB), and the Inter-American Development Bank (IADB) established the Accountability Mechanism in the early 2000s.⁵ Other UN social agencies such as UNDP and UNICEF also have administered their international bureaus of investigation mechanisms respectively in order to enhance internal accountability inspecting the performance of officers and staffs. This paper focuses on the accountability mechanism of international society as a realistic solution to demonstrate how international actors are able to employ accountability mechanisms as an effective instrument to realize social rights as global public goods even in an indirect and implicit way.

The notion of accountability is seen as a cornerstone of the social rights framework. Such an accountability-based framework for the protection of social rights is essentially a system of norms and practices that govern the relationship between the individual and the state or collective entities in political authority. Social rights standards, which meet the basic conditions of global public goods, set out the rights and freedoms to which all are entitled by virtue of being human, and the corresponding duties of those who exercise authority or forms of power. Accountability from a human rights perspective refers to the relationship of government policymakers and other duty bearers to the rights holders affected by their decisions and actions. In so doing, accountability needs to be equipped with the three constituent elements for its theoretical operation in constructing and consolidating social rights as public goods at the global level: (i) responsibility; (ii) answerability; and (iii) enforceability (Schedler, 1999; Goetz and Jenkins, 2005:8; United Nations Human Rights, 2013:10). First, responsibility refers to the requirement that those in positions of authority clearly define duties and performance standards, enabling their behaviour to be assessed transparently and objectively. Second, answerability requires public officials and institutions to provide reasons justifiable for their decisions to those affected by their actions, including the public at large, particularly voters who invest public officials with authority and legal mandates to provide oversight. The third element comes to the enforceability requiring public institutions to put mechanisms in place that monitor the degree to which public officials and institutions comply with established standards, impose sanctions on officials who do not comply, and ensure that appropriate corrective and remedial action are taken when necessarily required.

In fact, the Paris Declaration of 2005 included ‘mutual accountability’ as one of the five principles for aid effectiveness at the 2nd High-Level Forum.⁶ This principle of accountability was re-emphasized by the Busan High-Level Forum in 2011 via the declaration of the Busan Partnership for Effective Development Cooperation.⁷ Heading towards the Post-2015 development agenda, international society has been struggling to enhance the practical value

activities to follow the policies and mandates of the institution. The role of the WBIP was especially important in its legitimacy to provide recommendations to the upper policy makers and empower the voices of affected people in recipient countries. In short, the WBIP provides a direct link between the Bank and the people who are likely to be affected by the projects it finances.

⁵ For the case of ADB, refer to Asian Development Bank (2007).

⁶ The Paris Declaration includes (i) ownership, (ii) alignment, (iii) harmonization, (iv) result-based management, and (v) mutual accountability.

⁷ The Busan Partnership for Effective Development Cooperation includes (i) ownership of development priorities by developing countries, (ii) focus on results, (iii) inclusive development partnerships, and (iv) transparency and accountability to each other.

of accountability mechanisms in achieving the Millennium Development Goals (MDGs)⁸ and advancing the Post-2015 development agenda by hosting a series of international conferences, such as the High-Level Panel initiated by the UN Secretary-General, Ban Ki-Moon from 2012 to 2013. As a recent official record of accountability mechanisms, Mr Ban evidently stipulated the function of accountability for accelerating MDGs and implementing the Post-2015 development agenda on his report to the 68th UN General Assembly. The Article 75 of his report, “A Life of Dignity for All: Accelerating Progress towards the Millennium Development Goals and Advancing the United Nations Development Agenda beyond 2015,” mentions as follows (United Nations, 2013):

“For such a sustainable development agenda to take root, four building blocks need to be agreed upon: (a) a far-reaching vision of the future firmly anchored in *human rights* and universally accepted values and principles, including those encapsulated in the Charter, the Universal Declaration of Human Rights and the Millennium Declaration; (b) a set of concise goals and targets aimed at realizing the priorities of the agenda; (c) a global partnership for development to mobilize means of implementation; and (d) a participatory monitoring framework for tracking progress and *mutual accountability* mechanisms for all stakeholders.” (*Italics added*)

We now know that the accountability mechanism is singled out as a necessary condition for the realization of human rights – more specifically, social rights – of all stakeholders involved in the humanitarian projects of MDGs as well as the Post-MDGs development agenda. Moreover, the accountability mechanism plays a significant role in narrowing down the dilemma gap between the hard-core legalist approach and the conceptual idealists by launching the soft institution of accountability mechanisms as an effective implementation engine minimizing the impractical strictness of unconditional legal reifications and simultaneously supporting the conceptualistic blindness of human rights idealists to some degree. It is worthwhile to note that the middle position of the accountability mechanism between the legal hard-core and the idealistic extremity creates operational benefits by providing the quasi-enforcement intervention into both opposite streams at the same time: while the accountability mechanism replaces the structural impediments of law-centered solutions with its flexible applications to internal and external transparencies and monitoring of international organizations, the softness of its legally-binding contributes to opening institutional spaces in which idealistic assertions of human social rights can be properly reconciled with realistic problems when being implemented.

Such a remarkable contribution of accountability mechanisms albeit, there are, by and large, three further problematic points we need to think of more seriously. The primary task is on how principles of accountability, anchored in the international social rights framework, can be integrated within implementation mechanisms of the Post-MDGs agenda beyond

⁸ UN MDGs contain social development-related agendas: (i) eradicate extreme poverty and hunger, (ii) achieve universal primary education, (iii) promote gender equality and empower women, (iv) reduce child mortality, (v) improve maternal health, (vi) combat HIV/AIDS, malaria and other diseases, (vii) ensure environmental sustainability, and (viii) global partnership for development. Due to their characteristics limited to social development, international society has been eager to expand the purview of the Post-2015 development agenda by taking into account economic development, sustainable development, and peace and security, together with social development.

2015. In particular, the principle of enforceability is the Achilles' heel of the accountability mechanism, even though it holds a certain degree of sanction mechanisms against the misbehaviour of international aid agencies. Either World Bank's Inspection Panel or other MDBs' inspection facilities can provide official apparatuses to investigate negative impacts of agencies' project performances on the people who feel themselves badly affected by those aid projects.⁹ Nevertheless, these inspection mechanisms are not perfectly equivalent to domestic courts of justice addressing the violation of agents and enforcing proper punishments against them. Secondly, the accountability mechanism based upon the social rights framework needs to entail its institutional sustainability. For this matter, the continuity of political leadership and institutional backup should be secured in order to endure an effective management of international organizations which are eager to sustain the protection of social rights beyond national sovereignty for the purpose of the utility of global public goods. Finally, the globalized definition and principles of social rights should be commonly shared by key member states; otherwise, they are presumably manipulated and arbitrated by different sets of state interests and strategies (Gibney, 2013). One of the most persistent accountability deficits in the current MDG framework has been the difficulty of holding advanced Western donor countries to account with regard to the commitments they have made to the global partnership for development. Once again, power politics can be brought back to the table of global governance as a critical factor. As Habermas aptly puts, the public sphere for engendering social rights as a global public good is more likely to be ruthlessly distorted by strong economic interferences and political manipulations to control it, if it is not suitably protected by legal measures and enforceable mechanisms.

6. CONCLUDING REMARKS: THE SOCIAL CONSTRUCTION OF GLOBAL GOVERNANCE

This study is undertaken to tackle the two critical frontlines of global governance for development aid: (i) translating human rights in the developmental context with the particular emphasis on social rights as a global public good; and (ii) introducing the accountability mechanism as a practical alternative to the organizational failure of legalist approaches. In dealing with the social construction of global governance, the study demonstrates mainly theoretical observations and normative foundations for advancing social rights as an alternative to blind faiths on the hard-core legalism, rather than empirically in-depth analyses. Fundamentally, these normative focal points for discussion are associated with the notion that international human rights have been an invented project by political authorities on the basis of power without accountability (Hunt, 2007; Whelan and Donnelly, 2007; Kovach et al., 2003). As a logical response to them, the study works to set the record straight about the social construction of the RBA to development by the reconceptualization of human rights as social rights and the accountability mechanism as a necessary condition to make the constructivist process more transparent and sustainable.

Indeed, the causal link between human rights and development boils down to the interconnection of power and accountability to regulate it. A conceptual and practical account of human rights in the domain of development needs to be clarified in order to answer the fundamental question of "how are we to decide when a person's deprivation or

⁹ For more details on WBIP, refer to Kim (2011) and Shihata (2000).

suffering is bad enough to trigger remedial responsibilities in others, in particular if we are thinking about the question at a global level?" (Miller, 2007:163). We always keep in mind the absence of world government and no centralized authorities to give sanctions against rule-breakers and also power relations among states, whereas we need to develop the idea of global governance for development effectiveness and the realization of human rights. Power is always delegated for a reason, it is legitimate only so long as it serves its original purposes, which, in the case of human rights, are the protection of rights and the pursuit of the public good. The manifest lesson from our tasks is that the new conceptualization of human rights by taking social rights as its tangible substitute and the launching of accountability functions into international institutions are both socially constructed by the extended interactions of all parties involved in global governance. Accountability is at the center of institutional processes through which human rights are conceptually specified as a concrete form of social rights, and the implementation methods are reformulated from ideational legal measures to a realistic mechanism to hold agencies more accountable for their activities.

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REFERENCES

- Asian Development Bank. 2007. *Supporting Provision of Regional Public Goods in the Asia and Pacific Region*. Manila: Asian Development Bank.
- Barnett, Michael and Raymond Duvall. 2005. "Power in Global Governance." In *Power in Global Governance*, edited by Michael Barnett and Raymond Duvall. Cambridge: Cambridge University Press.
- Beitz, Charles. 2001. "Human Rights as a Common Concern." *American Political Science Review* 95(2):269-282.
- Bellamy, Carol. 2003. *The State of the World's Children 2004: Girls, Education and Development*. New York: UNICEF.
- Booth, Ken. 1995. "Human Wrongs and International Relations." *International Affairs* 71(1):103-126.
- Bull, Hedley. 1985. "The Emergence of a Universal International Society." In *The Expansion of International Society*, edited by Hedley Bull and Adam Watson. Oxford: Oxford University Press.
- Bull, Hedley. 1977. *The Anarchical Society: A Study of Order in World Politics*. New York: Columbia University Press.
- Buzan, Barry. 2001. "The English School: An Underexploited Resource in IR." *Review of International Studies* 27(3):471-488.
- Buzan, Barry. 2004. *From International to World Society? English School Theory and the Social Structure of Globalisation*. Cambridge: Cambridge University Press.
- Caporaso, James A. 2000. "Democracy, Accountability, and Rights in Supranational Governance." In *Governance in a Global Economy: Political Authority in Transition*, edited by Miles Kahler and David Lake. Princeton: Princeton University Press.
- Craig, Campbell. 2010. "The Resurgent Idea of World Government." In *The Politics of Global Governance: International Organizations in an Interdependent World*, edited by Paul F. Diehl and Brian Frederick. Boulder: Lynne Rienner.

- Deacon, Bob. 2007. *Global Social Policy & Governance*. London: Sage.
- DiMaggio, Paul J. and Walter W. Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." *American Sociological Review* 48:147-160.
- Donnelly, Jack. 2003. *Universal Human Rights: In Theory & Practice*. Ithaca: Cornell University Press.
- Evans, Tony. 2005. "International Human Rights Law as Power and Knowledge." *Human Rights Quarterly* 27(3):1046-1068.
- Gibney, Mark. 2013. "Establishing a Social and International Order for the Realization of Human Rights." In *The State of Economic and Social Human Rights: A Global Overview*, edited by Lanse Minkler. New York: Cambridge University Press.
- Goetz, Anne-Marie and Rob Jenkins. 2005. *Reinventing Accountability: Making Democracy Work for Human Development*. Basingstoke: Palgrave Macmillan.
- Grant, Ruth W. and Robert O. Keohane. 2005. "Accountability and Abuses of Power in World Politics." *American Political Science Review* 99(1):29-43.
- Habermas, Jürgen. 1989. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge: Polity.
- Hafner-Burton, Emilie M. and Kiyoteru Tsutusi. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110(5):1373-1411.
- Hamm, Brigitte I. 2001. "A Human Rights Approach to Development." *Human Rights Quarterly* 23(4):1005-1031.
- Held, David and Mathias Koenig-Archibugi. 2005. "Introduction." In *Global Governance and Public Accountability*, edited by David Held and Mathias Koenig-Archibugi. Oxford: Blackwell.
- Higgins, Rosalyn. 1984. "Intervention and International Law." In *Intervention in World Politics*, edited by Hedley Bull. Oxford: Oxford University Press.
- Hirschman, Albert O. 1970. *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge: Harvard University Press.
- Hohendahl, Peter Uwe. 1999. "The Public Sphere: Models and Boundaries." In *Habermas and the Public Sphere*, edited by Craig Calhoun. Cambridge: MIT Press.
- Hunt, Lynn. 2007. *Inventing Human Rights: A History*. New York: Norton.
- Hurrell, Andrew. 2007. *On Global Order: Power, Values, and the Constitution of International Society*. Oxford: Oxford University Press.
- Ibhawoh, Bonny. 2011. "The Right to Development: The Politics and Polemics of Power and Resistance." *Human Rights Quarterly* 33(1):76-104.
- Jackson, Robert, 2000. *The Global Covenant: Human Conduct in a World of States*. Oxford: Oxford University Press.
- Kaul, Inge, Pedro Conceição, Katell le Goulven, and Ronald Mendoza. (eds.). 2003. *Providing Global Public Goods: Managing Globalization*. New York: Oxford University Press.
- Keohane, Robert O. and Joseph S. Nye. 2000. "Redefining Accountability for Global Governance." In *Governance in a Global Economy: Political Authority in Transition*, edited by M. Kahler and D. Lake. Princeton: Princeton University Press.
- Kim, Taekyoon. 2011. "Contradictions of Global Accountability: The World Bank, Development NGOs, and Global Social Governance." *Journal of International and Area Studies* 18(2):23-48.

- Koh, Harold H. 1999. "How Is International Human Rights Law Enforced?" *Yale Law Journal* 74(4):1397-1417.
- Kovach, Hetty, Caroline Nelligan, and Simon Burall. 2003. *Power Without Accountability?* London: One World Trust.
- Krasner, Stephen D. 1983. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." In *International Regimes*, edited by Stephen D. Krasner. Ithaca: Cornell University Press.
- Krasner, Stephen D. 1999. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press.
- Levy, Daniel and Natan Sznaider. 2006. "Sovereignty Transformed: A Sociology of Human Rights." *The British Journal of Sociology* 57(4):657-676.
- MacNaughton, Gillian. 2013. "Beyond a Minimum Threshold: The Right to Social Equality." In *The State of Economic and Social Human Rights: A Global Overview*, edited by Lanse Minkler. New York: Cambridge University Press.
- Marshall, T. H. 1964. *Class, Citizenship, and Social Development*. Chicago: University of Chicago Press.
- Marshall, T. H. 1971. *The Right to Welfare: and Other Essays*. London: Heinemann Educational.
- Meyer, John and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony." *American Journal of Sociology* 83(4):340-363.
- Meyer, John, John Boli, George M. Thomas, and Francisco O. Ramirez. 1997. "World Society and the Nation-State." *American Journal of Sociology* 103(1):144-181.
- Miller, David. 2007. *National Responsibility and Global Justice*. Oxford: Oxford University Press.
- Minkler, Lanse. 2013. "Introduction: Why Economic and Social Human Rights?" In *The State of Economic and Social Human Rights: A Global Overview*, edited by Lanse Minkler. New York: Cambridge University Press.
- Mulgan, Richard. 2003. *Holding Power to Account: Accountability in Modern Democracies*. Basingstoke: Palgrave Macmillan.
- Nye, Joseph S. 2001. "Globalization's Democratic Deficit: How to Make International Institutions More Accountable." *Foreign Affairs* 80(4):2-6.
- Pogge, Thomas. 2008. *World Poverty and Human Rights*. Cambridge: Polity.
- Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press.
- Rosenau, James N. 1992. "Governance, Order, and Change in World Politics." In *Governance without Government: Order and Change in World Politics*, edited by James N. Rosenau and Ernst-Otto Czempiel. Cambridge: Cambridge University Press.
- Schedler, Andreas. 1999. "Conceptualizing Accountability." In *The Self-Restraining State: Power and Accountability in New Democracies*, edited by Andreas Schedler, Larry Diamond, and Marc F. Plattner. Boulder: Lynne Rienner.
- Sinclair, Timothy J. 2012. *Global Governance*. Cambridge: Polity Press.
- Sen, Amartya. 1999. *Development as Freedom*. Oxford: Oxford University Press.
- Shihata, Ibrahim F. I. 2000. *The World Bank Inspection Panel: In Practice*. New York: Oxford University Press.
- Stiglitz, Joseph, Amartya Sen, and Jean-Paul Fitoussi. 2010. *Mis-measuring Our Lives: Why GDP Doesn't Add Up*. New York: The New Press.
- United Nations. 2013. "A Life of Dignity for All: Accelerating Progress towards the

- Millennium Development Goals and Advancing the United Nations Development Agenda beyond 2015.” United Nations General Assembly, A/68/202.
- United Nations Human Rights. 2013. *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*. New York: United Nations Human Rights.
- Uvin, Peter. 2004. *Human Rights and Development*. Bloomfield: Kumarian Press.
- Uvin, Peter and Isabelle Biagiotti. 1996. “Global Governance and the “New” Political Conditionality.” *Global Governance* 2(3):377-400.
- Vincent, R. J. 1986. *Human Rights and International Relations*. Cambridge: Cambridge University Press.
- Weber, Edward P. 1999. “The Question of Accountability in Historical Perspective: From Jackson to Contemporary Grassroots Ecosystem Management.” *Administration & Society* 31(4):451-494.
- Weisband, Edward and Alnoor Ebrahim. 2007. “Introduction: Forging Global Accountabilities.” In *Global Accountabilities: Participation, Pluralism, and Public Ethics*, edited by Alnoor Ebrahim and Edward Weisband. New York: Cambridge University Press.
- Whelan, Daniel J. and Jack Donnelly. 2007. “The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight.” *Human Rights Quarterly* 29(4):908-949.
- World Bank. 2008. *Annual Review of Development Effectiveness 2008: Shared Global Challenges*. Washington D.C.: The World Bank.
- Yeates, Nicola. 2001. *Globalization and Social Policy*. London: Sage.