

TRANSNATIONAL ACCOUNTABILITY AND THE POLITICS OF SHAME

James N. Rosenau

Since my work on world affairs is sensitive to the legal dimensions of the course of events, it is an especial pleasure to participate for the first time in a meeting of the International Law Association. But I must note at the outset that I am somewhat illiterate in the both the practice and study of international law. My sensitivity to the relevance of the legal context that infuses any international situation has never superseded my preoccupation with other dimensions of such situations. Hence my illiteracy stems from always locating questions of law in more encompassing political, social, and economic contexts. Such is the case with this panel. The questions we shall address are essentially political questions, or at least my comments on them will perforce focus on other than their legal aspects.

Indeed, my main message largely involves epistemology and methodology, the need to be clear what we mean by certain terms and to approach their implications in a cautious and nuanced way. With the world undergoing powerful challenges marked by huge uncertainties, pervasive contradictions, and endless ambiguities, it is not easy to trace nuance. It is easier to yield to the temptation to come up with clear-cut and simple solutions rather than to extend ourselves to avoid falling into a wide rage of definitional and epistemological traps.

Perhaps the most dangerous trap involves what I call the “domestic analogy”: The tendency to think about the problem of accountability at the international level as if we had domestic processes in mind. Even if one accepts that a sharp distinction can be drawn between the domestic and international worlds—as I do not—the procedures that allow for accountability in domestic systems cannot be developed in an international context. Or at least the practice of holding elected officials and administrations responsible for what happens on their watch cannot be duplicated in international settings. The reasons are numerous. International organizations are run by states that are not accountable to

Professor of Law, George Washington University. This paper was prepared for the Opening Panel of the Annual Meeting of the American Branch of the International Law Association, New York, New York, October 25, 2001.

1. See JAMES N. ROSENAU, *ALONG THE DOMESTIC-FOREIGN FRONTIER: EXPLORING GOVERNANCE IN A TURBULENT WORLD* (1997).

their domestic publics for how they vote because such votes are not politically salient. NGOs and transnational advocacy groups are not accountable to their memberships in any meaningful way. In some their leaders may be elected by their memberships, but this form of accountability is rare and it is ineffective in those rare cases when it is operative. Corporations are accountable to their stockholders, but they usually manage to prevent dissident stockholders from having any consequence. In short, elections in which individual citizens or members have any say in what transnational collectivities do or plan are either nonexistent or superficial. Accordingly, it is far-fetched to ponder how accountability can be achieved through the domestic methods that allow for the ouster of old leaderships and the election of new ones. The traditional definition of democratic practice simply does not apply in the case of transnational and international collectivities.

Does this mean that transnational accountability cannot be achieved? No, it does not if one can break free of the stranglehold that the domestic analogy has on our thinking. There are mechanisms for maximizing rather than minimizing accountability beyond domestic boundaries. They may not be adequate from a domestic perspective, but they can be more rather than less effective if different criteria of effectiveness are employed.

A second mistake to avoid is that of focusing on radical rather than practical changes. There is no reason to believe that proposals to replace the IMF and World Bank, or to enlarge the membership of the UN Security Council, or to create a third house of the United Nations that represents civil society—to mention just some of the radical proposals that have been bandied about—can ever be realized. To borrow a social science concept, the course of global affairs, like that of any large organization or society, is too path dependent, too habituated to set ways of getting from one day to the next, to undertake radical changes of course. As noted below, however, there is a host of less encompassing and more practical steps that can be taken to enhance the transparency and responsiveness of the prevailing international architecture.

A third trap to avoid is that of aspiring to one instrument of accountability suitable to all situations. The world is too diverse, its dependent pathways too numerous and too pervaded with contradictions, for any single mechanism to be sufficient.

But, despite the diversity, and notwithstanding the deeply entrenched pathways in which the course of events are ensconced, there are mechanisms for enhancing the accountability of the present international architecture. Some of these are linked to the continuing disaggregation of world affairs. My view of the current scene is one in which traditional centers of authority are breaking down and new ones proliferating, with

the result that the global stage is ever more dense with both governmental and nongovernmental collectivities that enjoy sufficient legitimacy with their followers to act on their behalf.² More than that, the advent of the Internet and other micro-electronic technologies have facilitated extensive networking among NGOs. There is strength and accountability in the complexity of this surfeit of ever-proliferating transnational actors and their networks. Their growing numbers make it increasingly difficult for any one actor, or any coalition of actors, to act imperiously and without being held to account. To be sure, the density of the global stage renders the chances of wide consensus's in response to the challenges of our time highly problematic. But muddling through in the absence of broad consensus's is not a bad price to pay for greater accountability.

Put differently, the pathways on which the world is dependent have undergone a major bifurcation. There are now two worlds of world politics: the state-centric world that has presided over global structures for centuries and what I call the multi-centric world, which encompasses the wide range of new actors that have clambered onto the global stage and that have the authority to challenge, cooperate, or otherwise interact with the state-centric world and its institutions. Some analysts refer to the state-centric world's new rival as civil society, but I prefer to view it as a multi-centric world in order to allow for a diversity that includes corporations, professional societies, and other entities as well as the advocacy groups that are usually viewed as the core of civil society. Indeed, using the letter "n" to represent any number, one can say that the emergent structure of bifurcation is best labeled as an "nfurcation" of world politics.

But this is not to downplay the relevance of advocacy groups. The boisterous politics of shame they practice through their recurrent protests against international financial institutions (IFIs) is not without consequence. They have succeeded in elevating the rich-poor gap and the pervasiveness of poverty to a perch high on the global agenda. There is more than a little evidence that their messages are being heard in corporate boardrooms and the halls of governments. It is not far-fetched to anticipate that the accountability and transparency of IFIs will be considerably expanded in the coming years through the publication of their board minutes, country-assistance strategies, letters of intent, internal evaluations, and other documentary evidence of their decisions and actions. Conceivably, too, the politics of shame will contribute to bargaining that results in more seats for developing countries on the IFI boards and the

2. The notion of proliferating authority centers is elaborated in JAMES N. ROSENAU, *DISTANT PROXIMITIES: DYNAMICS BEYOND GLOBALIZATION* (forthcoming Princeton Univ. Press).

establishment of think tanks to provide independent analyses and advice to the boards.

Needless to say, the politics of shame is not dependent on recourse to violent protests. On the contrary, the shaming messages get overridden and lost when protests turn violent.

Of course, there are other mechanisms besides that of publicity through shaming protests. Shame can take the form of publishing statistics such as the annual corruption index released by Transparency International (TI). Quiet pressures can also be effective. Rather than sponsor mass protests, for example, TI devotes most of its resources and energies to negotiating with the elites that preside over IFIs and other international institutions rather than mobilizing mass publics.³

If time permitted, one could list a number of other mechanisms for furthering accountability without reliance on the domestic analogy. Most of these involve working with international organizations and national governments to promote further disaggregation, thus bringing transnational decisions closer to the people and publics affected by them. And it is with respect to these mechanisms that the legal profession has a huge role to play inasmuch as treaties and public policies will have to be rewritten to achieve desirable levels of decentralization. But elaborating these mechanisms will take me beyond my allotted time. And having already indicated that my legal competencies are limited, that is just as well. For now it is enough to stress that while the storehouse of potentially effective accountability mechanisms may not be overflowing, it is full.⁴ And there is no dearth of able individuals and organizations, including my colleagues on the panel and in the audience, committed to enumerating, analyzing, and implementing them.

3. Cf. Hongying Wang and James N. Rosenau, *Transparency International and Corruption as an Issue of Global Governance*, 7 *GLOBAL GOVERNANCE* 25 (Jan. 2001).

4. See, e.g., Report on the 2020 Global Architecture Conference, Centre for Global Studies at the University of Victoria (Aug. 29-31, 2001).