

Perspectives on Global Governance: The Efficacy of the System from a Liberal Institutional View

Abstract:

The objective of this paper is to embrace the liberal institutionalist perspective in order to answer the following question: How has global governance been effective in addressing global concerns of law, trade, security, and human rights? This paper provides an overview of various theoretical perspectives on intergovernmental organizations, including Marxism, social constructivism, realism, and liberal institutionalism. The aim of the paper is to allow the reader, to identify the school of thought that resonates with their political views, appreciate the nuances of differing theoretical perspectives, and dispel the myths perpetuated by realism, by understanding the efficacy of global governance in the current international climate. It also aims to shed light on the role that intergovernmental organizations play in proactively diminishing global concerns in the international arena, by providing an analysis of global human rights governance through a case study of the United Nations activities in Colombia.

KEYWORDS: *global governance; liberal institutionalism; United Nations; human rights governance in Colombia*

Kevin Ramkisson

Master of Arts (MA) in Public Policy and Administration,
Yeates School of Graduate Studies, Ryerson University

Introduction

The system of *global governance* is multi-faceted because it encompasses several global areas of governance including security, justice, human rights, development, trade, and finance. Global governance involves many actors, such as intergovernmental organizations (IGOs), multinational corporations (MNCs), international non-governmental organizations (INGOs), states and non-state actors (NSAs). Consequently, assessing the impact of this global system depends on one's theoretical lens. The predominant theoretical perspectives involved in this

discussion are Marxism, social constructivism, realism, and liberal institutionalism. How did global governance emerge? According to Weiss, the emergence of global governance was a result of interdependence among states, globalization, and the rise of NSAs (Weiss, 2013, p.10-13). As a result, global issues and challenges now transcend state boundaries and jurisdictions and rely on the critical role of IGOs, as states alone are unable to address worldwide problems. There is the ongoing debate between realists and liberal institutionalists as to whether power rests in the state or in IGOs. As Weiss states, global governance is achieved through constituted organizations who oversee the actions of actors, including state authorities, IGOs, INGOs, and entities that are in the private or civil society sectors (Weiss, 2013, p. 32).

This paper will answer the following research question: *How has global governance been effective in addressing global concerns of law, trade, security, and human rights?* The central argument of this paper is that the concerted efforts of IGOs, such as the United Nations, are vital to addressing global issues such as human rights, and these IGOs make global governance an effective system. The first section of this paper introduces and defines key concepts and theories about global governance. The second section continues by focussing on global human rights governance. The third section involves an analysis of global human rights governance through a case study of the United Nations activities in Colombia. This paper provides insight into the liberal institutionalist perspective and postulates that intergovernmental organizations play an essential role, which contradicts the realist perspective.

Concept of Global Governance

What is global governance? The concept itself is rather broad in scope. Global governance is not anarchy, nor is it world government; it is, rather, in the centre of these opposing systems. Anarchy can be defined as a social system lacking legitimated institutions of authority (Reus-Smit and Snidal, 2008, p. 304). According to Weiss, global governance is “governance minus government” (Weiss, 2013, p. 32). Global governance can be defined as the “collective efforts to identify, understand, or address worldwide problems that go beyond the capacities of individual states to solve” (Weiss, 2013, p. 32). A defining characteristic of its power is the international ability to provide government-like services and public goods at any time without the existence of a world government (Weiss, 2013, p. 32). What are public goods? Public goods include, but are not limited to, education, health care, security, human rights, development aid, and natural disaster relief. They are material goods that, if provided to anyone, must be provided to everyone (Fung and Warren, 2011, p. 352). Global governance achieves the goal of delivering public goods by combining informal and formal values, rules, procedures, policies and various types of organizations. In addition to these types of arrangements, more formal measures can be utilized, such as international law and treaties. Ultimately, the result is order, stability, and predictability on a global scale (Weiss, 2013, p. 32).

Overview – Theoretical Perspectives

Through which lens do you view international politics? In order to understand the effectiveness of global governance, it is important for the reader to be familiar with the key theoretical perspectives from which the concept of global governance will be discussed in this

paper: Marxism, social constructivism, realism and liberal institutionalism. Briefly speaking, Marxism is a school of thought where the production and distribution of public goods and services is performed under public governance and ownership; social constructivism attributes the success of social development to norms, values and knowledge acquired through collaboration with others; realism dictates that nation states are the principal actors in international politics, there is no central authority governing the international system, and a state cannot depend on other states for survival because each state has its own self-interests; and lastly, liberal institutionalism embraces the notion that intergovernmental organizations are catalysts for strengthening cooperation and collaboration amongst states.

Theoretical Perspectives – Marxism and Social Constructivism

Is global governance an effective system? The answer to this wide-ranging question depends primarily on the theoretical perspective. Social constructivists, for example, believe that global governance is proficient. They believe that structural change is determined by altering a system of expectations that could be mutually strengthening (Wendt, 1995, p.425). They also believe that social structure is made up of social relationships and they examine how ideas influence states and non-state actors in the international system. Social constructivism focuses on the process of relationship building and collaboration between actors. Marxists, on the other hand, believe that global governance is ineffective because MNCs and the more powerful and wealthier states exploit the poorer states. Marxists believe that because of multinational systems of trade, finance, and production, the state's authority regresses to just one of many at global, national and local levels (Dunn, 2009, p. 307). As mentioned, for the purposes of this paper, the perspectives of realists and liberal institutionalists will be the primary focus.

Theoretical Perspectives – Realism

Realists reject the belief that a global world economy has gained more significance than political boundaries and national governments (Gilpin and Gilpin, 2001, p. 21). They believe that the nation-state is the prevailing actor in domestic and international economic affairs (Gilpin and Gilpin, 2001, p. 4). Although IGOs exist, realists view national governments as the primary decision-makers for economic matters and believe national governments are the ones who establish the rules for other actors (Gilpin and Gilpin, 2001, p. 18). Therefore, the ultimate power remains with individual states, despite the increase in IGOs. Realism advocates that global governance is merely a tool for major world powers to maintain the divide between the least and most powerful states. Also, realists believe that governance requires a foundation of shared beliefs, cultural values, and common identity (Gilpin and Gilpin, 2001, p.402). However, this type of foundation and the concept of a global civic culture are not present in our modern society (Gilpin and Gilpin, 2001, p.402).

Realists view the international system as a ruthless arena in which states take advantage of each other, and have minimal reason to trust each other (Mearsheimer, 1994, p. 334). The basis of the realist perspective on global governance is that power is the driving force and motivator for state action and interest. According to Mearsheimer, the international arena is essentially a struggle for power between states where competition supersedes cooperation.

However, he argues that cooperation among states exists but has limitations, such as security competition, and that genuine peace is unlikely (Mearsheimer, 1994, p. 334). Realists believe that cooperation is hindered by “relative-gains” and “cheating,” and that institutions operate under guidelines that favour state calculations of self-interest that are established on the global distribution of power (Mearsheimer, 1994, p. 339-346). Does this mean that institutions, such as IGOs, are ineffective in the global governance system? Weiss discusses the realist perspective that IGOs have limitations because they cannot alleviate several worldwide problems, such as: environmental issues, e.g., acid rain, global warming, etc.; financial hemorrhaging; genocide; poverty; terrorism/terrorist money-laundering; weapons of mass destruction/nuclear proliferation; and worldwide pandemics, e.g., AIDS, avian flu, etc. (Weiss, 2013, pp. 179-180). Nonetheless, since states are unable to address these worldwide problems themselves, it is better to have IGOs than not to have them, as they achieve “absolute-gains” for cooperative states.

Theoretical Perspectives – Liberal institutionalism

Liberal institutionalists believe that global governance is an effective system because it fosters collaboration and cooperation among IGOs to address worldwide problems. Institutions “provide information, reduce transaction costs, make commitments more credible, establish focal points for coordination, and in general facilitate the operation of reciprocity” (Keohane and Martin, 1995, p. 387). Liberal institutionalists believe that states need to cooperate through IGOs to prevent cheating or taking advantage of other states, anarchy, and unequal gains from cooperation, as well as to maintain “stability” through “collective security” (Keohane and Martin, 1995, p. 394). Collective security is based on the notion that an approach of “all against one provides more stability” than an approach of “each for his own,” where stability is defined as the “absence of major war” (Kupchan and Kupchan, 1995, 397-398). Collective security deters other states from violating laws and does not focus on individual security and peace, but that of the state. IGOs are instrumental in facilitating global harmony and the prevention of anarchy because they promote global governance that is equitable for states with common needs and interests. Therefore, the incentive for states to cooperate in developing and achieving collective goals is high.

Liberal institutionalists believe that the main advantage of collective security is that the focus shifts from a relative-gains perspective to an absolute-gains perspective (Kupchan and Kupchan, 1995, p. 403). A relative-gains perspective supports the notion that states will become richer by taking away wealth from another state; whereas, absolute-gains is the overall wealth that is distributed to all states. Essentially, the focus of absolute gains is on achieving the benefit for the greater good. Some may argue that states may receive a smaller portion of the wealth compared to other states under the absolute-gains perspective; however, the benefit is that those states, often states that are marginalized in the global community, are receiving something rather than nothing at all. In addition, cooperation facilitates trust and information-sharing, which creates a “security community” and discourages a “security dilemma” (Wendt, 1995, p. 418). A security dilemma can be defined as a social structure where states are so suspicious of other states’ intentions that they assume worst-case scenarios, which results in states outlining their interests in self-help terms. In contrast, a security community can be defined as a social structure

that embraces shared knowledge where states trust each other to resolve disagreements without going to war (Wendt, 1995, p. 418).

Liberal Institutionalism and Global Governance Areas

Consequently, the theoretical perspective of liberal institutionalism is the most convincing because institutions are important in the international arena and promote global governance. The positive effects of global governance can be seen in the involvement of international actors in European global judicial governance. For instance, the European Court of Justice (ECJ) “has had an unexpectedly large impact on the politics of European integration, transforming political into legal issues with the aid of transnational networks of lawyers and judges” (Keohane and Martin, 1995, p. 393). The concerted efforts of the ECJ have resulted in the conversion of the Treaties of Rome into a constitution for the European Union (EU) and the presence of EU law in the domestic law of member states (Keohane and Martin, 1995, p. 393). An interesting observation in this example is that the ECJ has demonstrated the ability to enforce, which is a characteristic associated with government. Weiss discusses the notion of a world government and that Westphalian optimists believe that the state system can adapt and evolve into an ultimate end state (Weiss, 2013, p. 182). Could global governance be the mechanism used to create a global government? Is the ECJ one of the many examples of IGOs that is transforming into a global government structure? In a broader context of justice, the International Criminal Court (ICC) is an effective IGO because it encourages consensus at the global level to endorse a rule of law that classifies genocide and other atrocities as unacceptable crimes by the civilized world (Chung, 2008, p. 228). The top-down approach of the ICC is that domestic endorsement of ICC standards complements and reinforces state enforcement (Chung, 2008, p.230). The establishment of the ICC was to address the fact that international law lacks the necessary mechanisms to ensure individuals are held accountable for severe international crimes (Kirsch, 2007, p. 540).

Furthermore, in other areas of Europe, IGOs have had success, as in the case with the North Atlantic Treaty Organization (NATO). NATO is viewed as an IGO that encourages national military establishments and European states, specifically Germany, to define interests, objectives and strategies that are multinational or regional instead of national (Kupchan and Kupchan, 1995, p. 404). Changing the scope of European states to think at the multinational level instead of the regional level will ensure that individual state actions are strategically developed to achieve goals that are beneficial to neighbouring states that have some degree of interdependence with each other. It can be argued that this shared knowledge and vision will foster trust and increased interdependence, which could lead to a strong and healthy security community.

Another case in point is the largest IGO that exists – the United Nations (UN). The UN created the United Nations Development Programme’s (UNDP) *Human Development Report* to measure the human development of a state at the regional, provincial and national levels. The measure of human development, such as the quality of air an individual breathes or an individual’s satisfaction of being literate cannot be measured by other conventional measures like gross domestic product (Weiss, 2013, p. 175). The creation of the *Human Development*

Report allows for more of an in-depth study of citizens and their response to the quality of public goods provided to them. Therefore, this IGO is one step closer to assessing the quality of public goods, the effectiveness of a state in the provision of these public goods, and their overall impact on citizens.

Global security governance has proven to be an effective system, with IGOs playing a vital role. For example, in the Middle East, the collaborative efforts of IGOs condemned the actions of Bashar Al-Assad in the 1982 Syria massacre. The demonstration of collective security can be seen with the halt to crimes against humanity (Office on the Prevention of Genocide), the reports of violations of human rights and violence against civilians (Human Rights Council), the sanctions imposed (United States and the EU), the peace plan and human rights monitors (Arab League), and the call for Bashar Al-Assad's resignation (UN General Assembly) (Weiss, 2013, p. 174).

Global trade governance also confirms the success of IGOs. Jackson, for instance, believes that the WTO dispute settlement system is the most influential international tribunal system (Jackson, 2008, p. 438). He supports this argument by explaining the concepts of "rule orientation" and "power orientation", where dispute resolution is achieved primarily because of negotiation to a settlement (Jackson, 2008, p. 440). He refers to the *US-Gasoline* case as a crucial moment for positioning that system in customary international law (Jackson, 2008, p. 446). The features of the WTO's Dispute Settlement Understanding (DSU) is that it improves dispute procedures by instituting a unified dispute settlement system, ensuring that relevant parts of the Uruguay Round legal text are considered, facilitating a panel process for complaining governments, allowing for a "reverse consensus" rule for adoption of a panel report, and establishing an appellate procedure (Jackson, 2008, p. 444).

Global Human Rights Governance

In order to evaluate the effectiveness of global governance it is essential to focus on one specific area of global governance. Therefore, global human rights governance will be explored in depth. Global human rights governance is the ability to provide human rights as a public good within the international system. Human rights are considered a public good and include economic and social rights, food, education, water, health, public health infrastructure, health security, and health governance. In addition, agrarian reform, access to essential medicine and women's reproductive health are human rights (Nelson and Dorsey, 2007, p. 189).

Social constructivists argue that collective responsibilities, global cooperation, and strengthened accountability of stakeholders determine the security of nation states (Novotny, 2007, p. 37). Also, that the process of cooperation is brought about by NGOs and "issue networks." Issue networks are connected by common values and thorough exchanges of information from participants (Nelson and Dorsey, 2007, p.192). These networks play a role as a "boomerang", where domestic activists and INGOs appeal to international standards and persuade influential governments and international actors to pressure the target state (Nelson and Dorsey, 2007, p. 192). Marxists believe that MNCs are profit-seeking, and want to privatize, trade, and export public goods at the citizens' expense (Nelson and Dorsey, 2007, p. 200).

MNCs have also benefited from the reduced limitations, both in a regulatory and legal sense, on their conduct (Nelson and Dorsey, 2007, p. 188). They claim that MNCs have made business out of water systems (Nelson and Dorsey, 2007, p. 207).

Realists argue that IGOs lack accountability. For instance, the World Health Organization (WHO) established the Global Fund for AIDS, TB, and Malaria (GFATM), which is a new governance structure outside the authority of the WHO. (Novotny, 2007, p 31). In this structure, an executive director answers to a multi-stakeholder board (Novotny, 2007, p 31). The WHO has an AIDS division that may provide specific technical recommendations; however, the GFATM makes decisions regarding the funding for national programs (Novotny, 2007, p 31). The issue is that neither the state recipient nor the WHO is held accountable for any assistance provided by the GFATM (Novotny, 2007, p 31). Realists also argue that IGOs are influenced by donors. For example, international technical assistance from the WHO is financed through “extra-budgetary contributions,” which often include conditions (Novotny, 2007, p. 32). The issue is that donor priorities, politics, and values are imposed on recipient entities through these conditions (Novotny, 2007, p. 32). As a result, countries such as the United States are able to determine performance guidelines, which include quantifiable results and narrowly-targeted goals (Novotny, 2007, p. 32-33). In addition, realists argue that IGOs interfere in the political affairs of its members and consideration of the political character of recipient governments. The World Bank, for instance, has established Articles of Agreement, which prohibits this type of interference. However, in 2006, the World Bank’s President, Paul Wolfowitz, admitted he withheld over \$1 billion in aid to countries, due to suspicions of corruption (Lebovic and Voeten, 2009, p. 82). Despite these realist concerns, a state only approach cannot address global human rights issues.

Liberal institutionalists would argue that IGOs help governments address the dilemmas of coordination and collaboration. Coordination is essentially where the judgements made by political institutions become generally accepted opinions that an offence requires a penalty (Lebovic and Voeten, 2009, p. 85). Collaboration is where IGOs “help governments cooperate when they have strong incentives to defect” (Lebovic and Voeten, 2009, p. 85). Liberal institutionalists also argue that health governance requires international cooperation. Novotny believes that the domestic population depends on international cooperation, which needs to be supported by strengthened global governance (Novotny, 2007, p. 22-23). Therefore, IGOs are key actors to facilitate this type of international cooperation. This is confirmed by the inability of states to protect their citizens from global epidemics like HIV/AIDS, which was viewed as a hazard to international security (Novotny, 2007, p. 34). This epidemic caused a shift in funding and resources to be allocated to low income countries that were mostly affected. How can states alone protect their citizens from such threats? As stated by the Council on Foreign Relations, “the security of the most affluent state can be held hostage to the ability of the poorest state to contain an emerging disease” (Novotny, 2007, p. 34). Liberal institutionalists argue that states rely on IGOs to punish other states for human rights violations. States adopt this approach to remain neutral with other states, so they can build relationships with influential countries, and avoid competitive disadvantages of donors that assist the violator in obtaining valuable markets, raw material sources, or military prizes (Lebovic and Voeten, 2009, p. 82). An example of this can be seen with the United Nations Commission on Human Rights (UNCHR) and “shaming.”

Shaming is a process whereby the UNCHR openly criticizes a government for its human rights record by using resolutions, which results in reduced multilateral aid and World Bank Aid (Lebovic and Voeten, 2009, p. 80). Historically, the UNCHR held hearings, appointed investigators, and passed public resolutions that condemned countries for their purported abuses. The UNCHR has assessed the human rights records of 92 countries, chastised 62 countries, and implemented public resolutions criticizing the human rights records of 34 different countries (Lebovic and Voeten, 2009, p. 84). On average, a UNCHR resolution translates into an average per capita reduction in multi lateral aid of 35% and a 52% reduction in average per capita World Bank commitments (Lebovic and Voeten, 2009, p. 89). How effective is the UN in Human Rights? This will be further explored in the following case study.

Case Study – The UN and Global Human Rights Governance in Colombia

This case study provides an overview of the role of the UN in Colombia, specifically its agency of Office of the High Commissioner for Human Rights (OHCHR). The OHCHR's office in Colombia was established in 1997. Since then, the OHCHR has facilitated cooperation and collaboration among actors, implementing rule of law, and exemplifying accountability in order to deliver human rights.

Cooperation and Collaboration:

The OHCHR actively engaged with actors to enhance Colombian national laws, policies and institutions, such as the National Protection Unit, the national police, the armed forces, the Ministry of Defence, the Attorney General's Office, the Victims Unit, the Land Restitution Unit, municipal governments and local ombudspersons. The OHCHR organized and facilitated 82 regional dialogues that included approximately 3,000 delegates nationwide to discuss the government's decision to regulate the right of ethnic minorities in prior consultation (OHCHR, 2013, p.246-250). Prior consultation is a form of engagement that involves consultation with indigenous and tribal peoples on issues that affect them. This act of engagement aligns to the International Labour Organization's Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. The outcome of these dialogues was open discussion among indigenous communities across the state (OHCHR, 2013, p.246-250). As a result of the collaboration between the OHCHR and the National Protection Unit, there is now a mechanism in place where both actors meet monthly to monitor cases raised by the OHCHR. The OHCHR also engaged in an advocacy strategy with executives in the Ministry of Interior to promote the adoption of procedures and protocols on prior consultation. In April 2013, the OHCHR opened dialogue between the government and civil society organizations (CSOs) through meetings to allow CSOs the opportunity to express concerns and to persuade the government to consider them when developing the national report. In addition, the OHCHR supported training on the right to prior consultation; the training involved 200 public servants across the country (OHCHR, 2013, p.246-250). The OHCHR's collaboration with the Judiciary School resulted in a module on international principles relating to Victims' Rights and Land Restitution Law. This module has been incorporated into the curriculum of the judges and magistrates responsible for land restitution processes.

Rule of Law:

The OHCHR has improved compliance of legislation to align with international human rights standards in prioritized areas. For instance, the National System of Human Rights and International Humanitarian Law were established for this purpose. The National System outlined the responsibility of various ministries to work on themes of citizenship, culture and human rights education, civil and political rights, international humanitarian law and armed conflict, economic, social and cultural rights, justice, equality, non-discrimination and respect for identities, and foreign affairs and communication. The OHCHR assisted with creation of the law that inspired the concept of the National System, crafted the process, and participated in 94% of the discussions that centred on social organizations and their perspectives about the design of human rights public policy. It engaged with the Constitutional Court about incorporating human rights standards into the Court's decisions, which resulted in numerous decisions that had positive impacts on human rights. The OHCHR argued that the proposed constitutional reform violated human rights obligations, as outlined in international human rights law and international humanitarian law. As a result, the Court ruled in August 2013 to overturn the constitutional reform on procedural grounds (OHCHR, 2013, p.246-250).

Accountability:

The OHCHR played an active role in advocacy, which contributed to the municipality of Buenos Aires' decision to provide water, sanitation supplies and emergency assistance to internally forced displaced individuals. The OHCHR's advocacy involvement also resulted in the City Council of Cúcuta's decision to annul the debts of families caused by land restitution issues (OHCHR, 2013, p.246-250). In Colombia, 277 rulings ordering land restitution were adopted from 2011 to 2013. These rulings, as in the cases of the municipalities of Zulia and Trujillo, ordered state authorities to acknowledge rights to land restitution for citizens displaced by post-paramilitary demobilization groups. This type of acknowledgement and recognition allowed citizens to be protected under the principle of non-discrimination of victims (OHCHR, 2013, p.246-250).

In sum, the OHCHR in Colombia has promoted and protected human rights; provided technical assistance for human rights activities; coordinated UN human rights education and public information programmes; worked actively to remove obstacles to the realization of human rights; engaged in dialogue with governments with the aim of securing respect for all human rights; and enhanced international cooperation (OHCHR, 2013, p.7). At present, there continues to be instability and unrest in Colombia, as outlined by *Human Rights Watch*. The political and economic landscape of any country can fluctuate; however, the current situation in Colombia reinforces the fact that there is a demand for IGOs and INGOs, like Amnesty International, to continue to address human rights concerns. Again, since states are incapable of resolving these human rights issues themselves, it is better to have IGOs than to not have them, as they strive toward achieving "absolute-gains" for cooperative states.

Conclusion

In conclusion, responding to global concerns of law, trade, security, and human rights depends on effective global governance from IGOs. Cooperation and collaboration are vital in the international forum in order to achieve absolute gains for states and efficiently provide public goods and services. IGOs establish a rule of law that governs the international arena and that feeds into state policies, procedures, and constitutions. Also, IGOs ensure accountability through ongoing monitoring and assessment of activities performed by state actors. The United Nations is one such IGO that strives to eradicate global issues, such as human rights concerns, as seen in the case of Colombia. IGOs serve a pivotal role in exploring options and achieving solutions to ongoing problems, which can be a gradual and arduous process. How can IGOs like the UN be improved? Well, there are always opportunities for development. The emphasis of reform needs to be placed on strengthening management, implementation, and agenda setting (Luck, 2005, p. 411). Conversely, the success of IGOs like the UN relies on increased cooperation with regional IGOs to ensure a global security community and discourage a security dilemma. In the event that IGOs fail to cooperate in the system of global governance or the presence of IGOs dissolves, absolute anarchy will inevitably become a reality.

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