

Call for Papers

## Law and Global Governance of Development

Overcoming global disparities in wealth and living standards is one of major challenges for global governance in the 21<sup>st</sup> century – and poses a host of questions that make it particularly fascinating for scholars of global governance and the exercise of authority regulated by global administrative law. A field that ever since its emergence was more driven by international institutions than others is now an area of profound institutional change and innovation. While traditional actors like the World Bank reconfigure their rationales and official assistance by OECD countries has reached \$128 billion in 2012, new actors such as China and Brazil and novel players such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Gates Foundation, and private banks are reshaping the field. These interactions of public, private and hybrid actors from North and South raise questions of autonomy and accountability, effectiveness and compliance, foreshadowing new configurations of law and politics in the 21<sup>st</sup> century.

Yet, the grammar and meaning of such innovations and interactions are hardly understood and are only beginning to attract attention of a broader community of scholars. While the substance of development interventions, in particular the good governance of recipients has been studied widely, the actors and mechanisms of financing and cooperation (or as one might say: the ‘good governance of donors’) have hardly been analysed. This is a surprising and significant gap, since important descriptive and normative questions of global governance and regulation remain, such as: Why do actors get motivated to engage in this field, with which preconditions and which goals? How to raise funds for development? How can results and compliance be assured without imposing rigid conditionalities or muffling sovereignty? How to measure development interventions? How to hold those accountable who do not comply with rules? What larger principles or values of international law in the 21<sup>st</sup> century are at stake (or in the making?) in development? How to best theorize ‘development’ as a part of wider international law? And finally, what are the implications of the “rise” of states, like China or Brazil, both with regard to institutional and legal consequences as well as in terms of how we study and research development law and governance?

The objective of the 10<sup>th</sup> GAL seminar is to lay foundations and capture the contours of an emerging field, while building on existing knowledge.<sup>1</sup> We want to focus attention on the actors and instruments of development governance, be it through financing or sharing of knowledge, and their legal or regulative structures. Our interest has three starting points: actors, instruments, areas.

(1) Development processes engage an ever increasing set of actors. While international institutions such as the World Bank used to dominate the field, today private actors (private banks as well as philanthropies), hybrid institutions (Global Fund) as well as new public actors, in particular emerging nations such as China or Brazil (or a BRIC bank) engage in the field. Which actors engage? What are their mandates, institutional structures, specific goals and qualities in the field?

(2) Interaction can take place through various instruments and formats, which often foreshadow the roles that actors will play. The traditional instruments, namely loans and grants, are now complemented by complex financial instruments, often engaging various actors, stressing results-orientation and flexibility. At the same time, our understanding of the importance of knowledge and capacities has grown immensely. Knowledge transfers and capacity support are hence equally important objects of analysis. How are instruments structured? What are they targeted upon? Whose interests are they supposed to serve – and how?

(3) Support for developing countries is needed in various areas of public policy and with different goals. While development cooperation to combat poverty is surely a central area, assistance through financing and expertise is also provided in humanitarian crises, in climate change or for securing clear and safe seas. There is also an increasing overlap between security and development policy and discourse. In which areas are instruments deployed - and to what ends?

With regard to all three starting points, a number of more general themes can be studied to map out more concretely the emerging field and understand its contours and dynamics. These themes include the following:

### *1.1 Drivers of involvement and innovation in development governance*

- Shifting dynamics of global power, limits of the 'Washington system' (e.g. OECD-DAC's attempt to engage with China; problems of changing the World Bank's governance structure; Post-2015 MDGs)

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<sup>1</sup> Symposium: Global Administrative Law in the Operations of International Organizations, 6 INT'L ORG. L. REV. 315 (2009); International Financial Institutions and Global Legal Governance, 3 WORLD BANK LEGAL REV. 3-390 (2011); DANN, LAW OF DEVELOPMENT COOPERATION, 2013; DAVIS, FINANCING DEVELOPMENT, NYU INSTITUTE FOR INTERNATIONAL LAW AND JUSTICE, WORKING PAPER 10/2008.

- Emerging powers and their geopolitical and economic interests (e.g. the BRICS plans; China in Africa)
- Inter-institutional competition between development banks and other financing institutions
- South-South cooperation
- Civil society pressures
- Business opportunities in developing countries
- Postcolonial critique of development as a driver of change – disengagement, innovation, practical effects?

### *1.2 Autonomy and interests in development governance*

- Sovereignty and Ownership: securing collective autonomy in development governance (e.g. Poverty Reduction Strategy papers; involvement in Post-2015 / MDG process; voting shares in financial institutions)
- Procedural rights in development finance (e.g. participation in programme and project design, community-driven projects in World Bank assistance, indigenous people's right to consultation and consent)
- Safeguard policies and substantive standards (e.g. World Bank safeguards policies under reform, IFC's Performance Standards, Equator Principles)
- Tax-payers perspective on development assistance
- Theorizing development cooperation principles and values in the wider framework of 21<sup>st</sup> century international law (e.g. emerging principle of solidarity?)
- Alternative approaches to development governance from TWAIL, postcolonial studies, critical IL etc.

### *1.3 Effectiveness and accountability in development governance*

- Measuring effects, measuring 'development' (e.g. indicator-based instruments, such as World Bank Programming for Results, the MDGs)
- Anti-corruption efforts
- Coordination - or rather competition? (e.g. UN Development Group; coordination between regional and global institutions)
- Complaint mechanisms (e.g. Inspection Panel, Ombudspersons, domestic judicial review of development projects with global repercussions)
- Transparency: Access to Information policies in development organizations
- Domestic law attempts at regulating effectiveness and accountability of international development governance
- The role of social movements and local community for effectiveness and accountability

#### *1.4 Role of law (and politics) in development governance*

- The various layers, notions and roles of law engaged in development projects, the interplay of global, national and local norms
- Providing transparency, information – and basis for CSO involvement (e.g. World Bank policies on access to information, provision of development data by public and private actors)
- Stimulating inter-institutional competition, coordination and innovation (global coordination mechanisms, domestic regulation attempts)
- Masking politic-economic power-play and postcolonial hegemony
- Role model and reference field for general principles of GAL
- Law and development as a site and instrument of social and political struggles in developing countries
- Interdisciplinary methodological approaches to studying the role of law in development (e.g. IR, quantitative social science, anthropology, ethnography, political theory and philosophy)

We invite various types of papers and approaches – and in particular submission from scholars based or trained in developing countries or in new financing countries (BRICs, etc.). Papers can focus on a legal analysis, as knowledge about and understanding of the concrete rules is only slowly emerging. Papers might focus on the political economy of rules or analyse the political theory of development governance. We also welcome papers that provide a critical engagement with the structures, as “development” is surely one of the most contested concepts in international law today.

## **2. Provisional program**

The seminar, which this year will be jointly organized also with the Justus Liebig University Giessen (Professor Philipp Dann), will be held on **June 12-13, 2014**, in Viterbo. The Seminar Steering Committee includes Professors Giulio Vesperini, Stefano Battini, Edoardo Chiti, Mario Savino and Lorenzo Casini. The Seminar Organizing Team comprises Eleonora Cavalieri, Andrea Averardi and Lorenzo Carbonara.

The selected papers will constitute the basis for a thorough and wide-ranging discussion on the legal questions raised. As has been the case since the first GAL seminar in 2005, the best papers presented will be published in leading legal reviews and journals.

The overall aim of the Seminars is not only to assess the consistency of the analytic categories adopted to date, but also to develop more effective and forward-looking tools and technologies of global governance. To this end, legal counsel and leading practitioners will also participate in the seminar and act as discussants or commentators, together with leading academics in the field.

### **3. Call for papers**

Submissions from both junior scholars (including PhD students and advanced law students, as well as practitioners and new faculty) and senior scholars are invited on the themes outlined above. Abstracts should be at least 150 words, but longer and more fully-developed abstracts up to 1,000 words are welcome and encouraged where possible. Abstracts should be sent (in .doc or .docx format) to [ViterboGalSeminar@gmail.com](mailto:ViterboGalSeminar@gmail.com) by **February 16, 2014**. Abstracts must include a statement of the issue area of the paper, as well as an indication of the major arguments to be made, a proposed title, and postal, email and telephone contacts for the author.

A selection panel will consider all abstracts received by the submission deadline, and notify applicants of paper acceptance by **March 2, 2014**. The submission date for full papers accepted for presentation is **May 11, 2014**. The final version of the paper must be no longer than 8,000 words (footnotes included) and must be sent (in .doc or .docx format) to [ViterboGalSeminar@gmail.com](mailto:ViterboGalSeminar@gmail.com). Only a limited number of promising papers can be accepted. It is expected that some funding will be available to assist paper presenters with travel costs.

A .pdf version of this document is available at [www.irpa.eu/gal-section/](http://www.irpa.eu/gal-section/). For any further information please contact [ViterboGalSeminar@gmail.com](mailto:ViterboGalSeminar@gmail.com).

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