

Uniting Nations: Global Regimes and the UN System

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Abstract

The United Nations system is often regarded as peripheral to the regulation of international security and economic relations. This is, however, a misperception. The United Nations proper with its many subsidiary bodies and the thirteen UN specialized agencies are the source of important bodies of norms of rules. In fact, most issue areas that require norm and rule-making by the global community of states are regulated in some way by UN bodies. In the security sphere, the UN has participated in the development of rules concerning delegitimization of the use of force to alter boundaries and the prevention of nuclear proliferation. In the economic sphere the International Maritime Organization, International Civil Aviation Organization, International Telecommunication Union, and Universal Postal Union have contributed a great deal to the flow of goods, people, and information through extensive bodies of jurisdictional and technical rules. Varied UN bodies have been central to establishing international controls over transborder environmental damages and the spread of diseases. Finally, the International Monetary Fund and World Trade Organization are central to promotion of order and openness in monetary and trade relations. Global rule-making is alive and well because states need to order various dimensions of their relations.

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I. Introduction

The United Nations system provides many diplomatic settings in which states are involved in varied and often intense conflicts, but its diplomatic forums also provide opportunities in which states are able to gain an understanding of their mutual interests. From these understandings there emerge some important international regimes. Despite what many observers might think, some remarkable movements toward international governance have occurred within the multifaceted UN system, which is composed of the United Nations centred in New York, thirteen autonomous specialized agencies and many other bodies. From the cacophony of the United Nations' approximately 185 voices there have emerged some strands of governance that together make the world quite a different place from what it was in the past. The international political world is fraught with conflicts; but over the past half-century there has been significant progress as states seek to adapt to broader and deeper forms of interdependence — what many refer to as globalization.

This essay reflects on what has evolved in a number of the major issue areas in which different parts of the UN system have been involved and on what types of regimes have emerged from these global forums. In particular, it looks at the global regimes pertaining to security, international trade, monetary relations, international transportation and communications networks, health and environment.

The key points that are highlighted about the regimes that have emerged from the UN system are the following:

- First, the development of international regimes within the UN system has significantly enlarged the number and breadth of international issue areas governed by norms and rules.
- Second, not all global regimes are very strong or have increased in strength over the past half-century. Some are basically modifications of those that existed before World War II, and parts of some regimes have collapsed. These “collapses” of the rule systems for particular international issues have, for the most part, concerned the rejection of restrictions on commercial competition — often because of understandings that the traditional regulatory arrangements are not conducive to international welfare.
- Third, the regimes provide greater protection for the basic jurisdictional parameters of states (particularly their territorial control), but at the same time they weaken their effective control over economic and social interactions across and within their borders.
- Fourth, the large majority of UN-generated regimes have reduced barriers to the movement of international goods and services, or in other words they have opened the arteries of the global commercial system. They have done this by:
 - establishing jurisdictional rights to traverse global commons (oceans and the airspace above them) and states' territories;
 - reducing the possibilities of damages to goods and information in transit between states;
 - assuring technical interconnection; and
 - preventing international commercial transactions from leading to transborder damages such as the spread of diseases or environmental harm.
- Fifth, global regimes are increasingly the product of negotiations among state and nonstate actors. At the same time, when crises over the basic structures of political and economic order arise, interstate and often UN-affiliated institutions are still central to their management.

Before reviewing the major global regimes it is important to make several points. First, it is difficult to separate the United Nations *per se* from the society of states operating within a variety of international forums. It is, however, a fact that most international organizations that legitimate global regimes are affiliated with the UN system. Second, in a presentation of this length it is impossible to incorporate the variety of conflicts that have shaped these multifaceted regimes. This does not imply, however, that divergent interests and power machinations did not have significant impacts on them.

II. Survey of Major UN-Generated Global Regimes

Security

Among the regimes that the global community of states has fashioned, it is important to focus first on the fundamental issue area of security or the use of force. Many observers wrongly judge that there has not been any significant global security cooperation or that the UN system has been quite marginal to significant forms of international security cooperation. Evidence to which such observers point is the fact that the UN passed resolutions calling for withdrawals or cease-fires in only a small percentage of all wars since 1945 and states failed to comply with a number of these directives. What such a focus on wars overlooks is the significant changes in international norms that proscribe and influence the international use of military force.

In order to evaluate the scope of developments since World War II it is valuable to begin with the international security order prior to 1945. At the heart of the Westphalian security order there was an acceptance that states would not eliminate other states (the late 18th century division of Poland being an exception). On the other hand, from 1648 through 1945, territorial aggrandizement was a common and tolerated dimension of international politics. In fact, wars of territorial conquest provided the dominant motif of international relations. Territorial gain was an important feature of most wars, and 80 percent of all wars involving disputes over territory led to some exchange of territory. In the two decades between the two world wars of the 20th century there were important international proclamations against territorial aggression such as the League of Nations Covenant and the Kellogg-Briand Pact, but the sad history of those times indicates that the proscription against territorial aggrandizement was not accepted in practice.

Something quite striking occurred after 1945, and it is that states appear to have accepted the proscription that they should not practice or tolerate wars for territorial gain. Related to the development of this injunction, states legitimated the principle of self-determination for the juridical state — as opposed to the principle of self-determination for the national grouping. This norm proscribing the use of force to alter boundaries was embodied in Article 2 (4) of the UN Charter, but there were few statesmen or observers in 1945 who anticipated a marked change in state practices. One of the first signs of a change in states' attitudes was the acceptance of the principle of decolonization (most definitively in the 1960 UN Declaration on Granting Independence to Colonial Territories and Countries) which proscribes that states should not be allowed to rule lands and peoples far from their home territories. There was, however, a broader delegitimization of coercive territorial aggrandizement in both the 1960 Declaration and the 1970 UN Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States. They stipulated that the juridical state and the territorially delimited colony are the legitimate entities to which the principle of self-determination should apply and that coercive territorial revisionism against them is illegitimate. This norm is reiterated in OAU pronouncements of 1963 and 1964 and the Conference for European Security and Cooperation, or Helsinki Treaty, of 1975. The society of states may tolerate the occasional breakup of states into two or more states, but it does not tolerate external armed intervention to detach a piece of territory from another state.

Beyond what appeared in various declarations and treaties in the postwar decades, there were important changes in state practices in international conflicts which were influenced by the growing consensus among UN member states against territorial revisionism. In order to grasp the change in the postwar era it is important to understand that in the three preceding centuries most wars concerned territorial revisionism in some way, and 80 percent of these territorial revisionist wars ended in some exchange of territory. Between 1946 and 1996, only 23 percent of territorial revisionist wars (8 out of 34) eventuated in exchanges of territory. Of the 8 cases in which territory was transferred, 6 of them were postcolonial disputes between Asian states and the other two involved Israel and its Arab neighbors. In most of the 34 conflicts, the UN, a regional body, or the great powers took a stand against territorial revision. The most notable recent cases are the UN/great power stands with regard to the Gulf War and the Yugoslav/Serbian attempts to carve pieces of territory out of the new states of Croatia and Bosnia.

The UN stands against Iraq's attempt to absorb Kuwait and Yugoslavia's attempts to absorb parts of Croatia and Bosnia were tremendously important in legitimizing the sanctity of juridical borders. Also relevant to the strengthening of this norm in the 1990s was the mutual respect of the 15 successor states from the former Soviet Union for each other's territorial boundaries. Prior to our contemporary era states would almost certainly have embarked on territorial revisionist wars after such a momentous dissolution of an empire. (Zacher 1979; Holsti 1991; Jackson and Zacher 1997)

Apart from the marked strengthening of the norm of anti-territorial revisionism other remarkable developments in security cooperation are the consensus against the use of nuclear weapons and the related *de facto* proscription against wars between the great powers due to the potential for nuclear war. It is quite remarkable that there has been neither a nuclear nor a great power war over the past half century; and global normative trends are central to these phenomenon. While the anti-nuclear war consensus emerged first and foremost from the great power club, the entire UN membership has been brought into the process of norm consolidation through the Non-Proliferation Treaty (NPT). It is notable that almost all countries have signed the NPT and that the proliferation of nuclear weapons in the Third World has been limited to China, India and Pakistan. It is certainly problematic as to whether the line can be held against the proliferation of nuclear weapons; but the strength of sentiment against the acquisition of nuclear weapons by a large majority of the world's states, and particularly by the great powers, may be adequate to uphold the norm. Among the UN membership there is definitely a growing consensus that war, for whatever purpose, general does not have the legitimacy that it once did and that nuclear war in particular must be avoided. We are clearly seeing a distinctly different security order than what existed in the past centuries of the Westphalian system. (Gaddis 1987; Jervis 1989; Mueller 1989; Holsti 1991; UN 1995; Simpson and Howlett 1995)

There are several key points to make about the above mentioned developments in the global security order. First, the key contributions of international society to the security of states have been in the realm of gradual norm development more than in the realm of responses to specific conflicts. At the same time, collective international responses to specific conflicts, such as the UN stands in the Gulf War and the breakup of Yugoslavia, do have crucial effects in consolidating the legitimacy of norms. In fact, until norms are actually tested in situations of intense conflict, it is difficult to evaluate their strength. Furthermore, when it comes to international security norms, the authoritative responses must come from the United Nations and the great powers. Both the larger international society as well as the most powerful countries must support such rules of conduct.

Second, security regime developments within the United Nations have provided significant support for the fundamental jurisdictional parameter of the state — namely, the legitimacy of state boundaries. Strong opposition to nuclear war and consequently great power war have also given the great powers a degree of security with regards their basic territorial parameters, and the great powers' heightened sense of security has consequently provided a less violent international environment that has enhanced the security of most countries. Lastly, UN security politics indicates that some international prescriptions and proscriptions strongly depend on global support for their effective implementation — namely those injunctions that touch on the states' basic jurisdictional parameters or most fundamental values. This is certainly the case with regard to the sanctity of borders and the control of nuclear warfare and nonproliferation. Strategies for bilateral and regional cooperation with regard to these problems are important, but ultimately a global sanctification within a UN context is necessary.

Monetary Relations

Most UN bodies are concerned with economic cooperation, and at the centre of the evolution of international economic regimes have been six UN specialized agencies. The two most important institutions are the International Monetary Fund (IMF) and the World Trade Organization (WTO).¹ The

¹ The WTO superseded the General Agreement on Trade and Tariffs (GATT) in 1995. Like GATT, it is not formally a UN specialized agency but it belongs to the UN's Administrative Committee on Coordination along with the UN Specialized Agencies. Its future status within the UN system is unclear.

other four institutions, which are concerned with international transportation and communications, are the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), the International Telecommunications Union (ITU) and the Universal Postal Union (UPU). The IMF, IMO, ICAO, ITU and UPU are all concerned *inter alia* with the facilitation of international trade, and they will therefore be addressed before the activities of the World Trade Organization (WTO) in promoting a reduction of tariff and nontariff barriers. In fact, most of the obstructions to the flow of commerce that are addressed by the above five organizations are types of nontariff barriers — some of which are similar to ones that are regulated by the WTO.

From a certain perspective, the history of postwar monetary cooperation looks like a sad tale after 1970. In the pre-1971 era the IMF with strong US backing made some important contributions to currency convertibility among the industrialized states (an underestimated accomplishment), exchange rate stability, and the regaining of financial viability for states with large debt burdens. All of these accomplishments were aimed at promoting commercial openness. Changes in the economic fortunes of states as well as changes in financial flows during the 1960s caused some political eruptions in the early 1970s that ruined the Bretton Woods edifice for multilateral control of exchange rates and the control of the debt problem. The story of the 1970s is not as disastrous as it might appear at first because the Bretton Woods architects erred on a number of critical issues in 1944 and because the evolution of the international financial system after 1960 altered what could and should be done in managing international monetary relations. Where the Bretton Woods architects miscalculated was, first, a belief that exchange rates could be regulated at a global level given changes in states' economic fortunes in the evolving global economy and, second, a belief that floating rates would be disastrous for international trade and security relations. What they failed to anticipate was the dramatic growth in capital movements starting in the 1960s. These errors in judgment and inadequacies in forecasting led to the demise of the pegged exchange rate regime after its operation from 1958 to 1973 as well as the virtual collapse of the IMF's control over balance-of-payments financing and debtor states' adjustment policies from the mid-1970s through 1982. During this time the banks tried to manage independently the debt problem, and they failed miserably.

The failure of the private banks to manage states' debt problems and the sidelining of the IMF with regard to international debt management for close to a decade did, however, lead to a new kind of debt regime starting in 1982 in which the IMF (led by the US and a few other major powers) developed a new cooperative relationship with the international banks. The Mexican debt crisis of 1982 was the wake-up call that led the major financial powers, private bank officials, and IMF officials to restructure international arrangements for steering debtor states back to financial viability. In fact, in a certain sense the new debt regime has given the IMF more control over the economic policies of debtor states than it used to have — if only because private banking and industry circles as well as governments look to the IMF for judgments as to whether states are good risks for lending and investments. The IMF may now control only five to ten percent of international lending to debtor states, but its evaluations have profound effects on the behavior of banks, firms and states. One need only look at the central role of the IMF in the Asian economic crises in 1997 and 1998 to recognize the central role that it plays in the management of international financial crises that involve the need for countries to borrow and restructure their economies. The IMF is looked to as the most legitimate organization for developing a plan for putting the troubled countries in question, as well as the global economy, back on track. (Dam 1982; Walter 1991; Bordo and Eichengreen 1993; Cline 1995; Cohen 1998)

Looking broadly at the monetary regime, the collapse of the pegged exchange rate system was not a bad thing, and in fact it was probably a good thing. Certainly more coordination among the G5 with regard to periodic misalignments would strengthen the international monetary system. Over all, however, the demise of pegged rates has not had negative consequences for trade. In the case of the debt management regime, states and the banks have refashioned the regime for the era of massive capital flows and growing acceptance of neoliberal economic orthodoxies. The result has not been a bad one, as the flow of private capital back into many Third World countries during the 1990s indicates. A hybrid regime based on intergovernmental organizations and private banks has achieved a reasonable degree of

stability on the balance-of-payments front (the recent Asian problems notwithstanding), and the overall effect seems to entail much greater IMF influence over states' macroeconomic and regulatory policies than existed before the debt crisis.

There are a number of explanations as to why the UN-affiliated IMF is looked upon as the central body for laying out ground rules. A key reason is that the wealthiest states do not want to bear the criticism of debtor states for imposing certain conditions on them as a price for new loans or loan forgiveness. Countries like the United States, Japan and Germany are willing to give up a measure of control over financial recovery packages in exchange for escaping at least some resentment from the financially troubled states. At the same time, the close integration of these wealthy states in the formal deliberations to resolve such crises is crucial since they possess the resources that are required to resolve the problems. As IMF members, these financial powers are brought formally into the international deliberations. The role of the United States within IMF structures was, of course, particularly crucial throughout the very difficult debt crisis of the 1980s — culminating in the Brady Plan of 1989. Still, the United States was always anxious to work significantly through the IMF rather than unilaterally. The debtor states from the Third World have also seen the advantages of working through the IMF since they do not want to assume an inferior status of being dictated to by the major industrialized powers. Their *amour propre* is not as offended by accepting a conditionality package from an international organization as opposed to one from the financial powers of the First World. Also, these states have some leverage in UN-affiliated bodies — even ones such as the IMF with a weighted voting formula. Of course, as noted above, private banks are unable to manage these problems on their own since they do not have the ability to monitor the financial policies of states or the ability to impose effective sanctions.

Infrastructure Industries: Transportation and Communications

Moving from the monetary front to the major international infrastructure industries of shipping, air transport, telecommunications, and postal services, there have been a number of developments that parallel what has occurred in the monetary field. Certain parts of the traditional transportation and communications regimes have collapsed as a result of some states' and firms' support for competitive markets and "deregulation," and private commercial actors are much more prominent in the crafting of the intergovernmental accords that constitute the regimes. Also, the four regimes are designed first and foremost to reduce obstacles to the flow of commerce.

Among the four infrastructure industries, there are four sub-issue areas in which norms and rules have developed — namely, jurisdictional rights, damage control, technical interconnection, and prices and market shares. In the case of the first three, there has been consistent cooperation around the central principle of international commercial openness over the past century, but the scope of the cooperation has mushroomed since 1945. Norms relating to (a) the freedom of the high seas and adjacent airspace and (b) innocent passage for carriers and information through foreign territories and airspace run through all four communications and transportation industries. There are also extensive international treaties and agreements promoting the reduction of damages and the assurance of technical interconnection. It is important to stress that rules relating to minimization of damages, compensation for damages, and technical interconnection are usually quite contentious since the accords generally favor particular national manufacturers and industries. Still, agreements do emerge from such "coordination games" since the global industrial complex demands that interconnection is assured. (Zacher with Sutton 1996)

In the case of shipping, the UN Law of the Sea Conferences have approved jurisdictional norms and rules relating to the freedom of the high seas and innocent passage through territorial seas. In so doing, they have opened the avenues for maritime transport to move goods throughout the world's oceans conferences and have continued a tradition of the law of the sea that goes back several centuries. (Ninety percent of world trade by weight moves by ship.) It is the International Maritime Organization that formulates conventions concerning the prevention of damage to ships and goods, the prevention of pollution, and compensation for damages. The two central treaties, which are regularly revised, are the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the

Prevention of Pollution from Ships (MARPOL). Universal rules for the shipping industry are necessary because ships enter harbours throughout the world and because shipowners generally want rules that impose equal costs on all shipping firms. Universal rules both open the lines of maritime transport and assure a level playing field for international shipping firms. (M'Gonigle and Zacher 1979; Gold 1981; Farthing 1987)

With regard to air transport both jurisdictional and technical norms and rules are prescribed by the International Civil Aviation Organization. While the freedom of overflight over the world's oceans has always been a bedrock of international air transport, another very important norm, to which most states subscribe, is the right of overflight over countries' territories. This right of overflight has greatly facilitated the movement of international air traffic. The technical rules facilitating international air transport are included in annexes to the ICAO Convention. Some technical issues (especially concerning the coordination of trips using different airlines and the facilitation of traffic in airports) are handled significantly by the International Association of Transport Airlines (IATA). In fact, there is a very close relationship between ICAO and IATA and, especially on technical matters as well as the control of air piracy, cooperation among governments and airlines is central to the smooth operation of the international industry. (Matte 1981; Jonsson 1987; Dempsey 1994)

Telecommunications is one of the most important industries in the world today, and many aspects of it are regulated by the relevant UN specialized agency — the International Telecommunications Union. In fact, the present ITU is the successor to the first international public union — the International Telegraph Union created in 1865. The ITU has never formally prescribed that the frequency spectrum is an international commons to which all states have access; but it has implicitly backed this stance in prescribing that states can only use certain frequency bands for specific purposes and that states have a right to broadcast on a particular frequency once they have registered it with the ITU. Despite considerable conflict over the uses of the airwaves and the geostationary orbit (where communications satellites circle the earth) ITU members have been able to work out rules of the road for the frequency spectrum and outer space.

Most work in the ITU is devoted to developing technical standards that assure the movement of messages and information through the spectrum and over wires. Technical standard-setting was previously confined to a few radio standards and switching equipment at borders. Now ITU standards cover equipment throughout the physical telecommunications networks — right down to the computers on desks. The financial implications of ITU standards for different national firms such as AT&T, Northern Telecom, Siemens and Sony are very substantial; nevertheless, accords are reached to assure technical interconnection because the international commercial world demands it. The issue generally faced by public and private representatives to ITU and other standard-setting bodies is not whether standards will be accepted, but what standards will be accepted for international interconnection. As a result of the speed of technological change, a great deal of international standard-setting in recent years has taken place through coordination among US, European and Japanese bodies and their major telecommunications firms, and the ITU tends to register accords that have been concluded elsewhere. This does not, however, detract from the point that firms and governments manage to craft standards that assure interconnectivity. (Coddling and Rutkowski 1982; Savage 1989; Aronson and Cowhey 1989; Drake 1995; Zacher with Sutton 1996)

International postal services do not quite have the same status as the other international infrastructure industries, but they are an important element in the global economy. The Universal Postal Union (created in 1874) prescribes technical standards that assure the movement of the mails and a right of transit passage. This right establishes the obligation of states not to interfere with mail going through their territory while in transit between two other states. The proscription is sometimes violated for political reasons, but on the whole it is a relatively strong norm. (Coddling 1964)

The one area of these four international infrastructure industries where there has been a real decrease in cooperation concerns prices and market shares. From the late 19th century through the 1970s, the international markets for these industries were basically controlled by cartels of state-owned firms in the case of air transport, telecommunications and postal services and a network of cartels of private firms

in the case of shipping. The oft-stated rationales for the cartels were, first, that there were economies of scale in these industries and, second, that higher rates were necessary to assure reliability of service. A less publicly trumpeted rationale was that governments believed that any self-respecting state had to control the most important national infrastructure industries, including their international interconnections. Both the economic and political rationales for cartels began to attract strong criticism in the 1970s. “Deregulation” became the battle cry for many economists and private business interests in Western states, and they increasingly believed that states should give up the kinds of economic controls that they traditionally possessed. In other words, they thought that both businesses and states had to become “leaner and meaner.” While the demise of the cartels cannot be explored in depth in this paper, they have all either disintegrated or been so badly weakened that they can in no way be viewed as governing prices and market shares. Competitive markets have assumed a preeminence for most of the international industry in the sense that there is quite simply no intergovernmental consensus on the desirability of either cartels or international anti-trust laws; and a hybrid competitive/managed international market is a kind of a default position in such circumstances. Again, it has to be stressed that this situation does not threaten disruptions in service, and without such threats the present competitive scene is quite acceptable to most states, or at least to the most powerful ones. (Zacher with Sutton 1996; Cafruny 1987; Doganis 1991; Drake 1995)

It is critical to account for the role of particular states and technology in leading to the demise of the intergovernmental cartels. It is often said that the United States was the central force behind international deregulation, but its influence is probably overstated. In the case of shipping, it was the East Asian lines and containerization that brought down the network of shipping cartels. In the case of air transport, the first very successful challengers to the IATA cartel were the Asian lines, and while the United States exerted a great deal of effective pressure toward deregulation starting in the late 1970s, the increase in plane carrying capacity and the dramatic increase in economy-minded tourists were likely to promote international commercial competition in the long run. Turning to telecommunications, there is no doubt that the United States was tremendously important in pushing for deregulation in the early 1980s, but large firms had been getting special competitive deals long before then. Furthermore, the increase in modes of communication would have probably brought down the old intergovernmental telecommunications cartel in the long run. In the case of postal services, the advent of courier services in the 1970s and e-mail in the 1980s marginalized state postal administrations, and it is only a matter of time before many states open up to competition for door-to-door service among private firms.

What has pressured states and firms to liberalize the traditional market controls are, first, the opportunities for enhanced commerce presented by technological change (in particular, the diversity of telecommunications services and modes of transmitting information) and, second, the transformation in many economists’ and governments’ ideological and policy perspectives that often fit under the labels of neoliberal economic thought or deregulation. States and firms have brought these perspectives into the councils of UN-affiliated organizations and, as a result, have brought about some dramatic change in global regimes — or at least the demise of old cartel arrangements. The UN system is no more immune to technological and ideological forces of change than any other political and economic institutions in the world.

Transborder Damages: Health and Environment

Two interesting issue areas in which there are global regimes are the international spread of diseases and the transmission of environmental damages across state boundaries. Failures to deal with these transborder damages often lead to reactions against or curtailments of international economic exchanges. The scope of cooperation in the health sphere has actually been quite modest — for very good reasons — but the recent development of international environmental regimes exceeds popular impressions. In both spheres UN-affiliated organizations have been and are still central actors although nongovernmental actors have been quite instrumental in the development of international cooperation.

The earliest conferences to craft a global regime to control the international spread of diseases occurred in the mid-19th century. Finally in 1903, the International Sanitary Regulations were accepted, and their rules were subsequently revised at regular intervals. (Cooper 1989) Responsibility for the Regulations fell to the World Health Organization (WHO) after World War II, and they were retitled the International Health Regulations. The Regulations prescribed international reporting requirements with regard to occurrences of certain diseases (cholera, plague, yellow fever, smallpox, typhus, and relapsing fever) and the measures that states and international carriers (ships and planes) should adopt to control the spread of diseases and avoid unnecessary delays to carriers. The goals of the Regulations hence encompassed not only the control of infectious diseases but also the prevention of unnecessary interventions with respect to the maritime transport. Throughout the 20th century, the Regulations have had a very modest impact on the international spread of the designated diseases and the free flow of commerce because the international spread of these diseases decreased markedly over the 20th century. Also, the rapidity and scale of international travel have made it and still make it extremely difficult to detect people with diseases at borders. Hence the central strategy of the Regulations of preventing peoples with diseases from crossing borders was increasingly questioned. (The other main strategy was monitoring diseases throughout the world.) Increasingly, international health experts and governments realized that the best strategies for controlling the international spread of diseases are monitoring disease outbreaks and reducing the incidence of diseases within countries through aid programs. International health assistance was and still is largely transferred through national aid programs although there have always been some rather modest financial contributions and coordination efforts under the auspices of the WHO, the World Bank and other organizations.

Some very interesting changes in the international health regime have been evolving in the last decade. First, outbreaks of the so-called emerging and reemerging diseases (dramatized by Laurie Garrett in *The Coming Plague*, 1993) have led to a recognition that a much broader group of diseases should be included in the International Health Regulations and that international reporting should be quicker and more thorough. Proposals on these matters will be accepted in revised Regulations in 1999 or 2000. (WHO 1998) Second, some important institutional developments have occurred. Several national health centres (especially the US Centres for Disease Control) have taken over most serious emergency responses to disease outbreaks (often at the behest of the WHO), and they are at the forefront of designing preventive strategies and emergency measures in many parts of the world. Third, an Internet disease information website called Promed, which relies on reporting by private medical personnel, has become a more important vehicle for disease reporting throughout the world than the long-standing WHO system for surveillance and reporting. Promed, along with expanded health reporting by the media and a new WHO Rumor Outbreak Page on the Internet, have dramatically altered international disease surveillance. Finally, within the world of intergovernmental institutions the World Bank — not the WHO — is now at the cutting edge of developing public health strategies that control diseases at their source. It is, however, important to recall that the World Bank is one of the thirteen UN specialized agencies.

Overall, the network of international health cooperation is rather fractured with the central UN-affiliated body (WHO) performing rather limited roles. The World Bank and the CDC are probably more important than WHO in controlling the international spread of diseases although the role of WHO is likely to increase in the next decade. Independent medical groups are also significant participants in international health cooperation, and they are being assisted by modern information technology. This organizational patchwork quilt is, however, not a disaster. In fact, this cooperative network that draws on different bodies and groups for varied skills and capabilities has been reasonably effective in addressing the problems associated with the international spread of infectious diseases. The health regime is the epitome of some modern regimes that draw increasingly on nongovernmental groups for building international cooperation and making the world safe for international commerce. (Goodman 1971; Leive 1976; Fidler 1997)

One of the most remarkable areas of progress in international cooperation in recent decades concerns international environmental damages or transborder damages caused by national industrial activities. Given the fact that international environmental issues did not achieve significant status on the

global agenda until the 1970s, it is amazing that so much has been done in a couple decades — largely through UN-affiliated organizations. In the case of five specific issues of transborder damage (ship-generated marine pollution, dumping at sea, acid rain, ozone depletion, and the export of hazardous wastes), very significant progress has occurred. In the case of another one (nuclear reactor accidents and emissions), an accurate evaluation of significant progress is somewhat more problematic. Nevertheless, some important strides have been made. The two areas where there has been less success in controlling the damages are land-based marine pollution and climate change, and the reason is quite obvious — the costs involved are significantly higher than in the previously mentioned issue areas. However, even in these two issue areas there have been modest strides forward, and gradual progress is likely in future decades. It is important to stress that most of these environmental regimes emerged from UN bodies because of the need to include all states in the cooperative arrangements.

There are three major sources of marine pollution for which regulations have been developed. International control of ship-generated pollution by the International Maritime Organization dates back to the 1950s, but effective control really started with the acceptance of the Convention on the Prevention of Pollution from Ships in 1973. This treaty has been remarkably successful because it relies on construction and equipment standards that can easily be inspected. Also, because international maritime interests do not want any excuses for states to delay vessels in ports, they have cooperated in promoting a relatively effective regime. The control of dumping of wastes at sea dates back to the acceptance of the London Dumping Convention of 1972 — soon after the conclusion of the 1972 UN Conference on the Human Environment in Stockholm. There was a strong feeling that states should not be allowed to dump hazardous wastes deliberately near the shores of other states; and this has sustained quite a strong regime. UN bodies have enunciated general principles against the discharge of wastes from land into the oceans, but serious action has been confined to regional settings — basically around Europe. It is only wealthy countries (e.g., those bordering the North Sea) that are willing to pay for an effective regime; and therefore global action through the UN is not practical — especially because the costs of reducing land-source discharges are quite high.

Air pollution constitutes another important transborder damage problem, and perhaps the best known form of air pollution in the industrialized world is acid rain. The negotiations to control its international manifestations in Europe has occurred within the context of the UN Economic Commission for Europe because it was an organization to which both Western and socialist states belonged in the 1970s and 1980s. Both the European and North American acid rain accords have been conducted in relatively isolated regional settings; and they both entail significant progress in pollution abatement. An even more striking air pollution accord concerns ozone depletion. The negotiations for the 1985 treaty and subsequent protocols were concluded under the auspices of the UN Environment Program (UNEP) because it involved damage to a common property resource and it was important that all states agree to curtail the use of certain chemicals. Also, most major chemical firms were concerned that foreign firms not be allowed to manufacture the chemicals in question and thus achieve a competitive advantage in world markets. An additional form of air pollution is the emission of greenhouse gases that cause global warming and climate change. The rationales for UN involvement are similar to those applicable to ozone depletion, but the costs are so much higher than in the case of ozone depletion that little headway in regime development has occurred. The 1996 Kyoto protocol to the 1992 Climate Change Convention is an important step, but states are not ready presently to pay the costs of abating greenhouse gases.

Two somewhat unique problems of transborder damage concern pollution from nuclear reactor accidents and the export of hazardous wastes. Most cooperation to prevent nuclear reactor accidents occurred for many years in the OECD since the major users of nuclear energy were Western industrialized states. However, it became important to integrate the Eastern European states into cooperative arrangements on safety standards, and as a result greater collaboration on safety issues developed within the relevant UN specialized agency — the International Atomic Energy Agency. Although concern about nuclear accidents tends to be focused on Eastern Europe, all national nuclear industries realize that accidents anywhere in the world harm their local political situations. Therefore, global approaches are quite attractive to them. In the case of the export of hazardous wastes from

developed to developing countries there was relatively strong support for a global approach for the 1989 Basel Convention because such disposal policies were seen as immoral. Also, major chemical companies did not want their foreign rivals to benefit from cheaper disposal opportunities if they had to accept tough controls, and therefore most of them supported the convention. The regime is now quite a strong regulatory arrangement.

As is clear from the above discussion, the reasons for the centrality of UN or global institutions in the formation of environmental regimes vary. First, a problem can touch on a strongly held value among countries — a value that goes beyond the prevention of transborder damages. One such value seems to be opposition to the deliberate disposal of wastes in other countries' territories or territorial seas — particularly if they do not have the capabilities to treat them properly. This seems to have had a marked influence on the conclusion of the London Dumping Convention of 1972 and the Basel Convention on the Export of Hazardous Wastes of 1989. Second, when pollution is caused by international carriers such as ships that travel among different national ports throughout the world, it seems only sensible that the problem be regulated within a UN-affiliated body such as the International Maritime Organization. It would be very inefficient if ships could only service certain ports because states had different construction and equipment standards. This is perhaps the central reason for the IMO's responsibility for the Convention for the Prevention of Pollution from Ships. Third, a reason for the success of the UN/global management of environmental interdependencies is that firms are generally willing to be regulated as long as all of their competitors in the global market place are regulated in the same manner. They do not want to have to bear costs that rival firms do not have to bear. This consideration has definitely influenced the management of dumping at sea, the export of hazardous wastes, ship-generated marine pollution, acid rain, and ozone depletion. It is, of course, also central to progress on climate change or global warming.

Fourth, the wider the geographic impact of pollutants, the greater the support for global management. It is particularly the contributions of pollutants to "global damages" (such as ozone depletion and climate change) that evoke demands for UN management. The ozone depletion regime is probably the most impressive example of a global response to an international environmental damage, and the global scope of the damages certainly was an important factor in the regime's development. Lastly, there is a consideration that comes into play in many environmental negotiations, and that is that there is fear that if transborder damages are allowed to continue, there will be strong public reactions against the international industries that caused them. Therefore, transnational economic interests are well predisposed to regimes that avoid hostile feelings toward transnational economic forces.

There is yet another interesting feature of the evolution of international environmental regimes, and that is the role of transnational, as well as national, environmental groups in regime developments. Environmental NGOs have achieved quite a unique role in mobilizing domestic political support in many countries for environmental controls and in mobilizing particular states behind their political initiatives. Third World countries in particular have at times been drawn into effective environmentalist coalitions because of the initiatives of organizations such as Greenpeace and Friends of the Earth. In very few areas can one say that public interest groups have had a major impact in shaping international regimes, but this is certainly one of them. Some governments literally fear environmental NGOs because of their influence with domestic constituencies, and at the same time others rely on them for understanding environmental damages and proposals.

Trade

The previously discussed global regimes are significantly concerned with the facilitation of international trade, but tariff and nontariff trade barriers, of course, are also regulated directly by the World Trade Organization (and prior to 1995, by the GATT). It is a daunting task to review the outcomes of global trade negotiations — and even more daunting to comment briefly on the driving forces. The key elements of progress are:

- a decrease in tariffs on manufactures from around 40 to 5 percent between 1947 and 1995;

- application of the norm of nondiscrimination to a wide variety of trade relationships (the major compromise concerning regional common markets and free trade areas);
- significant expansions in the rules for non-tariff barriers (e.g., health and technical standards and state subsidies to firms) in the GATT accords at the end of the Tokyo and Uruguay rounds (1979 and 1995);
- a gradual increase in the strength of dispute settlement procedures culminating in the binding force of panel decisions since the end of Uruguay Round in 1995;
- the growing integration of developing countries and former socialist states into the trade regime; and
- very importantly — an increase of trade as a proportion of global GNP from around 4 to 20 percent between 1947 and 1998.

The birth of the postwar era of trade liberalization was influenced by liberal trade theory, but it was affected even more by the United States' views on the ties between growing trade and peace. The US backing for the norm of nondiscrimination was tied clearly to a desire to discourage the development of trade blocs along the lines of what occurred in the 1930s. Support for a global trade organization was a logical strategy for the United States in the immediate postwar years. (GATT was treated as a “*de facto* specialized agency” within the UN system.) With the onset of the Cold War, the United States and its European allies saw GATT primarily as an organization for developing close economic ties and prosperity among the Western alliance states. The socialist states were outside of the GATT system, and the developing countries were rather marginal because of their commitment to protectionism. The developing countries began to become full-fledged members of the GATT system in the 1980s since they increasingly recognized the costs of their past policies. The conclusion of the Uruguay Round in 1995 marked a decisive step toward their acceptance of WTO trade disciplines. The former socialist states, of course, have moved slowly toward integration into the Western trading system in the 1990s. They still have some way to go before they accept the tariffs and nontariff barriers binding on the Western nations, but they are moving toward integration into the WTO trade system.

Perhaps the most remarkable fact about the international trade regime is that the Western powers have accepted increasing liberalization over the past half century — even with the end of the Cold War. They constitute the central pillar of the global trade order, and it is their trading system for all intents and purposes that the developing and former socialist states want to join. As noted, the Western trading system benefited tremendously from US political support and the Cold War throughout most of the last half of the 20th century; but at the same time, industries and important political forces throughout the Western world have recognized increasingly that all Western countries benefit from trade liberalization. Strong vested interests in a liberal trading order have grown over recent decades. (Finlayson and Zacher 1981; Milner 1988; Jackson 1989; Schott 1994; Hoekman and Kostecki 1995)

The reasons for a global trade regime and UN-affiliated trade organization are many. An important one is that a good number of political leaders accept the relationship between economic interdependence and peace, and therefore it makes sense to support a global regime that promotes complex trade ties among all states. During the 1990s, even though the major economic powers have been interested in reaping gains from regional trade arrangements, they are wary about allowing the world to evolve into exclusionist trade blocs for fear that such blocs could nurture security competition. Turning to economic considerations, it is important to recognize that trade theory in economics, despite a recognition of imperfect markets, focuses on the mutual gains from multilateral trade liberalization. Theoretical knowledge does penetrate international decision-making. Finally, important industries in many countries have developed strong vested interests in trade and a continued decline in trade barriers. Globalization has influenced important elites in the international economy.

III. Conclusion

In reflecting on this tour through the major global or UN-generated regimes we can ask ourselves: what is interesting and surprising?

First, there has been a lot more global cooperation within the UN system than most observers have attributed to it. Perhaps the growth of the global security order constitutes the most surprising development for many people. Both developed and developing countries have their own particular reasons for supporting self-determination for the juridical state and the delegitimization of territorial revisionism as central pillars of global society, and these two norms are central to what can be called “the territorial covenant.” Both groupings also oppose the spread of nuclear weapons, and this has enormous implications for international stability. John Gaddis (1987) spoke of nuclear weaponry’s promotion of “the long peace” because of nuclear deterrence, but there have been forces working for “a longer and broader peace” over the past half century.

Second, there has been a remarkable group of UN-generated regimes that promote greater openness in the global economy. Global regimes for service industries have mandated that jurisdictional rights, threats of physical and financial damages, and technical standards should not stand in the way of commerce. They have also sought to control unintended damages to human health and environmental quality from the operations of the global economy — hence reducing the fears of private parties of engaging in international commerce. The monetary regime has, of course, provided a basis of international financial stability by its contribution to the management of the balance-of-payments problem, and the management of this problem has given the IMF the basis for extensive intrusions into national economies. Finally, despite the screams of many domestic industries the UN trade regime includes major steps toward the dismantling of tariff and non-tariff barriers.

Third, a notable feature of the regimes concerned with economic openness is that regulations have increasingly moved from controlling activities or practices at borders to regulating domestic economic practices and regulations. Boundaries may be more sanctified and stable, but they are also more permeable to private commercial practices and international economic governance. The regulatory intrusions into national economies are most evident in the regimes for monetary relations, trade, and service or infrastructure industries.

Fourth, global governance has lost out to the increasing influence of market forces in some issue areas, but regimes were disassembled largely when they were seen as unnecessary or even undesirable for international economic stability and openness. The United States was in the vanguard of these disassemblings in areas such as currency exchange rates and the international commercial practices of service industries, but the changes were coming eventually in any case. Another reason why global governance is not particularly strong in some international situations is that the relevant international interdependencies are not particularly strong and the interdependencies are being managed adequately by a variety of national and international efforts. This is certainly the case with international health where the global regime has been weak.

Lastly, there is clearly a trend toward an increasing involvement of nongovernmental actors in the negotiations concerning regime creation and reform. At the same time, when crises of openness and stability arise, as has occurred in the balance-of-payments sphere, it is states through intergovernmental organizations that are the ultimate providers of reform and order. Global regimes that promote economic openness may undermine state policy autonomy, but it is remarkable how when serious problems arise, it is states (led by the great powers) that must pull the global economy from the fire. The Westphalian international order has definitely been transformed, but at its centre is still an order of states based on global interstate institutions affiliated with the UN system.

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