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The Concept of security
and the Viability of Global Governance

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Abstract

The concept of security incorporates within its meaning, at the same time, political, social and cultural connotations, and essentially entails a certain malleability that may, at times, escape any aim for legal structure. Without a doubt, no contemporary theory of international law, no international relations approach, and no political or humanistic discourse can currently avoid it, regardless of the angle according to which it is dealt with. As to the notion of governance, it has been described as the sum of the many ways individuals and institutions, public and private, manage their common affairs through a dynamic and complex process of interactive decision-making. When attempting to encompass both ideas, that is, if the question about governance (on a global scale) is indeed pertinent or even possible security wise, the fact is that working with probabilities –as security requires it-, and trying to organize them and build them into a plan, certainly makes mandatory to question if that response to different sets of circumstances is structured according to a process of interactive decision-making –as mentioned before-, in the search for the encompassment of the majority of subjects of international law is merely logical, which is the aim of this paper.

1. The notion of security

"Almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time"[1]. Well, such a statement can certainly be considered anything but peaceful. M. Koskenniemi, for example, would suggest that "our inherited idea of a World Order based on the Rule of Law thinly hides from sight the fact that social conflict must still be solved by political means"[2]. Indeed, the words above apply in a certainly accurate manner to the concept of security, which incorporates within its meaning, at the same time, political, social and cultural connotations, and essentially entails a certain malleability that may, at times, escape any aim for legal structure or infallible coherence. One can even state that due to said mal-

1. Louis Henkin, In Nathan A. Canestaro, "Realism and transnationalism: competing visions for international security" *Boston University International Law Journal,* vol 25, p.113.

2. Martti Koskenniemi, "The Politics of International Law" *European Journal of International Law.* vol.1, 1990, p. 1.

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leability and lack of precise definition, security has become a plastic word.[3] It has certainly developed into a positively interesting word; problematic for some, considerably handy for others, and consistently invoked within the international system by its multiple agents. Without a doubt, no contemporary theory of international law, no international relations approach, and certainly no political or humanistic discourse can currently avoid it, regardless of the angle or perspective according to which it is dealt with.

From partial visions of the globalization phenomenon such as hyperglobalism or transformationalist thesis; from international legal theories that oppose each other such as realism or transnationalism; or doctrines regarding the use of force and intervention in another State's territory like humanitarian intervention -and more recently, responsibility to protect-; to opinions about United States and its "presence", "invasion" or "intervention" in Iraq, the issue of security constitutes common ground and shared foundation for each of the above, and to address such a subject is certainly appealing for some, compelling for others. The issue that this paper seeks to address, since it apparently causes a certain level of perplexity, is whether political interaction and co-operative actions between international agents have developed enough for it to be possible to state that there is a certain level of compliance with international law –considering that it is a normative system-, and if rules regarding security matters are perceived as binding by the subjects of international law –therefore satisfactorily accommodating diverging and conflicting interests-, that is, if there is on some degree global governance with regard to the element of security. Why? Foucault's definition of security is most enlightening. According to the scholar,

> "Sovereignty capitalizes a territory, raising the major problem of the seat of government, whereas discipline structures a space and addresses the essential problem of a hierarchical and functional distribution of elements, and security will try to plant a milieu in terms of events or possible elements, of series that will have to be regulated by a multivalent and transformable framework".[4]

Since governance has been described as the sum of the many ways individuals and institutions, public and private, manage their common affairs; and the scope of security would particularly require to encompass powerful actors into a dynamic and complex process of interactive decision-making, Foucault's explanation clarifies the fact that security does not seek to arrive at a point of perfection, and it is

3. Josefina Echavarría Álvarez, "La promesa de (in)seguridad; algunas reflexiones críticas" *Revista Estudios Políticos*, num. 28, 2006, p. 102.
4. Michel Foucault, 1977, *Security, territory, population; Lectures at The College de France* 1977-1978, Picador, 2009, p. 35

more a matter of maximizing the positive elements and minimizing what is risky and inconvenient –that is, the treatment of the uncertain, of the aleatory- like theft or disease, while knowing that they will never be completely suppressed.[5] All of the above said, the question about governance (on a global scale) is indeed pertinent, mostly because security means working with probabilities, and trying to organize and build into a plan different elements and functions, positive or negative.[6] Security works on the future, not planning according to a static perception, but open to a future that is not exactly controllable, not precisely measurable[7]; therefore to question if that response to different sets of circumstances is structured according to a process of interactive decision-making –as mentioned before-, in the search for the encompassment of the majority of subjects of international law is merely logical.

According to a classical approach, security has traditionally been considered a matter of state –domestic insecurity may or may not dominate the national agenda, but external threats almost surely will constitute a crucial issue of national security[8]-, and as such it has been studied, analyzed and criticized from an important number of perspectives and angles, and it appears to be a number of issues concerning the concept, starting with its definition. Conventional approaches seeking for a definition have been developed by scholars like Buzan, who defined security as "the aim of being free of menace"[9] In this regard; a traditional approach is most likely to equal security with National Security, that is, the integrity of the national territory and its institutions, as well as the state's ability to defend itself against external treats. It is indeed a Hobessian conception of the world order as a state of nature, on which states constitute a superior order that provides security inside its territory, and shields individuals in order to protect them from external terror. The fundaments of a classical definition of security can be traced back to the Peace of Westfalia, considered by some scholars as the act that founded and structured the conditions based upon which states would coexist, hence, as quintessential for the international system. In fact, the element of sovereignty, which is inherent to the concept of state itself, was a deciding factor in the consolidation of the international system. Accordingly, states do consider it to be their right to exercise authority by coercive means, and their prerogative to defend their territory autonomously, which has been made clear enough in the United Nations Charter, which includes security as one of its purposes, as the Organ in charge of it within the international sphere.[10] In any case, the Peace of Westfalia is by definition opposite to the concept of global government (if the latter were to be understood as the existence of

5. *Ibid.*, p. 34

6. *Ibid.*

7. *Ibid.,* p. 35

8. *Ibid.,* p. 103

9. *Ibid.*

10. United Nations Charter. Article 2,

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an entity that beholds power and control over states), due to the fact that the possibility of the existence of an authority greater than states was immediately rules out, since the main characteristic of all states signing the Peace was that they were all equals. Indeed, state's autonomy and authority, according to the classical formula of external sovereignty, recognizes no superior power.

Now, by virtue of the Treaties of Westfalia, the rights of autonomy and sovereignty that states were entitled to due to the fact of being recognized as such, entails for that state the possibility of self determination, and by extension, the right to go to war (ius ad bellum). However, after World War II, a tendency regarding the search for community integration developed, and the creation of United Nations Charter constituted an attempt towards the constitutionalization of the international system. As a consequence, an incipient step towards global governance was made, given that states intended to find the means for conflict resolution on a scope of no enforcement compliance. Indeed, interdependency between states did grow after the Second World War, and as a result, so did the level of intromission in other states' domestic affairs.

2. Reevaluation of the classical notion of security

2.1. International relations theories

Criticism to the traditional conception has aroused from different sides. Globalization theories; legal and philosophical theories or postures regarding international relations; and further developments of the prohibition of the use of force, among others, have challenged, complemented or reformulated the notion of security in different ways. For example, realism as a theory of states' motives has embraced the idea that without menace there is no security, and that insecurity is the crucial element for the existence of states -hence security must remain as a promise[11]-. Canestaro's explains that realism suggests that states are constantly competing for security and power within an anarchical international system incapable of preventing aggression or conflict, and that "because every state maintains an offensive capacity to harm others, each must gain and retain power at any cost or risk predation by aggressors"[12]. As a result, in the absence of centralized enforcement or adjudication of international law, realists argue that the international system remains anarchical, with law reduced to empty legalisms used to justify the pursuit of national ends, and

11. Josefina Echavarría Álvarez. *Op. cit., p.106*

12. Louis Henkin, *Op. cit., p. 2.*

global governance as an utopian desire, due to states' selfish interests and unwillingness regarding political cooperation. In direct opposition to this thesis, transnationalism explains that cooperation, not competition, is the defining characteristic of international relations, and that democratization and global economic interdependence reduce the benefits of interstate conflicts and encourage long term cooperation. Global governance would be a real possibility under this perspective, since states would have binding legal obligations under international law, and those rules would gradually develop into a rule-based community capable of regulating the behavior of states, since trough a framework of international law, norms and regimes, states' sovereignty would slowly yield to international legal norms that lessen the likelihood of conflict.[13]

The problem with Canestaro exposé is that the author claims that the purpose of his work is to determine if the latter philosophies can be reconciled, therefore allowing us to determine if there is a possibility for the existence of global governance under the scope of legal theories, but he fails to sound convincing on how the reconciliation actually works. He first states they have little in common, but concludes that there is room for both transnationalism and realism in the scope of international law.[14] Such a conclusion shows that evidently a politically correct path was chosen:

> "The next few years may be determinative of the role of international law in security-military issues for decades to come - the continuance of the "war on terror," a potential nuclear showdown with Iran or North Korea - all hold historic opportunities to either reinforce or repudiate international norms and institutions. In the meantime, it seems prudent to suggest that we can neither completely adopt nor dismiss transnationalism or realism as explanative doctrines in international relations. These two doctrines can be reconciled not because their tenets are complementary - but instead because their two worlds seem to co-exist in the course of daily affairs."[15]

Well, to state that a hybrid international system allows scholars and policymakers to interpret sates' actions in accordance to their own theoretical paradigm does not seem to bring much help to the discussion; however, such conclusions are not scarce, because finding a middle ground seems, most of the time, a perfectly happy ending. Likewise, dissertations about the relationship between international law and international relations and their focus on the laws of state behavior often reach conclusions like this: "the prospects for genuine

13. *Ibíd.*
14. *Ibid.*
15. *Ibíd.*

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interdisciplinary collaboration, to the benefit of both disciplines, have never been better"[16]. It would appear that authors that choose this kind of path afford no clarity as to whether there is or there is not global governance –or at least some incipient ground for it-, and Canestaro's arguments seem to resemble at some point the Habermas – Foucault tension, whose perspectives reveal acute tension between power and law, just like realism and transnationalism. Regarding the relationship between law and power, Habermas states "that authorization of power by law and the sanctioning of law by power must both occur *uno acto*"[17]. Foucault, on the other hand, aims for an analysis that frees itself from a representation such as power-sovereignty, or power-law. In words of Flyberg:

> "It is in this connection that Foucault made his famous argument to *cut off the head of the king,* in political analysis and replace it by a decentred understanding of power. For Habermas, the head of the King is still very much on, in the sense that sovereignty is a prerequisite for the regulation of power by law"[18].

Indeed, a paraphrase of the Habermas – Foucault debate surely does not constitute a consistent analysis and a new approach on the matter, and quite frankly, the exposition falls into what Foucault denominates an imperative discourse, that in theoretical domain consist in saying "love this, hate that, this is good, that is bad"[19], or according to a very safe in-between perspective, "reconcile this with that, this is useful, discard that, there is room for all positions". The problem with imperative discourses is that they belong more to an aesthetic dimension, and therefore can only be based on choices of an aesthetic order.[20] That very comfortable middle ground seems like the politically correct option, which safely allows agreeing with everyone, and conveniently taking the best of each world in order to create a mixture of ideas, all aesthetically put together and coexisting without overturning each other. Although it may seem handy, it is certainly not very objective, and consequently, not particularly helpful.

2.2. Human Security – the changing content of the prohibition of the Use of Force and the consequences it entails for the notion of security

There is a relatively recent and increasingly embraced perspective that understands security as human security, meaning that the traditional approach should be challenged by arguing that a proper referent for security should be the individual rather than the state. According to

16. Anne-Marie Slaughter, "International Law and International Relations theory: a dual agenda" *American Journal of International Law*, vol. 87, num. 2, p. 238.

17. Bent Flyberg, "Habermas and Foucault: thinkers for civil society?" *British Jounal of of Sociology,* vol. 49 num. 2., june 1998, p. 214.

18. *Ibíd.*

19. Michel Foucault *Op. cit.,* p. 17.

20. *Ibíd.*

the International Commission on Intervention and State Sovereignty, four more radical challenges to the notion of state sovereignty have emerged: continuing demands for self-determination, a broadened conception of international peace and security, the collapse of state authority and the increasing importance of popular sovereignty.[21] In this regard, the Report of the International Commission on Intervention and State Sovereignty suggests that the most marked security phenomenon since the end of the Cold War has been the proliferation of armed conflict within states, and that such disputes have aroused due to demands for greater political rights and other political objectives. The Report also explains that an unhappy trend of contemporary conflict has been the increased vulnerability of civilians, and that efforts to suppress armed (or unarmed) dissent have in too many cases led to excessive and disproportionate actions by governments, harming civilian population.

A very common opinion shared by Human Security supporters establishes that

"The concept of security has far too long been interpreted narrowly; as security of territory from external aggression, or as protection of national interests in foreign policy... It has been related more to nation-states than to people... Nations have forgotten the legitimate concerns of ordinary people who sought security in their daily lives".[22]

21. Thomas G. Weiss and Don Hubert, International Commission on Intervention and State
22. Sovereignty, "The Responsibility to Protect" available at: www. Iciss.gc.ca, United Nations Development Programme, "New Dimensions on Human Security", *Web site Human Development Reports*, [on line] available in: http://hdr.undp.org/en/media/hdr_1994_en_chap2.pdf., access: july 9, 2009.
23. Thomas G. Weiss and Don Hubert, Op. cit., p. 5
24. Ibíd.
25. Maria Teresa Aya Smitmans, "Seguridad Humana en Colombia: Donde no hay bienestar no puede haber paz" *Revista Opera*, Universidad Externado de Colombia, num. 6, 2006, p 257.
26. J. Brown, "The Question of right authority: Moving the Responsibility to Protect from soft to hard law". *ILSA Quarterly,* vol. 17, num. 2, December 2008, p. 17.

However, apparently there is no reason to worry, because the international community is widely resorting to human security as the idea that resolves what has been referred to as the existing dilemma of becoming a "complicit bystander in massacres, ethnic cleansing and even genocide"[23], and intervening even with the risk of not being able to "mitigate such abuses"[24], and even taking sides in intra-state conflicts. The common element that links every single international agent, individual, organism, entity, etc. that addresses or chooses to rely on human security is the fact that all of them resort to moral arguments or to some sort of propagandistic or even sentimental language to base upon them their opinions or to strengthen them. From scholars stating that "the analysis of recent conflicts entails not only identifying who is the decision maker regarding the dispute, or the reasons that led to it, but also, and even more important, to understand the misery arousing due to the conflict"[25]; from authors assuring that "responsibility to protect can successfully bypass a deadlocked Security Council to finally liberate mankind from the odious scourge of the atrocity crimes"[26]; and reports asserting that "... [It is the] Commis-

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sion's view that human security is indeed indivisible. There is no longer such a thing as humanitarian catastrophe occurring in a faraway country of which we know little"[27]; to almost every single academic or author quoting Kofi Annan's famous[28] "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica –to gross and systematic violations of human rights that offend every precept of our humanity?"[29], the search for legitimacy is, without a doubt, the key to all matters currently regarding what has been identified as the opposition between security and human rights[30]. Indeed, as Christine Gray explains, "The operation against Iraq has also had a precedential impact in that it made clear the advantages of the legitimacy which only the Security Council could confer... States preferred to exploit the notion of authorization rather than to rely exclusively on any unilateral right to use force".[31] However, there are opinions that tend to believe that a search sometimes so fiercely conducted in order to achieve legitimacy through political proselytism and the encouragement of doctrines that can later be regarded as opinio juris may sometimes entail the distortion of certain legal institutions or previous events:

> "R2P treats sovereignty as more hindrance than protection and the UN Charter less as sovereignty's guarantor than the guarantor of the rights of individuals... Instinct should warn us there must be something wrong with an idea that can be endorsed by such strange bedfellows. There is. R2P has appealed to so many because it suits too many cross-purposes. We should be cautious about turning it from political tool to legal principle."[32]

Evidently, the actual existence or level of consolidation of global governance within the scope of the use of force is a thorny subject. If a security crisis were to develop in any given territory, and it was made clear that states do have the duties of preventing, reacting and rebuilding, the extent up to which the content and implications of those duties could be stressed –therefore revealing the degree on which global governance is in fact established and how legitimate it is perceived- is nowhere near being unanimous. References to the reformulation –and sometimes death- of sovereignty have poured since past years, and the weakening of state power and legitimacy has been understood sometimes as a goal for human security and the palliation of humanitarian crisis, as shown by statements as the following: "... Although the key term of the (Security Council) resolution is recommendation, a military intervention with a supra-majority of member

27. Thomas G. Weiss and Don Hubert, *Op. cit.*, p. 23.

28. Aside from the fact that the opinion of the Secretary General, regardless of how coherent or sane it may be, is not per se binding to states, and putting also aside the fact that apparently there is no source of international law upon which the opinion of the Secretary General can be based upon in order for it to be considered as binding, and, consequently, for subjects of international law to have the obligation to comply with it

29. Kofi Annan, We the people: The role of the United Nations in the Twenty-First Century, in www.un.org/millenium. Quoted by Canadian-sponsored International Commission on Intervention and State Sovereignty and author Justin Brown.

30. Karima Bennoune, "Sovereignty vs. Suffering? Re-examining sovereignty and human rights through the lens of Iraq" *European Journal of International Law*, vol. 13, 2002, p. 2.

31. Christine Gray, "From unity to polarization: International Law and the use of force against Iraq", *European Journal of International Law,* vol. 13, num. 1, 2002, p. 8.

32. Jose Álvarez, "The Schizophrenias of R2P. Panel presentation at the 2007 Hague Joint Conference on Contemporary Issues of International Law, available inhttp://www.asil.org/pdfs/r2p-Panel.pdf, accesed: july 9, 2009.

states has the necessary moral and political clout to be classified as legal –even without subsequent Security Council endorsement".[33]

As a result, some scholars like Bennoune have pointed out that "Increasing use has been made by some international lawyers of a simple binary opposition, holding that the preservation of sovereignty inherently vitiates concepts of human rights while conversely the erosion of sovereignty is a bell-wether of progress for human rights".[34] The author also explains that, in her opinion, there seems to have been a basic misunderstanding in approaches to sovereignty, since it has been overlooked that sovereignty "has become an attribute that states are required to exercise in accordance with international law".[35] The point is, as she portrays the situation:

> "In human right terms, state has a duality of functions. On the one hand, it is a most likely perpetrator of human rights abuses. In response, human rights law must limit the role of the state, delimit it sovereign powers. On the other hand the state is also the agent thought most likely to be able to protect its citizens from harms committed by others, whether they be non-governmental armed groups, private persons, multinationals or foreign aggressors. The state is also vital to building the rule of law. Hence, a radical ambivalence".[36]

What could be the conclusion then? Well, there are certainly gross state violations of human rights in the name of security and the preservation of state's sovereignty, as well as the exercise of the right of self determination; but it has also been suggested that the movement of power away from the state to uncontrolled entities that have barely begun to be subjects of international law –like private prisons, corporate security forces and non-state armed groups- can also be a frightening spectre in human rights terms.[37] Indeed, a radical ambivalence, mostly because if both the right of self determination and human rights were to be considered peremptory norms, which means they cannot be derogated or violated by any subject of international law, how is it possible to reconcile both, or to recognize only one of them, disregarding the other?

33. J. Brown, Op. cit., p. 20
34. Karima Bennoune, Op. cit., p. 2
35. *Ibíd.*, p. 3.
36. *Ibíd.*, p.17.
37. *Ibíd.,* p.. 18.

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2.3. Globalization theories – reformulations of the role of states and consequently of their role regarding security issues

The notion of globalization has become the greatest cliché of our time: the great idea that covers everything, from financial markets to the Internet, from security to drug dealing. However, clichés sometimes are able to capture elements from a certain experience, and globalization as a phenomenon reflects a very common perception about the world today: that it is being mold into a social space shared by social, economical and technological forces, and that events that occur at a certain region in the world may entail profound consequences to individuals or communities another extreme of the world.[38]

Indeed, hyperglobalists, skeptics and transformationalists all believe that globalization is a phenomenon that redefined the previous global order –although each one of those theories reaches different conclusions-, since it meant that states' interdependency grew, and consequently, that the level of intromission from any given state in another state's business grew as well. According to hyperglobalism, for instance, globalization is a phenomenon caused mainly because of economic forces like capitalism and technology –which would become the very foundation of the system-, and states are bound to disappear, given that they have no longer absolute power or authority within their territory or over matters that used to concern strictly them, like agriculture or security, among others. Security would in fact be considered one of the main flaws of the previous international order, and it would be no longer deemed a national issue, mainly because from the hyperglobalists point of view, national boarders and the state itself are eroded, which is why their decline would be imminent. Moreover, as a consequence of the economic interdependence, war would be a very onerous situation, because the defense of any given domestic system would simply be rejected by all the international community, in accordance with the new liberal values of the new world order. Hyperglobalism would simply be the quintessence of global governance, since there would be perfect synchrony of state's interests –mainly because there would be no external menaces, given that there would be no "exterior", and the common ground would be a system with no security crisis and no conflicts arousing, considering that states would only exist as mere domesticated entities, with no national interests to defend.

Conversely, skeptic scholars believe that nation-states are nothing but reinforced and enhanced, therefore globalization as a phenom-

38. David Held et al., *Transformaciones globales; Política, economía y cultura,* Mexico D.F, Oxford University Press, 2002, p. XXIX.

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enon would not entail the uprising of new world order that is not centered in nation-states.[39] On the contrary, from a skeptic point of view, Schmitt's friend-enemy distinction would be more valid than ever, since such a distinction would be considered as the foundation of the basic political formula of nation-states, and in consequence, of the international system. The latter is a milieu that entails for states the need of relating in a context of force, with consequent increase of centralism regarding security decisions and procedures, and governments, instead of being regarded as the victims or globalization, would be considered its main architect.[40] Nevertheless, some skeptic theories –like Huntington's- are not always extreme in every aspect, but instead add other considerations to the skeptic perspective. He does emphasize that "while expectations of a whole united world arise at the end of great conflicts, human history has shown that individuals have a tendency of dividing the world in two: us and them, one's own group and everybody else, our civilization and those barbarians"[41]; and suggests not only that states are and will continue to be the main subjects of the international system –since as such entities they train armies, direct diplomatic policies, negotiate treaties, go to war, control international organizations, and influence and configure commerce and production[42]-, but also that governments' priority is national security and external menaces. However, Huntington also suggests that not all states consider their own interests in the same exact way, and that even tough states do define their interests on the basis of power and security as they main concern, each state's culture, national institutions and own values would influence their interests and decisions regarding security affairs, therefore there could be varying levels of governance within states that share a certain kind of values –or in Huntington's words, that belong to the same civilization-, given that they would be able to encompass interests that are not conflicting in essence.

Lastly, transformationalists' approaches assure that states are not disappearing, nor are they being reinforced; on the contrary, they are bound to reshape themselves. Consequently, sovereignty is not questioned nor is it reinforced; it is just bound to be redefined, since it is considered to be a necessary element regarding states relationships. Transformationalism also understands that states' territory is not bound to become global and also that it is not being enhanced according to regional basis. It is their belief that states' territory is a mixture, ruled by both political and international agents. As a result, security is perceived both as an inter-domestic affair and as a type of conflict that exceeds one state's capacity; hence, security issues require a reconfiguration of the local and the international order,

39. *Ibíd.*, p. XXXV.

40. *Ibíd.,* p. XXXVI.

41. Samuel Huntington, *El choque de civiliza-ciones y la reconfiguración del orden mundial,* Paidos, Barcelona, 2005, p. 18.

42. *Ibíd.*, p. 20.

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given that classic nation-states are considered bureaucratic entities, whose apparatus is too big for the resolution of security conflicts. Consequently, and given that the new world order is understood by tranformationalism as an integrated and interdependent system, global governance would be considered a need more than an option, mainly because, as it was mentioned previously, security issues exceed states' scope, and require a wider framework that encompasses diverging and complex interests.

3. Conclusion – The viability of global governance in the matter of security

Conclusions regarding the actual existence of global governance, unsurprisingly, vary and differ on their very essence. A cynical view understands that the incidence of war around the world over the past sixty years, and no international police force on the immediate horizon, means that "there is little prospect for global governance mechanisms that can prevent large-scale violence".[43] Furthermore, it has been said that collective security provisions set forth in Chapter VII have never been fully implemented, since efforts like Korea and Kuwait were not truly international operations with broad representative groups of contributing states.[44] According to this approach, the United Nations and international organizations in general have proven to be ineffective in preventing war, since Cold War tensions and veto power in the Security Council often prevent the United Nations from launching concerted actions when faced with threats to international peace and security.[45] Consensus in action is not reached because of superpower rivalry and financial and human costs associated with security operations that are considered too high by many key states, which believe they have few direct national interests affected by conflicts far form they home base.

Such a perspective understands that "the end of the Cold War and the establishment of what is called a new world order gave many idealists great hope for the role of international organizations in the realm of peace and security affairs"[46], because consensus on taking strong action in conflicts such as the Gulf War and Haiti emerged, and there was increasing global attention to the concept of early warning, "the notion that the international community should be able to detect nascent conflict before it reaches the militarized stage and thereby take action that actually prevents violence rather than just dealing with its aftermath". [47] However, it has been said that failures in Somalia, Bosnia and Rwanda revealed that international organizations could not

43. P.F. Diehl, "Peace and security affairs", *The politics of global governance: International Organization in an interdependt world*, London, Lyne Rienner, 2005, p.193.
44. *Ibíd.*
45. *Ibíd.*
46. *Ibíd.*
47. *Ibíd.*

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be expected to succeed in all ventures they undertake, and that the lack of political will and the presence of complex conflicts remained as obstacles to the establishment of a true new world order; specially since "currently, international organizations are still struggling with the new global environment and searching for the right mix of organizational structures, procedures and strategies to deal with the variety of security challenges they now face". [48]

Similarly, Mearsheimer points that since the end of the Cold War, policy makers (western policy makers) have sought to create security arrangements in most regions of the globe that are based on international institutions, and that this approach to international politics rests on the belief that institutions are a key means of promoting world peace. He states that there has been a recent wave of academic interest in institutions, and quotes academic institutionalists who consider institutions to be a powerful force for stability, such as "avoiding military conflict in Europe after the Cold War depends greatly on whether the next decade is characterized by a continuous pattern of institutionalized cooperation"[49], or, commenting about the end of cold war, "there seems little doubt that multilateral norms and institutions have helped stabilize their international consequences. Indeed, such norms and institutions appear to be playing a significant role in the management of a broad array of regional and global changes in the world system today"[50]. The author considers such statements to be nothing but naive, since those assessments of institutions are not warranted, and they do not accurately describe the world, hence policies based on them are bound to fail.[51]

On the contrary, optimistic perspectives assess that, even tough effective global governance will not be achieved quickly, since it requires an enormously improved understanding of what it means to live in a more crowded, interdependent world with limited resources, the beginnings of a new vision for humanity are given, and people and governments are challenged to see that there is no alternative to working together and using collective power to create "a better world[52]", but such a vision can only flourish if it is based on a strong commitment to principles of equity and democracy grounded in civil society. Accordingly, it is believed that the United Nations must continue to play a central role in global governance, since "with its universality, it is the only forum where the governments of the world come together on equal footing and on a regular basis to try and resolve the world's most pressing problems".[53] Indeed, the United Nations is understood as the principal mechanism trough which governments could collaboratively engage in the multilateral management of global affairs.

48. *Ibíd.*, p. 194.

49. Robert Keohane, "The false promise of international institutions", in: John J. Mearsheimer ed. *The politics of global governance*; 3d ed., London, Lynne Reinner publishers, 2005, p. 61.

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53. *Ibíd.*

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Clearly enough, to understand the international system basically as a political conception –because the conflicts and contingencies that arise within its scope are not systematic or predictable in regard of their consequences- entails a necessary essential consequence: in terms of security, and the existence and convergence of the essential elements of governance –specially in a global level-, states usually have to cope with the fact that conflicts surpass their control, either because they are too big and no longer capable of resolving problems that affect small communities, or because they are too feeble, hence situations like international crime or drug dealing are beyond their regulatory capacity, all of which could eventually become causes of external conflict between said states, because of eventually diverging interests and conflicting positions.

As a result of the above, and although it is true that a given number of measures that aim for states' compliance with general or shared security parameters has a long way to go before it is regarded as a system of rules, -mandatory and susceptible of being enforced, like domestic legal orders-, or even as elements of governance allowing for the encompassment of diverging conceptions –therefore providing an incipient notion of order-, the fact is that the aforementioned status quo, or the mere existence of diverging opinions regarding the role of the Security Council or conflicting conceptions about the existence of exceptions to the prohibition of the use of force –like responsibility to protect- are both evidence of a fact: that a collective conception of security as no longer a domestic issue actually exists, and such encompassment –or aim for encompassment- of diverging conceptions is clearly an essential and inexorable element of an eventual international normative system.

In consequence, and even tough the United Nations Charter has been deemed both by scholars and some governments as an attempt to constitutionalize the international system, it is undeniable that outside each state's own boarders, political reasons and statements or conceptions greatly influence the world order. Now, all of the above considered, it would be short-sighted to suggest that there not political interaction between transnational actors, and that an important number of them does not aim for the resolution of problems that affect one particular region or the whole international community –regardless of what the existence of ulterior motives and what they could be-, therefore, there are responses to different sets of circumstances, which arise because of what security entails on international basis, and said response is indeed structured according to a process of in-

teractive decision-making –as mentioned before-, in the search for the encompassment of the majority of subjects of international law, which means there is indeed global governance in terms of security, if the latter is understood as an aim for encompassment, but not as a legal regime or structure, meticulously and flawlessly functioning.

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