Introduction

The discussion of accountability in global regulation leads inevitably to considerations of responsive governance. This chapter positions the regulation of crisis to ordering in the context of global governance no longer dominated by terror-centred risk/security priorities or the human rights compromises that these have produced. The analysis of global governance commences with a consideration of the consequences of risk/security globalisation wherein regulation has required rights compromise. From here, it is argued that as the risk/security focus shifts from narrow interests in terrorism to more universal crises, regulation has the prospect of endorsing rather than sacrificing human rights concerns through strategies of collaborative sociability where previously the emphasis was on command and control intervention.

The last decade of risk/security globalisation has witnessed the reassertion of militarist power over fundamental human rights protection under the guise of self-defence doctrines and the responsibility to protect, accompanied by a profound attack on one of the most universally confirmed human rights protections. Whether it was in the discourse of the war on terror or on regime change, this attack has not been baldly asserted as might is right, but in terms of some version of constitutional legality, and the consequent necessities of protecting civilisation. The challenge is all the more insidious in that otherwise rule of law states employ international legality to assert the supremacy of ensuring global ordering above the inviolability of human integrity at its most basic level. Some would even suggest that to do otherwise is to neglect the most basic obligations of the nation state to protect its citizens. Add to this the post-9/11 invocation of the global hegemony to fight on behalf of civilisation and the heat behind the torture/not torture debate is far from surprising.

Reflecting on a decade of terror-centred risk/security globalisation and its consequences for a rights-based global governance or some new form of...
international politics draws attention to the manner in which harm has been subjectified and contextualised both to confirm and constrain a new realistic appreciation of security before self-determination and its coverage and meaning in the sense of negotiated harm to humanity in the selective manner detailed below.

This chapter introduces a new epoch of globalisation where risk is measured not in terms of terror but rather crises which engulf the rich and poor, and those within and without the benefits of global security. It sees global governance, at present, directed to a sectarian and exclusive notion of world ordering. The crisis contexts explored earlier have torn away the mask of hegemonic harm priorities which has in recent decades been constructed only to reflect narrow interests of a preferred political economy. The place of hierarchy in global governance is critiqued and this links back to our consideration of disaggregated states in the regulatory environment. The place of international law in regulating global governance is singled out for particular evaluation. Capitalism and strains in political economy are, as our crisis context chapters revealed, under real strain as global governance wrestles with ordering from chaos. How does voluntarism precede a new global politics and regulatory pluralism? How are we left governing the ungovernable?

The analysis of global governance in transition to a reliance on regulatory sociability as a credible regulatory platform, from which to address the crisis to ordering contexts so far identified, requires a brief reflection of what is global governance, followed by a discussion of governance and regulation, and then onto a review of globalisation as the context within which both crisis and ordering are prioritised and expectations for regulation are determined. The torture case study of rights erosion through regulatory strategies governed by terror-centred risk/security globalisation will be used to suggest how command and control undermines the possibility for sociability and the rights protections it complements. This chapter will conclude with the speculation of the power of sociability to regulate crisis to ordering at no cost to rights individual and collective. The thesis is that more than regulation and rights being compatible, regulation relies on rights and vice versa in the advancement of sociability.

Global governance

For a simple reading in this book, governance is equated with governability. Traditionally, governance is founded in the authority of sovereignty within nation states. The transition from the state to the global and the dilution of the link between authority and sovereignty which this entails question the identity of authority on which global governance and its institutions and processes rest. Interrogating the nature of the authority underlying global governance leads to an understanding of why fledgling institutions such as