GLOBAL GOVERNANCE IN THE LIGHT OF PANDEMIC COVID 19

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ABSTRACT

The situation, with the COVID-19 has emerged with the enforcement of new societal rules. Moreover, when the language of global governance is evoked, the global rules and norms are intended to become a substitute for the authority and rule of territorial state. United Nation can play important role in establishing a credible global governance system of rule. Moreover, UN with their credibility can be in purpose for successful coordination and cooperation among national sovereign states. The contemporary situation and precaution measure with pandemic COVID-19 are similar with the infection control in Islam which includes isolation and quarantine. Moreover, the precautionary principle contributes to overcome pandemic situation with COVID-19 and can facilitate the management of interdependence and increase the policy coordination among state. In interaction between states for allocation and protection of Global Public Goods is desirable outcome of agreement pursued by justice and fairness. In this discourse in international arena Islam plays an important part in protecting GPG and resolving situation with the COVID-19. So global governance helps to resolve collective action problems experienced by members of international system and to provide and protect global public goods which states acting individually cannot ensure.

KEYWORDS

Global Governance, United Nation, Covid 19, Islam, Precautionary principle, Global Public Goods

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1. INTRODUCTION

Global governance refers to de jure mechanism intended for the organization of international relation as they concern the executive systems in charge of stating and applying international rules as well as public and private actor (Alliance for responsible, plural and united world, 2000) According to them they suggest the three principles for renewed global governance. First at all, the principle of responsibility of state that all power induces responsibility. Second, the principle of subsidiarity which implies shared responsibility and third, the principle of plurality of states where action must not conflict with the diversity of cultural background.

The main objective of this study is to present the approach on management of global governance associated with Pandemic issue COVID-19. The situation, with the COVID-19, has emerged with the enforcement of new societal rules. Therefore, for us is important how are perceived and accepted the measure as a, isolation, distance, mask, limitation of movement and the implementation of other Global Rules.

The remainder of this paper attempts to formulate replies to these issues and to improve the scientific and societal comprehension of this social dynamics that impact the international institutions, states and everyday lives of many people in contemporary society. In addition, this study may serve as a stepping stone for future social and economic research in this rapidly evolving social phenomenon.
The research problem forms a methodological challenge because it requires an explorative study of global phenomena, applying innovative concepts.

The main challenge of this research paper is that the concepts and theories should be developed out of the data and these emerging concepts and theories should be improved by checking them repeatedly against new sources which are collected specifically for this purpose (as the data about Pandemic COVID-19 constantly change).

This choice is made to leave more room for theoretical reflection and conceptualization on the basis of existing literature and limit the study only to development of the theory rather than to empirical research. Through this study-approach an in-depth analysis was made for this contemporary phenomenon of global governance associated with Pandemic issue COVID-19 using multiple sources of evidence and combining theoretical thinking (development of innovative concepts) and empirical reflection.

The secondary sources were used to address the research problem formulated, in combination with the accessibility of primary material and the available resources at the moment.

2. GLOBAL GOVERNANCE AND PANDEMIC COVID 19

Global governance as a term sometimes is confronted and contestable (Dingwerth and Pattberg, 2006). Finkelstein (1995) argues, “We say ‘governance’ because we don’t really know what to call what is going on,” and that ‘Global Governance’ appears to be virtually anything”.

Moreover, when the language of global governance is evoked, the global rules and norms are intended to become a substitute for the authority and rule of territorial state. This result raise when the mechanism of global governance is supposed to embrace the functions of the state which is no longer able to perform due to their global norm. This puts global governance in opposition to the principle of sovereignty (ibid).

An awareness of conceptual ambiguity led to conclusion that global governance is a theme in need of focus (Graam and Powel, 1994). The important perspective is presented by the advocates for strengthening the UN as a center of Global governance. The commission on global Governance within the UN has proposed a program for reinventing the UN with enhanced legal order. They define global governance as a follow: “Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be their interest (Commission on Global Governance, 1995). According to Rosenau (1992), the term global governance for the first time is used in order to emphasize the implication of widespread reorientation of individuals, political skills and horizons. Moreover, for him Global governance is closely related with the work to recognize the global change and to reduce the complexity (Rosenau, 1992). While to point out that governance is not synonymous with government, we need to stress that the government are backed by formal authority and also with power to ensure their policies. But in contrast governance perform activities backed by shared goals which not necessarily rely a police power to overcome defiance and attain compliance (Rosenau, 1992).

According to Latham et al. (1999) we have another approach to global governance similar to Keohane definition which states that governance in the global arena refers to all governance that occurs throughout the global order. Thus, the former still operates at the state level even if its operation is global (Latham et al. 1999).

In order to clarify global governance Gordenker and Weis (1999) define the global governance as “efforts to bring more orderly and sociable responses to social and political issues that go beyond the capacities of states to address individually”. In other words, thus reflect situation which various state and

non-state actors are in scene, in process of making a global rule protecting their interests as we have same situation with COVID-19 (request for isolation-quarantine and other precaution measure).

The moral component is an important in this discourse. Moreover, for Habermas (1998) moral norm are valid if "the foreseeable consequences and side effect of its general observance for the interest and value orientations of each individual could be jointly accepted by all concerned without coercion. Moreover, it is integrated approach with the diversity of actors in behaving and accepting the diversity of values among each other. Thus, the process must be seen not solely by individual action of a broad picture of global governance but as a temptation to bring in an integrated framework, legally, economically, culturally.

However, the formulation, implementation monitoring and enforcement of societal rules could in principle also occur through nonofficial channels (Sholte, 2004; Brasset, 2008).

Moreover, the legitimacy with the recommendations from the World Health organization how to deal with the pandemic COVID-19, management of Borders and other internal precaution measure as an isolation and limitation of fundamental freedom of citizens as free movement of people, goods, labors, restriction for assembly, restriction of assembly and religious practice and other recommendations all in function for prevention from COVID-19 and a precaution measure to handle the COVID-19.

Moreover, we need to accept global governance as a set of power relation that extends across multiple levels (from local to global) multiple players (public and private) and different dimensions psychological, racial, familiar in order to avoid limitations of previous approaches (Sholte, 2004; Brasset, 2008). The implementation of measures concerning with the pandemic COVID-19 show up new impetus or new reality, the legitimacy without contestation. Although, this new dimension of behaving has emerged as a reflection for new concept concretely a global ethic with moral denomination, only in the pandemic era. The former director of IMF Horst Kohler has affirmed: "A global world needs a global ethics" (Sholte, 2004; Brasset, 2008). Importance of ethics has raised in governmental and civil sector. In this line, Higgot (2000) stipulates: "Politics in the context of the emerging global conversation about governance, needs to be understood as not only the pursuit of effective and efficient government, but also a normative, indeed explicitly ethical approach to the advancement of a more just agenda of global economic management (Higgot, 2000).

3. THE UN REFORM AS A CHALLENGE FOR GLOBAL GOVERNANCE

The central challenge for the UN today is that the institutional framework and the capacity within the UN for dealing with contemporary global challenges are not equal with the scope, scale and nature of the challenges themselves.

United Nation can play important role in establishing a credible global governance system of rule. Moreover, UN with their credibility can be in purpose for successful coordination and cooperation among national sovereign states. Rosenau express his view that the world is divided into two systems the system of sovereign states and emerging multicentric world and the United Nations play the solitary role as the bridge between them. (Rosenau and Czeimpiel, 1992).

The UN has the potentially to ensure that the ideas, norms and rules which underpin global governance reflect the diversity of values and interest in the world (Makinda, 2000). The external or judicial sovereignty is important component of state, which has over it no other authority than that of international law (Smit, 1999; Rugie, 1998). Thakur (2000) argued: "The greatest strength of United nations is that it is only universal forum for international cooperation and management. It must to continue to play crucial role in establishing normative order which strikes balance between the competing demands of equity and political reality" (Thakur et al. 2000). Therefore, to restore legitimacy UN is a best tool for renovation of existing legal order, from it generated numerous norm and legal agenda, and such issues as an environment-climate issue, migration, human rights and other area protecting global public goods and today pandemic COVID-19. However, Vienna declaration and

Program of action gives new dimension reflecting diversity and recognizing the significance of national and regional particularities and various historical, cultural and religious background (ibid).

There are several explicit reflections of institutional inadequacy that are at present under analysis and which have generated proposals for reorganization. First, the United Nations Security Council as a creation of the post-World War II alliance is provoking a crisis of obsolescence. The deliberation about representation and decision-making is in process. The second and third largest economies in the world, Germany and Japan are not represented as permanent members of the Security Council. But also Turkey and Islamic Countries and non-developing countries are not represented either. Thus, imply new solution and restructuring the UN -Security Council. Global challenges in the global age seem to be characterized more by interactions and communications rather than by isolation. Moreover, the Syria war and their reflection with suffering of millions of people and migration is best example for passive watching and by end of the day, breach of international law and abuse of power. However, within the UN as an international organization we need to perform new regulation for reorganization. Thus, reflect an international system based on specialized agencies into a state of inadequacy as the nature of contemporary interrelated problems exceeds their expertise based on specialization (Current situation with the World Health Org) (Ibid).

Confirming that, the institutional framework today is inadequate, it does not mean that it's not possible to invent a new formulation that is fully adequate and achieves perfect enhancements on all fronts.

4. THE PRECAUTIONARY PRINCIPLE

The precautionary principle has increased as an important issue in multilateral environment agreements especially during the current situation with COVID-19. Although the principle where contentious during the negotiations leading to the 2001 Stockholm Convention on Persistent Organic pollutants[29]. This principle is important and requires observing their role in international environmental Law and managing the interdependence among states globally. Vital measures are appropriate when trying to control the spread of any or all infectious diseases. Some academics indicate that the main role of precautionary principle is the redistribution of the burden of scientific uncertainty (Maguire and Ellis, 2005). Different medical protocols and different measures taken by states all around the word enforce this uncertainty, thus institutionalizations of precautionary norms domestically, rise to be carried out at the global level, which reinforces the multilateral processes. The German Vorsorgeprinzip is typically related with the conceptual origins of the precautionary principle (Churchill and Freestone, 1991). Thus, also transmitted by 1991 as the "most important new policy approach in international environmental cooperation" (Ibid:36). After reviewing the international legal tool incorporating precaution, from Commission side it's argued that the principle" has been progressively consolidated in international environmental law, and so it has since become a full-fledged and general principle of international law"[30]. Moreover, it's "crystallized into a norm of customary international law" (McIntyre and Mosedale,). However, we have different set of opinions or contradictory about the precautionary principle as impractical or source for protectionism[31]. It was introduced in the international agenda in the case of marine pollution[32]. The principle has become established as a prevention norm in different issue in international agenda or in global governance related to climate change where States Parties "should take precautionary measures to anticipate, prevent

[29] Convention on Persistent Organic Pollutants, 22 May 2001, 40 I.L.M.532.

[30] Communication from the Commission on the Precautionary Principle, COM (2000)1 final: 10 (hereinafter EC Communication on the Precautionary Principle).

[31] EC Communication on the Precautionary Principle, p. 6.

[32] Ministerial Declaration, Second International Conference on the Protection of the North Sea, London,24–25 November 1987. See also, for example.

or minimize the causes of climate change and mitigate adverse effects "(United Nations Framework Convention on Climate Change,9 may 1992, 31 I.L.M.849, art. 3). Another requirement imposed is that the measures taken "should be cost effective so as to ensure global benefits at the lowest possible cost" (Ibid).

The precautionary principle has also been incorporated into the WTO agreement on the application of SPS measures those necessary to protect" human, animal or plant life or health" and also used in several trade disputes. The European Union invoked the precautionary principle in support of its ban on importations of hormone-treated beef from Canada and the United States. The ban was declared to be in violation of GATT/WTO obligations: Report of the Appellate Body, EC Measures Concerning Meat and Meat Products (Hormones), WT/DS26/AB/R, 16 January 1998 (Appellate Body Report), but the relevance of precaution to international trade disciplines was acknowledged. The most important embodiments of precaution in international legal instrument Rio Declaration concretely the principle 15 which represents orientation point with the international legal meaning or almost the core principle in international law. The principle stipulates "In order to protect environment the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation"[33]. The principle encourages policymakers to avoid the paralysis of scientific knowledge uncertainty (McIntyre and Mosedale). Particularly for global governance is important to specify the outcome: put into effect the Stockholm Convention with the 151 states signatories, seventy-six of which were full parties having ratified domestically. Moreover, the precautionary principle contributes to overcome pandemic situation with Covid 19 and can facilitate the management of interdependence and increase the policy coordination among state. More recently international relation is concerned with different viruses and diseases' and also with ecological issues (Lipschutz, 1997). In ecological processes and economic activities some unilateral attempts by states to prevent some certain environmental impacts are doomed to failure, because of prior commitment for arbitration as in WTO (Litfin, 1999). Coordinated multilateral precautionary action on the global stage is response to the mutual weakness experienced by States.

5. GLOBAL PUBLIC GOODS AND GLOBAL GOVERNANCE

The contemporary context, we have human, economic and environmental interdependence. In light of these interdependencies the current system and international law are challenged with non-exhaustive list of need, starting with the current situations with the pandemic COVID-19 virus (concerning the public health), refuges, international crime, poverty, international peace and environment[34]. All these are questions of Global Public goods. The question which arises is whether current international legal order is capable to cope with the challenges of reality. Market does not perform in efficient manner with regard to Global Public goods. Important difference between Public and Private public goods are non-excludability and non-rivalry (see Samuelson, Cooter and Ulen). The different problems which challenging as well as a social, cultural, environmental and other telling us the allocation of goods isn't in optimal way. As an example, the environment the different measures taken individually by state or action on climate change has failed or are not satisfying. It is argued with the evidence of negative impact upon the atmosphere. The GPG with the problems occurring among us, require integrated solutions[35]. As example the deliberation about implementation of Kyoto protocol.

[33] Rio Declaration on Environment and Development, Report of the United Nations Conference on Environment and development, UN Doc. A/CONF.151/6/Rev.1(1992),31 I.L.M.874(1992)

[34] See basic document, http://www.icjcij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_II

[35] EU Focus on Global Public Goods, The EU at the WSSD, 2002,http://europa.eu.int/comm/environment/wssd/publicgoods.pdf. (13 November 2003).

Discussing the different problems taking place in international arena the Security Council has declared in its Summit declaration of 31 January 1991 that the threats to international peace and security can evolve from ”sources of instability in the economic, social, humanitarian and the ecological field”[36]. Despite this declaration Security Council hasn't taken any enforcement measures to protect other Global Public goods than international peace and security[37].

The current situations in the global level, verifying that, to achieve better result, there is the need for coordination and agreement. For better allocation of GPG's the problem rose with noncompliance. In Hobbes theorem is pointed: ” Some transaction costs are endogenous to the legal system in the sense that legal rules can lower them“ (Cooter, 1982). Law must prevent coercive threats and to eliminate the destructiveness of disagreement. This is called the normative Hobbes theorem. If there is only disagreement in society, there will be chaos in society. Thomas Hobbes (17 century) thought that people would seldom be rational enough agree, even if there no serious impediments to bargaining (homo hominis lupus). There natural cupidity would lead them to quarrel unless a third, stronger party forced them to agree. This idea is explained at length in Cooter (1982), “The cost of Coase”. To protect global common, we need to work on definition for sustainable arrangement on global governance. Present generation should weight the impact of their action on future generation (see Kaul, Grunberg and Stern, year). In interaction between states for allocation of GPG's is desirable outcome of agreement pursued by justice and the aimed-on confidence building as an example for the EC treaty. There is also currently no exit option in the EU treaty. This might change when the new European Constitution is adopted in this process must be involved multiplicity and diverse actor for achieving lower transaction costs. Probably principle “res comunis” and common heritage of mankind stresses and hold right to use GPG's but also implies obligation for all. The current reality with pandemic situation has affirmed that the obligation not rest only on government but also on “citizens, as individuals and as members of different private groups and association. It's important that the national legal order must be linked with international legal order and so international interest become national interest (K. Annan, 1999).

6. ISLAM AND MEASURE CONCERNING THE PANDEMIC COVID 19

The contemporary situation and precaution measure with pandemic COVID-19 are similar with the infection control in Islam which includes isolation and quarantine.

In the context of the discourse here is useful concept of soft power in relationship of religion in the international arena as a "Capability of an entity, usually but not necessarily state to influence what others do through attraction and persuasion” (Haynes, 2009).

Islam as world faith is a holistic belief system and it takes into account the physical, emotional, and spiritual wellbeing of individuals and societies. Moreover, the care for the human being is important, safeguarding communities, including its weakest members, is of principal importance. More than 1400 years ago, Prophet Muhammad, may the mercy and blessings of God be upon him, was teaching his followers hygiene practices that are still applicable in the 21st century.

The recommendations and teaching of Prophet Muhammad, give you an idea about, that clearly indicates Islam's stance on coughing and sneezing openly. Prophet Muhammad educated the believers to cover their faces with hand or something else when sneezing(I)mam Mustadrak Haakim ***Al-Mustadrak ala aṣ-Ṣaḥeeḥayn***).

Prophet Muhammad, may the mercy and blessings of God be upon him, introduced strategies that are today implemented by many governments' public health authorities. He recommended his followers (the believers) not to travel to places known to be afflicted with illness and he advised those in the contaminated areas or people not to leave and spread the disease further afield. The Prophet Muhammad

[36] UN Doc. S/42111 (1992).

[37] Ibid

said: **"If you hear that there is a plague in a land, do not enter it; and if it (plague) visits a land while you are therein, do not go out of it"** (Imam Sahihul Buhary) Therefore, the Prophet also advised ill people not to visit healthy people. Different states around the world have different strategy, some of them are legally able to oblige sick, infectious people to remain in quarantine or in isolation and to keep distance in order to stop the spread of disease.

The teaching and principles of Islam are intended to benefit all of humankind. Instructions and recommendations for personal hygiene and cleanliness promote the well-being of individuals and communities. Precaution and Infection control is important in Islamic hygiene behavior. Washing the hands, the mask-covering the mouth when sneezing or coughing, voluntary isolation, when one is feeling unwell, and restricted travel is an effective and comprehensive public health strategy. Precaution and other measures taken in the 21st century to prevent the spread of infections and viruses conform almost exactly to the hygiene and infection control practices taught by Prophet Muhammad. Islam is a religion concerned with creating a society of healthy believers.

CONCLUSION

The international organizations their accountability, legitimacy and effectiveness require more attention. We must be aware about the fact that we have different approach arranging the global governance process and also with the fact that in some cases we are facing with double standard. Recent development shows us how is difficult to treat some sensitive issue thorough Security council. Because Intergovernmental and multilateral treaty making process under UN sponsorship provides god opportunity for future, but at the moment they are facing with lack of legitimacy (The UN and the Security Council, and at the moment WHO).

However today is important to mention that we are in the need for clear and legitimate system within a function to cope with the internal and external challenges among member to avoid conflicts and to perform abilities and rules how to achieve the balance between members. Dynamic of globally changes to contemporary world require dynamic answer. Some of the functions of governance are performed by the activities that are not product and result from the government but from the treaties or international agreements. Its show us that we have a need for management of communication between states globally not only for the trade, to remove the barriers of misunderstanding for the ability to implement more international agreements and to have coordination in the function to cope with challenges of contemporary and future crisis.

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