

Global Governance as State Transformation

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Many argue today that global governance is 'in crisis'. This reflects an undue emphasis on the fate of multilateral institutions: if they are deadlocked, global governance does not appear to be progressing. This is misplaced. Today, global governance is increasingly being pursued not by erecting supranational institutions empowered to govern issue areas directly, but by transforming states' internal governance to enact international disciplines domestically. In many policy domains, efforts are underway to reshape state institutions, laws and governance processes in accordance with global priorities, regulatory standards and action plans. However, because these moves privilege certain interests and ideologies over others, this is a heavily contested process. The politics of global governance thus occurs not just at the global level, but at the local level too. The argument in this article is illustrated using examples from maritime security and anti-money laundering governance.

Keywords: global governance; state transformation; regulatory state; money laundering; maritime security

Virtually no sooner than global governance became an object of study in international relations (IR), scholars – rapidly echoed by practitioners – began declaring that the project was in crisis. The stalling of the Doha Round led to assessments that the World Trade Organization (WTO) 'faces an existential crisis' (Elliot, 2013). Similarly, the failure of negotiations to replace the Kyoto Protocol regime on climate change has prompted the widespread assessment that global environmental governance is also 'in crisis' (Park *et al.*, 2008). The United Nations was said to be undergoing 'constitutional crisis' as early as 1993 (Reisman, 1993), and by 2003 the body was consulting civil society groups on 'the crisis in global governance' (UN NGO Liaison Service, 2003). We are now warned that global governance in general is 'at risk' and 'failing when we need it most' (Held and Charles, 2013; Held and Young, 2013; Weiss, 2013).

Underpinning these gloomy assessments is a very particular notion of what global governance *is*. The focus is on high-level, intergovernmental negotiations shaping the design and operation of formal, multilateral institutions. Thus, when such institutions are 'deadlocked', it appears that global governance has stalled (Bradford and Linn, 2007). As Rorden Wilkinson (2001) puts it, 'institutional inertia' generates fear that the project is in 'crisis'.¹ Accordingly, its supporters hasten to recommend reforms and ways to advance negotiations to spur global governance onwards.

This treatment of global governance and international organisations as synonyms overlooks an extensive, earlier literature that showed how global governance can operate through many diverse mechanisms – not just supranational institutions (Rosenau, 1995). This includes work on private transnational regulation, including multinational corporations, and explorations of 'hybrid' regimes combining private, state and international actors and institutions (e.g. Cutler *et al.*, 1999; Ferguson and Mansbach, 1999; Bull and McNeill, 2007). From this perspective, global governance may occur and expand even

if multilateral organisations stall. More importantly, however, although multilateral processes can generate new global regulations, supranational organisations are rarely – if ever – empowered to govern any issue area *directly*, through exercising sovereign, compulsory power. Rather, *states* remain both ‘the agents through which the structures of governance are instituted and financed, and the agents through which the efforts of these structures are largely realised’ (Webber *et al.*, 2004, p. 6). Thus, global governance occurs not merely through the conclusion of international agreements or the establishment of private or hybrid regulations, but through states’ subsequent *adaptation* to new global standards.² Indeed, global governance cannot be effective unless this adaptation occurs – a point frequently neglected in mainstream IR. Again, this overlooks earlier neo-Marxist and post-structuralist explorations of global governance occurring through the ‘internationalisation of the state’ – the reworking of domestic institutions and agencies to serve ‘global’ purposes (e.g. Cox, 1997).

This article builds on this earlier literature to refocus analytical attention on *state transformation* as a primary mode of contemporary global governance. ‘State transformation’ here denotes institutionalised or routinised shifts in the instruments through which state power is exercised, the actors exercising it and the ideological rationalisation for its use (Hameiri, 2010). We argue that, today, global governance rarely involves the creation of international institutions intended to manage issues directly and authoritatively as ‘supranational’ global governors. More frequently, where necessary, powerful interests evade the ‘deadlocked’ politics of multilateral organisations, generate regulations by fiat, then exert pressure on states to adapt to meet these new standards. Multilateral institutions may still be involved, but they do not govern policy domains directly. Rather, they are used to develop rules, regulations, procedures and standards to be embedded in states’ domestic governance – that is, they are involved in ‘meta-governance’, the ‘governing of governing’ (Jessop, 2003). Thus, global governance does not necessarily involve a shift of authority from states to supranational organisations. Rather, it occurs by creating and transforming domestic state apparatuses to serve internationally determined priorities and impose international disciplines on other parts of their states and societies. These apparatuses lose their solely domestic character, becoming networked into transnational, regulatory and multilevel governance regimes. Where successful, authority is thereby shifted, not necessarily out of the hands of state actors, but into agencies that are more accountable to international than domestic actors. Although depicted as a functional necessity, this process significantly reallocates power and is therefore hotly contested, with *local* politics of state restructuring thereby shaping outcomes in global governance. Refocusing analytical attention in this way shows that the global governance project continues apace, despite the ‘crisis’ of multilateral organisations.

Our argument proceeds in two sections. The first elaborates our claim that state transformation has become a primary mode of contemporary global governance. The second illustrates this with examples drawn from security and economic governance: international maritime security initiatives, and the Financial Action Task Force’s (FATF) anti-money laundering (AML) regime. A conclusion draws out the implications for the study of global governance.

Global Governance as State Transformation

This section identifies how state transformation has become a primary mode of global governance. The first part defines, theoretically and historically, the meaning and nature of state transformation, identifying it as a reconfiguration of both institutions and power since the late 1970s. The second charts the shift in global governance practice from a concern with international institutions to a focus on domestic governance. The third part shows how these two trends have intersected, with contemporary global governance projects seeking to harness and accelerate transformations in statehood to achieve global public policy goals. The fourth part underscores that, consequently, the production of global governance is now subject to the local contestations surrounding domestic state transformations.

Understanding State Transformation

To understand the emergence of state transformation as a mode of global governance, it is first helpful to identify what this concept means, not least since it carries different connotations for different scholars. Here we elaborate an approach premised on Gramscian state theory and a historical overview of changes in statehood since the late 1970s.

For some liberal scholars, 'state transformation' denotes changes in states' internal governing architecture as authority and even sovereignty shift upwards, downwards and sideways from a previously more centralised, 'Weberian' and 'Westphalian' order, with clear hierarchies and lines of control (Rosenau and Czempiel, 1992). Central governments are seen to have retreated from directly intervening to secure social, economic and political goals to a 'regulatory' role, coordinating a wide array of public, private and quasi-autonomous agents (Majone, 1997). Liberals and functionalists often depict these changes as a sensible response to the failures of 'command-and-control' style bureaucracies and rising societal complexity.

For more critical scholars, these reconfigurations of statehood are less about efficiency gains than about redistributing power. Particularly in the Gramscian tradition, states are not seen as neutral apparatuses standing above and regulating society, but rather as expressions of socio-political power. Because state institutions distribute power and resources and offer uneven access to different social forces pursuing different political strategies, they are always contested, with groups seeking to remould states to advance their interests and preferences over those of their opponents (Jessop, 2008; Poulantzas, 1976). From this perspective, the aforementioned state transformations should be understood as a political project, driven and resisted by identifiable socio-political forces. They involve at least partly institutionalised or routinised shifts in the instruments through which state power is exercised, the actors exercising it, and the ideological rationalisation for its use (Hameiri, 2010).

This approach helps to frame the evolution of Western states since the late nineteenth century. At the start of this period, centralising forces associated with industrialising capitalism were busy consolidating national markets and 'nation states', creating the image of states as 'power containers' (Giddens, 1987) whose authority mapped neatly onto their respective sovereign territories (Tilly, 1990). This 'national' organisation of the state was further consolidated after the Second World War. To avoid a return to the previous decades of depression, war and social unrest, and the radicalisation of workers in the

context of the Cold War, capital and organised labour reached a new accommodation, resulting in the creation of Keynesian welfare states in Western Europe. In exchange for industrial and social peace, capital conceded a rising social wage, organised through state-provided welfare, while the state managed national economies to promote national growth. Labour unions and peak business representatives were inserted into new corporatist state apparatuses to oversee this regime (Jessop, 2009). This system of 'embedded liberalism' was supported internationally by the Bretton Woods settlement, which prioritised and assisted state-managed national development (Ruggie, 1982). This approach also spread to emerging post-colonial states, which, notwithstanding serious superpower interventions, were also supported in their consolidation by strong norms of sovereignty at the UN and extensive assistance to develop national economies. Thus, the initial post-war decades were characterised by 'the primacy of national economies, national welfare states, and national societies managed by national states concerned to unify national territories and reduce uneven development' (Jessop, 2009, p. 99).

However, the 1970s crisis of capitalism triggered renewed social conflict that again transformed European states and began dismantling the national scale of governance. Stagnating profit rates led to often violent struggles over economic surplus, which were eventually resolved in favour of large-scale capital. Trade unions were attacked and corporatist state institutions dismantled by the political right, facilitating the erosion of social protection and the power of organised labour more generally. European economies were rapidly opened to global flows, facilitating offshoring and financialisation, which restored capitalist profits while further undermining workers. State apparatuses were gradually reconfigured to reflect the new balance of power (Cerny, 2010; Jessop, 2002). Their purpose changed from securing a socially functional distribution of the economic surplus through direct economic intervention and service provision, to ensuring competitiveness and pro-market regulation. This transformation – and the associated marginalisation of organised labour – was cemented institutionally by the extensive privatisation of state assets, widespread economic deregulation and the delegation of regulatory control to a host of independent or quasi-autonomous agencies such as independent central banks, whose decision-making was not subject to political control or contestation.

This rise of 'regulatory statehood', while most pronounced in Europe, has been observed in apparently 'Westphalian' states like China (Zheng, 2004) and other developing countries (Dubash and Morgan, 2013) – although the forces driving transformations in these contexts were somewhat different (see below). Crucially for our purposes, it is this disaggregation of statehood that paved the way for agencies within these states to become transnationally networked, creating new global governance regimes.

Global Governance: From International Regimes to State Transformation

In tandem with the aforementioned changes in statehood, policy makers and practitioners in powerful states and international agencies have become increasingly concerned with altering domestic governance in particular territories to address global public policy challenges. This reflects a shift away from an exclusive concern with interstate institutional dynamics, which is under-appreciated by some global governance scholars.

Like contemporary changes in statehood, the beginnings of ‘global governance’ as a political project can be traced to the 1970s, when the national scale of governance began to be depicted as insufficient to address key challenges facing humanity. These included environmental degradation like acid rain and the fallout from the Chernobyl disaster, the 1970s oil crises, and the 1980s debt and financial crises. States’ incipient responses to these challenges mostly involved attempts to coordinate their responses better via international institutions. This fostered a generation of research on international ‘regimes’, concentrating heavily on the formation and operation of formal multilateral rules and institutions (Hasenclaver *et al.*, 1997). This focus reflected the primary emphases of IR theorists on interstate dynamics and the presumed difficulties of generating cooperation under international anarchy. This problematique generated extensive scholarship on the difficulties of designing multilateral institutions that provided sufficient incentives or sanctions to compel states to comply with international rules (Baldwin, 1993).

However, the end of the Cold War generated unprecedented liberal optimism about a ‘new world order’, wherein global institutions could be empowered to manage global problems effectively, free from the paralysis of ideological conflict (see Barnett, 1997). This normative aspiration for ‘global governance’ was reflected in a new generation of scholarship under this label. Yet, reflecting its earlier origins in regime theory, global governance scholarship shared many of its basic assumptions and problematiques, continuing to focus heavily on intergovernmental dynamics and multilateral institutions, albeit with the novel addition of non-governmental actors in some theoretical models (see e.g. McGrew and Held, 2002). This focus explains why, as the introduction noted, many global governance scholars are now so alarmed by deadlock in these institutions, perceiving a ‘global governance deficit’ when supranational authorities apparently fail to emerge (e.g. Haas, 2004).

However, this narrow focus on multilateral organisations and their travails overlooks a great deal of global governance that has actually emerged since the 1970s. As James Rosenau rightly insisted, global governance should denote ‘more than the formal institutions and organisations through which the management of international affairs is or is not sustained’; it should ‘include systems of rule at all levels of human activity ... the many other channels through which ... goals [are] framed, directives issued, and policies pursued’. Importantly, this includes ‘subnational mechanisms’, generated ‘by frustration with existing systems that seem best offset by contracting the scope of governance’ (Rosenau, 1995, pp. 13–14).

This ‘frustration’ with multilateralism and a redirection in attention to ‘subnational’ governance – and thus state transformation – is clearly reflected in the contemporary policy literature. For example, a recent book by former World Bank Vice-President Ian Goldin argues that while global problems require global policies, international organisations are too ‘remote’ to manage issues directly, while the implementation of many international agreements is held ‘hostage to domestic politics’ (Goldin, 2013, Chapter 2). Consequently, Goldin advises that ‘coalition[s] of the willing’ instead devise global rules, then press other states to alter their domestic governance accordingly. Achieving this requires jettisoning the ‘outdated concept of sovereignty’. The ‘unitary state’ must be ‘disaggregated’: ‘transnational networks of public-sector professionals’ should be networked ‘with their international counterparts’ to ‘solve certain cross-border challenges, task by task’ (Goldin, 2013, Chapter 3; for similar arguments, see Chayes and Chayes, 1995; Slaughter, 1997). Empow-

ering technical regulators is beneficial because, unlike political leaders, they ‘do not have to balance finding an effective solution against ... competing interests’. Consequently, they can ‘reach clear-headed assessments of the challenges’ and ‘make great headway in the harmonisation of standards’. This transnational, functional, technocratic approach aims deliberately to ‘circumvent ... the most powerful interests in a sovereign state’ and difficult multilateral negotiations – i.e. to bypass politics altogether (Goldin, 2013, Chapter 3).

This ‘domestic turn’ in global governance practice is not new: it occurred initially in the field of international development before spreading rapidly to other domains in the 1990s. One of the earliest instances of ‘frustration’ with the limitations of governing through global institutions was the widespread failure of structural adjustment packages imposed by the International Monetary Fund (IMF) on many developing countries following their 1980s debt crises. Although the neoliberal ‘Washington Consensus’ apparently reigned in the international financial institutions, many debtor governments failed to implement commitments to liberalise their economies. Accordingly, development institutions shifted from discrete interventions to promoting a *continuous* process of governance transformation in Southern states (Williams, 2013). Reflecting Goldin’s dismissal of sovereignty as ‘outdated’, practitioners promoted a notion of ‘shared sovereignty’, whereby donor agencies would be inserted directly into target state institutions, controlling key functions like budgetary allocation (Krasner, 2004). Continuous donor engagement and capacity-building also targeted key domestic institutions, especially finance ministries, seeking to insulate them from domestic ‘rent seekers’ and other ‘spoilers’ in order to enact reforms and achieve ‘good governance’ (Harrison, 2004). Sovereignty was thereby substantially redefined from denoting autonomy from external control to denoting the capacity to govern in line with international expectations (Chandler, 2006). As neo-Gramscian scholars rightly noted, these projects sought to regulate the global economy through the ‘internationalisation of the state’ in developing countries (Cox, 1997, p. 254). Southern states were reconfigured from providers of national development and welfare, guarding against ‘external disturbances’, into ‘transmission belts from the global to the local’, enacting neoliberal regulations (Cox and Sinclair, 1996, p. 302). However, in the 1990s, this approach spread well beyond the economic issues that neo-Gramscians typically emphasise, including into the domains of international peace and security (Hameiri and Jones, 2015). For example, transboundary risks and threats were increasingly addressed through international state-building projects, which sought to reconstruct post-conflict states in ways that would serve international agendas, particularly the containment of violent unrest, refugee flows and other transboundary security threats (Hameiri, 2010).

State Transformation as a Mode of Global Governance

We can now observe that these two trajectories – changes in the nature of statehood and a growing concern with changing domestic governance – have increasingly intersected to make state transformation a primary mode of contemporary global governance. This occurs through: (1) the transboundary networking of states; (2) the acquisition by powerful state agencies of governance functions beyond their borders; and (3) the production of ‘meta-governance’ by international institutions. While the first mode of governance has

attracted significant scholarly attention, particularly in European Studies, this is less true of the second and third modes. We consider each in turn.

The fragmentation of states has significantly facilitated the integration of particular apparatuses across formerly distinct national boundaries – a process Rosenau (2003) dubs ‘framegration’. As Kanishka Jayasuriya (2004) observes, the dispersal of power and authority to public and private agencies at multiple scales has broken the ‘Westphalian frame’ dividing the international neatly from the domestic. International interactions are no longer the monopoly of foreign policy executives. Numerous, previously purely domestic, agencies have developed cross-border relationships with their foreign counterparts to coordinate their policies. Particularly in Europe, this has generated highly complex, multilevel governance arrangements (Hooghe and Marks, 2003), but ‘transgovernmental networks’ of the kind favoured by Goldin (2013) have been widely observed in many other contexts (Slaughter, 1997). Again, functionalists and liberals tend to see this as a sensible, problem-solving response to growing interdependence. However, reflecting our view of state transformation as a political project that seeks to redistribute power and resources, we share Gramscians’ far more critical understanding of such developments. As Stephen Gill (1992) has rightly observed, these transnational governance arrangements frequently involve a twofold move. First, authority is shifted away from institutions that are popularly accountable, like parliaments and political executives, towards agencies that are insulated from democratic control, such as quasi-autonomous non-governmental organisations and independent central banks. Second, these agencies then network with each other transnationally, further shifting policy-making to a space that is inaccessible to political forces that might wish to contest their priorities and procedures, such as domestic trade unions. Through such transformations in statehood, neoliberal economic policy has been effectively ‘locked in’ institutionally – i.e. ‘constitutionalised’ (Gill, 1992).

A second mode of global governance through state transformation is the acquisition by particular agencies of powerful states of governance functions beyond their borders. Again, this is facilitated by the fragmentation of states, which permits formerly domestic agencies to acquire an international or even global regulatory role. These institutions increasingly network with agencies in other states – particularly those targeted for intervention – and with international organisations, NGOs and relevant private-sector organisations. They also develop and, crucially, fund projects and programmes – often run through multilateral organisations – designed to develop the desired new capacities and processes within the intervened-upon states in a given issue area. Thus, target states are transformed in ways favoured by international actors in order to enact international disciplines on other parts of their states and/or societies.

For example, the Australian Department of Immigration and Border Protection (DIBP) has recently begun operating extensively beyond Australia’s physical borders to prevent migrants from boarding boats to Australia. It has been working directly with, and funding the operations of, immigration agencies in Sri Lanka, seen as a significant migration source and transit point. Arrivals are monitored at Colombo’s international airport to identify and intercept individuals deemed to be at risk of later attempting to reach Australia (IRIN News Asia, 2012). The DIBP also funds and oversees offshore detention centres in Nauru and Papua New Guinea, run by local authorities and private contractors, designed to deter

arrivals and circumvent Australian legal protections for refugees. European Union policies towards North Africa are quite similar (Lavanex, 2006). As the terrible plight of refugees in these regions suggests, this again cannot merely be understood as a functional response to shared challenges; rather, it involves the exercise of power to restructure states in the hinterland of wealthy regions in order to contain flows of impoverished and desperate people. We provide a more detailed example of this mode of global governance in the issue area of maritime security below.

A third mode of global governance via state transformation occurs through the use of international organisations as instruments of ‘meta-governance’. Meta-governance involves efforts to coordinate the wide range of governance agencies to which power and authority has been dispersed through recent changes in statehood (Jessop, 2003). In ‘regulatory states’, meta-governance is generally the newly defined function of central government executives that have retreated from ‘positive intervention’ to secure their goals to the ‘negative coordination’ of diverse public and private bodies (Jayasuriya, 2001). However, meta-governance is also now practised transnationally, with international organisations generating guidance, policies, procedures and regulations for domestic agencies to enact. Such institutions are also increasingly involved in monitoring implementation and spurring the transformation of target states through the provision of resources, training and other capacity-building activities. Arguably, this is the dominant contribution of most international institutions to contemporary global governance. Their influence is exercised not through the zero-sum transfer of sovereign authority from states to supranational agencies, but through cultivating institutional changes within states themselves. Thus, international institutions are not governing global problems directly, but neither are they necessarily defunct merely because multilateral negotiations are deadlocked. Rather, they have shifted in purpose from coordinating intergovernmental action to harmonising policies, institutions and procedures across state borders.

One prominent example of this shift is the World Health Organization (WHO), which traditionally focused largely on coordinating intergovernmental responses to international epidemics. Its 1969 International Health Regulations (IHR) clearly reflected this interstate focus, specifying how governments should manage points of international contact (ports, airports and border crossings) and requiring that governments report outbreaks of six particularly deadly infectious diseases, leaving them to develop their domestic health systems as they saw fit. By contrast, the 2005 IHR, adopted following outbreaks of SARS and avian influenza, are focused almost entirely on regulating states’ *domestic* health systems in order to manage and contain potentially global pandemics. They specify the institutions, capacities, and relationships – both internationally and internally – that governments must establish to be compliant. Furthermore, the WHO is no longer solely dependent on information from governments, being free to establish relationships with NGOs, for example, and is empowered to declare a state of Public Health Emergency of International Concern. Overall, the new IHR position sees the WHO not as a supranational authority directly governing health, but as a global regulatory supervisor coordinating the transformation of domestic state apparatuses in line with internationally agreed best practices (Fidler and Gostin, 2006). Global governance arrangements like these, operating simultaneously at multiple scales, clearly require multilevel analysis; they cannot be understood or

evaluated through a focus on multilateral institutions alone. We provide a lengthier example of this mode of global governance in our case study on AML below.

Obviously these three modes of governance are not mutually exclusive: any one regime could involve all three. What they each have in common is a focus on achieving global public policy goals by attempting to reconfigure, or sometimes create wholesale, issue-specific regulatory institutions within states to make them conform to international agendas or standards, and to have them enforce these disciplines on other parts of their states and societies. As Goldin (2013) recommends, this often involves efforts to insulate these institutions from domestic political contestation by enhancing technical experts' autonomy and authority and marginalising those opposed to international agendas, who are branded as 'spoilers' or 'vested interests'. Regulatory agencies are then further linked to their overseas counterparts, donor agencies and/or international bodies in networks designed to entrench and further develop their governance priorities, processes and capacities through benchmarking and peer review. The technocrats staffing these agencies are typically given international finance and training to build their 'capacity', and are sometimes further internationally networked through informal 'clubs' of regulators, where they exchange information on best practice and 'socialise' one another into international regulatory norms (Sharman, 2011, Chapter 5).

A final example illustrates this multi-agency shift from intergovernmental multilateralism to state transformation: the WTO's 'Aid for Trade' (AfT) initiative, launched in 2005. With the Doha Round deadlocked, international agencies shifted their focus from securing a multilateral agreement to transforming the institutions of developing countries to integrate them further into the global trade regime (Stiglitz and Charlton, 2006). AfT essentially involves reconfiguring the development strategies of Southern states to prioritise the promotion of global trade competitiveness. This includes removing protectionist measures, dismantling state-led development apparatuses and privatising state-owned enterprises, thereby marginalising the 'vested interests' opposed to trade liberalisation. Trade and other regulators are supported 'through programmes of policy analysis, technical assistance and capacity building' (World Bank, 2013) to create 'efficient', neoliberal 'regulatory frameworks', increase productive capacity, invest in transport and communications infrastructure, streamline border management and so on to connect local markets to global value chains. Direction, training and financing (totalling US\$41.5 billion by 2011) is supplied by organisations including the World Bank, regional development banks, the WTO, the OECD, and bilateral donor agencies from Europe, North America, China and India, with extensive private-sector participation. Progress towards international benchmarks, tracked quantitatively in international databases, is evaluated through annual self-assessments and reviews by a transnational 'monitoring partnership' of business groups, NGOs and international agencies (OECD-WTO, 2013).

The Local Contestation of Global Governance through State Transformation

Finally, as our approach to state transformation implies, while global governance projects like AfT are widely depicted as merely technical in nature, they must be understood as attempts to redistribute power and resources in target societies and, accordingly, they will be contested. This is often overlooked by most neo-Marxists, who typically see

anti-neoliberal movements as the only force resisting the conversion of states into ‘transmission belts’, and by liberals, who see state transformation as a functionalist development that helpfully evades political conflict. As Gramscian state theorists emphasise, however, states reflect struggles between classes, class fractions, state-based interest groups and politically relevant forces like ethnic or confessional groups, which form political coalitions to strive for power and control over resources. Coalitions promote arrangements of state institutions that cement their access and exclude others. Consequently, any global governance initiative that seeks to transform how state apparatuses operate will be assessed for its impact on rival coalitions’ power and resources, and attract local support and opposition accordingly.

One reason why global governance as state transformation is likely to be particularly contested is that, as critical political geographers have long emphasised, the scale at which an issue is governed – whether local, provincial, national, regional, or global – is never neutral, but is one of the most important factors shaping the outcome of social and political conflict (Smith, 2010). To claim that a problem is transnational and thus requires governance at a scale beyond the nation state is to demand a change in the scope of the politics surrounding it. Shifting from a national scale to a new functionally delimited space can dramatically change the configuration of actors, resources, political opportunity structures, costs and benefits, and thereby political outcomes. Accordingly, political forces will support or resist global governance initiatives depending on whether the rescaling involved advances their interests and normative agendas.³

This contestation means that governance outcomes are significantly more variegated than the neo-Marxist notion of states as ‘transmission belts’ suggests. How far global governance initiatives are implemented, and how transformed state apparatuses actually function in practice, is shaped by local socio-political conflict, and may diverge considerably from their architects’ intentions (see Hameiri and Jones, 2013; 2015). Thus, global governance cannot be fully understood merely by studying intergovernmental negotiations and multilateral organisations; the local contestation of state transformation demands our attention as the primary determinant of governance outcomes.

State Transformation and Global Governance in Practice

Regulating ‘Dirty Money’

Perhaps ostensibly the most successful example of global governance through state transformation is the global anti-money laundering (AML) regime. Money laundering involves criminals disguising the unlawful origins of the proceeds of crime so that they can be used openly. First criminalised in the US in 1986 as part of its ‘war on drugs’, it has been further ‘securitised’, particularly after 9/11, due to the association of money laundering with organised crime, arms trafficking and the financing of terrorism. In 1989, under US pressure, the G7 established the Financial Action Task Force (FATF) to coordinate a global AML campaign. FATF is a small organisation, its membership broadly corresponding with that of the OECD.

FATF’s establishment reflected the view among Western regulators that because finance has become highly transnationally mobile following deregulation in the 1980s, the global

financial system was only as sound as the worst regulated jurisdiction. Accordingly, FATF's entire focus is on effecting and evaluating transformations within the domestic institutional and legal environments of all the world's states and self-governing jurisdictions to conform to its regulatory prescriptions. Thus, FATF does not govern money-laundering directly; it has not acquired supranational authority in a traditional sense under international law. Rather, it operates via the meta-governance of state transformation, promoting the creation and effective functioning of dedicated domestic bureaucracies for regulating the AML activities of the public and private sectors within a given jurisdiction.

FATF has promoted extensive state transformation through its 40 Recommendations, first issued in 1990 and revised in 1996, 2001, 2003 and 2012. The Recommendations are highly prescriptive, specifying both legal changes countries must adopt and the institutional processes and relationships they must establish to be compliant. On the legal side, FATF requires that countries outlaw money laundering and provide legal means for confiscating the proceeds of crime. Institutionally, FATF directs governments to establish a dedicated Financial Intelligence Unit (FIU). FIUs serve as the main point of contact for coordinating AML activities within the state, responsible for interfacing with the wider international regulatory community, other domestic agencies and private financial institutions. The Recommendations also specify the procedures that relevant private-sector institutions (banks, insurance companies, law firms, remittance-wiring agencies, casinos, real estate agents, etc.) should follow to detect, prevent and report suspected instances of money laundering, and allocate to FIUs the role of monitoring private-sector compliance within their jurisdictions. The private sector's incorporation into AML regulation is a particularly important dimension of the global regime since its efficacy is seen as dependent on firms adhering to the 'Know Your Customer' (KYC) principle, which requires their active cooperation (Sharman, 2011, p. 11).

A second important element of FATF's transformation of state apparatuses is a peer review process coordinated through several FATF-style regional bodies (FSRBs), networks of AML regulators established in the 1990s to evaluate regional states' compliance with the FATF Recommendations. Where implementation is deemed unsatisfactory against FATF benchmarks, governments are required to respond and make commensurate changes to their domestic governance structures. Subsequent reviews measure improvement against earlier results and objectives.

Since FATF does not enjoy supranational authority to enforce its Recommendations, peer review is the main 'stick' at its disposal. Following evaluations, each jurisdiction's degree of compliance is publicised. Since private-sector financial institutions use these reports as proxy indicators of investment risk, FATF 'blacklisting' carries the risk of isolation from global capital flows, creating a powerful disincentive for non-compliance. Accordingly, FATF has achieved remarkable global coverage: as of May 2015, only Iran remained a non-member. Practically every other country has transformed its internal legal and institutional frameworks, and has linked its AML-relevant agencies transnationally, as stipulated in FATF's Recommendations.

This apparently remarkable success is nonetheless unique to this issue area. The highly mobile nature of global financial flows and investors' risk aversion mean that jurisdictions cannot afford to be completely recalcitrant without risking massive capital flight. Investors

of legally and illegally derived funds alike are typically reluctant to place their money in institutions and jurisdictions they perceive as risky, for fear of financial loss. And since the entire point of money laundering is to allow illegally derived funds to be used openly, the reputation of financial institutions and jurisdictions is ironically even more important to would-be money launderers. Hence, when in 2001 Nauru's government rebuffed FATF regulation and was blacklisted, four leading US banks decided to block transactions to Nauru-based financial institutions in order to protect their own reputations, precipitating the total collapse of Nauru's offshore financial centre.

A large gap exists, however, between the façade of compliance and how the AML regime works in practice. Examining local struggles over the implementation and operation of transformed AML bureaucracies is essential for understanding the overall functioning of this global governance regime. Indeed, because AML global governance operates through state transformation, its implementation cannot evade the broader contestations over power and resources shaping the use of state power, producing widely uneven governance outcomes. To give but one brief example, Vanuatu, a small Pacific tax haven, has endeavoured to demonstrate its full compliance with the FATF Recommendations to avoid Nauru's fate. But since Vanuatu's offshore financial centre is one of the few resource bases for the country's political elite, reshaped institutions appear wholly compliant but in reality have been kept weak and isolated. Accordingly, *not one* money launderer has ever been successfully prosecuted there even though money laundering was already criminalised in 1989, and there are no pending cases before the courts or even any police investigations underway despite the conviction of Vanuatu-based financial operators in other jurisdictions (Banimataku, 2012; Mera, 2012). Without analysing the multilevel politics of AML governance and, crucially, struggles over domestic implementation, scholars end up either arguing, wrongly, that FATF is an unmitigated global governance success, or alternatively observing the gap between formal compliance and implementation without being able to explain it (Drezner, 2007; Sharman, 2011).

Governing Maritime Trade and Security

A similar pattern of global governance as state transformation is observable in the domain of maritime trade and security. We focus here on two sets of initiatives: those emanating from the World Customs Organisation (WCO), and those from the US government. The first illustrates, like the FATF example, how multilateral organisations are increasingly governing issue areas by promoting state transformation. The second demonstrates how formerly domestic state apparatuses are being transformed to serve a global regulatory function beyond their formal territorial jurisdictions.

The WCO, having initially been a rather modest European agency, the Customs Cooperation Council, evolved into a global regulatory agency in the 1990s. Its predecessor organisations initially had a very limited mandate to harmonise the nomenclature used to classify and value trade goods. However, in 1994 the WCO was re-launched as a global body, its membership now encompassing 98 per cent of worldwide trade, ushering in a much more transformatory mandate. The 1999 revision of the 1973 Convention on the Simplification and Harmonisation of Customs Procedures elaborates a vast array of

international standards that contracting parties must follow, encompassing duties and taxes, security and customs control, and it specifies how customs agencies should relate to third parties and the legal principles and procedures they should use to make decisions. The WCO thus seeks to govern global trade by transforming domestic state institutions according to internationally agreed technical standards.

Like FATF, the WCO has no supranational authority to impose its writ; it does not govern trade directly, but relies on inducements, inspections and market-based incentives to spur transformations in domestic state apparatuses to achieve its outcomes. Signatory states receive capacity-building assistance from the WCO and other international agencies and donors, and are then subjected to inspections by a WCO Diagnostic Mission to measure and certify their compliance. Like FATF, the WCO lacks the supranational authority to sanction states directly for non-compliance. Instead, it relies on the 'announcement effect' of certification for private-sector actors, which is intended to attract trade, investment and revenue to signatory states (Yasui, 2010).

Again, like FATF, after 9/11, the WCO's global regulatory thrust expanded towards counter-terrorism. In 2005, the WCO adopted its SAFE Framework of Standards to Secure and Facilitate Global Trade, which sought to tackle transboundary terrorism – particularly the use of ships to transport goods useful to terrorists, such as components for weapons of mass destruction (WMD) – without impeding legitimate global trade. Like FATF's 40 Recommendations, the SAFE Framework was premised on the notion that 'the security of the international supply chain ... is as strong as its weakest link' and that 'transnational issues require a transnational approach' (WCO, 2013). The Framework elaborated 11 common standards covering all areas of customs control, demanding the further transformation of domestic apparatuses to harmonise customs standards, risk management and inspection procedures. Furthermore, the Framework sought to internationalise the transformed customs institutions, creating a 'global network' between them and private-sector businesses through standardised information-sharing procedures. These included a requirement for merchants to provide advance notification of their cargoes and itineraries to customs officials in destination countries, who were empowered to direct their counterparts in origin countries to conduct inspections on their behalf, according to a common set of targeting criteria. Through these changes, formerly domestic customs institutions have become transnationally networked, functionally extending their practical reach into other countries' sovereign jurisdictions. Again, this is not imposed by a supranational authority, but through capacity-building, WCO inspections and certifications of customs agencies, and certification for compliant corporations that grants them enhanced market access in destination countries.

The WCO's SAFE Framework is arguably a scaling up of an earlier US government programme, the Customs–Trade Partnership Against Terrorism (C-TPAT), launched in November 2001. With the goal of inspecting all US-bound cargo before it even reached American territory, C-TPAT essentially transformed the US Customs and Border Protection agency (CBP), formerly merely a domestic government bureau within the Treasury Department, into a global regulatory agency and inspectorate. C-TPAT is an ostensibly voluntary 'public–private partnership' between the CBP and non-US firms. It requires participants to adhere to the CBP's Automated Manifest System, work with the CBP to

identify and eradicate security shortcomings, submit to annual, onsite CBP inspections, allow direct CBP inspections of high-risk cargoes and provide the agency with detailed plans for minimising the risk that their cargoes could be connected with terrorist activity. As the CBP notes, the scheme, which now covers over 10,000 companies worldwide, has 'extend[ed] the US's zone of security to the point of origin' of imported goods, vastly extending the CBP's functional and geographic reach and transforming it into a global rule-setter and enforcer. Again, however, the CBP has no formal supranational authority; instead, it rewards compliance with certification that reduces the chance of cargoes being delayed due to searches for WMD-related material and enhances access to the US market (US CBP, n.d.).

Another example of a formerly domestic state institution being transformed into a global regulator is the International Port Security Program (IPSP). Launched in 2002, this initiative seeks to counter the use of maritime transportation for terrorist purposes by improving security in ports of origin. To this end, the US Coast Guard (USCG), a domestic border agency, has become a global governance actor, evaluating both public- and private-sector port operators against the international benchmarks enshrined in the US-backed International Maritime Organisation's International Ship and Port Security Code. Like the C-TPAT, ISPS requires foreign ports to report their security plans to the USCG and to submit to regular inspections by the USCG and US-authorized private-sector inspection teams to verify their compliance with ISPS standards. Again, the USCG is not governing trade directly as a supranational authority. It does not sail its vessels around the world to police trade, nor does it seize direct control of foreign customs authorities. Rather, it operates through meta-governance, laying down guidelines for diverse other agencies to follow and inspecting their progress, deterring non-compliance by threatening to impede or block market access to shipping originating from non-certified ports (see US Coast Guard, n.d.).

These initiatives have successfully forced many states – including those often resistant to intrusions on their sovereignty – to reorient their domestic institutions, procedures and legislation to meet US regulatory requirements (Febrica, 2014). However, while the threat of losing US market access has apparently compelled compliance, the effective outsourcing of US border security to third parties has sparked conflicts among non-US port operators and shipping companies over who should pay the heightened cost of transnational regulation (Khalid, 2005). Labour unions also contested the increased regulation of port workers, arguing that employers were using it to intimidate unionised employees (Lavers, 2009, p. 319). These struggles may explain the persistent weaknesses of this global maritime security regime, with around one-third of cargoes still not subjected to the appropriate inspections (Khalid, 2005, p. 9).

Conclusions

The claim that 'global governance is in crisis' makes sense only if we limit our definition of the term to processes like the conclusion of formal international treaties or the emergence of supranational institutional authorities. These processes do indeed appear to have stalled, but, nonetheless, and perhaps partly in response, the global governance project is continuing apace by seeking the transformation of domestic state apparatuses to enact

international agendas. Indeed, state transformation may be the dominant mode through which global governance is constructed today. It is enabled by and further accelerates state transformation processes set in train by epochal changes in the global political economy – notably the rise of regulatory forms of statehood and multilevel governance. It is occurring through the networking of disaggregated state institutions, the transformation of previously domestic institutions into global rule-setters and regulators, and dedicated efforts by international agencies and donors to change the governance institutions, procedures and outputs of states where transboundary challenges are seen to originate. Adherence to the regulations laid down by these agencies does not depend on binding rules, sanctions and formal supranational authority, but more often on the successful manipulation of market mechanisms to get the private sector to indirectly coerce compliance, and the inducement of financial and capacity-building assistance.

Focusing on state transformation would help advance the study of global governance in several ways. First, it transcends the unhelpful fixation on intergovernmental multilateralism, broadening the scope of processes to be studied. Second, it directs analytical attention to the local politics of implementation that shape outcomes even in governance regimes originating in formal multilateral settings. Third, this focus provides superior explanations for the efficacy and shortcomings of governance regimes than mainstream criticisms of insufficient political will or poor institutional design. Finally, and more speculatively, a full examination of the local socio-political forces shaping the multilevel implementation of particular global governance regimes, which is beyond the scope of our short case studies, would also enable a better evaluation of the normative implications of pursuing global governance through state transformation. The domestic governance changes involved are typically justified as necessary responses to the challenges of global interdependence, and the codes they enact are legitimised in the neutral language of technocracy and ‘international best practice’. But there is nothing natural or neutral about governing any issue area by transforming states: by virtue of their strategic selectivity, the transformed state apparatuses will always serve some interests and agendas better than others. Indeed, this mode of governance fundamentally involves the attempted restructuring of state policies, priorities and institutions to serve ends that are determined not by democratically or otherwise domestically accountable political leaders in an open and deliberative fashion, but rather by international agencies or other states’ institutions. It thus potentially reflects and further entrenches the degradation of nationally based democratic government, deepening global governance’s widely observed ‘democratic deficit’. The task of critically engaged scholarship is not merely to declare a crisis and urge global governors to close the gaps, but to examine the forms of governance that are emerging, and in whose interests they are operating.

Accepted: 11 June 2015

Acknowledgements

The authors would like to thank the reviewers and editors of *Political Studies* for their comments on earlier drafts of this article. The usual disclaimers apply. They would also like to thank Melissa Johnston and Anna Chapman for their research assistance. This study

was generously funded by an Australian Research Council Discovery Project grant DP110100425, 'Securitisation and the Governance of Non-Traditional Security in South-east Asia and the Southwest Pacific'.

Notes

- 1 As Wilkinson (2001) usefully highlights, however, claims of 'crisis' are often exploited to spur further innovations.
- 2 Even in private regulatory regimes, state action is typically required to implement changes (see Knill and Lehmkuhl, 2002).
- 3 For an example of this at the domestic level, see Gibson (2012).

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