New Constitutionalism and World Order

This path-breaking collection analyzes the dialectic between the development of world order and neo-liberal legal, regulatory and constitutional innovations at local, regional and global scales. Such innovations are intended to shape the global political economy and limit policy options according to the intensifying demands of corporations and market forces in global market civilization. Contributors also consider whether the ongoing crises and contradictions of capitalism and geopolitics offer states and societies opportunities to regain policy autonomy and for the potential for challenges and alternative frameworks of constitutionalism to materialize. Integrating approaches from leading and emerging scholars, this is an innovative, indispensable source for policymakers, civil society organizations, professionals and students in law, politics, economics, sociology, philosophy and international relations.

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New Constitutionalism and World Order

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Acknowledgements

The critical project for this work was long in its gestation and will continue to develop well beyond the publication of this volume! That project is connected to theoretical and practical goals broadly shared by the editors and contributors:

1. To provide a means for facilitating new, critical theoretical syntheses to think through the interface between law, constitutionalism and patterns of political economy.

2. To chart historically and empirically the principal relationships involving new constitutionalism – i.e. the key changes in law, constitutions and regulation relative to the extension of the world market and the dominant patterns of geopolitics in the early twenty-first century.

3. To offer alternative constitutional frameworks to better promote democracy, social justice and sustainability.

Our method to address these objectives is therefore collaborative and combines thinkers from ethics, political economy, geopolitics, international and constitutional law, geography and sociology.

This volume was initiated as a result of Stephen Gill’s successful application for a Social Science and Humanities Research Council of Canada Workshop Grant, number 646–2010–0033, an application that was developed and planned from its conception along with A. Claire Cutler. Subsequently the concepts and framework for the book were further defined over three days of intensive debates in the May 2011 Workshop, based on first drafts. Contributors then provided second drafts in 2012 and 2013, and with new editorial materials added, the work was reviewed and a contract offered by publishers.

Many people were involved in the project to develop this volume, and they include the following institutions and individuals.

First of all, the editors wish to acknowledge the financial support of the Social Science and Humanities Research Council of Canada, and especially to all the participants at that Workshop for their constructive
Acknowledgements

engagement and hard work in writing and redrafting their contributions for this project. It was also made possible by the generous financial and in-kind support that came from many quarters of York University for this venture. In particular we are grateful to: the Office of the President, Office of the Vice President and Provost, Office of Vice President Research and Innovation, Office of the Dean of Graduate Studies, Office of the Dean of the Faculty of Liberal Arts and Professional Studies (and particularly the very helpful support of Associate Dean Barbara Crow), the Department of Political Science, the Office of the Dean, Osgoode Law School (and particularly Associate Dean of Law, Lisa Phillips) and finally, the Jack and Mae Nathanson Centre on Transnational Human Rights, Crime and Security, also at Osgoode.

Second, we also particularly thank the kind financial and intellectual support of Trudeau Foundation Fellows Professors Janine Brodie (University of Alberta) and Isabella Bakker (York University). Isabella Bakker also provided additional funds to help support the volume following the Workshop and provided editorial advice and inputs that have been invaluable throughout the entire development of this book.

Third, we also acknowledge the hard work and exceptional professionalism of the members of the Organizing Team for the SSHRC Workshop held during 26–28 May 2011 at York University in Toronto (for details see New Constitutionalism and World Order, http://pi.library.yorku.ca/ocs/index.php/ncwo/ncwo). That team included the following: the editors of this volume; and (from York University) Professor Bakker; Dr Paul Foley and Karl Dahlquist who both worked long hours to make the events a success (Paul and Karl were at the time of the Workshop both Doctoral Candidates in Political Science; Paul is now Assistant Professor at Memorial University, Newfoundland); Andrea Kosavic (Digital Initiatives Librarian) who developed superb website materials for outreach; Nadia Martin (Research Officer, Faculty of Liberal Arts and Professional Studies) who worked painstakingly on the SSHRC application; and Phyllis Lepore Babcock and Lia Novario (both Office of the VPRI) who were excellent in helping to administer the funds and organize the events. Other members of the organizing team who made valuable contributions were Dr Adrienne Roberts (Manchester University) and Janine Brodie.

The Workshop was preceded by a related one-day public event that involved several of the contributors to this volume, and it drew a very large audience. The event, The Future of Global Governance?, was held on 25 May 2011 at the McEwan Auditorium, Schulich School of Business, York University. For edited videos of the event, edited by Stephen Gill and Grant W. McNair of York University, as well as programme details
Acknowledgements

see: http://www.yorku.ca/lefutur/. Karl Dahlquist painted and designed the excellent poster that advertised both the Workshop and public event and that is featured on the website. The event was graciously opened by Mamdouh Shoukri, President and Vice Chancellor of York, and closed by Patrick J. Monahan, York's Vice President Academic and Provost.

Fourth, at the SSHRC Workshop and afterwards we also benefited from the valuable assistance of Dr. Dan Bousfield (University of Western Ontario) and Dr Adrienne Roberts, and, as the manuscript developed, from the careful and constructive editorial inputs of Dr Hironori Onuki (Lecturer in International Relations, University of Wollongong, Australia). A. Claire Cutler also wishes to acknowledge the research assistantship of the following at the University of Victoria: Ingrid Philion, Michael Smith, Paul Donaldson and James Roy. In particular, Michael and Ingrid worked with A. Claire Cutler on early material for the SSHRC Workshop application. Dr Tim Di Muzio (University of Wollongong), one of the contributors, also performed the substantial and vital task of compiling the index.

We also wish to express our gratitude to John Haslam and his editorial, production and marketing colleagues at Cambridge University Press, in particular to Carrie Parkinson and Karen Oakes. We would also like to thank Jenny Slater and Gail Welsh for their work during the production stage. Finally, we are very grateful to four anonymous reviewers for their exceptionally useful advice, commentary and feedback on this book since its inception. The editors remain responsible for the work as a whole.
Acronyms

ABS       asset-backed securities
AEI       American Enterprise Institute
AKP       Justice and Development Party (Turkey)
ALBA      Bolivarian Alliance for the Americas
APEC      Asia-Pacific Economic Cooperation
ASEAN     Association of Southeast Asian Nations
BAPCPA    Bankruptcy Abuse Prevention and Consumer Protection Act
BIT       Bilateral Investment Treaty
CCCTB     Common Consolidated Corporate Tax Base
CDM       Clean Development Mechanism
CDSR      Cabinet Directive on Streamlining Regulation
CEO       Chief Executive Officer
CETA      Comprehensive Economic and Trade Agreement (Canada–EU)
CFC       chlorofluorocarbons
CMARPRP   Community-Managed Agrarian Reform and Poverty Reduction Programme
EC        European Commission
ECB       European Central Bank
ECJ       European Court of Justice
ETS       European Trading Scheme
EU        European Union
EUSTD     European Union Savings Tax Directive
FAO       Food and Agricultural Organization
FATCA     Foreign Account Tax Compliance Act
FTA       Free Trade Agreement
FTT       financial transaction tax
G20       Group of 20 (finance ministers and central bankers)
GATS      General Agreement on Trade in Services
GATT      General Agreement on Tariffs and Trade
<table>
<thead>
<tr>
<th>Acronym</th>
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<tr>
<td>GDP</td>
<td>gross domestic product</td>
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<tr>
<td>GHG</td>
<td>greenhouse gases</td>
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<tr>
<td>GRAIN</td>
<td>Genetic Resources Action International</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<tr>
<td>ICSID</td>
<td>International Centre for the Settlement of Investment Disputes (World Bank)</td>
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<tr>
<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<tr>
<td>IFI</td>
<td>International Financial Institutions</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>IR</td>
<td>international relations</td>
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<tr>
<td>JI</td>
<td>Joint Implementation</td>
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<tr>
<td>KMT</td>
<td>Kuomintang of China (Taiwan)</td>
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<td>LDC</td>
<td>least-developed countries</td>
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<td>MBS</td>
<td>mortgage-backed securities</td>
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<tr>
<td>MERCOSUR</td>
<td>Common Market of the South</td>
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<td>MMT</td>
<td>methylcyclopentadienyl manganese tricarbonyl</td>
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<td>NAFTA</td>
<td>North American Free Trade Agreement</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>NPT</td>
<td>Non-Proliferation Treaty</td>
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<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<tr>
<td>OTC</td>
<td>over-the-counter</td>
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<td>PCB</td>
<td>polychlorinated biphenyls</td>
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<td>PPP</td>
<td>Pakistan People's Party</td>
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<td>PRA</td>
<td>Portfolio Recovery Associates</td>
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<td>PRI</td>
<td>Institutional Revolutionary Party (Mexico)</td>
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<td>RAFI</td>
<td>Rural Advancement Foundation International</td>
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<td>RAI Principles</td>
<td>Principles for Responsible Agricultural Investment</td>
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<td>R2P</td>
<td>Responsibility to Protect</td>
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<tr>
<td>TINA</td>
<td>there is no alternative</td>
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<tr>
<td>TISA</td>
<td>Trade in Services Agreement</td>
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<td>TRIPS</td>
<td>Trade-Related Aspects of Intellectual Property Rights</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNASUR</td>
<td>Union of South American Nations</td>
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<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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<tr>
<td>Acronym</td>
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<tr>
<td>UNECE</td>
<td>United Nations Economic Commission for Europe</td>
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<td>UNEP</td>
<td>United Nations Environment Programme</td>
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<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<tr>
<td>UNFCCC</td>
<td>United Nations Framework Convention on Climate Change</td>
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<tr>
<td>UN-WIDER</td>
<td>United Nations University World Institute of Development Economics Research</td>
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<tr>
<td>USO</td>
<td>universal service obligation</td>
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<td>VAT</td>
<td>value added tax</td>
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<td>WB</td>
<td>World Bank</td>
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<td>WEO</td>
<td>World Environmental Organization</td>
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