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978-1-107-05369-4 - New Constitutionalism and World Order

Edited by Stephen Gill and A. Claire Cutler

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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 policy-makers, civil society organizations, professionals and students in law, politics, economics, sociology, philosophy and international relations.

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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.

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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

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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

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GDP	gross domestic product
GHG	greenhouse gases
GRAIN	Genetic Resources Action International
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICSID	International Centre for the Settlement of Investment Disputes (World Bank)
IFAD	International Fund for Agricultural Development
IFI	International Financial Institutions
ILO	International Labour Organization
IMF	International Monetary Fund
IR	international relations
JI	Joint Implementation
KMT	Kuomintang of China (Taiwan)
LDC	least-developed countries
MBS	mortgage-backed securities
MERCOSUR	Common Market of the South
MMT	methylcyclopentadienyl manganese tricarbonyl
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NPT	Non-Proliferation Treaty
OECD	Organisation for Economic Co-operation and Development
OTC	over-the-counter
PCB	polychlorinated biphenyls
PPP	Pakistan People's Party
PRA	Portfolio Recovery Associates
PRI	Institutional Revolutionary Party (Mexico)
RAFI	Rural Advancement Foundation International
RAI Principles	Principles for Responsible Agricultural Investment
R2P	Responsibility to Protect
TINA	there is no alternative
TISA	Trade in Services Agreement
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNASUR	Union of South American Nations
UNCTAD	United Nations Conference on Trade and Development

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UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UN-WIDER	United Nations University World Institute of Development Economics Research
USO	universal service obligation
VAT	value added tax
WB	World Bank
WEO	World Environmental Organization
WTO	World Trade Organization