Divide and Rule? Politics of Self-Legitimation in the WTO

Presented at the ECPR Joint Sessions (2015/03/29-2015/04/02)
Workshop: The quest for legitimacy in world politics – international organizations’ self-legitimations

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Introduction

The legitimacy of international institutions is contested. Having traditionally been evaluated with regard to their performance, i.e. their policy output and impact, nowadays their adherence and even ability to adhere to democratic standards of legitimacy, i.e. input concerns have taken center stage in debates (Steffek 2012b). Reasons for this development are manifold, ranging from enhanced telecommunication possibilities that spread information on the very existence and performance of international institutions to an increased complexity of regulatory issues and to a deepening and widening of authority claims by international institutions.

This development has affected all international institutions, albeit to varying degrees, and a general trend towards more transparency within international institutions and their gradual (and varying) opening up to stakeholders and wider publics can be observed. Especially, the world economic institutions, such as the World Bank, the World Trade Organization (WTO) and the International Monetary Fund, have been directly targeted for their lack of legitimacy and their neoliberal agenda by public criticism in the 1990s, erupting in mass protests and street turmoil at the Ministerial Conference Meeting (MCM) of the WTO in Seattle in 1999. These protests of what came to be known as the Alter-Globalization Movement (AGM), a loose network of non-governmental organizations (NGOs) and direct action-groups¹ have been portrayed as a synonym for the acclaimed legitimacy crisis of international institutions

¹ Both types can be referred to as transnational social movement organizations (Smith et al. 1997). However, there are significant differences between them. NGOs are usually much more professionalized organizations which rely on lobbying and pursue reformist goals while direct action groups comprise rather small a and loosely structured groups which rely on direct action and typically pursue transformational goals (Ayres 2003).
and as evidence for a spreading politicization of international institutions more broadly (Zürn et al. 2012).

However, while this and similar cases of public critique of a lack of legitimacy of international institutions have been extensively studied, the reactions of the international institutions have not (but see O'Brien et al. 2000). While for instance Jonas Tallberg and his colleagues (Tallberg et al. 2013) have demonstrated that international economic institutions directly opened up towards civil society critics in reaction to protests and that opening up of international institutions has more generally increased over time, we still know little about the specific politics of international institutions to secure or regain their legitimacy vis-à-vis their (various) constituencies.

In our paper we address this research gap by focusing on the self-legitimation discourses and practices of the WTO in response to civil society critique as one important part of the self-legitimation of international institutions. The WTO is a particularly promising case to study politics of self-legitimation since it is one of the earliest and most heavily targeted international institutions and has directly reacted to public criticism. Various forms of opening up have emerged since the late 1990s under the auspices of the WTO-secretariat. Beyond the general proliferation of outreach activities we focus on those aspects that directly address civil society critique: the indirect discourse with critics in its annual reports, and the creation and organization of civil society fora. Analyzing these self-legitimation practices and discourse of the WTO, we observe a general pattern: While the WTO works hard to present itself as an open and learning organization, it opens up very selectively to some – more moderate – critics while excluding others, more radical critics, thereby dividing its civil society critics. Contrary to ideas that perceive of civil society inclusion in international institutions as a means to (gradually) transform international institutions’ basis for legitimacy (Nanz/Steffek 2004), this politics of self-legitimation rather resembles a strategy of ‘divide and rule’ that works to silence and disperse resistance.

‘Divide and rule’ is a classic strategy of securing and maintaining authority, already apparent in the Roman Empire and exemplified in Machiavelli’s recommendations for effective rule (Il Principe). Divide your potential enemies so as to prevent the emergence of a strong opponent that threatens your claim to authority. The Roman Empire entertained this strategy by building on a complex system of bilateral agreements and treaties with its member states, assigning highly unequal status and privileges to each of them. Quite similarly, the WTO case shows several mechanisms for the assignment of unequal status and privileges between civil
society critics, based on language, expertise and structural incentives. While we cannot prove that this is a conscious strategy on behalf of the WTO, we can show that these mechanisms are present on the discourse and the level of practices as well.

Since the heyday of the “Battle of Seattle”, public criticism towards the WTO and the world economic institutions more generally has slowly died down (Hadden/Tarrow 2007). While we cannot ascertain at this point whether this is an effect of the politics of self-legitimation of the WTO, a better understanding of that strategy is a first step into that direction.²

To achieve this, in the following sections we briefly delineate our understanding of self-legitimation of international institutions and our focus on practices and discursive mechanisms of self-legitimation (2), before we turn to a brief description of the civil society critique towards the WTO, differentiating between oppositional and dissident forms of resistance (3). Following the analysis of the responses by the WTO, in which we focus on the discursive level (analyzing the annual reports), and the practice level (the development of educational tools and civil society fora) (4), we summarize our findings, highlighting a consistent pattern of divide and rule in the self-legitimation of the WTO (5).

For the full paper, please contact the authors.

² For methodological reasons as well as a lack of data we even cannot ascertain that a conscious rationale lies behind this strategy but we do find evidence for a consistent thread of this strategy across various activities of the WTO in reacting to civil society critique.