

**Leonard, Eric K. (2005). The Onset of Global Governance:
International Relations Theory and the International Criminal Court.
Aldershot: Ashgate.**

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In this book, Eric Leonard attempts to deepen and broaden our understanding of global governance by focusing on the process of the formation of the International Criminal Court (ICC). The specific aim is to engender a better understanding of the influence of various actors and agencies on regime development, and to show how these processes help to determine the character of global institutional governance. In addition, the author attempts to assess different theoretical perspectives within IR in terms of their ability to provide for the understanding of roles and influences of these actors in the formation of an important, and arguably novel, international human rights regime.

The choice and justification of this regime as a case study stems from the fact that it represents the successful institutionalization of certain 'important elements of the international human rights regime' (P.5) some of which have been the subject of huge contentions and controversy in the international forum for several decades. These include: (a) the establishment of a permanent mechanism and infrastructure for international justice outside the direct control of the United Nations; (b) the ability of the international community to protect and/or to prosecute individuals on their own rights, for the crime of genocide, war crimes and crimes against humanity; (c) the ability of the prosecutor to initiate investigations into cases under this category *proprio motu*, that is, on his or her own motion; and (d) the ability to investigate the actions, and if need be, to prosecute individuals of non-party states, provided that such a case had been referred to the prosecutor by the UN Security Council.

The central argument is that the formation of the ICC indicates both a transformation and a shift in the ontology of dominant global governance patterns which is rooted in the Westphalia-based understanding of the international system. The author contends that the crucial roles played by the civil society, non-governmental actors and even individuals in the formation of the ICC indicates, but also was possible only because of the existence of, a global-level intersubjective, ideational and consensual human rights discourse. This shared understanding within the global civil society provided the momentum upon which like-minded states rode in order to successfully resist the opposition of the global super power (US) against the formation of the ICC. Thus, the formation of the ICC further entrenches the notion that the process of globalization has given rise to a post-Westphalian order, where authority and governance no longer rest solely with states but rather 'derive from the actions of states and non-state actors, sometimes acting independently and sometimes acting in coordination with one another' (p. 169).

Hence, for the author, the nature and patterns of the present and future global institutional governance can best be understood in terms of an interaction between ideas and ideations, the normative tempo of the global civil society, and the interests of state agents. These three forces interact to create a particular "Sphere of Authority" (SOA), the character of which determines the formation and the rule-content of international regimes. The obvious implication of this conclusion is that no one of the single theoretical perspective to regime analysis (power, interest and knowledge) can, on its own, provide a satisfactory and all-inclusive frame for understanding the role of different actors and forces in the evolution of the ICC.

This book is valuable because, apart from providing a detailed account of the formation process of this important international human rights regime, it also represents an addition to the growing call for theoretical integration and multivariate approaches to regime analysis. It recognizes the inadequacy of single actor/ single-actor approaches to regime analysis much of which started as a result of the attempt by eminent scholars like Waltz and Keohane to deploy overly positivistic and scientific epistemological approaches in the study of a social and constitutive phenomena.

But the book does have important drawbacks, especially with respect to theory. The most obvious is that it lacks rigour in its attempt to differentiate between the three theoretical perspectives discussed. It generally misses the essence of neoliberal institutionalism by asserting uncritically that it is based on idealism even when many analysts, and indeed, Keohane himself, who is a leading name in the development of this theory, admit that this approach shares much with realism as it does with interest-based approaches to regime analysis. There are admittedly few places in the book where the author attempted to redeem this error but he never quite succeeded, I think, in doing this in ways that

would satisfy anyone who would wish to use this material as primary source in teaching a course on regime/IR theory and global governance.

The author confuses the situation the more by discussing neoliberal institutionalism both as a separate theoretical frame and as part of regime theory. Also, it is difficult to understand why the author chose to lump three highly heterogeneous perspectives (power, interest and knowledge) under one category – regime theory. It is certainly a disservice, the author's appeal to a rather vaguely defined 'nesting effect' notwithstanding, to present these approaches to regime analysis as if they are different aspects of one grand theory (p.108-111).

Other than these theoretical drawbacks, there are also less substantive but nonetheless important points. One is that the author's claim that the ICC differs from previous international treaty negotiations because it involved numerous non-state actors, is simply not true. There are many other international treaties in which non-state actors played significant roles. These include among others the United Nations Convention on Climate Change (UNFCCC) (1992), and the Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal (1989). Indeed, it would be correct to say that apart from the specific (admittedly novel and important) rules contained in the ICC, there is nothing distinctive in the formation process which marks it out from the many other global treaties, especially within the domain of global environmental governance. Accepting this fact would then mean that the author's claim that the ICC represents 'the onset of global governance, insofar as it is founded on the involvement of non-state actors, is simply an unfounded exaggeration, to say the least.

But, these drawbacks notwithstanding, the book should still, I believe, prove a useful addition to the growing resources in the area of global governance, and especially, within the human right discourse. Further, the organisation and style (the few typos and occasional tense switches notwithstanding) means that book is highly readable and one with which most beginners could easily identify.