

Indicators as a Technology of Global Governance

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The use of indicators is becoming an increasingly prominent feature of contemporary global governance. Many of the indicators rank the performance of states or national societies along various dimensions. Those rankings can have material effects, particularly in situations where they are used in deciding how to allocate foreign aid or investment, or in assessing whether states have complied with their international obligations. Many of these effects have already been felt by Asian societies, organizations and governments, which are frequently ranked based on indicators produced outside the region.

Entities producing indicators include:

- Treaty-based intergovernmental organizations such as the World Bank's Good Governance and Doing Business indicators, UNDP's Human Development Index, the UN's MDG indicators, WHO/UNICEF's immunization coverage indicators, and the OECD's PISA school-student educational achievement rankings.
- Non-treaty intergovernmental networks such as the Financial Action Task Force
- Hybrid public-private international entities, such as the Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis, and the Global Alliance for Vaccines and Immunisation (GAVI) which both use performance indicators in funding decisions.
- National governments, evaluating performance of different countries, such as the U.S. State Department's Trafficking in Persons ranking, which ranks countries in bands and places some countries on a watch list.
- Private sector commercial entities producing ratings for global markets such as Political Risk Services risk ratings and Moody's and Standard and Poor's credit ratings.
- Private sector non-commercial or partly-commercial entities ranking countries, such as the World Justice Project's Rule of Law Index, the World Economic Forum's Global Competitiveness Index, Freedom House's Freedom in the World index, Transparency International's Corruption Perceptions index, various private producers of indexes of state fragility/failure or state effectiveness including the U.S. Fund for Peace, and social impact ratings of companies and funds for the information of investors (e.g. the Global Investment Impact Reporting Standards).

Almost all of these indicator producers are based in the U.S. and Europe. Participation from other regions certainly occurs, but it is limited, and not highly influential on the naming and the basic design and components of most of these indicators. Production and use of indicators by South East Asian inter-governmental organizations and networks seems at present to be very limited. Yet the effects of these indicators are felt strongly in other regions, and very notably in South East Asia. This situation contrasts with the situation in countries such as India and Brazil, where locally-produced indicators are increasingly important in policy and in public debate.

The premise for this Conference is that the production, promulgation and use of indicators are important means of exercising of power in global governance, comparable to law in terms of their effects on behavior, policy choices, perceptions, and reputations. Indicators and law each set aspirational standards for a set of relevant actors. Some indicators purport to measure law and legal institutions, including qualities of ‘rule of law’ or ‘good governance, and in doing so they purport to define these complex and contested concepts. Indicators can be beneficial in many ways. They can serve to facilitate realization of legal values in decision-making, such as consistency, transparency and even predictability. They can help in providing a reasoned basis of decisions. However, the use of indicators accords very considerable power to experts who design and understand them, and it may be difficult for others to challenge this power. Whereas international law-making is subject to quite closely defined procedural requirements and systemic as well as political constraints, the constraints upon indicator production and use are less well understood. In some cases, the governments or public agencies of ranked nations have consented to the production of these rankings or otherwise embraced them, in other cases they have not. The opportunities for input into the construction of rankings, or to seek review of contested decisions concerning data or weightings or criteria, vary considerably. At the same time, the barriers to entry for indicator producers and promulgators are typically not high; many indicators are ‘mash-up’ compilations from other data sources, and are quite inexpensive to produce.

The Conference aims to assess the production, promulgation, use and regulation of indicators in global governance, with particular reference to the roles of and effects upon Asian actors and with an emphasis upon legal and regulatory issues. The objective is to deepen understanding of the phenomenon as well as to inform policy and advocacy in the region.

Call for Papers

Submissions from both junior and senior scholars are invited on the themes such as:

- history of compilation and use of quantitative data for purposes of global governance;
- roles of indicators as a technology of global governance;
- significance of indicators in defining key concepts such as ‘rule of law’ and in defining benchmarks of success or failure;
- analysis of who produces indicators, and why, and of participation, transparency and review mechanisms;
- production and use of indicators in South East Asia and in Asia more broadly (which indicators currently count, and why, and what strategies may be pursued in the future?);

- forms of “governance by information” that serve as alternatives to indicators, including reporting requirements, disclosure requirements, impact assessments, peer reviews, investigations, formal fact-finding, and policy and performance evaluations;
- supply of and demand for indicators, and the nature and effects of competition in this area;
- relationship between information produced by global and local indicators and the associated questions of translation, adaptation and appropriation;
- magnitude and distribution of the burden of producing information for governance purposes, and effects of overloads of informational requirements;
- uses and impacts of indicators and their alternatives, including influence in national policy processes and public debate and critique;
- relationship between indicators and international law; and
- regulation of the production or use of indicators.

Case studies could be used to illustrate some of the themes and illuminate the tensions in the production and use of indicators. Possible topics for the case studies include rule of law indicators (e.g., produced by the World Justice Project), globally and locally produced measures of corruption (e.g., produced by Transparency International), indicators measuring compliance with human rights obligations (e.g., right to education indicators) and their uses in international processes such as peer-based compliance review mechanisms (e.g., the Universal Periodical Reviews before the UN Human Rights Council and the Review Mechanisms of the UN Convention Against Corruption), integrity assessment surveys (e.g., Korea, Indonesia), measures of state failure (e.g., Fund for Peace Index), trafficking-in-persons assessments (e.g., State Department Trafficking in Persons Report). This list is non-exhaustive.

Additionally, we invite papers that examine legal and regulatory relations between institutions in the same country, domestic institutions with institutions of foreign countries, and relations of domestic institutions with international (or regional) public or private institutions. We are particularly interested in the impact of inter-institutional relations on domestic administrative practices, and, conversely in the role that domestic actors play in global and foreign regimes. We invite papers that address the role of indicators in such interaction as well as those papers that discuss aspects, technologies and impacts of inter-institutional relations unrelated to indicators.

An abstract of 150-500 words should be sent (in .pdf or .doc format) to Angelina Fisher (FisherA@exchange.law.nyu.edu) by **May 15, 2012**.

Abstracts must include a statement of the issue area of the paper, as well as an indication of the major arguments to be made, a proposed title, and postal, email and telephone contacts for the author.

A selection panel will consider all abstracts received by the submission deadline, and notify applicants of paper acceptance by **June 15, 2012**. The submission date for full papers accepted for presentation is **October 31, 2012**. The final version of the paper must be no longer than 8,000 words (footnotes included) and must be sent (in .pdf or .doc format) to Angelina Fisher (FisherA@exchange.law.nyu.edu).

A selection of papers will be published in the *Asian Journal of International Law*, subject to the journal's review process.

Please note that a limited number of participants can be funded for reasonable cost of economy-class air ticket and hotel accommodation to enable participation in the conference.