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GLAWCAL COMMENT #123

THE IMPORTANCE OF GOOD GOVERNANCE FOR THE DEVELOPMENT OF INSTITUTIONS

Based on

Friedl Weiss: "The WTO – A Suitable Case for Treatment? Is It Reformable?"

gLAWcal

Global Law Initiatives for Sustainable Development

A gLAWcal comment on Friedl Weiss's *"The WTO – A Suitable Case for Treatment? Is It Reformable?"* in Antonio Segura Serrano (Ed.) The Reform of International Economic Governance

One of the main and perhaps and the most important factor that separates a well functioning and modern state from another one that would be labeled as a failed state is whether the principles of good governance are respected and deeply rooted in the legal system of that country. Indeed, it is not sufficient to have well-functioning institutions or wise policy-makers. There is a need to include good governance elements in the daily practices of the national administrations for a long period of time in order to build a modern state that combines the goals of economic growth, well-being of the citizens and environmental concerns in a manner that would preserve the existing resources for the future generations and allow the sustainable use of the latter by the current generation. Scholars and organizations alike have attempted to provide a clear and concise definition to the term good governance, however, still until now, there is no consensus over a particular definition of the term that is also constantly evolving which reflects the fast development of the current societies. One could mention for instance the definition provided by the United Nations Development Programme (UNDP) which stated the following: good governance is "... among other things participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law." This is one of the many definitions that was given to the term. According to the Organization for Economic Co-operation and Development (OECD), the term "... encompasses the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits as well as the relationship between the ruler and the ruled." That said, there is still a need to determine the elements that characterize good governance. The latters were established by the European Commission in its white paper on European Governance in 2001 as follows: (1)" Participation of Citizens in Decision-Making; (2) Openness and Free Circulation of Information, Essential for the Subsequent Accountability of Public Powers; (3) Sensitivity of Institutions and Processes to the Actors Involved in them, which endows Decision-making Process with Legitimacy; (4) Consensus Between Different interests, Enabling a Conciliation to be Reached that Constitutes the General Interest; (5) Efficacy and Efficiency on the Part of Institutions, Calling for a High Degree of Adaptability to Needs and Fast-Decision-Making; (6) Accountability of Politicians". In the chapter "The WTO – A Suitable Case for Treatment? Is It Reformable?, of the book " The Reform of International Economic Governance", the author Friedl Weiss explored this matter. The author tried to not only to define the term but also discussed the periods in which new governance is required as a result of the malfunctioning of the existing institutions, after the occurrence of a natural disaster or a war such as world wars one and two. In this regard, the author highlighted the important role played by certain international organizations, including the OECD, UNDP, the UN Economic, and Social Commission for Asia and the Pacific (ESCAP) and the International Monetary Fund (IMF) in establishing the elements that characterize this concept.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the gLAWcal book series published by Routledge Publishing (New York/London).

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