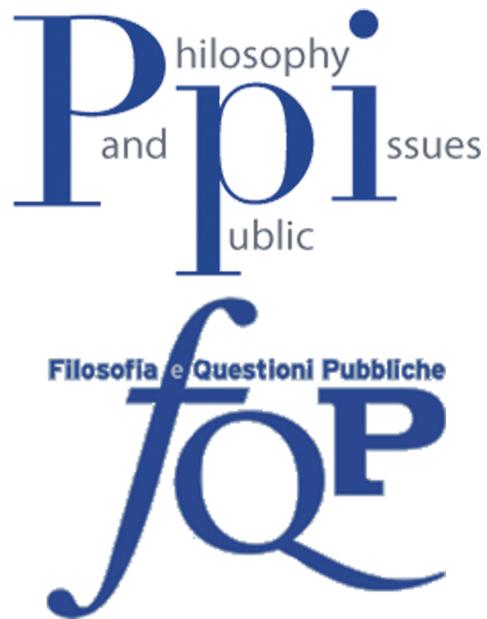# GRIDLOCK,

OR A PERIOD OF REFLECTION FOR TRIPLE LOOP LEARNING

BY

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Gridlock,
Or A Period Of Reflection
for Triple Loop Learning

Joyeeta Gupta

T he new century did not so much begin with a new optimism and enthusiasm as it did with the lingering gloom of the *fin de siècle*, exacerbated by the events of 9/11, the financial crises and the inability of the global community to address climate change or trade challenges. It led authors to talk of negotiation, lockjam, deadlock and institutional/technological/political lock-in. In much the same spirit, Thomas Hale, David Held and Kevin Young[1] discuss the current crises in global governance in a historical perspective arguing that in areas of wicked problems, we are now in gridlock and that multilateralism is failing.

Straddled in the nexus between global governance books and global change books, the authors argue that the fields of security, economy and environment reveal complex challenges of interdependence and yet systems of governance are not able to address these issues. They argue that the combination of institutional inertia, growing multipolarity, harder problems and fragmented governance systems have led to the current

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[1] Thomas Hale, David Held and Kevin Young, *Gridlock: Why Global Cooperation Is Failing When We Need It Most* (Cambridge: Polity Press, 2013), p. 357.

historically contingent deadlock. In the vein of Ostrom[2] and others they suggest that there is no silver bullet for these second-order cooperation problems and that there will need to be different solutions for different problems.

While their book takes one through a fascinating and extremely convincing narrative of how the twentieth century has evolved into the twenty-first, I take this opportunity to build upon my innate optimism, my Southern roots and perspective, and my exposure to multilevel resource and development governance which perhaps takes a broader look at global governance than an International Relations perspective might do. Hence, I complement the authors' assessment to argue that we are not in a gridlock situation, but that we are facing the birth pangs of triple loop learning in global institutionalism. Triple loop learning calls not just for incremental change but for understanding the changing context and paradigms needed to address global problems since (a) the challenge is not so much institutional inertia in dealing with interdependence as it is the fear of the powerful to deal with resource and sink limits ("shrinking ecospace") in the Anthropocene; (b) the harder problems are not just exhibiting extensity and intensity, but can only be addressed when related development trajectories and the multiple causes of problems at different levels of governance are assessed; (c) it is not so much that multipolarity brings transaction costs, but that multipolarity in combination with the increasing positive and negative presence of the South in different issue areas requires greater attention to global and Southern issues; and (d) fragmentation of policy processes is inevitable and a consequence of democracy and public participation, but such

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[2] Elinor Ostrom, Marco A. Janssen and John M. Anderies, "Going Beyond Panaceas," 104 *PNAS* 39 (2007), pp. 15176–8.

fragmentation should not violate the environment or human rights and should not ignore redistribution issues. This calls for triple loop learning: learning that there are other viewpoints on the limits of the earth and there is the need to share it equitably; learning that the weaker party is gradually becoming more vocal; and learning that a fundamental reordering of global society is inevitable and the best way to protect people and societies is through global constitutionalism.

I

Institutional inertia: From Incremental Approaches in an Interdependent World towards a Structural Approach in a Resource- and Sink-Constrained World

Hale, Held and Young argue that we are locked in institutional inertia in an interdependent world leading to failing multilateralism.[3] While this may be true, our institutional inertia is also driven by the realization that many of us are talking at cross-purposes. While for some the problem is one of interdependence, for others it is about sharing the shrinking resources and sinks (ecospace) in the Anthropocene.[4]

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[3] See also Edward Newman, Ramesh Thakur and John Tirman, eds, *Multilateralism Under Challenge? Power, Normative Structure and World Order* (Tokyo: United Nations University Press, 2006), p. 563.

[4] Joyeeta Gupta, "Sharing Our Earth," inaugural address as Professor of Environment and Development in the Global South, University of Amsterdam, 2014, available at: www.oratiereeks.nl/upload/pdf/PDF-3450weboratie_Gupta.pdf; Joyeeta Gupta, "Toward Sharing Our Ecospace," in Simon Nicholson and Sikina Jinnah, eds, *New Earth Politics: Ethics from the Anthropocene* (Cambridge, MA: MIT Press, 2016).

This ecospace (environmental utilization space) can be visualized as a cake that has to be shared between people and countries, daily, annually and over time; from locally through to globally. The problem of shrinking ecospace is the medium-term problem of shrinking abiotic and biotic resources and sinks available to meet our growing demands. The available quantity of many economically viable and accessible abiotic resources, the so-called strategic resources, is declining, at least in the short- to medium-term. Our biotic resources such as land and fresh water are limited and have to be shared between the growing needs of the growing population. Our pollution of the available sinks, such as the emissions of greenhouse gases in the atmosphere, is affecting its ability to provide the ecosystem services[5] that society as a whole can benefit from, signalling the need to set up ecosystemic limits.

This limited ecospace is shrinking on a per-capita and per-use basis. Before examining the governance paradigms for dealing with scarcity, let me explore why this scarce ecospace needs to be shared. If fixed resources like land and fresh water shrink on a per-capita basis and in relation to our growing demand, we will have to reallocate resources and rights. If abiotic resources are scarce but essential for life, such as phosphorous for food production and rare earths for telephones and computers—a modern day necessity—sharing rules will need to be devised. If the sink is shrinking, given that this sink provides a range of ecosystem services which are either public goods like climate

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[5] Kanchan Ratna Chopra et al., eds, *Ecosystems and Human Well-being: Policy Responses* (Washington, DC: Island Press, 2005), p. 621.

change or biodiversity or merit goods like access to health,[6] and/or public bads like polluted ecosystems leading to damage, it creates obligations sharing the rights, responsibilities and associated risks.

Sharing implies equitable governance which ensures (i) access (minimum rights for all) and (ii) allocation (distribution and redistribution) of the remaining ecospace rights, responsibilities and (social and environmental) risks and burdens among peoples and countries including the impacts of climate change.

Traditionally, scarce resources can be governed through neoliberal capitalist approaches in which they are privatized and traded among those who can pay the premium price, thereby allocating ecospace and related rights, responsibilities and risks through pricing, markets and privatization. This can lead to the monopolization of the ecospace through confidential contracts, controlling politics and the ability to use offshore tax havens, and thereby avoid redistributive issues. A second control mechanism is hegemonic where states claim absolute territorial sovereignty over their resources, decline to ratify international agreements, or securitize issues making them into high-politics affairs. This allocates, by default in an anarchic global system, the shrinking ecospace and related rights, responsibilities and risks on the basis of binding bilateral and plurilateral treaties (or other less legal means) to secure continued access to resources for individual countries or control "sovereign" resources. A third approach is a polycentric approach where multiple centres of authority manage their own resources in a transnational world hopefully in coordination with each other.

[6] Inge Kaul, Pedro Conceição, Katell Le Goulven and Ronald U. Mendoza, eds., *Providing Global Public Goods: Managing Globalization* (New York: Oxford University Press, 2003), p. 646.

A fourth approach is a transformative, not incremental, sustainable development approach—which uses a constitutional approach to managing resources. This calls for structural reform and change in status quo politics.

II

Harder Problems: From Extensity and Intensity to Understanding Development Trajectories and Multilevel Drivers

The *Gridlock* authors argue that we face harder problems than before—harder in their intensity and their extensity. I would like to deepen this argument by adding two elements. First, we live in a multi-speed world and countries, regions and peoples pass through different trajectories. Just as demographic trajectories show that one cannot stabilize populations overnight, and take-off theories predict that societies cannot develop overnight, the forest transition curve shows that societies cannot stop deforesting overnight.[7] This implies that one has to understand at which stage of the possible transition curve a specific country is and how these can be changed through specific interventions. The complete lack of understanding of trajectories in an effort to impose common rules on all countries often leads to a breakdown in the negotiations—possibly the transaction costs that the *Gridlock* authors are referring to. But a good understanding of each other's starting points is necessary for change. This, however, may upset the status quo and powerful

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[7] E.g. A.S. Mather, "The Forest Transition," 24 *Area* 4 (1992), pp. 367–79; Thomas K. Rudel et al., "Forest Transitions: Towards a Global Understanding of Land Use Change," 15 *Global Environmental Change* 1 (2005), pp. 23–31.

countries may prefer to avoid the implications of such a discussion.

Another key issue is that in an intensely globalized world, governance can no longer only be purely among and between states and non-state actors, but needs to find ways of engaging with the contextual, spatial and scalar nature of the challenge. This is because the causes of problems and their multiple impacts operate simultaneously at multiple levels, the system is glocal, and solutions can often be found in other countries. In other words, one needs to take into account which specific driver affects a problem at a specific level/context and address that. Let me explain. Where the problem is the global market discourse of privatizing resources, local authorities may have no countervailing power to prevent its effects. Nor can a climate treaty address global market forces, if it has an explicit principle that it must protect the global economic order. Where biodiversity loss is caused by global demand for trophies (e.g. the head of a lion) or souvenirs (e.g. the toes of a bear), making national parks may not help. Of course, governments have multiple political, economic, legal and social reasons for not wanting to scale up or scale down a specific problem.[8] The implication of this is that modern wicked problems require temporal, scalar, interdisciplinary analysis, before level-appropriate specific solutions can be crafted.

[8] Joyeeta Gupta, "Global Politics of Scale on Environmental Issues: Climate, Water and Forests," in Frans Padt, Paul Opdam, Nico Polman and Catrien Termeer, eds, *Scale-Sensitive Governance of the Environment* (Oxford: John Wiley & Sons, 2014).

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III

Multipolarity: Towards a Better Balance of Power in a Changing World With Persistent Challenges

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While Hale, Held and Young argue that the rise of a multipolar world has contributed to gridlock, I would argue in the spirit of authors from the Third World Approaches to International Law (TWAIL) school, that first, although membership of rich and poor countries has and will keep changing, the rich–poor divide remains persistent. With 1 percent of the population monopolizing 50 percent of the resources and the poorest 2.5 billion people living on less than $2 per day, we are increasingly seeing that the 1 percent is beginning to control politics both directly (in terms of what is focused on) and indirectly (in terms of ensuring tax holidays for themselves and through controlling the polycentric governance arenas through their "long arm"). A substantial portion of trade, bank loans and foreign direct investment is channelled through offshore tax havens to avoid paying taxes. The poor will also have to bear the brunt of the impacts of climate change, but also of global capitalism through the effects of land- and water-grabbing. The bulk of the poor will be concentrated in middle-income and poor countries. Second, the issues in the developing world will boomerang back to the developed in multiple ways. For instance, developing countries are becoming more articulate in international negotiating arenas; their size, economy and potential consumption patterns make it impossible to ignore some of them; civil war in many and the rise of IS not only affects these countries but also the West either through the rise of home-grown terrorism in the internet age or through the migrants from war-torn countries who are desperately seeking an alternative to war. These different aspects of the increasing presence of the countries and peoples from the South will make it impossible for

the developed countries, and in particular the US and Russia, to impose a unilateral approach towards the South. This has clearly increased the transaction costs and increased the stakes! The South can no longer be ignored or controlled unless a more just international order is promoted.

These changing yet persistent geo-development patterns call for a critical, constructive, glocal, relational approach. This implies (a) understanding how glocal paradigms and institutions are used to control people, shape sharing politics and perpetuate inequalities, and how and whether this might change through changing geopolitics; (b) not only a focus on the poor/South but also on the rich/North (their capital markets, flows, operations) and the relations between them; (c) using also Southern epistemological approaches such as TWAIL; (d) analysing how past relations and their shadows and future expectations will shape ecospace sharing: such shadows are solid when they refer to the infrastructural and technological lock-in of societies, but others are more ephemeral but no less real in terms of social and political lock-in; (e) understanding how changing geopolitics and Asia as both the centre of power and poverty in the twenty-first century will affect the development prospects of others; (f) understanding how empowering the poor, weak and marginalized at the glocal level (from LDCs to indigenous peoples) would help in addressing ecospace challenges in a world growing to 9 billion people; and (g) assessing how redistributive mechanisms can be funded not just by new and innovative funding mechanisms but also by closing offshore tax havens and redesigning capital markets.

IV

Since Fragmentation Is Unavoidable, Constitutionalization Is Imperative

A key feature of *Gridlock* is fragmentation of governance institutions leading more often than not to competition rather than accommodation, coherence and mutual support. For example, an "open economic order" within which trade can flourish may be diametrically opposed to a world that uses its resources sustainably. Processes of trying to promote coherence, coordination, mainstreaming, and now the nexus approach have been tried and probably will continue to be tried. But there will be two reasons why these will never be truly successful. First, if we accept the principle of public participation in policy definition and implementation, then the results of public participation are likely to be different from place to place, context to context, and vertical coherence will remain an elusive goal. Second, the history of issue-by-issue political negotiations has led to entrenched policies in each arena that cannot simply be wished away through horizontal efforts at creating coherence.

This means that, in my view, fragmentation is not necessarily a problem; it is a fact of global governance! But such fragmentation of governance should not imply that basic human rights are violated, distributional issues ignored, damages remain uncompensated or that the ecosystemic standards are not adopted. This calls for global constitutionalism since the scale of problems is multiplying and we live in a world of physical limits, since neither markets nor hegemons nor polycentric governance can resolve these glocal conflicts. Such a constitutional approach redefines the normative values of society and creates a combination of common standards for all and respect for all humans and societies, while challenging the status quo.

This would imply the adoption of a common set of global goals (e.g. the Sustainable Development Goals adopted by the UN General Assembly); a common set of systemic principles which would combine the adoption of ecosystemic standards with human rights standards and principles of environment and development (e.g. as emerging from the Rio Principles); a set of rules about how redistribution is to be financed which includes principles of taxation of the large multinationals and the ultra-rich; a set of rules that demand transparency of all contracts and arbitration in relation to the use of natural resources and sinks; and finally a toolbox of instruments for ensuring compliance. The market, hegemonic approaches, polycentric approaches can then continue to function within that constitutional framework. Such an idea has more chances for survival when superpowers vie with each other for control and where social movements promote it, in addition to states. The developing countries that have asked for a new international economic order and a level playing field may be willing to accept this if the West will also accept constitutional limits. As Hale, Held and Young argue, China benefits more than it loses from the international order right now and will therefore be more than likely to accept such an order. The question is whether the US has the intellectual flexibility to not just develop the science and read the signs but to understand that it is time to ratify human rights and environmental treaties and join the international community of states as not just a hegemonic actor but as a team player!

V

Conclusion

Gridlock which describes and explains the current breakdown in cooperation between countries or the gap between need and

effort, is in my view merely the time needed for a reconsideration of the fundamental assumptions and context in international relations for moving towards triple loop learning. Since the sixteenth century our earth has experienced various forms of exclusive development, development limited to the few, often legitimized and legalized through rules that protected the status quo. However, the nature of the limits in the Anthropocene, the need to complement extensity and intensity and take the multiple drivers that operate at multiple levels of governance and the transition paths of development into account, and the need to accept that democracy at a global level in a multipolar world, will lead to demands for change and calls for a global constitution that protects common values for all. This inevitable change in context and understanding must lead to a re-examination of global values, and is already doing so. This will lead many in the North to talk of gridlock—because it is difficult to pursue the agenda of the North, and because inevitably the agenda of the South has to be accounted for! Our Sustainable Development Goals is a critical unifying charter, a key milestone in the process towards triple loop learning! For me gridlock is the end of exclusive development and the beginning of a more inclusive development paradigm. We are in the midst of its birth pangs.

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