

Book Review

Research Handbook on Global Administrative Law

edited by Sabino Cassese

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£175.50; Hardcover

“The current world” – writes Mark Marzower – “is driven by more global policy-making, in more varied forms”. “Willingly or unwillingly”, adds Eyal Benvenisti, “sovereigns surrender their monopoly on regulatory powers to actors whose reach defies political boundaries”. Comprising over 2,000 regulatory regimes, 60,000 international non-governmental organisations, 200 international courts and quasi-judicial bodies, not to count hundreds of national governments operating at the supranational level, “global administrative law” (hereinafter, GAL) has become an inescapable topic for scholars interested in understanding contemporary legal, social, political and cultural issues. After all, GAL entails the complexity of the contemporary age, an age where nation-states are no longer the sole or dominant players, and almost all phenomena of importance transcend national borders. This explains why, on the one hand, GAL (and its terminological counterparts – e.g. “transnational administrative law”, “international public authority” and “law of global governance”) is the object of a growing amount of academic research and, on the other hand, it remains highly contested. Opinions diverge on crucial aspects of globalisation of administrative power. Globalists challenge sceptics over the definition(s) of GAL, its reasons and consequences, its academic independence from international law, and ultimately about the very existence of a body of administrative law that transcends national boundaries.

In his newly-edited book on GAL, Sabino Cassese enters this debate in path-breaking fashion. The *Research Handbook on Global Administrative Law* attempts to rationalise the various streams of academic debate on GAL, to analyse its problematic facets, and eventually to offer a state-of-the-art analysis of (the combination of) globalisation and the exercise of public power beyond national borders. Powerful and provocative, this volume is organised in 26 chapters, distributed across seven parts, gradually shifting from a horizontal to a vertical perspective. In terms of horizontal analysis, the volume starts by analysing the growth (in both quantity and quality) of global administrations. The early chapters of the handbook explore the expansion of the material scope of global law, the proliferation of global regulatory regimes, the management of international civil servants, international public procurement and the constitutional foundations of global administrations. Drawing on the scrutiny on global administrations, the handbook moves to the observation of the interactions between global regimes and civil society actors and public administrations. Contemporary administrative power, it is posited by the authors of this section, is structured in networks of civil servants, lawyers, academics, politicians

and activists. Not only do these networks lead towards more synergetic relationships between public and private actors, but also imply that non-state actors perform regulatory functions that were traditionally held by public authorities, and therefore bring novel consequences to what should be considered as a legitimate use of public power. The horizontal analysis concludes with two sections: the first looking into the emergence of a global administrative process, and the second analysing the development of the rule of law and democratic principles at global level. Among the issues dealt with in these two sections notable are those concerning the implementation of global standards by national administrations, the enforcement of global decisions, the proliferation of international courts (commonly referred to as “judicial globalisation”) and the role played by “global indicators”. The sections devoted to vertical analysis of GAL are particularly innovative. Academic analysis on the relations between GAL and other supranational regulatory systems is still in its infancy and deserves further scrutiny and debate. In this respect, the handbook has two merits: first, it provides a different perspective from that adopted by international lawyers to explain the relations between legal principles pertaining to different regulatory systems; second, it proposes a conceptual taxonomy that differentiates from the nomenclatures used to describe the linkages between states and international organisations. In order to do so, the handbook firstly guides us through observing the relations between global law and regional legal systems – including the EU, the Global South and the global law of development, then it observes the relationship(s) between global law and domestic legal orders; and concludes with analysing the formation of a “global legal culture”.

The *Research Handbook on Global Administrative Law* is much more than a simple collective book on globalisation and administrative power. There are three reasons to recommend this volume. First is the combination of different academic perspectives, ranging from administrative-public law scholarships to international law and political sciences. Masterfully orchestrated by Sabino Cassese, these varied interpretations compose into a harmonious and coherent framework. Second, and relatedly, this handbook offers a valuable reading for a wide audience, including students, academics and practitioners. From university students approaching the complexities of transnational legal issues, to scholars focused on international and comparative fields of law, to legal professionals and civil servants dealing with supranational organisations, the handbook offers a great deal of information and thought for reflection and analysis. A third reason to recommend the handbook involves the detailed analysis of legal, political and social issues pertaining to the contemporary supranational legal sphere. Perhaps unintentionally, the volume goes far beyond the domain of administrative and public law, and even beyond the precincts of GAL. Exemplary are Chapters 8, 18 and 23. Richard Stewart authored Chapter 8, focusing on the spread of global standards for national societies. Stewart describes the implementation of national administration of the myriad of regulatory norms generated by global regulatory bodies. This results into a ‘distributed administration’, as the author names it, composed of domestic regulatory agencies acting as part of the global administrative space. Nevertheless, points out the author, problems persist concerning the accountability of global regulators to domestic publics, and vice versa. Chapter 18 was written by René Uruena Hernandez, and describes the relationship between GAL and the Global South. According to Hernandez,

GAL impacts on the hundreds of national systems belonging to the Global South through challenges of access (to global regulatory bodies), of the goals (of these institutions), of the accountability (for their action), and of their influence (on domestic authorities). Yet, admits the author, this impact remains contested in scholarly analysis. Uruena Hernandez reminds us of the critical voices concerning the “indeterminacy” of GAL and the gap that exists between the interests carried by the Global South and GAL. Finally, Chapter 23, by Sabino Cassese, aims at analysing the complex combination between the erosion of state sovereignty and the evolving role of domestic powers in the global space. States remain predominant actors in global governance, explains Cassese. However, he continues, the exercise of public power has shifted to the supranational stage, creating a number of paradoxes that national governments are requested to deal with. Cassese focuses on three main problems. The first is the distribution of power at the supranational space, which is shared between national and supranational rulers. The second consists of what Cassese tellingly names “deep fragmentation” of national governments, to address the contradictory courses of conducts of governments operating beyond national borders. The third aspect addressed by Cassese is the lack of a hierarchy in the global arena, which outdates all interpretations of the supranational arena based on hierarchical rather than distributed forms of power.

To conclude, this handbook offers a remarkable contribution to the understanding of the challenges and problems of contemporary world. It is a book capable of combining an overview into actuality with in-depth reflections, never succumbing to the temptation of solving all the challenges and problems regarding GAL. Rather, this handbook provides some useful insights and clarity on the topic of globalisation of administrative governance. It will certainly contribute to the reframing of ongoing debates on global governance and the exercise of public power beyond national borders.

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