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Expert Rule and the Revolving Door: Exploring the Limits of Conflict of Interest Regulation in Global Governance

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Regulation of conflicts of interest (COI) is a fairly well developed area of domestic law and politics. Hence, as decision making power shifts from national milieus towards global governance institutions, the knee – jerk reaction has been to transplant such domestic regulation to an international setting. This article explores such a move, and argues that it may be insufficient to enhance transparency in global governance since, the paper holds, global governance implies structural changes in the exercise of power that are simply overlooked by domestic regulation of COI. To make this point, the article proposes to map the premises underlying domestic COI regulation, and argues that such premises are fundamentally transformed in global governance. The first premise explored is the defense of the public/private divide, which gives us the *raison d'être* of COI regulation; that is, to create incentives to prevent private interests from invading the public space. The second is the idea of a centralized decision-making process, thus giving us the *target* of regulation. And, finally, domestic COI regulation presumes that such centers of decision are somehow bound by legal norms, thus giving us the *means* of regulation. All these premises have been laboriously dismantled by global governance scholars, who have pointed to their transformation. These transformations reveal that the starting point of domestic COI regulation is of limited use for global initiatives of similar ambitions, wherein lies the challenge of exploring, at a fundamental level, the limits of COI regulation in global governance.