



# REFORMING MULTILATERALISM IN POST-COVID TIMES

FOR A MORE REGIONALISED,  
BINDING AND LEGITIMATE UNITED NATIONS

EDITED BY Mario Telò



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# FOREWORD

## REFORMING MULTILATERALISM FOR THE 21st CENTURY

**Maria João Rodrigues**

President, Foundation for European Progressive Studies,  
and leader of FEPS New Multilateralism Project

Is it possible to imagine a multilateralism for the 21st century?

The **current multilateral system** emerged from the ashes of the second world war and was mainly designed to prevent the eruption of a new world war. It was a partial success because it was possible to contain a cold war in a the multilateral system that shaped the global landscape for several decades.

Nevertheless, throughout this period, **new challenges and aspirations** emerged and forced the multilateral system to develop new ramifications to cope with these challenges and aspirations, thus creating a complex architecture which now has several significant inconsistencies and flaws.

Furthermore, the range and dynamics of the **relevant global actors** are now very different because the actors include many new countries that joined the UN system after decolonisation, as well as new great powers, regional organisations, multinational corporations, civil society organisations and global citizenship.

These new challenges and new actors have generated a large set of global initiatives that create a very **complex landscape of global governance**: plurilateral platforms (such as the G20), comprehensive bilateral agreements (notably in trade), regional political organisations (such as the European Union and the African Union) and multi-actor coalitions focusing on particular issues (such as the environment).

**Competition between the great powers is also evolving.** After the long USA-USSR bipolar period, and the unipolar phase after the fall of the Berlin Wall, American

hegemony now seems to be in decline due to both American retrenchment and the emergence of new great powers, notably China. More recently, this multipolar world and this new great-power game seem to be reaching the level of **systemic competition between different potential global orders**.

As an example, let us just mention a key shaping factor of the emergent new global order, whose implications must be fully understood. A new dimension of reality, the virtual one or **cyberspace, is being massively amplified and transformed** by the combined effect of the internet of things, which connects trillions of objects and services to artificial intelligence that can improve the algorithms of governance at all levels, including global governance. But this can only happen if we build the global governance of cyberspace, which is still very inconsistent and fragile. At the current point in time, we are heading towards a geostrategic competition to gain dominance over cyberspace, which will have huge implications for all the other dimensions of reality. All this shows a **new frontier to improve global governance**.

The **decline of the current global order seems irreversible** due the combined effect of several factors:

- the divide between the winners and losers of globalisation, which is particularly deep in some countries;
- the level of systemic risk reached due to the financial crisis of the last decade, with lasting social impacts, particularly on the outlook of young people;
- the level of systemic competition between great powers pushing for different priorities and solutions;
- the emergence of strong nationalist trends in several big players – Russia, Brazil, China, Turkey and the Trump-led United States openly undermining the multilateral system (withdrawing from UNESCO, the Migration Compact and the Paris Climate Agreement, as well as weakening WTO trade negotiations) – this one fortunately gone!;
- the current difficulties in coping with urgent global challenges such as pandemics and climate change.

The **Covid-19 pandemic is now acting as a catalyst on, and a magnifier** of, all these trends and tensions. The pandemic has created a multidimensional crisis with strong impacts on the health, social, economic, political and cultural conditions of all countries. This crisis is unfolding along different phases of health emergency and lockdown, with the re-opening and re-launching of human activities together with several setbacks, the countering of a big recession, and the preparation for recovery with the transformation of our economies and societies. This is a make or break moment for higher international cooperation and it will probably be **a turning point shaping the emergent new global order**.

What will this new global order look like? In fact, there are three **basic possible scenarios**.

1. The ongoing **fragmentation of the current global order** and the **emergence of a polycentric structure with zones of influence, including the new zone of influence connected with China**. These different poles and zones of influence can also tend to become more inward-looking and to use a weakened multilateral system for their particular needs. So far, this seems to be the most likely scenario.
2. A **Western revival**, particularly if there is a reversal of the current situation in the USA. This might not change much as regards the American attitude to trade, but it could certainly bring a new American attitude to the climate or human-rights standards, as well as an American re-engagement with the UN system. Nevertheless, we have a new world now, and this Western revival would no longer be sufficient to prevent the first scenario.
3. **Renewing international cooperation with a multilateralism for the 21st century**. The chances for such a scenario depend on building a large coalition of forces involving willing states, regional organisations, civil society entities of different kinds, and also willing citizens wherever they are in the world, even under authoritarian and anti-multilateral political regimes. This would be a global coalition of progressive forces, which could count on a core of strongly committed forces as well as on a variable geometry according to the different objectives.

The European Union is now on the path of developing stronger instruments of **European sovereignty** in the budgetary, economic, social and environmental fields, and it should aim at asserting itself as a **fully-fledged political entity with a vital inter-**

**est in defending and updating a multilateral system at world level, building a global coalition of allies.**

It is thus high time to develop an agenda for **a new multilateralism for the 21st century** that is more effective in coping with the various current global challenges and that is more legitimate, not only because it is more effective but also because it is **more inclusive** and **fairer**.

With the year 2020 being the point for the UN system to discuss the **reform of the multilateral system at its General Assembly**, FEPS decided – in cooperation with the Istituto Affari Internazionali (IAI), the Friedrich Ebert Stiftung New York Office (FES NY), the Fondation Jean Jaurès (FJJ), the Fundación Pablo Iglesias (FPI) the Centro di Studi di Politica Internazionale (CeSPI) and the Olof Palme International Center – to contribute to this debate by launching a project on a New Multilateralism in order to develop a progressive approach to:

- identify the main global challenges ahead;
- formulate some recommendations not only on the *what to do* but also on the *how to do* in different policy areas of the multilateral system;
- formulate some recommendations on the architecture of the multilateral system.

This project has been able to count on regular dialogue with insiders from the UN system, and on a remarkable set of renowned experts who were organised in two high-level groups – one European and the other comprising experts from the different continents. Both groups held a fascinating debate on all three of the above objectives.

The **main outcomes of this project**, which I had the privilege to chair, are now being launched for public debate. They include, on the one hand, a Policy Report – “Renewing multilateralism for the 21st century. The role of the United Nations and of the European Union” – coordinated by myself and the president of IAI, Ferdinando Nelli Feroci; and on the other hand, the present book which was prepared under the scientific direction of Mario Telò, an internationally renowned scholar on EU and global governance issues, who has edited and contributed to this inspiring collection of essays on renewing the multilateral system, with the UN as its centre, by focusing on three priorities: the enhanced role of regional organisations, and a more binding and more legitimate governance.

I would like to thank the authors of the written contributions published in this volume, notably: Mario Telò, Amitav Acharya, Nico Schrijver, Luk Van Langenhove, Jo Leinen, Qin Yaqing, Andrew Gamble, Nathalie Tocci, Pier Carlo Padoan, Álvaro de Vasconcelos, Paolo Guerrieri, Ruth Rubio Marin, Eulalia Petit de Gabriel and Sebastian Santander. In addition, for their oral contributions, I would like to thank: Ian Lesser, Vladimir Zuev, Zhou Hong, Ummu Salma Bava, Ibrahim Awad, Daniela Schwarzer, Piero Fassino, Conny Reuter, Uwe Optenhögel, Jochen Steinhilber, and Raymond Torres among others, as well as the IAI research group led by Ettore Greco and the FEPS team, in particular, Hedwig Giusto and Susanne Pfeil, who made both the online meetings and this publication possible in such a timely way.

It has been a real pleasure and honour to work with all of this large network of very qualified experts and engaged global decision makers in order to start imagining a multilateral system for the 21st century.



# INTRODUCTION

## FOR A NEW MULTILATERALISM: REFORMING THE UN GOVERNANCE THROUGH A DRIVING ROLE OF THE EU

**Mario Telò<sup>1</sup>**

The June 2019 ‘modalities resolution’ of the UN General Assembly for the 75th anniversary of the United Nations (UN75) recognised “the need to promote and strengthen multilateralism” and that “the 75th anniversary [...] is an opportunity to reaffirm its [member states’] collective commitment to multilateralism and to the United Nations”. The president of the UN General Assembly (UNGA), Tijjani Muhammad-Bande, a Nigerian with experience as a leader of the Economic Community of West African States (ECOWAS), confirmed the commitment of his predecessor, María Fernanda Espinosa Garcés, to strengthening multilateralism, and expressed his hope for a substantive discussion on the UN system, ahead of the leaders’ summit scheduled for September 2020.

Fabrizio Hochschild-Drummond, UN Under-Secretary-General, was appointed by Secretary-General (SG) António Guterres to coordinate the 75th anniversary celebrations. ‘Regional UN75 dialogues’ and ‘NGO fora’ have been planned even if the

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<sup>1</sup> The author would like to thank all the participants at the meetings of April, May and June 2020, which were chaired by Maria João Rodrigues (FEPS President) and Ferdinando Nelli Feroci (IAI President). In particular I would like to thank the authors of the chapters published in this book, notably: Amitav Acharya (American University, Washington DC, and former ISA President), Nico Schrijver (State Council, Netherlands, and Leiden University), Luk Van Langenhove (VUB Vice-Rector and former UN-CRIS Director), Jo Leinen (European Parliament), Qin Yaqing (China Foreign Affairs University, CFAU), Andrew Gamble (Cambridge University), Nathalie Tocci (Istituto Affari Internazionali, IAI), Pier Carlo Padoan (Former Economy Minister of Italy and OECD Vice-Director), Alvaro de Vasconcelos (Coimbra University), Paolo Guerrieri (La Sapienza University and Sciences Po), Ruth Rubio Marin (European University Institute), Eulalia Petit de Gabriel (Seville University) and Sebastian Santander (Liège University). Furthermore, for their stimulating oral comments, I also warmly thank Ian Lesser (German Marshall Fund), Vladimir Zuev (Higher School of Economics, Moscow), Zhou Hong (China Academy for Social Sciences, Beijing), Ummu Salma Bava (Jawaharlal Nehru University, New Delhi), Ibrahim Awad (American University, Cairo), Daniela Schwarzer (Adviser to the German EU Presidency), Piero Fassino (CESPI), Connie Reuter (Progressive Alliance), Uwe Optenhögel (Friedrich-Ebert-Stiftung), Jochen Steinhilber (Friedrich-Ebert-Stiftung), Raymond Torres (Funca, former ILO) and the IAI research group comprising Ettore Greco, Nicoletta Pirozzi and Federica Dell’Arche among others, and finally the IAI and FEPS staff. Susanne Pfeil and in particular Hedwig Giusto have been precious not only in making this exchange technically possible in the challenging context of the Covid-19 pandemic, but also in the book-editing phase. Of course, the author takes on his shoulders the full responsibility for the analyses and proposals presented in this book.



Covid-19 pandemic has inevitably affected this programme. Furthermore, two non-governmental-led initiatives, 'UN 2020' and 'Together First', are mobilising public and expert consultations, researchers, and direct advocacy and educational networks, with the aim of a constructive dialogue with national and local governments.

However, there are evident reasons to be worried, not only because of the Covid-19 crisis and its consequences of historical magnitude. Despite the extremely relevant and underestimated historical achievements of the UN over the last 75 years, notably its containment of the tendencies towards new world wars, and despite the innovative commitment of Guterres's leadership and the multi-actor mobilisation for peace, the United Nations system, along with the entire multilateral network, is in an extremely critical phase of its history, as symbolised by the paralysis of the United Nations Security Council (UNSC) in addressing the Covid-19 epidemic. This is a paradox because despite the infectious disease's evident transnational and global character, it is nationalism and power logic that thus far prevail (see, for example, the failure of the UNSC meeting on 10 April 2020, in the very middle of the crisis). Many concerns have been expressed that the 75th anniversary risks being a missed opportunity and a fatal failure for the urgently needed innovation of multilateralism, with the consequence of a further very dangerous – even if illusory – nationalist wave in all continents.

On the occasion of the important 75th anniversary, this edited volume wishes to make a proactive and cooperative contribution to a courageous UN reform: the Foundation for Progressive European Studies (FEPS) and the Istituto Affari Internazionali (IAI), together with a large network of foundations, convened a European and an international group for several months, composed of outstanding senior scholars as well as of decision-makers and cooperation partners from around the EU and the world – highly ranked universities, national foundations, progressive alliances, democratic institutions, civil society organisations, and international organisations – to be part of a collective endeavour for the production of new ideas underpinning a progressive, global and regional renewal of multilateral cooperation, centred on UN reform. This was not for a grandiose declaration, or a call for fundamental treaty changes which mostly go unmet, but for new ideas to frame concrete reform proposals that are dynamic and innovative, even if largely within the current treaty.

This edited volume shows the clear convergence between the authors, who represent research achievements, and our associated partners with regard to some mainstream ideas for reform and a few focused proposals – hopefully avoiding the risk of an overly

detailed result or a multiplication of overlapping and confused UN policy initiatives. The general methodological approach of our reform project does not focus on a proposal for treaty reform, even if at some points, notably in the chapter by Nico Schrijver, there are proposals for amendments to the 1945 Charter. This Charter of the United Nations can be amended – but according to Article 108, amendments must be adopted and ratified by two thirds of the members of the UNGA, including all the permanent members of the UNSC.<sup>2</sup> Revising the Charter is therefore difficult. We believe, however, that strengthening the UN without necessarily changing the Charter is possible, by addressing methods of governance and policy changes.

This introductory chapter is based both on the author's long-lasting commitment to European and global networks of collective research and public debate on multilateralism, and on the critical interplay of this large collective endeavour. The present chapter formed a background paper for a large and pluralist discussion with internationally acclaimed scholars and decision-makers during the entire research project and took stock of many written contributions and several online discussions within two – European and global – research groups meeting between March and July 2020 and characterised by the shared ambition of jointly constructing a European perspective on UN reform, which is distinct and innovative, but also capable of building convergences and alliances with progressive scholars and political actors on other continents.

## 1. A NEW MULTILATERALISM: FIVE MAIN FEATURES

### 1.1 Global governance in a multipolar and fragmented world: the dramatic alternative for our time

In the *annus terribilis* 2020 it seems clear that it is obsolete to assert the 1990s optimistic visions of global governance as an increasingly decentralised, peaceful, democratic, cybernetic, soft, cooperative and civilian multilevel global regulation. The illusions of

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2 Only in case of a major deal may some minor issues be removed or updated. For example: the 'enemy clauses' in Articles 53 and 107 contain special provisions relating to the members of the Axis in the second world war (Germany, Japan, etc). Some nations consider these clauses to be no longer relevant; Japan in particular would like to see them removed. Europe could approve this change of a provision, which was relevant for the geopolitical context of 1945.

a gradual decline of the states<sup>3</sup> in favour of “governance without government”<sup>4</sup> are definitely over. However, it was not only a matter of illusions. Multilateral organisations increased in number and scope during the decade after the collapse of the bipolar world (1991), and the peoples witnessed an expansion, as well as an enhanced authority and efficiency, of post-cold war global governance. In particular, the World Trade Organization (WTO) upgraded the level of trade regulation of the General Agreement on Tariffs and Trade (GATT), the UN greatly expanded its peacekeeping missions, the indicators of human development (HDI) improved, as did the GINI index on the level of income inequality, and the number of victims of armed conflicts decreased. All were evidence of the enhanced authority, institutionalised coordination and effectiveness of multilateral governance. Denying this constructive legacy would be to deny the outcomes of social science: a concession to the nationalist and populist manipulating arguments.

However, 20 years later, even before the tragic Covid-19 crisis, global governance was becoming more heterogeneous and unpredictable – a mix of opposing trends. On the one hand, legalisation and institutionalisation processes continued progressing, with a dense fabric of norms, complex regimes and institutions, and with sometimes overlapping and informal types of governance. On the other hand, the multiple deficits of global governance began to explode – with unilateral decisions of states, arrogant power politics of the strongest political actors (both traditional and emerging), an overwhelming global influence of multinational companies (notably in the digital sector), and the disintegration of regimes. In this context, the broadening and deepening of nationalistic, religious and ethnic fragmentation became a varying but common political challenge for democrats, liberals and progressive forces alike. Today, the capacity of addressing the common challenges of humankind through institutionalised cooperation looks much weaker and less reliable than 20 years ago to the majority of public opinion and observers. The consequence is the further underpinning of a successful revival of nationalism, protectionism, and populism.

This book aims to address the complex crisis of the multilateral framework’s lack of efficiency, representation and legitimacy, by the conviction that it **cannot be solved by desperately looking at the simple adjustment of the post-second world war multilateral legacy, based on US primacy**. Concrete proposals to revive the reliability,

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3 Ohmae, K. (1995) *The End of the Nation State: The rise of regional economies*. New York: Free Press.

4 Rosenau, J.N. and E.-O. Czempiel (eds) (1992) *Governance Without Government: Order and change in world politics*. New York: Cambridge University Press.

efficiency and legitimacy of multilateral cooperation must be innovative enough to cope with global emergencies (like Covid-19, climate change and financial instability) and must be able to channel the multiple potentialities, and demands for stronger governance, via the development and upgrading of the various forms and levels of multilateral institutionalisation of governance which already exist, at least in embryonic form, with the UN system at their centre.

**What is the main alternative to the current multilateralism? The unprecedented global crisis we are now experiencing may cause either a dangerous nationalistic inward-looking trend, as in the 1930s (with the consequences we all know), or enhanced, more efficient and legitimate multilateral cooperation.** The principal issue at stake for the next decade is whether the still existing tendencies towards enhanced multilateral governance will be defeated by nationalist manipulation, or able to take stock seriously of the main evidence resulting from the most qualified research of the epistemic community, still shared in part by public opinion – in other words, **the main common challenges of humankind are increasingly of transnational nature and scope** (peace and security, containment of financial instability and trade asymmetries, the fight against infectious diseases, criminality and terrorism, the regulation of migration flows and human rights protection). These challenges are defined as **‘common goods’, or ‘commons’, firstly because they affect humankind in its entirety and, secondly, because to be addressed efficiently they demand** not less cooperation but the opposite – **better multilateral governance with the states and beyond the states.**

## 1.2 Multilateralism as a historically changing tool of global governance

Multilateral cooperation among sovereign states corresponds to a long-term tendency and multiple endeavours of states and enlightened personalities aiming to civilise the Westphalian interstate system. It was originally consolidated by the conference putting an end to the Thirty Years War (1648) and aiming at a gradual cooperative institutionalisation of international relations. Progress towards enhanced institutionalisation was the outcome of a difficult learning process, during the 18th and 19th centuries, and in the 20th century at the price of dramatic failures, notably the first world war (1914-18) and second world war (1939-1945), and a second thirty years war – the very background of the foundation of the UN system.

Multilateralism developed according to specific demands in various functional policy fields, within specific power constellations, with specific forms and leaderships. Its

institutionalised genealogy was accelerated in 19th century Europe, within the context of the conferences of the Concert of Europe (1815, 1856 and 1878). These conferences were revived after the first world war, in 1919, and the level of multilateral institutionalisation was upgraded, with the League of Nations (LON) and the International Labour Organization (ILO) being founded at the Versailles conference. Then, following the failure of the LON which was too weak in the face of extreme nationalism in the 1930s, multilateralism went on to a new birth after the second world war. After a controversial debate between 1943 and 1945 about the UN Charter and structure, the UN was founded (in San Francisco, 1945) by a globalist vision, in parallel with the creation of the ‘Bretton Woods institutions’ (1944-1947).

**Table 1. Main multilateral organisations after Bretton Woods (1944)**

|      |                                                                                                                                                                                                |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1944 | International Monetary Fund (IMF)<br>International Reconstruction and Development Bank, World Bank (IRDB-WB)<br>International Development Association (IDA-WB)                                 |
| 1945 | United Nations Organization (UNO)<br>Food and Agriculture Organization (FAO)                                                                                                                   |
| 1946 | International Labour Organization becomes UN first agency (ILO)<br>(it was founded in 1919 parallel to the League of Nations)<br>UN Educational, Scientific and Cultural Organization (UNESCO) |
| 1947 | General Agreement on Tariffs and Trade (GATT)<br>International Telecommunication Union (ITU)<br>International Civil Aviation Organization (ICAO)                                               |
| 1948 | Wealth Health Organization (WHO)<br>Universal Postal Union (UPU)<br>International Atomic Energy Agency (IAEA)                                                                                  |
| 1950 | World Meteorological Organization (WMO)                                                                                                                                                        |
| 1963 | World Food Programme (WFP)                                                                                                                                                                     |
| 1967 | UN Industrial Development Organization (UNIDO)                                                                                                                                                 |
| 1974 | World Intellectual Property Organization (WIPO)<br>World Tourism Organization (UNTWO)                                                                                                          |
| 1977 | International Fund for Agricultural Development (IFAD)                                                                                                                                         |

Of course, since its origins, the development of multilateral cooperation has interplayed with the interstate system and with the regional and global power structure, whether unipolar, bipolar or multipolar. The Concert of Europe was an unprecedented example of multipolarity, making it possible, for many decades, not only for stability to emerge but also civilian multilateral cooperation, as even Henry Kissinger underlined. Bipolarity was a more difficult challenge. After 1947 and the break-up of the anti-fascist coalition, the cold war started between two alternative poles, states, economies and ideologies. The bipolar world, which was consolidated in 1947, collapsed in 1989/91. It was followed by the illusions of a unipolar world (in 1990 and notably 2002-2008), which came to a deadlock, with the consequence that even Barack Obama recognised that the **world power structure is definitely multipolar. All in all, for 15 years the main global/regional political issue at stake has been 'how to multilateralise a multipolar world'.**

However, **the current multipolarity is of an unprecedented kind.** The shifts of global power are largely recognised as giving birth to a multipolar global order of a new type, combining the five BRICS (Brazil, Russia, India, China, and South Africa) with the USA, EU and Japan (and gradually expanding to a dozen minor emerging powers, from Indonesia to Turkey, and from Egypt to Mexico). This multipolar global order greatly shapes regional and global governance. Why is it “unprecedented”? Firstly, contrary to new bipolar scenarios, notably hyper-mediatised in China and the USA,<sup>5</sup> this multipolar world is, and will remain for decades to come, **asymmetrical**: one single military superpower survives (the USA), characterised by overwhelming military capacities that are still six to seven times higher than those of the main strategic competitor, China, according to SIPRI annual reports. The world of the 21st century is still very far from the USA-USSR militarily balanced – both in traditional and nuclear arsenals – bipolar cold war. Secondly, this multipolarity is **heterogeneous**, as the demographics, economies, trade and military resources of the main five or six greatest powers vary to a relevant extent. Thirdly, it is combined with many forms of deep economic/trade interdependence as well as with non-polar **governance fragmentation** – unilateralism, defections, local conflicts, intra-national civil wars, mini-lateral arrangements, arrogant policies by multinational companies, counter-multilateral initiatives, and nationalistic inward-looking political trends.<sup>6</sup> Even in the case of a new bipolar confrontation, as forecast by Graham Allison and Yan Xuetong, history clearly shows that strengthening

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5 Among the many Chinese 'bipolarists', one of the most qualified is Yan Xuetong, *Leadership and the Rise of Great Powers*, Princeton University Press, 2019. In the USA, see Allison, G. (2017) *Destined for War: Can America and China escape Thucydides's trap?* London: Scribe.

6 Haass, R. (2008) 'The age of non-polarity: What will follow the US dominance', *Foreign Affairs*, 87(3). Available at: [www.foreignaffairs.com/articles/world/2017-02-13/internetwhole-and-free](http://www.foreignaffairs.com/articles/world/2017-02-13/internetwhole-and-free).

and upgrading the common multilateral institutions is the only way to allow containment of the tendencies towards a downgraded rivalry between the emerging and declining powers, and to prevent an ensuing military confrontation.

**The crucial stake for multilateralism is whether – and how – this unprecedented and heterogeneous multipolarity, including so many threats and deficits, could not only be compatible with institutionalised cooperation, but also better framed by it, at least in crucial policy fields. Our answer is that a positive response cannot be excluded, but only provided that stronger and more legitimate forms of multilevel multilateral governance are constructed.**

It would be absurd to deny that the 75-year legacy of the US-driven multilateral framework is still relevant. It not only survived the bipolar power-confrontation and the 40 years of cold war (despite abuses of veto-right at the UNSC, and strong political and ideological tensions) but, after 1991 and the collapse of the USSR, it also survived a period of transition influenced by two conflicting tendencies – on the one hand, the ambitions of restoring US primacy, firstly in terms of economic hegemony on the ‘new world order’ (George Bush senior and Bill Clinton) or in terms of brutal domination (George W. Bush); and on the other hand, the continued expansion, further inclusiveness, and multi-actor/multilevel transition of the multilateral network. As said, according to leading scholars<sup>7</sup> the 1990s were a partial success story for multilateral cooperation and for liberalism. Looking at it in the most positive light, there was huge expansion of international cooperation (membership, number and scope of regimes and organisations), which integrated emerging economies and former enemies, and there was intense interplay between transnational networking at civil society level (NGOs) which framed a “third wave of domestic” democratisation in Europe, Asia, Latin America and Africa.<sup>8</sup>

However, even in the case of the best performances in conflict prevention, and in poverty- and inequality-reduction, and new regime-building, **the enhanced authority beyond the state was not accompanied by stronger legitimacy. Enhanced output legitimacy, based on performance, even if necessary, was insufficient because of the missing construction of a less contingent input legitimacy.** As a consequence, the rapidly growing multidimensional global interdependence was undermined by a series of new problems and stakes: (a) a strong trend towards exaggerated local identities (nationalist, cultural,

7 Keohane, R.O. (1984, 2004) *After Hegemony*. Princeton NJ: Princeton University Press; Zürn, M. (2018) *A Theory of Global Governance*. Oxford: Oxford University Press.

8 <https://freedomhouse.org/reports>.

religious), intra-national wars, and the dark effects of globalisation for the Western middle classes (globalisation malaise, politics of fear-manipulation, nationalist and/or far right populism); (b) the decline not only of the US hegemony (and the G7) but also of its moral and political authority; (c) the increasing discontent of the BRICS that the multilateral institution legacy was not, and is not, representative of the changed distribution of power; while the attempts to build up a new collective leadership (the G20) proved fragile; (d) the simultaneous emergence (not yet the consolidation) of a relevant **neo-bipolar competition and rivalry** (US-China) alongside the aggravation of new global challenges which demand enhanced cooperation – from climate change to economic instability, from infectious diseases to terrorism, and from digital conflicts to trade wars.

**Multilateralism is therefore in serious trouble and global governance looks weaker than in recent decades.** The failure of the attempted UN reform, ten years ago, and the deadlock of the WTO Development Doha Round (DDR), well illustrate some of the main shortcomings of the multilateral institutional network legacy. Multilateral cooperation is currently experiencing both a legitimacy crisis (with accountability and representation deficits) and an efficiency crisis (an implementation gap).

Talking about a general ‘crisis of multilateralism’ needs, however, to be nuanced. Crises should always be situated in historical perspective **and may also offer opportunities for reforms and adaptation strategies, provided that a new multilateralism is on the agenda of at least some relevant political actors**, firstly of the EU. Since its foundation, and according to the treaties, the EC/EU has identified with multilateralism not only as a tool but as a value and a way of life. Furthermore, contrary to hearsay, the EU is not facing a homogeneous world of wolves. The good news is that for the majority of regional organisations, as well as for some states, multilateralism is not only a tool of governance but also a value, despite this being according to various cultural traditions. How could a coalition of the willing, together with governance reforms, foster a new multilateralism?

### 1.3 The UN reform as the essential piece of a new multilateralism

The UN membership has grown from 51 to 193 member states in 75 years, and its institutional strength has always evolved in response to external and internal challenges. To remedy its current challenges, several radical alternatives are proposed: continue the status quo with some technocratic adjustments; accept the terminal decline of multilateralism; or engage with a serious perspective of multiple reforms. **All in all,**



**given the impossibility of muddling through, the two main options on the table are either to downsize or reform.** Since the 1980s, some states, including the USA (under Jesse Helms, John Bolton, and particularly the presidency of Donald Trump) have explicitly looked at ‘downsizing’ the UN through reduced demand, funding and functions. These states are now very proactive in proposing cuts to the UN budget, to be replaced by voluntary funding; and in stopping ‘discrediting performances’ (which make of the UN ‘a problem-making organisation’, characterised by an inevitably growing ‘expectations-capability gap’). All in all, they claim that the so-called UN ambition of supplanting or complementing national sovereignty should be radically replaced by national responsibility which, they say, is ‘currently discouraged’.

Other actors, however, both in developing and developed countries, primarily the EU, but also some of the emerging powers, call for a revived and enhanced role for the UN, with increasing resources and functions.

This book does not aim to revive utopian projects for a cosmopolitan ‘world government’. It is instead situated within the current debate about the policy – and reform – options for the next decade. It explores the large third way between utopian cosmopolitanism and neo-Westphalian UN-scepticism. Our approach is neither a static defence of the 75-year legacy of a largely ‘hegemonic multilateralism’, nor the delegitimisation of the UN as obsolete, bureaucratic and inefficient. We believe that **a new multilateralism is possible** provided that there is both a grand design and the necessary convergence and alliances on gradual policy and governance reforms. **The UN reform is an essential piece of a new multilateralism.**

#### 1.4 What do we mean by a ‘new multilateralism’?

Multilateral governance is not a dream or a utopia of the second part of the 20th century. Within the current critical context, there are solid and robust tendencies that foster a new multilateralism, combining the best legacy of the past and innovative features for the future. What remains alive of the 75-year legacy and what needs profound revision? According to the most authoritative scholars, new multilateralism still defines “a persistent set of rules that constrain activities, shape expectations and prescribe roles”.<sup>9</sup> It “coordinates relations among three or more states on the basis of ‘generalized’ principles of conduct [...] an indivisibility among the members of a collectivity, and [...]

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<sup>9</sup> Keohane, *Hegemony*.

the expectation of diffuse reciprocity”.<sup>10</sup> These principles still work as clear indicators of differences between multilateral and non-multilateral organisations (and regimes) which do not include them. Furthermore, the principles are hierarchical or similar to the spheres of influence of past centuries.

Why is a new multilateralism both desirable and realistic?

This book aims to provide a constructive contribution to an innovation of the multilateral framework and notably a UN reform consistent with the following **five ideational guidelines**. The guidelines result from a vast experience, outstanding scientific literature and in-depth dialogue with various transcontinental cultures.

### **1) A post-hegemonic collective global leadership**

The fact that the world has entered a post-hegemonic era is a matter of large consensus, including that of outstanding American scholars and leaders of the West and the sole remaining superpower. The US is no longer able nor willing to continue the role of international common goods-provider and cultural hegemon that it played from 1944 until the 1970s.<sup>11</sup> Hegemony is not synonymous with domination, and military primacy survives the hegemonic decline. The US will still be the first military power for some decades to come, as well as an economic giant. Furthermore, the hegemonic decline implicitly addresses the urgent question of the **new type of leadership, coordinating the global agenda and policymaking of specialised agencies**.

Research is largely unanimous in denying that any single power will replace the previous US role – neither China nor the EU. The EU is a very relevant civilian power defending the UN, its values and functions, but it is still essentially a market power, a trade power, and a cultural power, which lacks the military capacities and the unified institutional and political system needed for such a role. China is committed to

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10 Ruggie, J.G. (ed) (1993) *Multilateralism Matters*. Columbia NY: Columbia University Press.

11 The pioneering theoretical book by Keohane (1984) has paved the way to the large US (and non-US) literature focusing not only on the ‘US hegemonic decline’, but also on the whole research avenue (crucial for this book) about the ability of the multilateral institutions to survive the defection of their main founding member – see the outstanding contributions by: Ikenberry, J. (2011) *The Liberal Leviathan: The origins, crisis and transformation of the American world order*- Princeton NJ: Princeton University Press; Kupchan, C.A. (2012) *No One’s World. The west, the rising rest and the coming global turn*. New York: Oxford University Press; Zakaria, F. (2008) *The Post-American World. And the rise of the rest*. London/New York: Penguin Books; Nye, J. (2008) *The Powers to Lead*. Oxford: Oxford University Press; Acharya, A. (2013) *The Making of Southeast Asia: International relations of a region*. Ithaca, NY: Cornell University Press; Acharya, A. (2015) ‘Doomed by Dialogue? Will ASEAN Survive Great Power Rivalry in Asia’, *The Asian Forum*, 29 June; Slaughter, A.-M. (2004) *A New World Order*. Princeton: Princeton University Press; and Katzenstein, P. (2005) *Anti-Americanism in World Politics*. Ithaca: Cornell University Press; as well as the new-regionalist comparative research.

multilateralism ‘with Chinese characteristics’. It is currently a leading WTO and COP 21 member, engaged in the top management of relevant UN agencies like the FAO (food and agriculture), ITU (telecommunications), UNIDO (industrial development) and ICAO (civil aviation), and the first provider of blue helmets. However, the relevant differences regarding the basic concepts of ‘human rights’, ‘national sovereignty’ and ‘reciprocity’, among others, together with the recent decline in soft power (coincident with the Covid-19 epidemic, the new Hong Kong security law) and the ambiguities of the Belt and Road Initiative (BRI), are increasing tensions and fears both in China’s near neighbourhood and further abroad. Regarding the crucial dimension of values, we need multidisciplinary research and a deeper debate about background cultures (between intellectuals from China, the EU, USA, India, Brazil, Africa, Russia, Japan, the Arab world, ASEAN, MERCOSUR and relevant policy actors) and about diversities, as a precondition for deepening possible convergence.<sup>12</sup> This is a long-term issue.

Since no power is in a position to replace the previous US role in the foreseeable future, to avert chaos and anarchy, the new global leadership, if possible, can only be collective and multilateral, strong enough to contain both multipolar military power politics and bipolar tendencies. In institutional terms the questions are: how should the UNSC be reformed? And how should the G7 and G20 evolve by including not only the EU and the BRICS but all of the “Next Eleven”?<sup>13</sup> The G20 revival in 2008 showed that economic crises can foster change, even if the current G20 elite multilateralism looks too fragile to be proposed as the main institutionalised and legitimate solution to the current leadership vacuum.<sup>14</sup> The EU proposal of enhanced institutionalisation of the UN system is consistent with the ongoing Guterres reform (better centralisation/coordination within the UN system, avoidance of fragmentation, single security pillar) and could strengthen the UN’s coherence and central authority. However, it can only

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12 This extremely relevant question goes beyond the trivial opposition of democracy and autocracy, and concerns the philosophical and cultural issue of ‘multiple modernities’, and of the weight of diverse cultural backgrounds, for the necessary multilateral convergence on common goods. Starting with this hypothesis, the Institute of European Studies of Macau (Macau-IEEM) has created – under the direction of Thomas Meyer, Mario Telò, José Sales Marques and Qin Yaqing, with the support of FEPS – a permanent international pluralist forum for discussing new bridges beyond both relativism and Western universalism. Routledge is publishing its outcomes on a regular basis (GEM book series, see bibliography).

13 The Next Eleven are Bangladesh, Egypt, Indonesia, Iran, Mexico, Nigeria, Pakistan, the Philippines, Turkey, South Korea and Vietnam.

14 Much more legitimate than the G7, the G20 has been a de facto leader in global economic governance since 2008: it represents 90 per cent of global GDP, two thirds of the global population and 80 per cent of global trade; it has more political authority than International Monetary Fund (IMF), World Bank (WB), World Trade Organization (WTO) and the United Nations Economic and Social Committee (ECOSOC), even if the latter includes 170, notably African, countries excluded from the G20. The G20’s strength (elite multilateralism, informality) is also currently its weakness. It is a useful forum for meeting and a platform for building consensus, rather than an international multilateral institution. Given the poor decision implementation rate, its leadership is far from effective (with an agenda that is too expansive, non-compliance because of non-binding decisions, and a lack of transparency).

be successful if combined with (balanced by) decentralisation: an enhanced role for regional organisations, a UN system that is more representative of the world's regions and open to multi-actor participation. This twofold reform could be pursued by the EU in alliance with several global powers and notably some of the emerging economies.

## **2) A multilevel multilateralism**

Under the kind of balance between the global and regional dimensions of institutionalised governance established 1944 and 1947 – according to the design conceived by US Secretary of State Cordell Hull (UN, Bretton Woods institutions and GATT) – **multilateralism has over the decades de facto transformed into a multilayered form of governance**, and thus **national, regional, interregional and global levels of authority exist and interplay in various ways**.

The issue now at stake is how to take stock of the existing proliferation and politicisation of regional arrangements in every continent, as well as how to take stock of interregional ties between continental entities, for the reform of the representation and decision-making process at the level of global organisations. This needs to go beyond the solutions decided 75 years ago: Chapter VIII of the UN Charter, adjusted by the status of regional organisation observers at the UN General Assembly; and Article XXIV of the GATT (today WTO) treaty.

Major historical changes have occurred between 1944-1947 and the 21st century. These profound changes are symbolised by the growing role not only of the EU but of many regional organisations on every continent: ASEAN, MERCOSUR, the AU, ECOWAS, SADC, CARICOM, CAN.<sup>15</sup> Few countries are a member of no regional organisation, and overlapping memberships are possible. Addressing this issue is far from an arrogant stamp of the EU's identity, but is a shared objective of many regional entities, from the AU to ASEAN. It is also in the evident interest of the legitimacy and efficiency of the global multilateral system to combine regional, interregional and global multilateralism in more dynamic ways.

The main reason for this governance reform is not only to take stock realistically of a historical change – in other words, the multiplication of relevant and multipurpose

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<sup>15</sup> The Association of Southeast Asian Nations (ASEAN); the Southern Common Market (Spanish acronym: MERCOSUR); the Economic Community of West African States (ECOWAS); the South Africa Development Community (SADC); the Caribbean Community (CARICOM); Community of Andean Nations (CAN).

regional entities. One of the main political aims of this grand design is to set **a new viable balance between the necessary institutional centralisation of the UN and WTO institutional set**, on the one hand (see Guterres's ongoing reform) **and**, on the other hand, **the measures for the decentralisation of the decision- and implementation-process** – which is also a way towards enhanced representation, legitimacy, and efficiency.

This reform may also have a second effect: it may also be a way to upgrade the current specific reciprocity to diffuse reciprocity, because many regional entities, whatever their model of integration (the EU institutional way or the soft and consensual ASEAN way), if compared with global organisations, are making cooperation for conflict-prevention, regional convergence for sustainable development, transnational networking, their 'way of life', and this is happening through a deeper understanding of multilateralism, based on enhanced mutual trust. Exploring realistic reforms towards a regionalisation of multilateralism are mainstream ideas in this book (see in particular, the chapters by Nico Schrijver, Luk Van Langenhove, Amitav Acharya, and Álvaro Vasconcelos).

All in all, the current multipolar, interdependent, complex and fragmented world cannot be managed by combining global institutions and states. The intermediary layers of regional and interregional cooperation already look more able to contain nationalism and fragmentation, on the one hand, and power politics on the other. Reviving the global unity of nations, and strengthening multilateral convergence, is only possible through enhanced respect for regional polities and cultural backgrounds, political autonomies and economic differences, rather than any illusion of top-down unification. Beyond the current top-down understanding of the regional dimension, only a United Nations organisation rooted in recognised, multilateral and robust regional entities will increase its legitimacy, representation and efficiency.

### ***3) Horizontal and vertical interconnectedness***

**This book underlines the interconnectedness of policies and institutional sets/solutions.** Since the first negotiations on the creation of the UN, two of the main issues at stake have demanded interconnected solutions: the process for peaceful settlement of disputes; and the process for relations to be established between the economic organs and the UN. Seventy-five years later, in the current context, short-term peacekeeping policies without conflict resolution and sustainable development measures seem insufficient. Similarly, how can human rights protection be efficient without economic stability and peace? **The challenge of horizontal consistency and vertical coherence**

**of the UN policies is of primary importance in the current context of governance fragmentation.** The UN's Economic and Social Council (ECOSOC), for example, must play a much revived role by coordinating the UN system and the Bretton Woods institutions. Coherence and consistency between single proposals and the general inspiration in favour of a new multilateralism, on the one hand, and between the various policy and institutional proposals and levels, on the other, is a mainstream idea of this book.

#### ***4) Enhancing policy efficiency through more binding modes of governance***

The global governance implementation deficit seriously affects the credibility and authority of the multilateral system. How can multilateral institutions be made more efficient in addressing the new transnational challenges arising from the common struggle for international common goods? Intrastate civil wars, climate change, economic underdevelopment, financial instability, infectious diseases, a deregulated digital economy, human rights violations – all these challenges urgently pose the question of how to deepen multilateral cooperation in a more binding way. The historical legacy of multilateralism is characterised by respecting the Westphalian principle of non-interference (and national sovereignty) in a rigid way. The example of not only the EU, but also the WTO panel system, the UN debate about the responsibility to protect (R2P) and human rights protection, and some other experiences of governance beyond the state, clearly indicate that progress beyond this past legacy is already ongoing and that it is possible to deepen and broaden multilateral governance in concrete and realistic ways.

To avoid any misunderstanding, calling for a more binding governance does not mean a call to export the EU's 'community method' as a model, but a call for a joint commitment to the search for intercultural convergence on more efficient and consistent forms of multilateral decision-implementation, including by various forms of multi-actor intergovernmental and transgovernmental cooperation. Looking for new balances between national sovereignty (Article 2, UN Charter) and the consequent 'principle of non-interference', on the one hand, and the need to protect human rights from atrocities (Articles 55-56)<sup>16</sup> on the other, is at the heart of our approach. Of course, enshrining the subsidiarity principle in its Charter would guarantee that the UN does not evolve into a world autocracy that can arbitrarily dictate policy; many issues should remain national

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16 Article 55: "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: [...] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". Article 56: "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55".

or local. However, the EU and other actors foster the exploration of innovative forms of sharing and pooling national sovereignties by pursuing common objectives. That is not a plea for an abdication of national sovereignty, notably in times when feelings of national solidarity have played a positive civic role in fighting Covid-19. The third perspective advocated in this book means neither a utopian world government nor the mere continuation of the static Westphalian interstate system. What we need is a courageous and gradual reform of the Westphalian defence of national sovereignty by **combining the traditional interstate multilateralism with new forms of multi-actor and multilevel governance beyond the state**.

More binding governance beyond the state is evidently easier to implement at regional than at global level, because shared cognitive priors, interest convergence and geographic proximity at regional level make it easier to restore reciprocal trust, despite previous conflicts. This is an element of diffuse reciprocity – and Guterres is right in arguing that we are currently witnessing a global ‘trust deficit disorder’.

As regards the working methods to improve governance efficiency and mutual trust, the challenge is how to make good use of soft law. Looking at regional experiences, the EU policies known under the label of the ‘Lisbon modernisation agenda’ benefitted between 1997 and 2000 from a soft law methodology, the ‘Open Method of Coordination’ more than mere intergovernmental cooperation, even if it was a less-than-communitarian method. ASEAN has also been very creative in developing consensual methods.

Is it possible to upgrade sophisticated soft law provisions and methods from regional to global level? The ILO and some other branches of the UN system already adapt or may adjust various forms of the Open Method of Coordination to their agendas. There is a need not only for common guidelines and national plans, but also for regular reviews of implementation. The EU experience shows that this will be efficiency-enhancing, but only provided that there is a stronger role of the central UN authorities, and notably of the secretary-general.

***5) A more legitimate global multilateral governance including both enhanced input- and output-legitimacy, as well as transparent accountability and fair representation***

Applying democratic legitimacy criteria to an international organisation is a hard task: never will the UN or the Bretton Woods institutions be as democratic and accountable as a dem-

ocratic nation state. However, progress towards democratisation is not only necessary but also possible, and even a precondition for enhanced efficiency. The UN is not yet a democratic organisation composed of democratic states, as the UNSC and UNGA composition show well. This book looks at concrete and realistic proposals. They are urgent because the UN, and in general the multilateral institutions, cannot progress in their governance-efficiency beyond the state without a less contingent legitimacy and a less fragile accountability.

Firstly, promoting gender equality in multilevel governance and within the UN system should be a mainstream guideline beyond the relevant achievement of the past, notably the Convention on the Elimination of All Forms of Discrimination (CEDAW). Gender equality is matter of policy-making, of procedural reform of governance bodies, of values, and of concrete policy recommendations. The chapter by Ruth Rubio Marín and Eulalia Petit de Gabriel makes it clear that this priority goes beyond the general need for legitimacy, and for open dialogue with civil society and NGOs, because it addresses the value of global justice.

In general, there is much evidence that reforms enhancing legitimacy are easier to implement at continental than at global level. Forums and parliaments, as well as interparliamentary dialogues proliferate at regional and interregional levels. Regional examples matter, as Jo Leinen shows in his chapter: they are building blocks for a democratisation of global governance that is based on improved gender equality and a participatory understanding of democracy.

Despite obstacles and resistance, consensus is growing about a multi-stakeholder and multi-actor multilateralism promoting the role of civil society associations, and strengthening the role of women in peace processes and governance. What is crucial is to focus on more precise synergies between participation and efficiency, both before multilateral arrangements and after, at the level of monitoring actual implementation. Thanks to the support of information and communication technologies, this is more realistic at regional level, through regional channels, advocacy networks and transgovernmental networks.

The challenge of legitimacy is not directly linked to the recent power shifts towards multipolarity, but to some extent it runs parallel to the crisis of nation-state legitimacy: how can output-legitimacy (efficiency) be better combined with input-legitimacy (citizen participation, gender equality, organised networks)? As regards the enhanced role of civil society networks and NGOs, the evolution over the last 20 years is a step in the right direction. The main questions on which to focus are: how can the interplay between civil society networks, expert groups and decision-making be strengthened beyond the



current level? How can the role of the General Assembly be improved? How can the transparency of the UNSC and the fair representation of states, national parliaments, regions and civil society be enhanced?

## 2. REFORMING UN POLICIES AND FUNCTIONS

### 2.1 The UN was founded as an international security organisation

The UN historical origin after the worst world war ever explains why the priority UN objective is maintaining peace and security through efficient cooperation and collective legitimisation (UNGA and UNSC). Maintaining international peace and international order which, according to Article 1, has been the primary purpose of the UN since 1945, was revived after the cold war by the multiplication of missions, notably during the 1990s. Every UN reform proposal must start with the evaluation of the causes of the missions' controversial record.

This problematic and non-consensual record of the last 30 years has firstly to do with the definition of 'collective security'. Collective security both as a means and an end depends upon a general agreement: (a) that the dangers to society are clear, present and common; and (b) that the burdens of collective defence against these dangers should be shared as equitably as possible. In this respect, a transnational threat like the Covid-19 pandemic, for example, falls under the collective security framework.

The controversy of 2002-2008 on collective security was correctly denounced by Kofi Annan: "deep divergences of opinion on the range and nature of the challenges we face and are likely to face in the future". It is a matter of fact that, unlike the first Iraq war of 1991, the second Iraq war of 2003 was started without UNSC authorisation but rather through an ad hoc 'coalition of the willing'. New criteria for military action were implemented: preventive wars beyond Chapter VII of the UN Charter, and self-defence. One of the consequences of this divergence was the transatlantic rift – in other words, competing visions of world order now make Western unity problematic.

Moreover, after the failure of the 'unipolar moment' (2002-2008), the emergence of a new multipolarity further challenged the internal unity and decreasing legitimacy of the UNSC. The UNSC membership now appears clearly outdated and unfair 75 years after

the UN's foundation, and the voting procedure is problematic. Furthermore, there is increasing evidence for global public opinion that the **great powers have an instrumental approach to the selection of cases for intervention and that they apply double standards**. The UN as an organisation can cope with this split only by converging on the concept of collective security and strengthening the UN's institutional capacities accordingly.

In addition to instrumental agencies and ideologues, there are also some serious scholars who assert that the true problem is the decreasing consensus on values and principles among great powers. Perhaps, therefore, a fresh and high-quality endeavour for a deeper cultural dialogue/convergence on the definition of 'common goods' might be useful. Progressive and sophisticated initiatives need to be multiplied to prevent clashes of civilisations, religious conflicts and ideological crusades from exploding, as these would threaten stability and peace in many parts of the world for decades, both within countries and between countries. Greater attention should be accorded to the values/principles dialogue as a precondition for enhanced convergence. Attention should firstly be paid to the notion of collective security; secondly, sensitive quarrels need to be addressed regarding the general balance between universality and relativism; thirdly, attention should be paid to the various meanings of individual human rights, social rights and community cohesion; and fourthly, attention should be paid to the notion of reciprocity<sup>17</sup> and practicality<sup>18</sup> in various cultural understandings.<sup>19</sup>

Furthermore, in terms of conflict-prevention and mediation, the international community must overcome the limits of the current very poor conceptual framework: a **convergent 'culture of mediation'** should be elaborated, starting with various cultural backgrounds and combining dialogue on values, trust-building measures, and institutional procedures. In institutional terms, strengthening the role of the secretary-general, his under-secretary and the two new departments on security could improve the institutional framework for such a shared 'culture of mediation' to emerge. However, in addition to this, specialised programmes and fora need to be planned seriously and on a regular basis.

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17 Keohane, R.O. (1986) 'Reciprocity in international relations', in *International Organization*, 40 (1), pp. 1-27; Telò, M. (2020), 'Multiple modernities in a multipolar and multiregional world', in Meyer, T., Sales Marques, J. and Telò, M. (eds) (2020) *Culture Nationalism and Populism*. London: Routledge.

18 Qin, Y. (2021) 'Multilateralism via interpracticality of institutions and relations', in Meyer, T., Sales Marques, J. and Telò, M. (eds) *Towards a New Multilateralism*. London: Routledge (forthcoming).

19 Katzenstein, P.J. (2005) *A World of Regions: Asia and Europe in the American imperium*. Ithaca: Cornell University Press; Acharya, A. (2018) 'Multiple modernities in a multiplex world', in Meyer, T., Sales Marques, J. and Telò, M. (eds) *Multiple Modernities and Good Governance*. London: Routledge; and Meyer, T., Sales Marques, J. and Telò, M. (eds) (2020) *Regionalism and Multilateralism*. London: Routledge.

According to other schools of thought, the scope of discussion about reforms should be limited to a more realistic negotiation of instrumental policy convergence on a partially common strategy. In this respect, concrete divergence has emerged among the great powers, notably over military interventions (Chapter VII), as well as over the interpretation of the existing cooperation regimes in a new challenging context where the conflicts are of changing nature: declining inter-state wars (where states keep their monopoly on the use of force, like in the India-Pakistan conflict or the Korean peninsula controversy) have been largely (not entirely) replaced by ‘new wars’ (in 39 cases) – in other words, mainly intra-national civil wars (with frequent foreign support, however), including non-state actors, militias, the asymmetricalisation and privatisation of wars, larger scale violations of human rights, and links with privately organised criminal organisations.

A consequence of this divergence is the decline of international regimes. How could the relevance of intergovernmental regimes concretely be maintained and improved? Is instrumental rationality enough? The erosion of the Anti-Ballistic Missile Treaty (by the decisions of presidents Vladimir Putin and Donald Trump), of the Anti-Personnel Mine Ban Convention, and of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) demand a comparative analysis of the approaches of India, Pakistan, Korea, Iran, Israel and China, as well as a review of these regimes and of the various UN practical tools in dealing with security threats.

For a better evaluation of this concrete challenge, the **ongoing Guterres reform programme** (see book appendix) is a fundamental reference, and verifying its implementation is a precondition for advancing new proposals. The secretary-general proposes to “move towards a single, integrated peace and security pillar; and align it more closely with the development and human rights pillars to create greater coherence and cross-pillar coordination”. Accordingly, he wants to strengthen the central UN leadership. Furthermore, Guterres successfully proposed to “create two new departments: on the one hand, a strategic and operational Department of Political and Peacebuilding Affairs (DPPA) with the cooperation of the Peacebuilding Support Office (PBSO) ensuring a holistic approach to interventions; and, on the other hand, a Department of Peace Operations” (DPO) responsible for all the phases and sides of a practical intervention.

In order to construct a single security pillar, the ongoing reform works at enhancing the central leadership by “creating a Single political-operational structure under

Assistant Secretaries-General, reporting to the Under-Secretaries-General for Political and Peacebuilding Affairs and for Peace Operations”. Furthermore, and with the same objective, the Guterres reform proposes: “a Standing Principals’ Group of the Secretary-General and the Under-Secretaries-General for Political and Peacebuilding Affairs and for Peace Operations”.

The Guterres reform is in favour of a more selective approach to UN missions, “enhancing certain priority areas to ensure coherence and coordination across the peace and security pillar”. Moreover, to enhance efficiency and effectiveness, the Guterres proposal wishes to introduce “several non-structural changes in the way the peace and security pillar works”.

Will these reforms (if fully implemented) be able to cope with the current efficiency and legitimacy deficits?

***Peacekeeping missions.*** There is a vacuum in Chapter VII of the UN Charter. Firstly, a better distinction is needed between “peacekeeping” and “peace enforcement”; and secondly, peacekeeping has to be simplified (since it is currently too fragmented and complex, with many phases and types).

The actual relevance of the Peacebuilding Commission (PBC) was discussed several years ago. However, some of its outcomes should be kept alive – notably, the fact that it has for many years offered a window of opportunity to non-permanent members (India, Pakistan, Nigeria and Bangladesh, followed by South Africa, Italy and Argentina) to contribute to peacekeeping troops on a regular basis and in a relevant number. Regular briefings of the ‘troop contributing countries’ (TCC) to the UNSC have been institutionalised since 1994.

Last but not least, the Guterres reform text mentions, when presenting the reform, the need for “cooperation with the leaderships” of regional organisations. This is not a detail. In the opinion of this book’s authors, the regions must have a guiding role, not only an executive function as in Chapter VIII.

In January 2020, the Secretariat’s new peace and security architecture came into effect. The Department of Political and Peacebuilding Affairs (DPPA) and the Department of Peace Operations (DPO) now jointly oversee **eight new regional divisions**, each managing (according to a cosmetic adjustment of the traditional – and obsolete – UN

top-down and geographical criteria) a mix of peacekeeping operations, special political missions and non-mission settings: Europe and Central Asia, Americas, Asia Pacific, Middle East, Northern Africa, Western Africa, Eastern Africa, Central and Southern Africa. These divisions – which replace the former regional divisions in DPKO and DPA – are being underpinned by policy and thematic capacities from both departments, including the expanded Peacebuilding Support Office within DPPA. The whole structure is supported by shared administration and services. **Our concern is that these divisions look, yet again, like top-down engineering, when what is needed is a bottom-up process of regional organisation participation.**

In our approach, new responsibilities (including political and financial) have to be taken by robust regional entities, first of all by the EU, in alliance with other regional organisations because the world has entered in a new era of structural change. The US will never again play the traditional ‘world policeman’, which is provoking a dangerous vacuum. To include the existing institutionalised regions is a way of containing the power politics of the strongest regional powers.

Observers and scholars underline **the growing role that regional organisations already play bottom-up** by mission-implementation, notably the EU, and the AU (combined with subcontinental entities like ECOWAS and SADEC). Multilevel and multi-actor commitment is a good thing for the mission’s legitimacy and, often, also for its efficiency, provided there is serious coordination. True, it inevitably makes crisis-management and mission management more complex (see Sahel, Mali and Afghanistan) but there is little option if enhanced legitimacy and efficiency are to be achieved. The regional entities should be provided with a guiding role, both political and operational.

The EU must provide its distinctive contribution to the debate regarding **the future of the new peacebuilding architecture**. The decision of Guterres to unify and restructure the peace and security pillar and coordinate it with the sustainable development pillar offers a great opportunity for change and may be of strategic relevance.

**Peace enforcement missions.** They are clearly defined by Chapter VII of the UN Charter. They were stopped by the cold war vetoes and, in the current context, are extremely controversial within the UNSC.

It is important also to mention the UN’s best achievement in peace enforcement: the UN coalition against Iraq’s invasion of Kuwait in 1990 (international conflict). Even if the

related hopes of a 'new world order' were quickly disappointed, the EU and progressive forces must assert this consensual and intervention model as the only alternative to both unilateralism and the current isolationism, namely the inward-looking US approach.

This book is consciously reopening the long-standing debate (opened by Benjamin Sumner-Welles, the US under-secretary of state, back in 1943!) about the creation of a **standing military force** and about the role of the **UN Military Staff Committee** (Boutros Boutros-Ghali). No UN member state wants the UN to emulate NATO's efficient military structure. That would be an unrealistic proposal. However, if the UN members want the UN role to grow, they must also upgrade its capabilities. The UN needs a shared doctrinal understanding of the nature of operations, notably beyond the traditional peace-keeping level, as well as a shared doctrinal understanding of institutional improvements in the arrangement for command and control, and standing capabilities. The ongoing Guterres reform is trying to address these issues to a larger extent than in the past and must be supported.

Many controversies greatly affect the assessment of UN interventions in intra-state conflicts – for example in Bosnia, Rwanda, Somalia, Libya and Sudan. Clearly the UN did not perform these missions successfully. However, disengagement and defensive isolationism are not an alternative. Instead, improving the collective response through the UN remains the most viable and sustainable option for peace and security.

It must again be underlined that there is room for initiatives by UNSC **non-permanent members**. Observers note the tendency of 'troop contributing countries' to use the threat of withdrawal or non-participation of contingents as leverage for obtaining concessions in the Peacebuilding Commission (a subsidiary organ of the UNGA and UNSC).<sup>20</sup> This trend must be verified and managed consistently with UN values.

**Post-conflict peacebuilding.** The Boutros-Ghali Agenda for Peace (1992) underlined the centrality of this kind of post-war intervention and it has been a distinctive mark of the EU for several decades. However, sometimes a conflict emerges between political objectives and human rights protection, as shown in the post-conflict peacebuilding mission in Libya. Many electoral assistance missions have been implemented with a very diverse record of success, and a global and regular assessment is needed.

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<sup>20</sup> The UN Peacebuilding Commission (PBC) consists of five out of the top ten TCCs and five top contributors to the regular and voluntary budgets, plus members elected by the GA, UNSC and ECOSOC. Given several shortcomings of this complex peacebuilding architecture, reforming the PBC is one of the Guterres priorities.

**Sanctions.** Once the Security Council decides to impose sanctions or an arms-embargo, all countries are obliged to comply strictly. Improving the sanctions mechanism of the UN means setting a strict criterion, making it well focused, setting explicit time limits and minimising the possibility of a humanitarian crisis arising from sanctions and their impact on third countries. The sanctions committees should regularly evaluate the humanitarian impact of sanctions. China has proposed that the international community should help developing countries build their capacity for sanctions implementation. The EU role as a civilian power, which has no alternative coercion-policies available but sanctions, can be extremely relevant for improving this mechanism.

## 2.2 Disarmament and non-proliferation

How could the UN strengthen its struggle for a comprehensive prohibition and thorough destruction of weapons of mass destruction (WMD) and any forms of proliferation?

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force in 1970 and was extended in 1995. It has been signed by 191 member states with the exception of Israel, India, Pakistan, South Sudan, and North Korea. Reasserting its major goals,<sup>21</sup> the comprehensive nuclear test ban and the monitoring role of the UN's International Atomic Energy Agency (IAEA), is essential for the control of weapons of mass destruction (WMD). **But how can the NPT and, in general, anti-WMD be defended, in a context of conflicting multipolarity?**

The EU made the defence of the multilateral Iran deal of 2015 a political priority, not only for peace in the region but also for its own “international political and economic sovereignty”.<sup>22</sup> One of the lessons of the Iran deal and its boycott by the US is that the EU will never be capable of autonomous policies defending multilateral deals, without building an efficient system of economic sovereignty – for example, the Paris Instrument in Support of Trade Exchanges (INSTEX). The INSTEX is both a step in the right direction (a sovereignty shield) and a test of the EU's strength against the international projection of US measures. The INSTEX will never, however, be an efficient EU tool to defend UN regimes, without promoting larger convergences and alliances.

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<sup>21</sup> In the context of the NPT, non-nuclear-weapon states agree never to acquire nuclear weapons while the nuclear-weapon states, in exchange, agree to share the benefits of peaceful nuclear technology and to pursue nuclear disarmament, aiming at the ultimate elimination of their nuclear arsenals.

<sup>22</sup> High Representative Federica Mogherini at the Royal Academy of Brussels, May 2018, in M. Telò and D. Viviers (eds) (2020) *USA, China and Europe: Alternative visions of a changing world*. Brussels: Académie Royale.

Regarding the future of the NPT, the European Union should develop a more binding Iran deal, while looking for convergence – for example, by supporting the China proposal to strengthen the NPT regime by a treaty on **non-first use of nuclear weapons**. States should commit unconditionally not to use or not to threaten to use nuclear weapons against non-nuclear countries or regions, and should conclude a binding international legal instrument on this.

In the context of the struggle for limiting WMD, the UN should be more efficient in monitoring the effectiveness of the Biological and Toxin Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC). As regards the organisation for the Prohibition of Chemical Weapons (OPCW) the member states contribute to monitoring violations and defections in various ways. The role of the UN secretary-general must therefore be enhanced by setting confidence-building measures in the context of a stronger concept of collective security.

**Ultimately, only strong regimes for the prevention of the “weaponisation” of outer space** and any forms of arms race in outer space can help bring about global strategic stability, and promote a general process of arms control and disarmament. In October 2018, four resolutions involving outer space security were adopted. The United States voted no on all four. These resolutions were: “Prevention of an arms race in outer space”, “Further practical measures for the prevention of an arms race in outer space”, “No first placement of weapons in outer space” and “Transparency and confidence-building measures in outer space”. The Conference on Disarmament held in August-September 2020 has seriously addressed, but is – due the current geopolitical context – far from solving, this serious strategic stake.<sup>23</sup>

### 2.3 UN human rights protection

The progress after the 1948 Universal Declaration and the **International Covenant on Civil and Political Rights** (1966) is very relevant for standard setting even if the concept of human rights (HR) is still far from being universally recognised within the new multipolar world – not only because of old ideological clashes but also because of deep diversities of background cultures. Making progress to overcome the fundamentalist ideal of both universalism and relativism is the big question at stake within a multipolar world that is characterised by multiple models of modernisation and concepts of modernity. Without a robust intercultural dialogue and a special endeavour for a two-way communication, misunderstanding and failures are inevitable.

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23 A/75/27, Report of the Conference on Disarmament (30 September 2020).



The conference in Vienna (1993) addressed the question of direct or indirect HR protection. Kofi Annan denounced problems in multilateral UN human rights regimes and stated that there is a “legitimacy deficit that casts doubts on the overall reputation of the UN” (2004). After the shame of the UN Commission on Human Rights, Kofi Annan<sup>24</sup> suggested setting up a new Human Rights Council (UNHRC) as a subsidiary UN body (2006). However, the new UNHRC has itself since been criticised for the inclusion of repressive states among its membership. It has also been accused of anti-Israel bias (a particular criticism being the UNHRC’s focus on the Israeli-Palestinian conflict at each session).

We must stress the important role of NGOs, as far as HR promotion is concerned. Parallel to intergovernmental and transgovernmental networks, NGOs can provide a more institutionalised monitoring of the follow up of multilateral arrangements. Intergovernmental procedures are not enough: NGOs and the UNHRC are confronted with untruths in national reports on a regular basis, undermining the credibility of multilateral bodies and procedures.

## 2.4 Humanitarian intervention and responsibility to protect

Humanitarian intervention may constitute an uninvited breach of the UN founding principle of “national sovereignty” (Articles 2 and 51, UN Charter) in the name of humanity (individual rights). Furthermore, although humanitarian intervention is also recognised by the UN as a principle, it is unable to provide protection in many critical situations. The famous passages of the UN Charter that refer to the “faith in fundamental human rights, in the dignity and worth of the human person” (Preamble) and to the “universal respect for, and observance of, human rights and fundamental freedoms” (Article 55c) all arise in a non-binding context. They are goals that the UN “shall promote” or that its members are “determined” to “reaffirm”. Thus far, they do not create legal obligations or commitments. However, public opinion matters to some extent: the 1990s saw an increase in non-military threats and consequently this was a decade of interventions, with Iraqi ‘no-fly zones’ and in Somalia, Bosnia, Sierra Leone, East Timor, and Kosovo.

Nevertheless, the **issue of humanitarian intervention remains fiercely contested in practice**. Opposition is growing against ‘stripping’ international law of those distinctive qualities that have made humanitarian intervention a useful instrument of conservative

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24 United Nations (2005), ‘In larger freedom: towards development, security and human rights for all’, Report of the Secretary-General.

statecraft. More clear conditions have now been set in the form of conceptual clarity, leadership by the secretary-general, and UNSC authorisation. A frequent problem is how to combine short-term success and long-term consequences. A solution might be multi-faceted intervention, including conflict resolution, sustainable development, and a rehabilitation process. The main question also remains open within the international epistemic community, demanding further normative and analytical research because there is no consensus over the legality of interventions, in part because there is no consensus over the sources of international law more generally.<sup>25</sup>

On a more general level, the UN task of humanitarian intervention is influenced by both the oscillating pressures of public opinion and the controversial record of experiences since the 1990s. The International Commission for Intervention and State Sovereignty (ICISS) issued a report in 2001 and eventually introduced the concept of the 'Responsibility to Protect' (R2P), according to which human rights should not merely be seen as a right for individuals or groups but also as a shared responsibility for states. States thus have the duty to protect people at great risk. Consequently, R2P includes the idea that sovereignty should not be seen as a shell, or as a kind of authoritarian control over the people within a state, but as a responsibility for the life of its own population. When a state is clearly unable or unwilling to protect its citizens, the international community of states has the responsibility to protect the people under threat. This responsibility does not only cover military intervention, but firstly prevention and reaction, and later, rebuilding.

UN consensus on R2P was reached in 2005.<sup>26</sup> This represented a milestone for the international community's convergence, notably that of emerging countries which, since the Bandung conference of 1955, had historically linked the 'non-interference principle' to their anti-colonial independence fights and their foreign policies against neo-colonialism. According to **the R2P three pillars**, the first responsibility to protect is that of the national government; the second is of the international community, which should intervene with diplomacy and peacefully; and the third responsibility to protect involves collective action, and coercive military intervention in accordance with Chapter VII, on a case by case basis, and in cooperation with relevant regional organisations.

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25 States are bound by the principle of non-interference but are committed to defend and promote human rights as a precondition for a stable international legal order. Gross human rights violations can be considered as a threat to international peace and security (Article 39 of the UN Charter). But such an assessment is left to the UNSC's discretion – which is how the 'clash' between 'non-interference' and 'respect for human rights' has been 'solved'. So, if the UNSC decides on the basis of Article 39 of the UN Charter that a situation in which major human rights violations occur can be seen as a threat to peace and security, it can authorise the imposition of coercive measures.

26 Resolution adopted by the General Assembly, 60/1. 2005 World Summit Outcome, 60th session, 24 October 2005, (A/RES/60/1). Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760>.

**These constructive steps forward on multilateral convergence are now thrown into question because of practical failures and selective applications to weaker states.**

For example, in 2008 Russia attempted to abuse the R2P to justify Russia's intervention in Georgia. Later, two NATO member states abused it in the Libya crisis of 2011. As a consequence, it will be very difficult to advance discussions on a norm gathering consensus among the international community, if neither Russia nor the West recognise the abuses that occurred in implementation of the R2P principle. Are NATO members ready to openly take distance from their manipulation of UN Resolution 1973 on the situation in Libya (obtained with the constructive abstention of China and Brazil) by transforming it into a green light for a regime-change mission? The later setback and repeated veto used by Russia and China during the Syrian war exemplify the current stalemate. By their veto they provoked a deadlock with extremely tragic consequences for local citizens in the Syrian conflict area.

How is it possible to revive the credibility of the 2005 UN World Summit that institutionalised the R2P principle – in other words, the principle that protects citizens from genocides, crimes against humanity and ethnic cleansing? This chapter suggests that the post-Brexit EU should take the initiative of keeping the debate alive by new initiatives, dialogues and convergence. Why? Because this conceptual development is essential for the EU's multilateral vision of the need to pool and share national sovereignties, and European public opinion is particularly sensitive to humanitarian emergencies as an opportunity for policy initiatives driven by the EU. Of course, the essential pillars of the debate are the main UN institutions and notably the secretary-general.

Compromises in the forms of implementation could benefit from the contributions of emerging countries, and an enhanced role for regional organisations. For example, **the concept of 'responsibility while protecting' (RwP)** that was proposed by Brazil a decade ago deserves attention and is consistent with Brazil's new constitutional provision of a 'non-indifference principle'. Brazil stresses the need to consider the methods of R2P implementation more carefully. The Brazilian RwP note posits that force should only be used as a last resort (an item already included in the 2011 ICISS Report that launched R2P), and subject to a well-defined mandate that it implemented under conditions of **complete accountability in the field** (the 'do no harm' principle, known from the Hippocratic oath, that one death from an intervention is

too many).<sup>27</sup> Before supporting Brazil's conceptualisation in 2012, and after confirming its commitment to the two R2P first pillars, China stressed in 2009 a kind of 'norm subsidiarity' by which all the alternative peaceful means must be exhausted, any unilateral intervention should be banned, and **the views of concerned regional organisations should be respected**. However, it is difficult to agree about respecting the view of a single concerned government and its territorial integrity in the case of domestic atrocities.

To help prevent the rigid cold-war-style consolidation of two opposed groupings that would paralyse the supreme decision-making body, the UNSC, **the EU has a special role to play by promoting a new dialogue**. This should involve the conceptual definition of the universality or selectivity criteria of R2P, in the light of the critical analysis of the past negative experience of the R2P principle when put into practice and in the light of the current challenges, and should look towards dialogue and convergence. It is only this step that could allow an evolution from norm cascade to norm internalisation.

## 2.5 UN antiterrorism policy

The UN Office of Counter-Terrorism is facing overwhelming challenges, including those of foreign fighters coming back home, and cybersecurity. Leadership, coordination and capacity-building are provided in support of the efforts of member states to implement the UN Global Counter-Terrorism Strategy and take practical steps to prevent and counter terrorism. In the case of cyber terrorism, the misuse of new technologies by terrorists presents a growing challenge to the security of critical infrastructure. Working together to prevent, protect and mitigate cyber damage must be a priority if the international community wants to stop the instrumentalisation of a typically transnational challenge into an issue underpinning exclusive and authoritarian nationalism.

Regarding foreign fighters and their return home from Iraq, the Albright-Gambari Commission Report<sup>28</sup> rightly proposes "disarmament, demobilization, and reintegration (DDR), with greater emphasis on countering (preventing the rise of) violent extremism (CVE) and reducing recidivism among former foreign terrorist fighters and

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<sup>27</sup> For a critical presentation, see Avezov, X. (2013) 'Responsibility while protecting: are we asking the wrong questions?' Available at: <https://www.sipri.org/node/409>; and Kenkel, K.M. and Stefan, C. (2016) 'Brazil and the "responsibility while protecting" initiative: norms and the timing of diplomatic support', *Global Governance*, Vol. 22, No. 1, pp. 41-78.

<sup>28</sup> Albright-Gambari Commission Report and the Road To 2020 (2019) *An Innovation Agenda for UN 75*. Washington DC: Stimson Center.

affiliates". **The EU approach emphasises that UN efficiency must mainly be based on regional coordination.** Regional anti-terrorism conferences, like that in Vienna in 2019, in cooperation with the OSCE, are crucial for UN efficiency. Secondly, **interregional multipurpose cooperation** is becoming of primary relevance, as shown by the joint EU-ASEAN antiterrorism programme.

Cybersecurity is often addressed by nationalists, but it is a perfect window of opportunity for enhanced multilateral cooperation. Even with the USA, it would be possible according to the Albright-Gambari Commission Report to cooperate in order to "strengthen cybersecurity through international cybercrime centers, international cybercrime expert rosters, and a heightened focus on improving essential end-user cyber hygiene".<sup>29</sup>

## 2.6 UN sustainable development and social/economic affairs

This essential policy field is rooted in one of the original purposes of the UN Charter: **international cooperation through the UN to solve economic and social problems.** For several decades, the UN has set global norms for human development and mobilised resources, albeit with mixed results. In order to address the increasing North-South conflict, the Willy Brandt Report was published in 1980 (and updated in 2001). Furthermore, the Group of 77 (now 135) meets on a regular basis to continue this endeavour. However, we must recognise a substantial failure of the 'New International Economic Order' (NIEO) programme. Henry Kissinger's opposition and hard policy should not be forgotten: "keep the West united whilst splitting the third world" and cut the UN budget by 15 per cent. The UN's role in the 1980s was marginal because the neoliberal orthodox ideologies about deregulated market primacy (the 'Washington consensus', 1989) weakened the conceptual, economic and political framework for sustainable development.

In this context, a link between development and trade was established, which supported the shift to the Bretton Woods institutions with weighted vote (IMF), rather than the United Nations Development Programme (UNDP). In the meantime, poverty increased by 40 per cent from 1980 to 1995.

At the end of the 1990s, a 'back to the UN system' movement emerged. Several UN conferences beyond the Washington consensus were organised. Greater cooper-

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<sup>29</sup> Ibid.

ation was fostered between the UNDP, IMF and World Bank (WB), but this time in order to combine economic development and poverty alleviation in preparation for the Millennium goals. How should this horizontal policy coordination be consolidated?

### **2.6.1 The approval of the Millennium Development Goals**

The implementation of the Millennium Development Goals (MDGs) was based on the traditional UN way of organising hierarchical complementarity between the global and regional governance levels. At the regional level, five UN Development Cooperation Office (DCO) Regional Directors and their expert teams (respectively located in Panama, Addis Ababa, Amman, Istanbul and Bangkok) provide the UN resident coordinators in country with regional-specific support, with a secretariat role for the regional UN Sustainable Development Group. After 20 years and taking into account the many shortcomings, two changes are recommended. Firstly, regional governance should be strengthened; and secondly, ECOSOC, the ‘sleeping beauty’, should play a more relevant role and better coordinate the UN and Bretton Woods institutions, taking a stronger role through the regular assessment and monitoring of the implementation record on an annual basis. The five ECOSOC regional groupings should moreover be revised, replacing the geographical top-down traditional method with the empowerment of the existing regional political entities (selected according to multilateral compliance criteria).<sup>30</sup>

As far as the policy record is concerned, success in poverty reduction is evident. However, failures in other priorities are also significant. Currently, the main normative instrument for reforming the UN development system is the ‘quadrennial comprehensive policy review’ (QCPR). **Despite relevant progress, the fight against poverty, notably against child poverty,** should be kept as a priority. Kofi Annan made recommendations for a timetable to increase the official development assistance (ODA) from each developed member state to 0.7 per cent of national GDP. Detailed national implementation plans need to be drawn up and a monitoring and assessment mechanism needs to be set up. The Open Method of Coordination should be used, providing there is a stronger role of the secretary-general (see Table 2). The regional level of coordination should carry greater weight than now.

Is this agenda stagnating or are there relevant new developments? What is new is that, since 2015, member states have approved the UN 2030 Agenda for sustainable development. Furthermore, Guterres has fostered a monitoring of the follow up of his

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30 See section 3.2 of this chapter.

report in 2019 and has emphasised the need for coherence and coordination between the security pillar and the sustainable development pillar within an innovative holistic approach under his direct responsibility.

Directly linked with the MDGs is the issue of **justice in the global taxation of multinational companies, and an efficient fight against tax evasion**. According to the Albright-Gambari Commission Report, it may strengthen the commitments taken by G7 and G20, and notably by some states like France, to “promote the Automatic Exchange of Information standard and transparency of registries of beneficial ownership information to combat illicit financial flows in global commerce and deter cross-border tax evasion”.<sup>31</sup> The regional dimension is a guarantee of enhanced efficiency.

### 2.6.2 Environmental multilateralism

The central role of UN emerged from the UN conferences on the environment (Stockholm 1972 to the 1992 Rio Conference) with evidence against eco-sceptical comments. From the series of the conferences of parties (COP) to the successful Paris Treaty of 2015 adopted at COP21, the world witnessed a remarkable multi-actor convergence of UN institutions, outstanding experts, NGOs and governments. However, after the shortcomings of COP25, the question is now **how to strengthen the COP21 process and stop steps backwards**. COP24 and COP25 bring evidence of the very problematic implementation of COP21. There are two issues at stake:

**a) The level of institutionalisation.** Should the COP be upgraded from regime to organisation? Following the publication of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) in February 2007, a ‘Paris Call for Action’, read out by French President Jacques Chirac and supported by 46 countries, called for the United Nations Environment Program to be replaced by a new and more powerful **United Nations Environment Organization (UNEO)**, to be modelled on the World Health Organization. The 46 countries included the European Union member states, but notably did not include the United States, China, Russia or India, the top four emitters of greenhouse gases.

**b) Modes of governance.** The monitoring of the follow-up should combine national self-established targets with a more rigorous monitoring of the implementation of common guidelines; only by combining bottom-up and top-down governance, including

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<sup>31</sup> Albright-Gambari, *Innovation*.

naming and shaming mechanisms, can the fight to contain climate change below 1.5 degrees Celsius have hope of succeeding. Experts say that we are currently far from this minimum threshold. The monitoring role of NGOs should be enhanced, as well as the role of the epistemic community (IPCC experts and reports before, during and after the UN conferences). Furthermore, the media and private sector should play a more relevant role by widening consensus on alternative life models and providing practical solutions. However, leadership is needed, combining developed and developing countries and containing the spillover effect of defections.

**c) Security implications.** If the UN Security Council is still the appropriate venue for addressing the security implications of climate change and environmental risks, a new field of peacebuilding, migration flows prevention/regulation, and international law is emerging, which must be linked to the security pillar and the role of the new UN departments.

**d) Horizontal coordination.** Efforts at establishing serious links between the climate regime (United Nations Framework Convention on Climate Change – UNFCCC) and other multilateral organisations (the WTO, ILO and WHO) should be multiplied.

### ***2.6.3 Regulation of the digital economy***

The world is risking a wild digital economy development. Not only will the ‘social digital divide’ deepen and broaden (already identified by Bill Clinton and by the EU Lisbon Strategy in 1999 as a main societal challenge) but political conflicts will explode with the giants of the emerging ‘surveillance capitalism’ and geopolitical conflicts will explode, as the US-China 2020 conflict on Huawei illustrates well.

The evident discrepancy between the quick digital economy global development and the missing local and regional governance should be addressed firstly by intergovernmental negotiations within various multilateral bodies and agencies, notably the OECD.

To what extent and by which mechanisms should and could the UN be a relevant actor and level in the regulation of the global digital economy, including cyber security issues?

**The UN system can only have weight through cooperation with the OECD and other specialised organisations. This is provided that there is the political will of the UNSC to stop geopolitical confrontation on digital power from further deteriorating.** On the



one hand, it is only analysing the causes of the failure of the Group of Governmental Experts established by the UN in 2015 that the window can be reopened for new multilateral initiatives or, at least, as a second best option, for a coalition of the willing, as has been the case with the General Data Protection Regulation (GDPR), which has inspired the revision of privacy laws in 120 countries,<sup>32</sup> the UN Committee of Experts on International Cooperation in Tax Matters, and other functional groupings. On the other hand, however, the political issue at stake can only be addressed by stopping the cold war tendencies on both sides – the EU, ASEAN and other regional organisations can play a relevant driving role as digital regulating frameworks if the UN wants to avoid a dangerous nationalisation of digital policies.

### 2.6.4 Trade

**After the WTO-Doha Development Round (DDR) deadlock became evident (2003-2006), and after the financial crisis (2008-2016) and the US presidential election of Donald Trump,** the world has witnessed a decline in global trade and in the WTO's previous role as growth driver. Instead, there has been a multiplication of free trade agreements (FTAs). These agreements can be evaluated as a fragmentation-fostering tendency, or as a second-best option for reviving multilateralism in new forms. With bilateralism and minilateralism spreading in the world, which confirms the first fragmented scenario,<sup>33</sup> inter-regionalism and plurilateralism, notably the new EU trade policy, by contrast leave the window open for a revived multilateralism. Alternative examples can be provided for both scenarios. The EU and its main trade arrangement partners seem aware that the priority of the UN and WTO is the multilateralisation of the multiple risky trends of fragmentation, which inevitably weaken the poorest countries and strengthen de facto trade power hierarchies.

Unfortunately, WTO reform is not on the horizon and even a narrow reform of the heart of the WTO (the dispute settlement system) is not yet realistic. While keeping the objective alive of a renewed global multilateralism, EU trade policy (since the Treaty of Lisbon and its strategic paper,<sup>34</sup> is looking at a third way between fragmented traditional FTAs and a global WTO trade arrangement combined with its institutional reform. It

32 Foundation for European Progressive Studies and Istituto Affari Internazionali (2020) 'Renewing Multilateralism for the 21st Century. The Role of the United Nations and of the European Union'. Brussels: FEPS, p. 37. Available at: [https://www.feps-europe.eu/attachments/publications/policy-report\\_multilateralism-2020-09-15-pp.pdf](https://www.feps-europe.eu/attachments/publications/policy-report_multilateralism-2020-09-15-pp.pdf).

33 See Chapter 13 of this book.

34 European Commission (2015), *Trade for all. Towards a more responsible trade and investment policy*. Brussels. Available at: <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1381>.

is thus looking at negotiating several second generation comprehensive **interregional arrangements** (which include non-tariff barriers, regulatory provisions, social and environment rules, public procurement, public health, geographical indications, higher standards, and the precautionary principle) as an indirect way towards a global multilateral revival. There are positive signals of enhancing standard-setting by interregional arrangements. The evolution **from first generation FTA to comprehensive regulatory arrangements** is consistent with the strategic concept of ‘diffuse reciprocity’ based on enhanced trust and issue linkage.

However, this is happening within a very competitive and unpredictable global context. The challenge is how to shape the positive interaction of these interregional arrangements with the WTO principles and UN objectives of peace, HR and sustainable development.

### **2.6.5 Infectious diseases**

The Covid-19 pandemic is a catalyst for the UN to discuss strengthening the multilateral mechanism for crisis and prevention management. As a consequence of many factors, including anti-ecological human behaviour, infectious diseases will be more frequent in the decades to come. Given that these diseases can provoke global disasters, global governance must urgently be adjusted with appropriate measures.

The Covid-19 crisis shows various consequences for the environment and for security and peace. This pandemic underlines the need for an interlinked and global approach by the UN. In its recent report on the impact of the crisis on conflict areas the independent NGO International Crisis Group (ICG) states that “the pandemic increases the weaknesses of failed or fragile states. Peacekeeping, humanitarian and peace-enforcing operations, as well as diplomacy, are already negatively affected with catastrophic consequences for innocent people”.<sup>35</sup> Syria, Libya and Yemen show that mere world calls for a ceasefire are powerless.

The UNSC meeting of 9 April shows evidence of a deadlock. The prevailing weight of geopolitical power politics, on the one hand, and of national sovereignty, on the other, has been confirmed by the split and inward-looking approaches to starting and conducting anti-epidemic policies. This is the wrong way to start and it leads to dangerous failures.

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<sup>35</sup> International Crisis Group, April 2020. Available at: <https://www.crisisgroup.org/crisiswatch/may-alerts-and-april-trends-2020>.

As the famous French jurist, Mireille Delmas-Marty, wrote in *Le Monde*,<sup>36</sup> the only way out is the complementarity of the mobilisation of national communities and responsibilities with the enhanced responsibilities of regional and global actors and of institutions. This mobilisation must associate science, citizens' commitment, and public powers.

While it is necessary to defend the multilateral approach of the World Health Organization (WHO), the UN specialised agency created in 1948, against current attacks (as was also the case in previous epidemics of malaria, vaccination campaigns, AIDS and so on, with mixed results) it would not be a credible stand without strong proposals for WHO governance reform. Is it possible to take steps that strengthen the WHO beyond general health norm-setting? This question has been on the multilateral agenda since the first 1994 UNDP warning, which included health among human security issues. Covid-19 has shown public opinion that, while multilateral cooperation on public health, especially on pandemics, is urgently needed for obvious technical reasons, the intrusive supranational power of the WHO is very weak (even WHO expert-missions need to obtain the green light of member states). The WHO's authority is not only weaker than the authority of the WTO and UN, but also of the ILO. Transnational diseases need a stronger transnational response through **a more binding multilateralism**. Unfortunately, the response to SARS is considered a quasi-failure, and that to AIDS and Ebola as a limited success. The WHO's response to Covid-19 is considered an open challenge. Its performance is currently evaluated by relevant experts as worse than in the case of SARS,<sup>37</sup> especially as regards the pandemic being declared too late. However, criticism must be combined with constructive proposals.

What is needed is not only more resources, but new rules for strengthening the WHO's role of coordinating and guiding at the supranational level, and the WHO's technical cooperation with national authorities against nationalist pressures, lack of transparency and inward-looking sovereigntist policies.

This change of the currently weak WHO governance is possible provided the member states agree to it. After the SARS pandemic in 2005, a small reform was implemented. This involved the International Health Regulations including an emergency committee, which can declare the existence of a public emergency of international dimension, and a new norm that binds the national authorities to a "compulsory declaration of a list of diseases". These rules must be strengthened.

36 Delmas-Marty, M. (2020) 'Profitons de la pandémie pour faire la pax avec la Terre', *Le Monde*, 17 March.

37 Zylberman, P. (2020) 'Face au coronavirus l'OMS est aujourd'hui le point faible du dispositive', *Le Monde*, 11 March.

Furthermore, strengthening the logistic and policy-coordination at the level of the WHO regional offices should be a priority, also to give more room to emerging regions, notably in Africa, so as to help the fragile states in particular. However, in the medium-term, an open question is whether the selection and nomination procedure of the ‘regional directors’ should depend on a region’s state ministers as currently happens (with evident difficulties) or whether this selection should depend on combined representation and competence in a better and more supranational way, so as to strengthen the regional offices’ autonomy (defence of science, expertise, transparency).

The weaknesses shown by the WHO during the dramatic Covid-19 experience reveal that the WHO’s many critics are right. However, two reactions are possible: either defection and the withdrawal of funding (as happened with the top contributing member state when it suspended its contribution – 17 per cent – to the WHO’s USD 4 billion budget); or **more binding modes of WHO governance that are able to balance prevention, early warning monitoring, and interventions on the management of emergencies with the traditional long-term orientation**. Perhaps the governance of the EU and ILO can offer at least a reference, if not a model, for a more intrusive public health governance, with their Open Method of Coordination.

**Table 2. The five stages of the Open Method of Coordination**

|   |                                                                                                                                                                                                                  |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Listing a few clear global guidelines regarding the policy field. This must be done after peer review, open discussion and consensual selection of the best practices within the organisation’s central council. |
| 2 | Drafting self-compulsory national plans accordingly, including national and local targets as well as benchmark and precise management methods.                                                                   |
| 3 | Planning expert missions, set by the central organisation, monitoring the follow-up by national governments on a regular basis and (annual) reporting.                                                           |
| 4 | Discussing the annual reports within the central council and addressing clear recommendations in case of missing or weak implementation rates.                                                                   |
| 5 | If sanctions are not allowed by treaties, naming and shaming defecting members by informing public opinion of the lacking implementation of national plans (media, NGOs, social and parliamentary forces).       |

The mobilisation of NGOs and civil society, as well as of the private sector and voluntary funding initiatives, is needed for a new multilateralism both before and after central

decision-making and decentralised monitoring. Infectious diseases will be a permanent threat, with implications for the environment and also for peace and security (which is the main UN mission), according to Guterres. Human health cannot remain one of the weakest branches of multilateral cooperation, as shown by the Covid-19 emergency.

### 2.6.6 Refugees and migration flows

The office of the United Nations High Commissioner for Refugees (UNHCR) was founded in 1950 with a mandate to protect refugees and displaced people, and to assist in their repatriation or integration into a new host country. Currently, the number of migrants and refugees is increasing dramatically, from an average of 20 million up until 2005 to an average of 60 million today, notably following the African and Middle East civil wars. When it comes to asylum seekers, according to Article 14 of the Universal Declaration of Human Rights: “in case of persecution, everyone has the right of looking for asylum and of benefiting from asylum in other countries”. However, the recognised causal link between fast rising refugee flows and nationalist, populist and anti-democratic far right electoral waves is making the governments and parties of the richest democratic countries – from Europe, to the USA, from Japan to Australia – extremely cautious and defensive on this fundamental issue of civilisation.

**Nobody draws attention to the fact that 85 per cent of the refugees are hosted in developing countries – and manipulated perceptions of ‘invasion’ matter in democratic states more than expected.** Neither the Universal Declaration of Human Rights, nor the 1951 Convention relating to the Status of Refugees, which is the cornerstone of international refugee law, are de facto respected. Some provisions such as the definition of the term ‘refugee’ and the principle of the non-return of people to countries where they could face persecution (*non-refoulement*) have become fundamental principles of international law, which makes the current defection an acute humanitarian, legal and political problem.

Furthermore, the **Global Compact on Refugees** proposed by the UNHCR to the UN General Assembly in 2018, in conjunction with the annual resolution of the UNHCR, seeks to better define cooperation so as to share responsibilities, but the Global Compact has not yet been ratified by all states, not even by all the EU member states, and is not of application. Its main four objectives remain unaccomplished: ease the pressures on host countries; enhance refugee self-reliance; expand access to third-country solutions; support conditions in countries of origin for return in safety and dignity. The EU is profoundly divided between cynical approaches (‘let’s make Greece and Italy our shield’) and the

will to explore new ways of humane management for refugee flows and migration flows by both policies to reduce the numbers and manage the flows (by interregional arrangements with the AU and regional organisations, funding selection centres, finding NGOs, strengthening humanitarian channels) and by integration policies that take stock of the rich potentialities of our civil society and our welcoming cultures.

**The best practical proposal on the table is** that elaborated by the former candidate running as Germany's president, Gesine Schwan: 'decentralise the welcome and integration policy'. What about the role of the UN? **Special regional funds must be created, coordinated and labelled by the UNHCR, making it possible for** local authorities or reliable agencies (notably municipalities) to apply for targeted funding to support integration programmes and initiatives.

### 3. THE UN INSTITUTIONAL SYSTEM AND GOVERNANCE REFORM

#### 3.1 The secretariat and the organisation

The debate in recent years has been characterised by a cleavage between supporters of a UN managerial reform and the supporters of a political reform. The states of the first group of supporters criticise the UN as responsible for 'waste, fraud and abuses' and say that a 'managerial reform' should reduce the functions, staff and budget of the UN, while strengthening its internal accountability and the services of the Office of Internal Oversight. The offensive for prioritising the objective of internal meritocracy addressing 'downgrading relativism' is something to be learned from this approach. A compromise between various tendencies could be the objective of the 'Four Nations Initiative' (a cooperation project by Chile, South Africa, Sweden and Thailand) which aims to combine governance and management reforms in a more balanced way, with the goal of increased accountability and transparency, without giving up the challenge of a political reform. This book does not ignore the relevant internal problems of staff-efficiency and accountability (with diffuse practices of corruption) but it focuses on political reform.

The funding issue is also relevant because the overall budget is only USD 5.4 billion for the 2018-2019 biennium. In these hard times of gradual defections from UN organisations by the sole remaining superpower, it is a constructive signal that the contributions

of Japan and Germany already surpass those of the four permanent members of the UNSC. The challenge is of an evident political nature: diminishing the autonomous UN budget means weakening the UN organisation, its autonomy and its leadership.

In this troubled context, the future role of the secretary-general is a central political stake. Articles 97-100 of the UN Charter state that he or she is accountable to the organisation and not to governments. In 1996 the US veto against Boutros-Ghali's second mandate seemed to transform the secretary-general into a servant of the states instead of being the guardian of the UN ideals. However, the problem of the inadequate selection process clearly needs to be addressed, as underlined by numerous NGOs. Anything like the proposed direct election of the secretary-general would be utopian because in many nations an accurate direct vote would be impossible, or the local government has power to influence local voters. The question is therefore how the selection process could be realistically amended towards an enhanced transparency and participatory forms of democracy in order to replace the secrecy of the current UNSC procedure. The **'1 for 7 Billion campaign'**, for one SG among the lives of 7 billion people, is a powerful initiative that has been started by more than 750 NGOs (including the World Federalist Movement and the Friedrich-Ebert-Stiftung) to influence the UN General Assembly and its resolution of 2015 (69/321) **for greater transparency, informal dialogues with candidates, broad selection criteria, publicity and stressing the need for women as SG candidates**. This book warmly welcomes this initiative, even if we consider that **the proposal of limiting the SG mandate to a single non-renewable period of seven years would weaken its authority, whereas what is needed is a stronger SG, who is more independent from member states, and has a time frame long enough to implement a serious reform programme**. For example, the ongoing Guterres reform needs time to be implemented consistently, and has to gain support in its hard task of strengthening UN central coordination, notably of the 'security pillar'.

### 3.2 An enhanced role for regional organisations in UN decision-making and implementation<sup>38</sup>

This very sensitive institutional and governance question has been discussed since the origins of the UN and it is clear that the current Charter provision is not really in

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<sup>38</sup> See section 1.2 of this Chapter as well as Chapter 5.

favour of a political responsibility for regional organisations within the UN system.<sup>39</sup> Is there a possibility for regions to behave as autonomous actors in humanitarian interventions? In the current context, no enforcement action is to be taken by regional entities or under regional arrangements, without the explicit authorisation of the UN Security Council (with the exception of measures against any enemy state as defined by the Charter) (Article 54). Humanitarian intervention should be seen as a way to put a stop to a serious threat to peace, but it is up to the discretion of the UNSC to determine whether action is necessary. If the intervention is within the same region, regional enforcement action can be authorised by the Security Council on the basis of Article 53 of the UN Charter. If it is outside the region, enforcement action can be delegated by the UNSC to regional organisations on the basis of Article 39 in conjunction with Article 42 of the UN Charter.

**There are four main reasons for a political initiative addressing the enhancement of the role of regions within the UN system.**

### ***3.2.1 Balancing centralisation and decentralisation***

The first main reason for re-opening this crucial stake is that the current relevant endeavour of **centralising the UN organisation (the security pillar in particular) must be somehow balanced and combined with an effort in decentralising the UN decision-making process and policies through a kind of ‘subsidiarity principle’** (governance as close as possible to the people). **Enhancing the role of regional organisations in the UN decision-making process beyond the current consultation and implementation of the UNSC decisions would be a realistic form of decentralisation.** Is the current legal framework still fit to cope with traditional and untraditional security threats? Regional entities and their allies might propose a more dynamic interpretation of Chapter VIII of the Charter, as well as a revision (formal or informal) of the current regional representation within the UNSC, with the objective of upgrading the role of regions within the decision-making process.

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<sup>39</sup> In spite of their growing importance and role, regional organisations as such cannot currently become members of the UN (Article 4 of the UN Charter). However, Chapter VIII of the UN Charter, of course, recognises a role for regional organisations, including in advancing peace and security, although it explicitly subordinates this function to the authority of the UN Security Council. The history of the UN shows, however, that there has been a de facto gradual adaptation of the Charter regarding the universal/regional balance in favour of greater autonomy for regional organisations, notably after 1991. This is because the atmosphere of renewed optimism in the 1990s was disappointed by the UNSC’s inability to effectively intervene, as witnessed by the failures of UN operations in the Somali (UNSOM), Rwandese (UNAMIR) and Yugoslavian (UNPROFOR) conflicts and, in particular, in the Srebrenica tragedy. Due to these failures of the universalist doctrine, UN Secretary General Boutros Boutros-Ghali began to welcome greater involvement of regional organisations as support for the UN by implementing the right of intervention.



### 3.2.2 A new historical reality

A crucial outcome of multidisciplinary research should be widely shared. Seventy-five years after the foundation of the UN, multiple and multipurpose regional entities are developing in every continent and play a fundamental role in regional governance. The EU is not an isolated case study. As the most advanced, democratic and sophisticated regional organisation, the EU is expected to address this radical UN reform by combining (better than in the past) consciousness of the EU's nature as a regional entity, political assertiveness, and coalition-building – firstly with other regional entities, and secondly with states that believe in regional cooperation and that act consistently.

**The end of the cold war and of bipolarity made a regionalisation of security challenges evident and made a more regional way of threat-management realistic.**<sup>40</sup>

Regional security arrangements grew by scope and number, in direct proportion to disappointment with the UN collective security system, which looked to many as no longer self-sufficient.

**There are economic, social, cultural and political factors explaining this major historical change. One of the main reasons is globalisation and its troubles.** Another reason is that the end of the cold war and of bipolarity (1991) made a regionalisation of security challenges evident, and fostered regional ways of crisis-prevention and crisis-management. These exogenous factors converged with bottom-up endogenous factors (the business community, state interests, civil society pressures, identity needs) by **paving the way to a new regionalist wave in every continent.**<sup>41</sup>

The enhanced role of regional organisations in conflict prevention was also because of constraints in resources in a context of an increasing number and scope of missions – on the one hand, due to the lack of will from major states, and on the other hand, due to the fact that regional organisations (including the AU, ECOWAS, SADC and the EU) were invited to enhance their role by UN missions. The regional organisations thus provide burden sharing plus the role of local expertise, which makes the mission easier thanks to cultural affinities and geographical knowledge of the neighbourhood.

40 Buzan, B. and Waever, O. (2003) *Regions and Powers: The structure of international security*. Cambridge: Cambridge University Press; Lake, D.A. and Morgan, P.M. (eds) (1997) *Regional Orders. Building security in a new world*. University Park PE: The Pennsylvania State University Press.

41 Fawcett, L. and Hurrell, A. (eds) (1995) *Regionalism in World Politics: Regional organization and international order*. New York: Oxford University Press; Hettne, B. and Söderbaum, F. (2000) 'Theorising the rise of regionness', *New Political Economy*, 5 (3), pp. 457-472; Telò M. (ed) (2001 and updated edition 2014) *European Union and New Regionalism. Regional actors and global governance in a post-hegemonic era*. Aldershot: Ashgate.

The subsidiarity principle became operational, as well as a kind of division of labour between the regions and the UN.

In practice, if we take the example of security interventions, the UN, relevant states, and regional organisations are already deeply intertwined in peace enforcement and peace operations. Alongside classic UN operations, there are a variety of 'hybrid' models, in which the Security Council authorises a mission that is implemented by a regional organisation (as in the AU's AMISOM mission in Somalia), or some combination of the two – for example, France, ECOWAS and the EU in Mali. For a better complementary model, the relationship between both levels of governance should be adjusted accordingly.

Beyond the security field, the nature of most of the current transnational challenges is regional.

Both the EU and also the African Union have been playing a relevant driving role since the 1990s, as far as this change is concerned.<sup>42</sup> A reform rebalancing regional and global levels for governance should be articulated in a twofold process: firstly, creating the conditions for the gradual recognition of the growing role of regional organisations, also through treaty changes; secondly, introducing informal governance mechanism changes to the UN institutional set and policy-making machinery.

### ***3.2.3 The input of previous secretaries-general. How has the UN reacted so far?***

There have also been attempts at the level of the Security Council to formalise the UN–regions cooperation processes. Regarding the implications for the change of UN decision-making, a bottom-up method should replace the legacy of Chapter VIII of the Charter with its top-down method, where the UNSC takes decisions and the regions are subordinated. Several improvements to the role of regions have been ongoing for two decades at UN level, thanks in part to the proactive initiatives of Boutros-Ghali and Annan.<sup>43</sup> Between 1994 and 2006, seven high level meetings took place between the

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42 During the UNSC rotating presidency, the South African government of Jacob Zuma introduced a resolution to tighten the relationship between the UNSC and regional organisations – and the African Union in particular – stating that "Africa must not be a playground for furthering the interests of other regions ever again." The Security Council subsequently adopted Resolution 2033 (2012), which pledges to enhance cooperation with regional organisations.

43 Back in 1992 Boutros-Ghali asserted that "regional action can not only lighten the burden of the UN Security Council but also contribute to a deeper sense of participation, consensus and democratization in inter-national affairs" (Agenda for Peace, UNSC summit meeting). Furthermore, in the UNSC summit 2005 report, the succeeding UN secretary-general, Kofi Annan, fostered memoranda of understanding to improve the partnership between the UN and regional organisations based on a clear division of labour that reflects the comparative advantage of each organisation in the context of the R2P.

UN and regional organisations, convened by the secretary-general.<sup>44</sup> In its 2005 World Summit Outcome Document, the General Assembly decided to “expand consultation and cooperation between the United Nations and regional and sub-regional organisations through formalised agreements between the respective secretariats and, as appropriate, involvement of regional organisations in the work of the Security Council”.

Ban Ki-moon also promoted two high level meetings with leaders of regional and other organisations in 2010 and 2012, even if his interest was essentially focused on African regionalism. Since 2003, even the UNSC has been organising consultations with regional organisations, including the EU.<sup>45</sup>

In 2006, following Security Council Resolution 1631 (2005), which welcomed the capacities of regional organisations in the UN context, a significant controversy arose under Annan.<sup>46</sup> While receiving approval for his recommendations on conflict prevention and peacebuilding, the secretary-general’s recommendation was openly discussed regarding the proposed distinction between Chapter VIII organisations and other intergovernmental organisations. Annan obtained the support of the Organisation of American States (OAS), the African Union (AU), the League of Arab States (LAS), the Organisation of Islamic Cooperation (OIC) and the Commonwealth, but, given this confusion of relevant and non-relevant organisations, the EU preferred the status quo. In addition, Russia opposed the eventual upgrading of the legitimacy of organisations like NATO. In the end, according to Van Langenhove et al (2012) “China, US, EU and Council of Europe preferred a flexible and pragmatic approach, result-oriented and less formal in nature, avoiding the creation of new structures and not confined to a particular modality or mechanism”.<sup>47</sup>

There have also been attempts to formalise the cooperation processes of the UN–regions at the level of the Security Council. In 2007, South Africa was a member of

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44 For these numerous annual meetings, see the evaluation of Van Langenhove et al (2012). The UN CRIS Bruges played a relevant role at some of these meetings. “Two observations can be made regarding these high level meetings. First, the attendance at the meetings doubled from 10 regional organisations in 1994, to 20 in 2006. This certifies that regional organizations attached importance to this process of dialogue. Secondly, during that period both the Security Council and member states showed a growing interest in the process and in making it more concrete. Remarkably, however, this process has come to almost a complete standstill in 2007 and the UNDPA unit responsible for organising the high-level meetings was dissolved. It thus seems that after a period of convergence in the approach, we have now again entered a period of divergence.

45 Several rotating members of the UNSC, notably Greece, Romania, Belgium and South Africa have used their UNSC membership period to stimulate this process.

46 United Nations, Secretariat, A Regional-Global Security Partnership: Challenges and Opportunities. Report of the Secretary-General (A/61/204-S/2006/590), 20 September 2006.

47 Van Langenhove, L. and others (2012), ‘The UN and regional organizations for peace: Tracking a slippery partnership’ in Lombaerde, P., Baert, F. and Felício, T. (eds) *The United Nations and the Regions*. Dordrecht: Springer Verlag.

the Security Council and in March 2007, the UNSC held another open debate on the issue, resulting in a presidential statement that focused on the cooperation between the UN and the AU (S/PRST/2007(7)). “This UN-AU cooperation has also been the key issue in the 2nd Report of the Secretary-General that was published in 2008. By doing so, the debate shifted from a comprehensive approach that tried to establish a general partnership between the UN and regional organizations to an ad hoc approach, now more focused on one of the previously supported recommendations, capacity-building, and on one region – Africa”.<sup>48</sup>

How can this debate be revived with a more efficient process of reform? This reform must also take stock of windows of opportunity like the current global public health and financial crisis. Ad hoc solutions would be suboptimal because what is needed is a **general mechanism**. Taking past experiences into account, this reform must be **conceived as a process** since regional organisations are as diverse in their competences as in their history.

### **3.2.4 Coping with sovereignty-enhancing states**

**A further reason to strengthen regional governance organisations is the need to cope with sovereignty-enhancing states, not only the US but notably the BRICS and in particular China’s new assertive role in international affairs.** Those that do not believe it possible or those that dislike the containment policies and cold war strategies versus China, should work in favour of stronger regional organisations linked to UN system. Only by entwining and framing the newly emerging assertive foreign policies of national powers in stronger institutional networks at regional, interregional and global institutional level can power politics and nationalistic fragmentation be contained. The opportunity is there because China, Russia, Brazil, South Africa and India are already members of several regional organisations. What is declining compared with the 1990s is a consistent policy of the EU and UN to strengthen these regional institutional networks.

### **3.2.5 Our proposals: which regions?**

Our proposals do not demand a difficult UN Charter reform. They could be classified as proposals for a **‘change of governance and of the UN working methods’**. However, de facto, they imply a profound change of the UN system. The starting point of our proposals is taking stock of **comparative regionalist research** and its multi-decade

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<sup>48</sup> Ibid.

achievements. The international interdisciplinary research suggests the following criteria in order to enhance the role of reliable and relevant regional organisations within the UN system. Of course, this major reform must be **conceived as a global and articulated process** since regional organisations are diverse. For example, the growing activism of the AU and of the EU can be contrasted with the cautious ASEAN. The following three classification and selection criteria must therefore be taken seriously into account:

1. *Respect for and implementation of multilateral values and method of governance.* It would be impossible for the regional entities to be fully recognised within an intergovernmental and interstate organisation like the UN, **without the regional entities showing evidence of their legitimacy, multilateral modes of governance, political and legal impact on their own member states and on their respective region.** The main difference has to do with internal governance mechanisms within the intergovernmental bodies, notably the Council. Multilateralism must be operational both internally, within the Council between more than two states, and as an external commitment, and thus to the UN Charter. A precondition of UN empowerment must be that a regional organisation is recognised as consistent with UN principles and notably with the multilateral rules (general principle of conduct, reciprocity). Openness to bottom-up emerging regional entities must be combined with strict criteria when drafting a new list. By recognising the role of regional entities, selective criteria must be updated, revised, and operationalised by cautious scrutiny under the umbrella of the secretary-general and the UNSC. All in all, regional organisations can often be seen as practical examples of various kinds of deeper and more efficient multilateralism.
2. *Diverse degree of autonomy and competence-sharing.* In particular, the regional organisation must be seen as autonomous enough from member states (competence sharing, budget, relevance of the central administration) and should show evidence of its distance from the risk of being a mere sphere of influence of its largest member. The regional organisation's authority and autonomy from member states must be proven by supranational mechanisms. Obviously, these mechanisms cannot be the same as in the EU, which invented with Jean Monnet the legal and institutional practice of supranationality through the community method. The ASEAN consensual method has proven efficient in fostering integration through various intergovernmental arrangements. The treaty that establishes the African Union

(AU) makes the use of coercive collective action possible against its own member states, and so is sometimes read as a legal pathway to humanitarian intervention. The African Union's Constitutive Act creates a "right of the Union to intervene in a Member State pursuant to a decision of the [AU's] Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity" (Article 4). This is a collective right of the Union, not an individual right of member states, and in this way it resembles the interventionary authority of the UN Security Council relative to UN member states. The AU's authority has not yet been enacted, but it does seem to establish a legal basis for humanitarian intervention among its member states. A problem for UN institutionalisation is addressed by the diversity and heterogeneity of regional entities. We have already mentioned the ambiguous and vague legacy of the concept of 'Chapter VII organisations', which is still crucial in the UN's annual repertoire.<sup>49</sup> Recently, some of the emerging regional organisations look hierarchical and authoritarian. Some regional organisations are the outcome of colonial legacies, some may shift to a sphere of influence of the regional leading state, instead of evolving towards multilateral governance and civil society participation. The examples of Russia and the Eurasian Economic Community, or of Saudi Arabia and the Gulf Cooperation Council, are considered by the international comparative literature as cases of 'authoritarian regionalism'. Regional organisations must be seen as practical examples of a deeper trust building, and a more efficient multilateralism. How can legal competence-sharing between regions and states be clarified and respected?

3. *Efficiency and legitimacy.* The regional organisation may enhance UN efficiency by burden sharing, the exchange of information and best practice, capacity building, and the increase in legitimacy after positive policy outcomes. A regional organisation can also contain the intensity of great power interests in an area by balancing these powers' influence. However, the aspirations of regional organisations often outstrip their ability to deliver. The AU is a case in point. Despite the creation of its own Peace and Security Council, the AU suffers from troubling institutional, professional, technical, logistical and material gaps. Consequently, burden sharing can easily devolve into 'burden shifting' – as the international community places unrealistic expectations on unprepared regional bodies. These organisations will only fulfil their potential if outside players

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49 For example, *Repertoire of the Practice of the Security Council*, 2018. Available at: [www.un.org](http://www.un.org).

– including the United States – seek to nurture their capacities. Prudence is needed because regions are very diverse. The capacity of setting a structured dialogue and regular interplay with the private sector and civil society organisations should also be assessed as crucial criteria by the UN. Indeed, **the absence of regional partnerships by several UN missions has always provoked huge problems of efficiency and legitimacy.**

All in all, looking at the basis of the three criteria of classification indicated above, the current list of Chapter VIII regional organisations<sup>50</sup> will be a sensitive UNSC stake, risking a provocation of the status quo, as in the past. There is a need for a strict and cautious comparative assessment before taking decisions on this very crucial issue: regional entities should firstly apply to be listed; secondly, only recognised multilateral regional organisations should be selected, officially listed, and empowered by a new UN institutional framework – the recognition of others may, on the other hand, be postponed and submitted to conditionality.

### ***3.2.6 Two proposal that do not entail treaty change***

Our analysis and collective research endeavour have resulted in two concrete reform proposals that would not demand any treaty change.<sup>51</sup>

**Proposal 1: The practical revision of the ‘UN Chapter VIII list’ does not need a treaty reform, but a UNSC resolution consolidating an institutional and legal framework for cooperation between the UN and regions.** In the context of the process of improving the complementarity of the UN and regions, the question is how to revise the old Chapter VIII list as a way of constructing new and adjusted bilateral partnerships between the UN and regional organisations. We put forward the following proposals, and the EU should logically be the driving force only with the help of appropriate alliances.

This first proposal is divided into two parts:

- a) **Creating a permanent framework of discussion and of trust building** on global and regional challenges, coordinating UN and regional entities. The outcomes of the biannual meetings would be reported to the UNSC and GA. As Acharya sug-

<sup>50</sup> See: [www.un.org/securitycouncil/content/regional-arrangements-chapter-viii-un-charter](http://www.un.org/securitycouncil/content/regional-arrangements-chapter-viii-un-charter).

<sup>51</sup> See Chapters 1, 5, 6 and 8.

gests, there could be: “an annual meeting of heads of regional organisations, the UN secretary-general, the president of the UN Security Council, the president of the UN General Assembly and depending on the issue at hand, the heads of select UN agencies (for example, the IMF, World Bank or WHO)”. It can be upgraded to ‘**emergency meeting**’ and hosted by the relevant regional presidency in case of serious regional crisis.

**How should the invited regional organisations be selected?** As with the UNFCCC, the progress of multilateralism needs to take stock of accumulated multidisciplinary comparative research. A ‘high level expert group’, called by the secretary-general, should take stock of useful knowledge about the region’s capacities and legitimacy. After individual and comparative assessment, **the high-level expert group should propose a revised new list to the UNSC and the GA. The Expert Annual Review would keep the list open to newcomers while allowing exclusion of members in case of defection from multilateral principles.**

- b) After this expert assessment, the UNSC should establish official partnerships with the selected regional organisations on a bilateral basis. Beyond the current multiple and confused ties already established, according to Van Langenhove and other experts, “individual memoranda of understanding (MoU) between the UN and regional organisations regarding the sharing of information, expertise and resources can be prepared. This will allow formalisation of the expanded consultation, cooperation and coordination between the United Nations and regional organisations in an agreement between two partners. This could cover such issues as meetings of the heads of organisations, more frequent exchange of information and early warning, co-training of civilian and military personnel, and exchange of personnel within peace operations or in times of crisis”. I would add that this combination of multilateral forum and bilateral MoU could, on the one hand, be expanded to the Sustainable Development Goals and, on the other hand, offer flexibility for the cooperation with regional entities which are diverse in their competences and mandates from their member states.

**Proposal 2: Our second proposal regards the reform of the UN decision-making process, notably of the GA and the UNSC.** Regarding the GA, the regional organisations are currently admitted as observers and allowed to take the floor. Regarding the UNSC, a debate has been open for decades, and international law expert Nico Schrijver suggests the following options.<sup>52</sup>

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52 See Chapter 1.



a) Direct representation of the regional organisations in the Council would require the difficult process of **amending Article 23 of the UN Charter**, adding the new list of names of regional organisations: European Union, African Union, CARICOM, Mercosur, ASEAN, Arab League, etc. The proposal (b) below regarding the UNSC would therefore be more realistic.

b) A permanent invitation to the UNSC meeting for the EU, AU and a few others. The threshold could be lower by providing for either the **rotating presiding state** or the standing president (in the case of the EU there are two options) to represent the organisation. There would be an internal change of leadership, especially also when – as will sooner or later happen – presidencies can only be held by the larger states (France, Germany, Italy, Poland, Spain, etc.) (Article 31).

This more informal revision of the method of deliberation of the UNSC, on the basis of Articles 31 and 32, could involve the Security Council agreeing – in its rules, procedures and working methods – to extend a **standing invitation to the presiding states of selected regional organisations** (according to a revised list) to participate in the deliberations, obviously in this case without a voting right.

Both these informal changes would imply a profound reform of the UNSC governance, far beyond the US formula which prevailed in 1945 and which looks outdated to many in 2020.

### **3.2.7 Who should be the political driving force?**

The EU has no better way available to broaden and widen its influence on the UN system than by strengthening the role of relevant multilateral regional organisations. However, this is difficult because of the following obstacles: (a) the old idea of the EU as a state in the making; (b) the Eurocentric distrust in other regional organisations. Nevertheless, the EU can take the role of coordinating the most relevant regional entities and can change the UN governance system by looking at alliances within the GA and the UNSC. The Covid-19 crisis offers a window of opportunity for this political initiative. **The EU, regional entities and their allies could jointly propose a more dynamic and innovative interpretation of Chapter VIII of the Charter, as well as a revision of the regional representation within the UNSC and all the UN agencies, with the objective of upgrading the role of regions within the decision-making process.**

### 3.3 The United Nations Security Council

**The UNSC is at the centre of international political debate even if, instead of acting as a global governing body, it is increasingly limited to a – non-irrelevant – role of ‘strategic information transmission’** because, in continuity with the ‘Yalta formula’ of 1945, the five permanent members (P5) dominate the UNSC in an anachronistic (70 years after the San Francisco conference at which the Charter of the United Nations was signed)<sup>53</sup> and inefficient (veto power) way. Understandable as an immediate consequence of the second world war, this formula is a matter of an ‘institutionalisation of unequal rights’ (as regards both the veto right and permanency), far from the main founding principle of multilateralism – “the general principle of conduct”,<sup>54</sup> that is justice, fairness and legitimacy through equality of rights. Decisions currently need 9 votes out of 15; but 1 veto from the P5 is enough to stop any decision. Nevertheless, the fact that demands are almost unanimous for a fairer representation of the UN total membership within the UNSC (down from 22 per cent in 1945 to 13 per cent) does not mean that is easy to create consensus about a concrete solution.

Several reform plans have been proposed, notably by the G4 nations (Germany, India, Japan, Brazil), by the Uniting for Consensus Group, and by the Kofi Annan “Larger freedom” proposal (2005). There is no doubt that the **representation problem** is the most evident: Asia, Africa and Latin America have inadequate or no representation, which poses a serious threat to the UN’s legitimacy and risks undermining the willingness of some states to abide by UNSC resolutions.

**What is realistic? In the current global context, reforming the UNSC and Article 23 looks unfeasible because of a lack of consensus.** The UN member states diverge on three crucial points: the categories of new seats; expanding to 25-27 seats implies power distribution problems; and the question of the veto privilege (Articles 23 and 27 of the Charter). That is why it is extremely difficult to obtain the required two-thirds majority of GA members (or a “Review Conference”, according to Article 109) including all five member states with veto right.

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53 Regarding global power shifts, France and the UK used to be among the six big powers in terms of capabilities in 1945-1952, while they are currently at the 10th and 15th place respectively, according to Singer’s review (2012) (in *International Interactions*, n 14, pp.115-132). Mahbubani (2016), who defines them as “yesterday powers”, argues that the reason why the UK and France have never used the veto since the cold war is to avoid “political explosion” among the wider UN membership. Russia is still a nuclear power but is not at all a global economic power. The Ukraine crisis and the Iran deal have shown the power of the non-military power Germany, even if the USA boycotted these initiatives.

54 Ruggie, *Multilateralism Matters*.

Schrijver has proposed an outstanding reform model here, multiplying by two the number of UNSC members. We think that in the medium-term this model would make it possible to reach compromises between geopolitical interest and representation needs. However, we are aware that (like the previous mini-reforms under Article 108 that were adopted in 1965, 1968, and 1973) **every reform proposal would be additive which, according to a large number of experts, would reduce the possibility of agreement.**<sup>55</sup>

In the increasingly multipolar post-cold war context, adding some member states to the UN has resulted in provoking more opposition than consensus: a coalition of minorities has always been able to defeat every proposal even before it could be brought to a vote. Each permanent member could accept some proposals, but in the past any package seemed to carry consequences to which the status quo was preferable. The P5 is for the status quo and no trade-off is on the table between inclusiveness and effectiveness in the short term.

**All this makes it urgent to focus on a concrete proposal for improving the UNSC informal governance, transparency, legitimacy, working methods and appropriateness to the challenges, while postponing a comprehensive treaty reform changing the UNSC configuration. Reasonable proposals have been advanced.**

a) Providing more UN members with a voice is a largely shared objective. Is the option to **improve UNSC representation and legitimacy by a regional rotation** of elected members (that have already grown from five to ten) realistic? Turn-taking is an apparently influential norm; but some countries, notably Japan, Germany and Brazil, have served for more than 20 per cent of the total time since the second world war, while 60 UN General Assembly members have never been elected to the UN Security Council.<sup>56</sup> **Regional feeling of common belonging** varies according to regions and the current institutional set is not thought to encourage regional cohesion. The idea of the rotating representation on a regional basis cannot, of course, be extended to the permanent members. It looks politically difficult in a time of nationalist trends, even for the EU, to provide a good example: France does not accept the German proposal of sharing a permanent seat. Europe is not a post-mod-

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<sup>55</sup> This is also evident with the peacekeeping grouping from 15 to 25 or 27 in several cases: Group of 4; Uniting for Consensus; African Group – with 50 members – proposes adding permanent and non-permanent members; L69, a group including India, Brazil and the smallest states.

<sup>56</sup> The Presidency of the Security Council rotates each month alphabetically according to the English names of the countries. The order for 2020 is thus as follows: January – Vietnam; February – Belgium; March – China; April – the Dominican Republic; May – Estonia; June – France; July – Germany; August – Indonesia; September – Niger; October – Russia; November – Saint Vincent and the Grenadines; and December – South Africa.

ern island and the French main argument is that this idea looks totally unrealistic for other permanent members. The idea of rotating membership could, however, apply **in the case of the elected members** from Asia, Africa, Latin America and Europe. **Regional election could be** an innovative governance tool to strengthen regional rotation and shared feelings (while abolishing the re-election prohibition).

- b) In general, this could be combined with the realistic and innovative perspective of **strengthening the assertive role of elected members in general**. The key challenge is to change the penholder system according to which: firstly, the P3 (US, UK and France) internally negotiate initiatives for resolution; then they jointly negotiate with Russia and China; lastly, they propose the resolution to the G10. Even without enhancing their number, the G10 may be more proactive by using the UNSC tools regarding the new global challenges: establishing subsidiarity organs and coordinating the rotating presidencies. In a context where the divergences within the P5 are growing, the G10 may become the driver for UN policy and governance reform. How can the G10 initiative be improved without treaty reform? Through presidential statements, thematic debates, informal working groups and non-papers. The legitimacy of the Council can be improved by the G10 serving as an agent of the international community and norm entrepreneurs.<sup>57</sup>
- c) Other interesting proposals are: the reform of the UNSC **working methods** towards more inclusiveness and transparency (regular briefings, penholder system); secondly, the creation of new mechanisms (like an Ombudsman office), in charge of evaluating the various sanctions regimes which are confused and too numerous (1,267); finally, the **'committee governance'** could be improved without any treaty reform, enhancing procedural legitimacy and shaping states behaviour in sensitive policy fields. Led by Japan, the 'Informal Group on Documentation and Other Procedural Questions' asked for a reform of the working methods, notably those codified by 'UNSC Note 507'.
- d) **The voting procedure and veto right is the topic of a controversial debate**. From 1945 to 2012, the veto right has been used by the USSR/Russia 128 times, by the US 83 times (more frequently after 1991), by the UK 32 times, by France 18 times and by China 9 times. As regards concrete proposals about the veto right, the EU could support the proposal by France (2013) and many other countries (the Accountability, Coherence, Transparency group – ACT) to better limit and frame

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57 Schrijver, N. and Blokker, N. (eds) (2020) *Elected Members of the Security Council: Lame ducks or key players?* Leiden: Brill/Nijhoff.

the veto right –instead of expanding it to new members (which would make the conflict solution more difficult). The proposal would be for **a kind of voluntary and collective engagement (without revision of the Charter) among the five permanent members to give up veto-right in case of mass atrocities** (in this case, the secretary-general, after proposal of the high commissioner for HR, supported by 50 states, makes the proposal to the UNSC). Apart from France, only the UK, as a member of the UNSC, has supported this proposal.

- e) **‘Informal groups of friends’ or ‘coalitions of the willing’** are also a diplomatic tool for limiting P5 preponderance, notably when the UNSC is unable to decide and act, and security governance is needed. This would be a de facto transformation of the UNSC decision-making process, but it would be unrealistic, because it would reduce the Security Council to an ex-post legitimising body.
- f) Creating **transgovernmental or fully independent panels of experts** has, since the LoN, been a normal practice that has emphasised the role of science. This practice has acquired a more prominent role since the late 1990s, when climate change conferences or other highly technical issues began to be put on the agenda. By embedding decision makers, these panels may make the stance of some UNSC members shift towards convergence. This tool would be essential also for the regionalisation reform process.

All in all, in a context of treaty reform deadlock, some informal procedural reforms may enhance the UNSC capacity to act when it comes to maintaining peace and security.

### 3.4 The UN General Assembly

The General Assembly is composed of states and as regards proposed treaty reform of the GA, some public opinion focuses on enlarging the Assembly’s powers. The current principle of ‘one person one vote’ in the **General Assembly** is acceptable but problematic. However, the population size or the financial contribution cannot become dominant criteria for changing this. Some scholars address the question in the following terms: which mix of different criteria could improve the GA in the context of a treaty reform. One, rather utopian, proposal, for example, is a weighted voting system (according to population, GDP and other criteria, similar to the EU’s qualified majority voting system).<sup>58</sup>

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<sup>58</sup> Lopez Claros, A., Dahl A. and Groff, M. (2020) *Global Governance and the Emergence of Global Institutions in the 21st Century*. Cambridge: Cambridge university Press.

The role of the region is nevertheless still a controversial issue. Thanks to the initiative of the EU and CARICOM, regional organisations have obtained that the observer status comes with permission to take the floor.

In the current context, it looks realistic to revitalise the GA by improving its working methods and its relations with civil society, as suggested by the EU.

### 3.4.1 Other institutional proposals strengthening parliamentary legitimacy

Should **national parliaments** be made more prominent by gradually building a workable global multilevel democratic system? Proposals for a UN interparliamentary assembly (a second assembly with consultative powers) have been addressed. They date back to the UN's formation in 1945, but stagnated until the 1990s, notably after decolonisation and when the enhanced membership produced an anti-US majority. These proposals have recently gained traction again amidst increasing globalisation. Of course, a global parliamentary election is a utopia, because similar electoral laws would need to be approved and ratified by all member states. More realistic, along the already existing multiple forms of inter-parliamentary dialogue, is the idea of a parliament of the national parliaments. **A UN parliamentary network could serve as a new advisory body of people's representatives to the UN General Assembly. For this purpose, the regionalist approach suggests taking stock of the already existing parliamentary fora:** the EU Parliament, Parlasur, the Inter-parliamentary Forum of the Americas, the Pan-African Parliament, the Asia Pacific Parliamentary Forum, the Parliamentary Assembly of the Mediterranean, the Arab Parliamentary Union, the ASEAN Inter-Parliamentary Assembly, the SADC Parliamentary Forum, the GUAM Parliamentary Assembly, and many other inter-parliamentary bodies.<sup>59</sup>

### 3.5 The evolution of the UN juridical system

In the current set, **the principal UN judicial organ, that is the International Court of Justice in The Hague (ICJ), is not supranational but international** and includes all the UN members. Under the League of Nations, the ICJ started in 1922 as the Permanent Court of International Justice. Its jurisdiction is broad, but it does not imply any abdication of sovereignty by member states. In comparison with the European Court of Justice, the ICJ is clearly weaker with neither doctrine of primacy nor direct effect. The

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<sup>59</sup> See Kissling cited in Levi L., Finizio, G. and Vallinoto, N. (eds) (2014) *The Democratization of International Institutions. First International Democracy Report*. London: Routledge; see also Chapter 9.

ICJ cannot, under its statute, exercise its jurisdiction with respect to a state without the consent of the latter.

However, in spite of these limitations, the ICJ reduces uncertainty by fostering coordination, and has gradually become a catalyst for fundamentally different legal cultures. Furthermore “it has transcended the borders of states to regulate matters traditionally falling within the domestic domain of states or touching upon transnational issues, and compliance with the Court’s judgments is not only satisfactory, but nearly total”.<sup>60</sup> Despite the huge difference with the Jean Monnet concept of supranational law (the legal EU way, as compared with the informal ASEAN way), the objective of maintaining peace and preventing conflicts through the rule of law may enhance the role of the Court in the years to come. The dispute-settlement function of the ICJ stands at the intersection of sovereignties and is designed to resolve frictions and tensions at that intersection through the application of the principles and rules of international law.

Given the growing demand for international law enforcement through collective action, the EU as well as other actors may underline the need to strengthen the ICJ and its resources (the budget is currently 0.5 per cent of the total UN budget) as well as the commitment of states to strengthen its role in interstate and intra-state disputes. They must also underline the need to strengthen the UNSC recommendation to ‘immediately refer’ disputes to the ICJ. Through cooperation with the ICJ, the UNSC strengthens its authority by deciding various types of sanctions or even the use of force to restore peace and security.

### **The cooperation between the ICJ and regional courts must be strengthened.**

Combining the complementary roles of the ICJ and the pluri-continental flourishing of regional courts, would, on the one hand, enhance the coherence within the judicial multilevel cooperation system, beyond the state. On the other hand, however, complexity provokes sometimes overlapping competences and fragmentation (as in the case of the two European courts – the European Court of Human Rights in Strasbourg for the Council of Europe, and the European Court of Justice in Luxembourg for the EU).

### **3.5.1 The International Criminal Court (ICC)**

Moving beyond ad hoc trials (Nürnberg, Tokyo) and other ad hoc courts (ICTY, ICTR), the International Criminal Court was established in 1998 (Rome Statute) and entered

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<sup>60</sup> Yusuf, A. (2020) ‘The Strengths and Challenges of the International Court of Justice’ in Telò, M. and Viviers, D. (eds) *EU, USA, China Visions of International Relations*, Brussels: Académie Royale des sciences, forthcoming.

into force in 2002, in the new post-cold war climate. The ICC's historical relevance is evident. It is the first permanent court in charge of judging genocides, crimes against humanity, war crimes, and crimes of aggression. However, **its future is a burning issue:** controversies are multiplying notably because it is accused of double standards by several African states and is openly criticised by the USA, denying it any legitimacy.

By its more limited jurisdiction, **the ICC complements the ICJ and the UNSC by criminalising grave actions of violence on the international level and placing the individuals under the jurisdiction of a centralised justice system.** However, it is not a UN organ and only 124 states signed and ratified the ICC Rome Statute. China, the US and Russia do not participate, limit its jurisdiction and are critical of the Rome Statute. More recently China has put forward concrete proposals to make its participation possible (2005), while rejecting the ICJ decision on the controversies over the South China Sea islands (called by the Philippines). The P5 have previously looked at a control of the ICC.

All in all, prosecuting and punishing crimes against humanity is a 'public good' and many countries after the end of the cold war ratified several conventions on HR and supported the ICC and the ICJ. However, the limits of a mere international law-based notion of multi-lateral global governance result clearly from the missing enforcement body and the very limited enforcement of decisions. The courts have limited deterrence effect because they depend on the cooperation of states (referral, arrest, imprisonment). Of course, they affect the sentenced as guilty criminals as their political legitimacy. **The UNSC could, however, strengthen the judicial system by improving working ties and coordination between the ICJ, the ICC, the UN Human Rights Council and regional courts.**

### 3.6 The Economic and Social Council

**ECOSOC** was founded in 1946, and has played a relevant role promoting many social issues including women's rights, higher socio-economic standards, development, public health, employment, and culture.<sup>61</sup>

Furthermore, under Article 38 of the UN Charter, ECOSOC has fostered regional commissions. The first was the Economic Commission for Europe focusing on the reconstruction of devastated European economies – but with a top-down approach, which is increasingly unfit to cope with the reality of the regional organisations that have emerged bottom-up. ECOSOC is currently led by an elected Council (54 members for

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<sup>61</sup> See: [www.un.org/docs/ecosoc/meetings/2005/bwi2005/index.html](http://www.un.org/docs/ecosoc/meetings/2005/bwi2005/index.html).



three years, meeting in July, chaired by the Pakistani current president Munir Akram), but it is considered as perhaps ‘a sleeping beauty’ as it should be more relevant in promoting HR and in general the MDGs objectives.

ECOSOC also relies on regions. It includes five regional commissions – on Africa, Asia Pacific, Europe, Latin America and the Caribbean, Western Asia – even if with a top-down methodology instead of empowering the institutionalised regional organisations. Its competence also affects 14 UN agencies and 9 UN funds: the scope of its competence may concern 70 per cent of the UN resources. ECOSOC’s power is clearly limited (it may approve recommendations to the member states and UN). It benefits from the expertise of 2,500 non-governmental organisations, registered as consultants and observers.

Our main proposal on the revival of ECOSOC is that ECOSOC should work through strengthened policy coordination of the UN system (notably the UNDP, UNHCR, WHO, Commission on HR, Commission on the Status of Women, and FAO) with the Bretton Woods institutions (notably the IMF and WB) as well as with the ILO. We propose that it should organise its work according to regional criteria, and put in evidence the contributions and expertise of regional organisations.

### 3.7 The other pillars of the UN system

The development of international organisations from the 19th to 21st century has been impressive: the UNHCR, United Nations Children’s Fund (UNICEF), UNDP, UN, WHO, International Organisation for Migration (IOM), International Atomic Energy Agency (IAEA), and Organization for the Prohibition of Chemical Weapons (OPCW). There are also specialised agencies: the Food and Agriculture Organization (FAO), International Civil Aviation Organization (ICAO), International Fund for Agricultural Development (IFAD), International Labour Organization (ILO); International Maritime Organization (IMO); International Monetary Fund (IMF); International Telecommunication Union (ITU); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Industrial Development Organization (UNIDO); Universal Postal Union (UPU); International Bank for Reconstruction and Development (IBRD); International Centre for Settlement of Investment Disputes (ICSID); International Development Association (IDA); International Finance Corporation (IFC); Multilateral Investment Guarantee Agency (MIGA); World Intellectual Property Organization (WIPO); World Meteorological Organization (WMO); World Tourism Organization (UNWTO).

However, their legitimacy and efficiency deficits risk deteriorating in a post-hegemonic context that is missing leadership and coordination. What is needed is a serious review (for example, according to shared indicators of performance, implementation gaps, and monitoring mechanisms) of the multiple UN organisations, including the Bretton Woods institutions.

#### 4. THE GROWING RESPONSIBILITY OF THE EU FOR MULTILATERALISM

Deepening the ways and modes for an enhanced role of the EU in UN reform is a mainstream theme of this book. It has largely inspired almost all of our proposals for a new post-hegemonic, multi-layered, multi-actor, more binding, more efficient and legitimate multilateralism. The proposals all highlight issue-linkage and diffuse reciprocity with the UN at the centre. Most of these proposals could be implemented even without UN treaty revision.

The fundamental reason for this option of the multilateral reform being driven by the EU is that the EU is the international organisation which, by its treaties, most shows a will for coherence and consistency with multilateralist principles, as well as with the UN Charter.<sup>62</sup> Multilateralism for the EU is not an instrumental foreign policy tool. It is a way of everyday internal life among its societies and member states, thanks not only to its distinctive supranational multilateral institutions, but also to its intergovernmental bodies, like the Council and the European Council.

However, the role of the EU within the UN and the multilateral network is limited by internal and external obstacles. The main external obstacle is the discrepancy between the EU as a regional organisation and its recognition by a multilateral system, including the UN, which is still essentially based on nation states. Long-term change of its formal representation should start with the improvement of its influence in the current context.

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62 Treaty on European Union (TEU) Article 21: "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organizations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations". See also TEU Preamble and Article 3.

**Table 3. EU representation within multilateral organisations**

|                     |                                                     |
|---------------------|-----------------------------------------------------|
| UNSC                | 1 permanent + 2 or 3 rotating                       |
| UN General Assembly | EU observer and 27 member states                    |
| UN agencies         | EU observer and 27 member states                    |
| FAO                 | EU member and 27 member states                      |
| WTO                 | alternately, EU full member or 27 member states     |
| IMF                 | European Central Bank observer and 27 member states |
| WB                  | 27 member states                                    |
| G7                  | EU and 3 member states                              |
| G20                 | EU and 3 member states                              |
| OECD                | EU membership and 21 member states                  |

This situation is far from optimal for the EU. The preconditions for an improvement are both internal and external. On the one hand, internal reforms are needed along the lines of the Lisbon treaty emphasis on vertical coherence (EU and member states) and horizontal consistency (among EU institutions and policies); on the other hand, reforms of the international organisations are necessary which will only be possible through alliances and convergence.

Why are these reforms not easy? For many reasons, two of them depending on the following subjective factors.

- a) As many observers argue, the presence of European states currently overwhelms the size of the population and GDP. As a consequence, “the EU and its member states are under pressure to reduce the plethora of voices for a joint representation”.<sup>63</sup>
- b) The EU has not yet conceptualised its nature as a sophisticated regional organisation (rather than as a state in the making). This conceptualisation can progress in its relevance within the UN system only provided there is a large selected upgrading of the role of the existing regional organisations.

<sup>63</sup> Lieb, J., von Ondarza, N. and Schwarzer, D. (2011) *The European Union in International Fora: Lessons for the Union's external representation after Lisbon*. Baden-Baden: Nomos.

The following three major points may pave the way to the historical changes above.

- i. A regional organisation is not a state in the making. However, it can have the ambition of becoming a fully-fledged political actor, even if of regional kind. It cannot have a true impact in the UN system without enhanced internal unity and qualification. Unity is hard to achieve.

France, as the single P5 member from the post-Brexit EU, and the 26 other EU member states have a special interest for enhanced coordination among them, notably with the EU G10 members. Their coordination needs the continuous support of the EU delegation in New York. Indeed, every proposal for innovation needs a driving group. The traditional special global role of France should be balanced and strengthened by the other UNSC EU-members' role within the G10. Furthermore, it is not only the 'western Europe and others' group that is worthy of being enhanced by targeted diplomatic work in New York, but also a larger array of convergence from other continents. How can this be done? The objective of reviving, notably on the occasion of the 75th anniversary of the UN and the Covid-19 crisis, the credibility of the UNSC as a driver for multilateralism depends, firstly, on the solid political unity to be constructed between France, the elected UNSC members and, in general, the EU Council of Foreign Affairs, chaired by the EU High Representative for Foreign Affairs and Security Policy (HRCFSP) Josep Borrell. If France gives priority to the alternative option (looking for convergence of the P5) this EU unity will be in trouble. The option of enhanced coordination looks more realistic to many, especially under the EU German presidency and its follow-up. Restoring Franco-German convergence and a larger more inclusive EU unity is the only way to provide the political leverage for a more successful initiative within the UNSC.

Unity could nevertheless be superficial and bureaucratic without special endeavour for human resources qualification. In the current complex world, in-depth dialogue and external convergence need not only diplomatic skills but, before all else, knowledge. The diplomatic skills, institutional memory, knowledge of procedures, strategic leadership and coalition building of the European External Action Service (EEAS) and of European diplomacy will be of great importance, **notably in the improvement of the performance of the EU delegation in New York.** The EU, as a civilian entity, is in a position to balance competing and pen-holding members that underestimate the power of the better argument and mainly

favour material power **only because of its capacity to take stock of its added value in human resources. The EU is an entity which possesses very highly qualified experts, the most familiar in the world with multilateral cooperation.** A new endeavour, enhancing the level and qualifications of the regular technical support and commitment of the EEAS, and of the NY-EU delegation, with highly qualified multidisciplinary European experts, beyond classical diplomatic skills, may be of decisive help, notably thanks to the HRCFSP's role of promotion and of coordination.

- ii. With regard to regional organisations, there is much evidence to show the high price paid by the ignorance of potential partners. Contrary to its previous self-damaging lack of interest, the EU is now particularly interested in consolidating a regular political coordination of the most credible democratic regional organisations of other continents (for example Africa, Latin America and East Asia) and in developing its capacities to take detailed care of the promotion of cultural/political dialogue and convergence with states and regional actors abroad, looking for a shared perspective of a new post-hegemonic, pluralist, multi-layered multilateralism. Borrell has rightly stressed the enhanced role of an EU “learning the language of power”. In the current unprecedented multipolar context, marked by defection of the former hegemonic power and by divergent preferences within the P5 and G10, the EU has very little choice: it is expected by public opinion, not only within the EU but also outside Europe, to be ready to take on its shoulders the responsibility of alliance-building and consolidating the largest convergence possible by underpinning and developing international regimes, arrangements, fora, organisations for a new multilateralism, starting with its neighbourhood, the Mediterranean Sea and Eastern Europe.

How can the EU build these alliances? Firstly, by building instruments for a **strategic culture** that is fit for the current hard times, but also for its own nature as an advanced regional organisation, seeking an enhanced regional and global political role. Its past oscillations between its self-definition as a normative power and its cynical realism show how difficult this objective is. It was not easy for the EU to correctly combine idealism, realism and assertiveness in the last decade. On the one hand, the EU was accused of hyper-realism in the Mediterranean area, given its (de facto) support to Arab dictators. On the other hand, realism was sometimes missing in the years immediately following the Lisbon treaty when, under the first high representative, the EU acted as a ‘would-be superpower’, forgetting its real sta-

tus as a regional organisation (which is alternative to a super-state in the making). After the painful incidents experienced by Catherine Ashton at the UN General Assembly, the EU eventually learned that its right to take the floor at the GA (as for all future progress within the UN system) cannot be obtained out of consensual concertation with the other regional entities. The 2016 ‘Global Strategy’ provided the EU with a more realistic while understated approach. Furthermore, the HRCFSP improved vertical coordination with member states and horizontal coherence between policies within the UN system, towards enhanced ‘strategic autonomy’. For example, the EU UNSC members are regularly convened before every UNSC meeting and have ‘joint stake-outs’; the EU-UN delegation in New York plays the role of de facto permanent local presidency which, under the leadership of the HRCFSP, enhances internal communication, cohesion-building (between G10 members and France, for example) and external visibility.

EU learning power language: how and what? The current legal discrepancy, between the urgent need for enhanced EU leadership in multilateral governance and its missing representation within the UN system and other multilateral organisations, obliges an exploration of new ways for realistic power assertiveness. However, since a UN Charter reform is not on the horizon, the internal EU institutional and practical evolution will be the key variable. Enhanced EU unity and closer internal coordination, on the basis of the EU Treaty, is a gradual construction which can only be the outcome of a deep knowledge of the historical and recent roots of internal diversities among the 27 EU member states. It is only based on the accumulation of useful knowledge that the relevant decisions can be taken by the main authorities about how to move towards a more effective foreign policy. ‘**Closer cooperation**’ (or enhanced cooperation) could be a way out of a situation where internal ‘veto players’ or national, parochial and inward-looking political cultures make it impossible for the EU and the HRCFSP to play the external and global leading role expected of them by the public opinion. The TEU (Article 20) and the TFEU (Article 329-330) offer the option to nine member states (or more) to start **enhanced cooperation as a “last resort”** if this relevant objective cannot be reached at the level of the 27 member states. Of course, the closer cooperation initiative is allowed by the EU Council (after the opinion of the European Commission and Parliament) only provided that it is in the framework of the EU objectives and values. The detailed objectives of ‘a closer cooperation in foreign policy’ should nevertheless be clearly and precisely defined in order to avert the ambiguities of the overcrowded PESCO ‘structural cooperation’

(by Article 46 of the TEU, and including 25 member states) being replicated. Closer cooperation could be used, for example, in countering the consequences of the Covid-19 crisis, or setting a peaceful cooperation framework in the east Mediterranean area and in eastern Europe. Finally, a closer cooperation hard core is not a closed circle: it remains open to latecomers accepting the acquis.

- iii. A power language must be based on actual power relations. While the UNSC is a difficult arena for the EU, the Bretton Woods institutions show some more room for manoeuvre. The EU as a second global trade power has a special responsibility not only for WTO reform, but also for proposing second-best options to advance by trade development and higher standard setting. We have already underlined how the EU is putting into practice its 'comprehensive approach' to EU external relations by using its large array of recent interregional 'second generation trade arrangements' (with every continent) as powerful leverage in the upgrading of international standards with regard to social, environmental and human rights issues. These trade arrangements show a more realistic way to overcome the current dangerous global negotiation deadlock. The next step will be for them to revive global multilateralism (at the level of the WTO, but also at the level of the G20 and UN, via the UN Commission on International Trade Law – UNICTRAL, and possibly ECOSOC).

What can be improved is enhanced coordination between trade policy and foreign policy. After the trade arrangements achieved with Canada, Mexico, MERCOSUR, Japan, Vietnam and other partners on every continent, the Comprehensive Arrangement on Investments (CAI) negotiations between EU and China are a crucial test not only for the link between investments, sustainable development, and labour rights (as well as for the successor of the Investor-State-Dispute-Settlement system – ISDS – in setting conflicts between private companies and states) but also for containing the strong tendencies towards trade wars paving the way to a new cold war. The link between the EU's trade regulation role and its UN role is evident: the EU has addressed both the WTO reform and UNICTRAL with the proposal of creating a standing trade-conflict-settlement multilateral mechanism, complementary to the WTO panel system (for conflict-settlement between states). Compromises with other proposals are now needed (in particular, China would like a two-stage process). However, compromises should not affect **the strategic aim of building a multilateral twofold system of trade-conflict settlement (state-state and state-companies).**

Finally, **there is an increasingly evident discrepancy in the EU, between its growing responsibility for global and regional multilateral governance and its capacities:** material and institutional, but also strategic. A strong initiative is mature. After the US presidential elections, the EU is facing the challenge of a serious update of its 2016 'Global Strategy' that is of the pre-Brexit, pre-Trump and pre-Covid-19 era. A special European Council should be convened, in 2021, focusing on 'the EU and multilateralism in an unpredictable world' as a key point of radical innovation of strategy, practices and narrative. After the success of the European Council on 21 July in fostering further integration, the EU has relevant cards to play for a more assertive external relations strategy, while being open to alliances-convergence and being more autonomous from the inward-looking US and discredited China. Innovative and motivated strategic thought must be mobilised through new ways of networking. Relevant processes and events, like the 2020 US elections, the increasing fragility of the multilateral network in coping with new conflicts, and the outcomes of the UN General Assembly, must be the object of common evaluation. Practical events like the EU-India summit of June 2020, the EU-China summit during the 2020 German EU presidency, and the ratification of the new generation trade arrangements, should be analysed for their impact on the post-Covid world. **The issue at stake is to draft and consistently implement a new Global Strategy by rethinking realistic partnerships, internal decision-making mechanisms and the tools available for external policies to implement the distinctive EU power language.**







# **PART I**

**THE UN AT THE CENTRE  
OF A MORE BINDING AND  
COORDINATED GLOBAL GOVERNANCE**

# CHAPTER 1

## 21ST CENTURY REFORM OF THE UN SECURITY COUNCIL AND THE ROLE OF THE EUROPEAN UNION

**Nico J. Schrijver**

### 1. INTRODUCTION

One of the hallmarks of the EU's Common Foreign and Security Policy is constructive and effective multilateralism.<sup>1</sup> The United Nations serves as one of the principal platforms of such EU policy, including the protection of the EU's own values, fundamental interests, security, independence and integrity.<sup>2</sup> For several decades a discussion has been taking place on reform of the Security Council, especially by expanding its membership (Section 2). The EU's performance, visibility and effectiveness on the world stage could be much improved by allocating a permanent seat on the Security Council to the EU in its own right, alongside four other regional organisations (Section 3). Obviously, such reform will not materialise in one big bang and should most likely result from a number of incremental steps taken over several years.<sup>3</sup> A number of ideas for such constructive steps are examined in Section 4. The final section of this paper summarises the conclusions and its proposals for enhancing the role of the EU on the Security Council (Section 5).

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1 See also Telò, M. and Ponjaert, F. (eds) (2013) *The EU Foreign Policy. What kind of power and diplomatic action?* Farnham: Ashgate.

2 Cf. Article 21, paragraph 2 (a) of the Treaty on the European Union, 2007.

3 On instances of dynamic interpretation of the Charter in the light of changed circumstances and new needs effected without formal amendment, see: Schrijver, N.J. (2006) 'The Future of the Charter of the United Nations' in *Max Planck Yearbook of United Nations Law*, vol. 10, pp. 1-34.

## 2. REFORM OF THE COMPOSITION OF THE SECURITY COUNCIL

Reform of the Security Council has reached stalemate. On several occasions the member states of the United Nations have been close to an agreement which would have involved adding a number of both permanent and non-permanent members divided among the major regional areas of the world. In 2005, Kofi Annan tabled two options, models A and B as proposed by his High-level Advisory Panel.<sup>4</sup> Model A would have seen six new permanent seats and three elected/non-renewable seats added, whereas the interesting Model B would have added eight semi-permanent seats with a four-year renewable term and one non-permanent/elected seat.<sup>5</sup> Both models would lead to a total of 24 seats on the Security Council. Furthermore, in neither of them would new (semi-) permanent members be vested with a right of veto. As a result of pushback from the medium powers in particular (such as Indonesia, Pakistan, Italy, Mexico), united in the so-called 'coffee table club' (later called the 'United for Consensus' group), agreement floundered in 2005. In the subsequent years, the near consensus faded away. As a result, the composition has now been frozen at the number of 15 countries for 55 years, whereas the membership of the principal non-plenary organs of other universal organisations has in most cases meanwhile doubled or even tripled.<sup>6</sup>

**In retrospect, one might argue that such reform was essentially reforming the 20th century United Nations, which is very much premised upon the Westphalian interstate order and fails to take into account the increased role of international organisations, regional institutions, civil society and business in the contemporary world.**

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4 Annan, K.A. (2005) In Larger Freedom. Towards development, security and human rights for all, Report of the Secretary-General for Decision by Heads of State and Government in September 2005, New York: United Nations, UN Doc. A/59/2005, 21 March, paras. 167-180.

5 Based on the Report of the High-level Panel on Threats, Challenges and Change, A More Secure World: Our shared responsibility, UN Doc. A/59/565, 2 December 2004, chapter XXIV, paras. 244-260.

6 For a comparative perspective on other universal organisations see: Blokker, N.M. (2020) 'More Non-Permanent Members? On the Need for a Second Enlargement of the Security Council' in Schrijver, N.J. and Blokker, N.M. (eds) Elected Members of the Security Council. Lame ducks or key players? Leiden: Brill/Nijhoff, pp. 71-82, at 76-79.

### 3. AMENDING THE CHARTER TO ALLOCATE PERMANENT SEATS ON THE SECURITY COUNCIL TO THE EU AND FOUR OTHER REGIONAL ORGANISATIONS

In the 21st century the inspiring challenge is to make a leap forward, similar to that taken by the founders of the United Nations in 1945 by moving away from the suffocating unanimity rule of the League of Nations. In our current era this could best be done by allocating a role to the principal regional organisations, in addition to the current five permanent members (P5) plus Brazil, India and Japan as (semi-)permanent members. One could well argue that this would adequately reflect both an equitable geographical distribution in view of the composition of the world population and the realities of the current balance of power among the various regions based upon the principle of peaceful coexistence, but also led by the firm intention that the emerging multi-actor world pursue international cooperation in the common interest of all and based upon shared global values.<sup>7</sup>

Qualifying regional organisations would include the African Union, the European Union, the Organization of American States, the Organisation of Islamic Cooperation and ASEAN. Although their level of cooperation and integration varies, they are all firmly established organisations and capable of making a contribution to the maintenance of international peace and security and to the other purposes of the United Nations.<sup>8</sup> Within the specific regional organisations, each should be free to decide whether to vest the Security Council seat with the constituent principal organs of the organisation concerned, or to opt for a rotating presidency of member states supported by the secretariat of the organisation – which may bring some desirable permanency. It is important that the member states of each regional organisation prepare for such UN and Security Council membership by increasingly allocating responsibilities and competencies in the field of peace and security specifically, and global affairs generally, to their respective regional organisation.

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7 These are best reflected in the Universal Declaration of Human Rights (GA Res. 217 (III), 10 December 1948) and the World Summit Outcome Document (UN Doc. A/RES/65/1, 24 October 2005, paras. 4-5).

8 Cf. the text of Art. 23 UN Charter. See also Telò M. (ed) (2001 and updated edition 2014) *European Union and New Regionalism. Regional actors and global governance in a post-hegemonic era*. Aldershot: Ashgate.

Obviously, this change would also require amending the UN Charter, particularly Articles 4 (UN membership) and 23 (composition of the Security Council). As in 1963,<sup>9</sup> this may well be supported and pushed by a substantive majority (at least two thirds) of the UN General Assembly. Subsequently, the hurdle of the requirements of Article 108 UN Charter should be taken – in other words, ratifications by two thirds of the member states including all the current five permanent members of the Security Council as required under Article 108 of the UN Charter – just as occurred in 1965.

An expanded Security Council of 25 members, composed of the current 10 elected members (E10) *plus* two additional elected members (12 in total), the current P5 plus Brazil, India and Japan (8 in total) and representatives of five regional organisations (5 in total), would be instrumental in enhancing the representativeness and legitimacy of the Security Council as the world's most important political organ in the field of peace and security. In view of its important and indispensable role in the EU, this proposal calls upon Germany not to seek a new permanent seat on its own but to fully engage in and help to shape the EU representation on the Council.

As stated above, these regional organisations could initially be represented by their presidencies, and in time, preferably by their independent organs: in the case of the EU, the European Commission or alternatively the EU High Representative for Foreign Affairs and Security Policy.

Effectiveness and efficiency could be protected and effectuated by **not** expanding the number of veto-holding powers beyond the current P5 and by incrementally qualifying their veto right by applying more strictly the rule that a party to the dispute shall abstain from voting (cf. Article 27, paragraph 3); by requiring at least a double veto in case of decision-making on serious international crimes (the French-Mexican proposal); and – in due course – by applying further restrictions such as 'one veto is no veto'.

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<sup>9</sup> See UNGA Res. 1991A, XVII, 17 December 1963, seeking to expand the Council from 11 to 15 members. The amendment of Article 23 UN Charter expanded the membership of the Security Council from 11 to 15, adding four non-permanent members. Upon ratification in accordance with Article 108 UN Charter, the amendment entered into force on 31 August 1965.

**Table 1. Expanded Security Council ready for the 21st century**

| Regional area                     | Number of States | Current P5 | Proposed new permanent seats          | Proposed two-year elected seats | Total |
|-----------------------------------|------------------|------------|---------------------------------------|---------------------------------|-------|
| Africa                            | 54               | 0          | 1.5<br>(AU and 0.5 OIC)               | 4                               | 5.5   |
| Asia and Pacific                  | 53               | 1          | 3.5<br>(India, Japan, ASEAN, 0.5 OIC) | 3                               | 7.5   |
| Europe, North America and Oceania | 52               | 4          | 1<br>(EU)                             | 2                               | 7     |
| Latin America and Caribbean       | 34               | 0          | 2<br>(Brazil, OAS)                    | 3                               | 5     |
| Total                             | 193              | 5          | 8                                     | 12                              | 25    |

#### **4. INCREMENTAL STEPS NOT REQUIRING CHARTER AMENDMENT TO ADVANCE THE ROLE OF THE EU IN THE SECURITY COUNCIL**

Blavoukos and Bourantonis correctly observe: “For most parts of the reform debate, a strengthening of the EU presence in the UNSC has been monolithically associated with a single EU seat or an additional EU seat for an EU member state, proposals still not feasible politically 20 years after they were first launched in the early 1990s”.<sup>10</sup> Meanwhile, bit by bit – indeed, slowly rather than expeditiously – the EU’s performance and representation on the Security Council has taken shape.<sup>11</sup> The Maastricht Treaty already envisaged a coordination of EU policies with its member states serving

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10 Blavoukos, S. and Bourantonis, D. (2011) ‘The EU’s performance in the United Nations Security Council’, *Journal of European Integration*, vol. 33, no. 6, pp. 731-742, at 738.

11 See Hill, C. (2006) ‘The European powers in the Security Council: Differing interests, differing arenas’, in Verlin Laatikainen, K. and Smith K.E. (eds), *The European Union at the United Nations. Intersecting multilateralisms*. New York: Palgrave Macmillan, pp. 49-69.



on the Security Council.<sup>12</sup> The Lisbon Treaty on the European Union added the High Representative for Foreign Affairs and Security Policy to this.<sup>13</sup> This was reinforced by the following treaty provision: “When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those member States which sit on the Security Council shall request the High Representative be invited to present the Union’s position.”<sup>14</sup> Occasionally, EU member states are strongly represented on the UN Security Council, as in 2018 when – in addition to France and the UK – Poland, Sweden and the Netherlands served on the Council.<sup>15</sup> After Brexit in 2020, such a number of five EU member states on the Council will probably no longer be achievable.

Reference should also be made to Article 221, paragraph 1 of the TFEU, which provides that: “Union delegations in third countries and at international organisations shall represent the Union”. In light of this, a joint EU Delegation in New York has been created and is headed by an EU Ambassador, to exercise part of the responsibilities of the rotating EU presidency, including with respect to Security Council affairs. This builds on weekly meetings among EU member states on Security Council affairs, which were institutionalised from 2001 and hence in the pre-Lisbon days.

In this regard, it is important to note that the EU’s presence within the UN has improved considerably in recent years. First of all, the EU itself gained legal personality through the Lisbon Reform Treaty.<sup>16</sup> Secondly, a few years ago and after a painstaking process, the UNGA agreed to vest the EU with observer status in the General Assembly.<sup>17</sup> Obviously, much can still be improved but this depends first of all on more coordination and, if possible, concerted action by the EU itself and its member states.

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12 See Article 19 of the Maastricht Treaty (1992), providing for consultation among member states on Security Council affairs, including facilitated by the two EU permanent members on the Council. The relevant provision reads: “Member States which are also members of the UN Security Council will concert and keep the other Member States fully informed.” Furthermore, it provides that those EU member states that are permanent members of the Security Council “will, in the execution of their functions, ensure the defence of the positions and interests of the Union, without prejudice to their responsibilities under the provisions of the UN Charter”.

13 See Article 27 of the TEU, 2007. In force 2009.

14 Article 34, paragraph 2, of the TEU, 2007.

15 Similarly, in 2006 five EU member states served on the Security Council: Denmark, Greece and Slovakia, in addition to France and the United Kingdom.

16 Article 47 of the TEU now states: “The Union shall have legal personality”. On the evolution of the EU’s legal personality, see: Schermers, H.G. and Blokker, N.M. (2018) *International Institutional Law*, Leiden: Brill, 6th ed., para. 1569.

17 See UNGA Res. 65/276, 3 May 2011. On this: Serrano de Haro, P.A. (2012) “Participation of the EU in the Work of the UN: UN General Assembly Resolution 65/276”, *CLEER Working Papers*, no. 4.

Thomas Mayr-Harting, former Head of the EU Delegation to the UN in New York, reports that the EU nowadays takes the floor at the Security Council approximately 30-35 times per year, both on actual peace and security conflicts (Middle East, Afghanistan, Africa, Iran) and in thematic debates on the protection of civilians in armed conflict, the role of women in peace and security, and strengthening peacekeeping operations.<sup>18</sup> One of the few examples in which the EU Ambassador really spoke on behalf of the High Representative related to the Joint Comprehensive Plan with regard to the Iranian nuclear programme.<sup>19</sup>

Such EU representation is possible under Rules 37 and 39 of the Provisional Rules of Procedure of the Security Council.<sup>20</sup> Rule 37 enables the Council to invite any UN member state which is not a member of the Council to participate, without a vote, in the discussions of the Security Council. Rule 39 allows the Council to extend such invitation to “persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence”.<sup>21</sup> Under these Rules a practice developed to invite either the member state in charge of the rotating EU Presidency to participate in the proceedings of the Security Council (Rule 37) or the EU High Representative or the EU Ambassador in New York to speak on behalf of the Union in the Council (Rule 39).

The above-mentioned EU treaty provisions, particularly Article 34 TEU, remain mostly in the realm of coordination. While coordination is certainly important, it is also very much only the start of enhancing the EU position on the Security Council and its affairs. More challenging, and no doubt more difficult to achieve, is coherence in terms of adopting meaningful common positions on policy issues of substance, not just the lowest and often vague common denominator.

As former Belgian UN Ambassador Verbeke concluded: “The duty to concert among the UN Security Council members is a fairly dynamic obligation as it requires an inter-

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18 Mayr-Harting, T. ‘Representing the European Union at the United Nations: The Security Council dimension’, in Schrijver and Blokker, *Elected Members*.

19 The Joint Comprehensive Plan of Action (JCPOA) was formally endorsed by the Security Council in S/RES/2231, 20 July 2015. Appendix A to this Resolution contains the text of the JCPOA.

20 See Provisional Rules of Procedure of the Security Council, as last amended on 21 December 1982, UN Doc. S/96/Rev. 7 (1983).

21 See also Articles 31-32 of the UN Charter.

active exchange of ideas and opinions.”<sup>22</sup> This can only be achieved by a process of building trust and confidence, requiring frequent consultation in New York, Brussels and the capitals of each of the EU member states.

Such EU concertation could be fostered by (in ascending order):

- coordination among EU states serving as a member on the Security Council, including France (as the only remaining permanent member from the EU) and the elected members;
- overall coordination among all EU states on issues before the Security Council;
- coordination on issues before the Security Council among EU states serving on the Security Council and the principal EU institutions – in other words, the European Commission, the European Parliament and the European Council and especially with and through the High Representative of the Union for Foreign Affairs and Security Policy;
- seeking to arrive at common positions on issues before the Security Council – in other words, policymaking which goes beyond mere coordination;
- seeking to arrive not only on common positions but also at a truly ‘European’ position on issues before the Security Council;
- presenting and voicing such ‘European’ positions on the Security Council itself through the High Representative or the UN Delegation Ambassador as his representative.

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<sup>22</sup> Verbeke, J. (2006) ‘EU coordination on UN Security Council Matters’, in Wouters, J., Hoffmeister, F. and Ruys, T. (eds), *The United Nations and the European Union: An ever stronger partnership*. The Hague: Asser Press, pp. 49-60, at 56.

## 5. CONCLUSION

The 21st century is no longer only a world of states. Next to national states and global governance, we appear to be witnessing an increasingly multilateralised regionalism. It is timely no longer to seek to expand the Security Council with national states but rather with the representation of regional institutions. Obviously, as the most advanced regional organisation, the European Union should be one of these. The proposed other four are the African Union, ASEAN, the Organization of American States, and the Organisation of Islamic Cooperation.

It would make sense to expand the Security Council to 25 members, composed of 12 elected members (current number of ten plus two additional new seats) and 13 permanent members (current P5, Brazil, India, Japan, and the five regional organisations). This would enhance its representativeness and thereby its legitimacy. Effectiveness should be protected and advanced by various ways of restricting the exercise of the veto right of the current P5. New permanent members should not be vested with a veto right. Reality has it that such reform will not come overnight and may materialise only in 2045 rather than in 2025, let alone in 2020.

Meanwhile, apart from the big reform issue of a seat for the EU on the Security Council alongside four other regional organisations, the EU's performance, visibility and effectiveness on the world stage, could be much improved by fostering a number of small incremental steps taken over a period of a number of years. These should be aimed at action ranging from strengthening coordination (through seeking to achieve common positions on the Security Council and on issues before the Security Council) to moving towards truly European positions on issues before the Security Council and voicing such European positions on the Security Council itself through the European Commission and the EU High Representative or the EU Ambassador as his representative.



## CHAPTER 2

### IS STATE SOVEREIGNTY COMPATIBLE WITH MULTILATERALISM?

**Andrew Gamble**

The multilateral order is under attack. The current assertiveness of states and the revival of doctrines of national sovereignty in international relations has led many to wonder whether multilateralism is being undermined and may gradually wither away.<sup>1</sup> The world has reached extraordinary levels of interdependence but recognition of the benefits of international co-operation is in decline. National sovereignty, national independence and even isolationism are touted as the new common sense. In some states, such as Russia, the perspective of multilateralism is entirely rejected. The official Russian view is that nation states are the only significant players in international relations.

The hopes and expectations in the early 1990s that a new world order could be constructed, incorporating all the world's peoples and their states and ending the great power rivalries of the past, has not been realised, although some progress towards it was registered in the first decade. China and Russia were already members of the UN Security Council (UNSC) but the idea of One World was brought significantly closer by the admission of China to the WTO in 2001 and the admission of Russia to the G8 in 1997. The acceleration of globalisation in the 1990s and early 2000s saw some of the world's most populous nations, including India, China, Indonesia, and Brazil, take significant steps towards much faster economic growth, with huge implications for the future shape of the world system and the balance of power within it. The incorporation of these economies into the supply chains of North America and Europe contributed to an era of low inflation and high prosperity, which began to lift many millions out of poverty. This was the context which saw the adoption of the UN Millennium Development Goals in 2000 and the convening of the UN Climate Conference. It was also in this period that NGOs proliferated and international agen-

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1 Kagan, R. (2018) *The Jungle Grows Back: America and our imperilled world*. New York: Knopf.

cies extended their operations,<sup>2</sup> and a new kind of regionalism emerged,<sup>3</sup> exemplified by the EU which complemented and deepened the multilateral framework.

## 1. THE RISE OF POPULIST NATIONALISM

Much of the institutional framework deepening multilateralism which was created in these decades is still there, but the mood has changed since the financial crisis in 2007-2008. This crisis originated in the financial centres in the US and the UK, but its effects rippled outwards. In a second phase, many European countries suffered a sovereign debt crisis which for a time threatened the survival of the euro. Many of the rising powers, China and India, grew uninterruptedly during the crisis and after it, but in a third phase they too began to be affected by the slowdown in the world economy.<sup>4</sup> One of the political effects of the crisis was highlighting the changes in the world economy which had already taken place, the rise of China and India, and the decline of North America and Europe. This might not have mattered if the decline had only been relative, but for many middle-income citizens in North America and Europe incomes had stagnated since 2000 and now in the 2010s many of them saw actual falls.<sup>5</sup> Economic hardship, fused with cultural resentment of some of the social changes brought about in the globalisation era, resulted in new populist nationalist movements of protest.<sup>6</sup> A new generation of nationalist leaders emerged, bent on exploiting the grievances and resentments of significant numbers of citizens. The political outcomes were varied, reflecting the different circumstances in individual states, but there were some common features. One of the main drivers of the new populist nationalism was a desire to reassert national sovereignty by regaining control over borders and trade. Hostility to established national elites was marked, partly because they were seen as part of a much wider international elite. The new populist nationalists rejected economic globalisation and with it the international institutions

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2 Slaughter, A-M. (2009) *A New World Order*. Princeton: Princeton University Press.

3 Hettne, B., Inotai, A. and Sunkel, O. (2001) *Comparing Regionalisms: Implications for global development*. New York: Palgrave; Fawcett, L. and Hurrell, A. (1995) *Regionalism in World Politics: Regional organisation and international order*. New York: Oxford University Press.

4 Gamble, A. (2014) *Crisis Without End? The unravelling of western prosperity*. London: Palgrave-Macmillan.

5 Milanović, B. (2018) *Global Inequality: A new approach for the age of globalisation*. Cambridge: Harvard University Press.

6 Mudde, C. and Kaltwasser, C. (2017) *Populism: A very short introduction*. New York: Oxford University Press; Muller, J-W. (2016) *What is Populism?* Philadelphia: University of Pennsylvania Press.

and agencies which had driven globalisation forward, as well as most forms of multilateral cooperation. Halting immigration and restoring national sovereignty quickly became one of their main rallying cries.

The main surprise about the new populist nationalism was not its appeal in new and fragile democracies such as Russia, but the way in which it made such powerful inroads into established democracies in Europe and North America. For a long time it seemed that they would manage to resist populist nationalism, but a major breakthrough for the insurgents came in 2016, when populist nationalists scored major successes, first with the referendum vote to withdraw the UK from the EU, and secondly with the election of Donald Trump to the US presidency. Trump's victory was far-reaching in its consequences because it led to a significant break with the main tenets of US foreign policy which had been in place since the 1940s.<sup>7</sup> In place of the post-war commitment of US presidents and the US political establishment to lead an alliance of western nations and to build a multilateral rules-based order, Trump substituted the doctrine of 'America First' and began to distance the US from the network of multilateral institutions and alliances which had defined US global leadership. He announced the withdrawal of the US from participation in several UN bodies, including the UN Climate Change Conference and the World Health Organization (WHO). He undermined the operation of the WTO by refusing to approve judges to the dispute resolution body, and at times he threatened to withdraw from NATO. He instinctively preferred bilateral negotiations with other heads of state rather than working through multilateral institutions, which he tended to see as conspiracies against US interests. All of these policies were represented to his supporters as putting the interests of America first and imposing the United States' will on other countries. Under Trump, the US made it clear that it was no longer interested in bearing the costs and burdens of leadership. This transactional approach is nothing new in international relations, and the United States has not been shy in asserting its interests in the past. What is new is that under the Trump Administration the United States asserts its interests without any concern for maintaining the framework of rules which before Trump was regarded as a key US interest.<sup>8</sup>

This approach has determined a new policy towards China. US policy had been changing towards China since the financial crisis, but the change has accelerated

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7 Laderman, C. and Simms, B. (2017) *Donald Trump: The making of a world view*. London: Endeavour Press; Mead, W. R. (2002) *Special Providence: American foreign policy and how it changed the world*. New York: Routledge.

8 Ikenberry, J. (2011) *Liberal Leviathan: The origins, crisis and transformation of the American world order*. Princeton: Princeton University Press.



under Trump. In the 1990s and early 2000s the US encouraged China to join the rules-based system and participate fully in international trade. The outsourcing of so many products to China led to a transformation of the way the international economy was organised, with large swathes of manufacturing being subcontracted to Chinese factories. The financial and commercial interdependence between the US and China became significant, with China emerging as a major creditor of the US.<sup>9</sup> The Trump Administration decided to unwind the relationship. An early sign of its intentions was the naming of China as a strategic competitor in 2017, which brought a much more hard-line stance from China, and has major implications for the future shape of the international economy. The subsequent trade war that Trump and his advisors launched against China was not primarily about trade but about supremacy in leading technologies, and ultimately about the US maintaining its military supremacy. US anxiety that it was falling behind China in several key fields has been the main driver of its policies towards China, and will continue to be so, whoever is President. The US still has dominance in many fields, but it is being challenged by China in ways that the USSR never managed. This is a geopolitical confrontation fraught with enormous risks for international security and prosperity.

The pursuit of national advantage by the Trump Administration is seen at its most extreme in relation to China, but it is also evident in how it behaves towards its allies, and in its lack of concern for upholding the rules-based system if it conflicts with immediate US interests. This again is very different from the way in which the cold war against the Soviet Union was conducted. The US moved to construct a network of alliances and to underwrite the economies and the security of its allies. Under Trump the US is no longer willing, and perhaps no longer has the capacity, to be that kind of hegemon. The biggest threat which the multilateral system faces is the growing rivalry between great powers and the diminished interest of the US in sustaining its own creation. The world has become so accustomed to US leadership over the last 75 years that it struggles to adjust when that leadership is no longer there.

The rise of Trump is one manifestation of a much larger problem, the rise of populist nationalism across the world, as in India and Brazil for example, and a new breed of authoritarian leaders who give only limited support to democracy, and often explicitly reject many of the values and institutions associated with it. This is not a single phenomenon. It takes many different forms, but a common trend is for states to

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<sup>9</sup> Thompson, H. (2010) *China and the Mortgaging of America: Economic dependence and domestic politics*. London: Palgrave Macmillan.

assert their national sovereignty and to act unilaterally, and often with little regard for the rules-based system. Even in those parts of the world where the rules-based system is strongest, such as the EU, there are strong nationalist movements, some of which now control their states, as in Hungary and Poland. These are now illiberal democracies at odds with the values and norms of the EU.<sup>10</sup> The trend is towards the enhancement of the power of the central state through economic protectionism, border controls to keep out immigrants as much as possible, citizen surveillance and illiberal policies on minorities and human rights. Immigrants are frequently the main scapegoat of these policies.

## 2. INTERGOVERNMENTALISM AND MULTILATERALISM

The era of globalisation saw speculative talk about the end of the nation state and the disappearance of borders and national jurisdictions.<sup>11</sup> These predictions were wide of the mark. Although there was a marked increase in interconnectedness in particular areas<sup>12</sup> the nation state has shown no signs of withering away<sup>13</sup> and in the last ten years has roared back into life. From a longer historical perspective, the tension between sovereignty and multilateralism is not new. It was inherent in the world order established after 1945, and in the way in which the UN was constituted as an intergovernmental organisation. It was considered essential to ensure that all major powers participated fully in the United Nations so as to avoid the mistakes which led to the failure of the League of Nations after the First World War. The solution chosen was to give the five victorious powers permanent membership of the Security Council, and a veto. This enshrined the principle of national sovereignty at the heart of the UN. No major power has been long kept outside the UN in its 75-year history. The exception is China, which was excluded from membership after the US refused to recognise the new Communist government following the victory of the Chinese Communists in the civil war in 1949. That was not rectified until 1971, when the US withdrew its opposition, and the People's Republic of China supplanted the Republic

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10 Zakaria, F. (1997) 'The Rise of illiberal democracy', *Foreign Affairs*, 76:6, pp. 22-43.

11 Ohmae, K. (1999) *The Borderless World: Power and strategy in the interlinked economy*. New York: Harper Business; Ohmae, K. (1995) *The End of the Nation State: The rise of regional economies*. New York: Free Press.

12 Held, D., McGrew, A., Goldblatt, D. and Perraton, J. (1999) *Global Transformations*. Cambridge: Polity.

13 Hirst, P. and Thompson, G. (1996) *Globalisation in Question*. Cambridge: Polity.

of China, based in Taiwan, but which still at that point claimed jurisdiction over the whole of China, in all UN bodies, including the Security Council. By the 1990s almost every sovereign state had been admitted to membership of the United Nations, and no member had renounced its membership.

Managing such a diverse intergovernmental association has never been easy, particularly because of the cold war between the two post-war superpowers, the US and the USSR, which lasted until the dissolution of the USSR in 1991. But despite the difficulties and the increasingly unsatisfactory nature of the permanent membership of the Security Council, the UN has succeeded not only in including almost all sovereign states as members, but in expanding the work of its agencies to promote international co-operation in many different fields. The degree to which the UN has been a success cannot be measured solely by its lofty founding ideals, but also by the great power realities which shaped its institutional framework and imposed strict limits on how those ideals could be realised. As Paul Kennedy noted, the question that should be asked about the UN is what would the world be like if the UN did not exist?<sup>14</sup> On this view, the tension between sovereignty and interdependence in international relations is inherent, persistent and unavoidable. Recognising how interdependent the world has become means accepting the necessity of multilateral institutions to resolve common problems. Such multilateral institutions do not replace nation states and national sovereignty, but they have become indispensable to the governing of the world order. As Paul Kennedy explains, the UN has created a town meeting place of the world, and it is this which gives legitimacy to the many agencies, rules and targets associated with the UN.<sup>15</sup> Yet for all its global reach, the UN is only as strong as its member states, and if those member states become critical of the UN and begin to distance themselves from UN activities, then the UN itself is put at risk. But the UN is not just another international organisation. It is the symbol of the interdependence of all countries and the common need which all states have to work together.

One of the trends which has strengthened the UN is the growth of regionalism in many different parts of the world. The UN has much to gain if regional organisations are strong. Membership of regional organisations obliges states to confront the limits of their sovereignty in practical ways, and to learn the desirability of co-operation and the realities of interdependence. Regional associations, so long as they are examples of

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<sup>14</sup> Kennedy, P. (2006) *The Parliament of Man: The United Nations and the quest for world government*. London: Allen Lane.

<sup>15</sup> Ibid.

open rather than closed regionalism, can be building blocks for a multilateral world, essential intermediaries between nation states and international bodies.<sup>16</sup> They allow political elites and citizens to learn the benefits of co-operation, which can then be translated to more inclusive settings at the global level. The UN can appear weak if it is viewed only through the relationship between itself and the member states. It can appear much stronger when it is viewed through its relationship with regional associations and networks. This is the sphere of open regionalism and global civil society, and the role of the UN in supporting and enabling it is crucial.

It is not an accident that one of the main targets of populist nationalism should be regional associations like the EU, along with the international agencies of global governance. The demand that all states should free themselves from entanglement with such associations and agencies, and exercise full control once again of their laws, trade and borders is both beguiling, because it appeals to a particular kind of popular common sense, and also unrealisable, because no state can protect its existing standard of living if it cuts all its links with the rest of the world. There are very few examples of states which pursue an entirely autarchic policy. North Korea comes closest, but even North Korea is very dependent on its links with China.

This does not mean, however, that the UN is strongest when national states are weak. The contrary is the case. Because of the way the UN is set up it needs its member states to be strong so as to be able to commit to UN programmes and to participate in multilateral institutions. States are weak when they are so internally divided that they have no coherent or consistent policy, and cannot deliver on their commitments. States are strong when they have the trust of their citizens and can use their legitimacy to make binding commitments. The existence of such states is essential for a rules-based multilateral system. Without them there is simply chaos and no trust between states.

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<sup>16</sup> Telò, M. (ed) (2014) *European Union and New Regionalism. Regional actors and global governance in a post-hegemonic era*. Aldershot: Ashgate.

### 3. THE PARADOX OF BREXIT

How does Brexit fit into this wider picture? The UK referendum, which produced a narrow majority in favour of the UK leaving the European Union, is often linked with the election of Donald Trump as examples of populist nationalism. Both events occurred in 2016 and both occurred in the two countries which were at the epicentre of the financial crisis in 2007-8. Some of the leaders of the campaign for Brexit, including Nigel Farage, became close ideological and political allies of Donald Trump. The Trump Administration spoke strongly in favour of Brexit, and promised a favourable trade deal for the UK if it severed all its links with the EU. This was a reversal of US policy since the 1960s, which had been to urge Britain to join and fully participate in the EU. Both the Trump presidency and the Brexit vote appeared to arise from the same anti-immigrant, anti-globalisation, anti-liberal and anti-cosmopolitan discourses which were hallmarks of the new wave of populist nationalism. The slogan of the Leave campaign in the Brexit referendum was 'take back control', and great emphasis was placed on regaining 'independence' and making the UK a sovereign nation again. Trump used the slogans 'America First' and 'Make America Great Again'. A key aim of both Trump and the UK Brexiters appeared to be to free their respective countries from having to participate in multilateral institutions and accept limits on what they could do.

But there were also some important differences between Trump and the leaders of Brexit. The campaign to get Britain out of the EU was divided between two organisations, Vote Leave and Leave.EU. Vote Leave was led by Conservative politicians, in particular Boris Johnson and Michael Gove, while Leave.EU was the vehicle for the UK Independence party (UKIP) and Nigel Farage. The two campaigns at times overlapped in their messaging, but also had distinct identities and perspectives, and frequently clashed. The Conservative Vote Leave campaign made regaining sovereignty and taking back control the key issues, while the Leave.EU campaign focused on restricting immigration. In the aftermath of the referendum there was a struggle within the Conservative party over what kind of Brexit should be delivered, which was eventually won by Johnson and his Vote Leave allies. Leave.EU was entirely excluded from any influence. The new Conservative leadership fully signed up for Brexit whatever the economic consequences, but it was not nativist or economic nationalist in the way that Trump was. Instead of isolationism, it sought to promote 'Global Britain' as the future of the UK. It claimed that Global Britain represented true internationalism. Continued membership of the EU represented servitude.

Differences were immediately apparent with the Trump administration. Supporters of Global Britain were strong believers in free trade and the rules-based system which had defined the US liberal world order. These Conservatives saw Brexit as the opportunity to complete the Thatcherite agenda from the 1980s, pushing the UK further in the direction of a low tax, low public spending, deregulated and privatised economy. Some went further, arguing the merits of an ultra-liberal trade and investment policy, which would further open the UK economy and UK companies to external investment and external control. Brexit was welcomed partly as an opportunity to deliver an economic shock to the UK which would clear out many companies and sectors, such as car assembly, dependent on EU supply chains, making way for new industries such as AI and biotechnology, and allowing existing sectors like financial services to expand further.

Yet despite this assertion of national independence and the dreams of a British renaissance once freed from the EU, the vision of the UK as Global Britain was seen by its promoters as fully compatible with Britain fulfilling its multilateral obligations at the global level. It was only regional multilateralism which these Brexiters wanted the UK to withdraw from. The Johnson government is a strong supporter of many UN initiatives, including the United Nations Framework Convention on Climate Change (UNFCCC), the international criminal court, and the WHO, as well as international bodies such as the World Trade Organization (WTO), the International Monetary Fund (IMF) and the World Bank. Although many UK Brexiters favour leaving the EU with no trade agreement, and although there are a few who want to rely on the kind of unilateral free trade which Britain practised for a period in the 19th century,<sup>17</sup> the majority want to trade on WTO rules, if a trade deal cannot be reached with the EU. The UK government, even though it is now dominated by Brexiters, and to get its way has purged many Remainer Conservatives from the party, is still committed to the liberal international world order in a way in which the Trump Administration is not.

This policy faces two significant constraints. The first is that Brexit has reshaped the UK electoral landscape, and the Johnson government now owes its majority, and therefore its legitimacy, to its support from many former Labour Leave-voting constituencies. It attracted these former Labour voters not by emphasising its ultra-liberal plans for Global Britain, but by talking about the need for levelling up and giving much greater economic opportunity and support to these 'left behind' regions. But

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17 Economists for Brexit (2016) 'The Economy After Brexit'. Available at: [https://issuu.com/efbkl/docs/economists\\_for\\_brexit\\_-\\_the\\_economy](https://issuu.com/efbkl/docs/economists_for_brexit_-_the_economy).

this agenda implies a much more interventionist and high spending government, the development of an industrial strategy and considerable economic protectionism, if it is to be delivered. The Covid-19 health emergency has highlighted the inequalities in the UK which have emerged particularly in the last decade of austerity. Recent research shows that the areas most badly affected by austerity were the ones most likely to vote for Brexit, and these same areas are the ones which will suffer most economically as a result of Brexit.<sup>18</sup> Reconciling the Global Britain agenda with this Britain First agenda will be necessary to hold the Conservative electoral coalition together, but will be challenging to deliver.

The second constraint is that as Global Britain the UK seeks to loosen its ties with the EU and expand instead in overseas markets, particularly the US and Asia. But this assumes a stable multilateral world order and a trading system which follows WTO rules. The international trading system is being plunged into chaos by the increasing bitterness of the struggle between the US and China. The UK as a newly 'independent' nation, but no longer one of the world's leading powers, will increasingly have to choose between its relationship with the US and with China. It has significant disagreements with both of them, but had hoped to maintain a strong relationship with both as it distanced itself from the EU. The great majority of the countries with which the UK is most strongly aligned, in terms of values, support for multilateralism, and specific regulatory regimes, are members of the EU. This is hardly surprising since for 40 years Britain has been actively shaping those values and regulatory regimes. This alignment has been demonstrated during the Covid-19 emergency. Britain has mostly followed quite closely the kind of response common in the EU, and has not been at all like either Trump's America or Xi's China. It has much more in common with its European neighbours than with other states in the world economy, and this is unlikely to change.

Brexit is a contradictory phenomenon. The vote to leave the EU depended on the deployment of nationalist arguments against multilateralism, against globalisation and against cosmopolitanism. But the Brexit wing of the Conservative party which now controls the government is very different from the nationalist governments in the United States, Turkey, Brazil and India. This is a government which desperately wants the international rules-based order to be sustained and strengthened, even while it is seeking to extract itself from one of the most important regional associations

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<sup>18</sup> Fetzer, T. and Wang, S. (2020) *Measuring the Regional Economic Cost of Brexit: The evidence up to 2019*. CAGE Working Papers 486, University of Warwick.

upholding the order and making it possible. What the British example shows is not a conclusive victory for the kind of populist nationalism that has been successful elsewhere. The British repudiation of multilateralism and the rules-based order has been limited to the rejection of the EU, and even here the British government is discovering that it has much more in common with the EU than it cares to admit or to acknowledge. The realities of world politics and the gravitational pull of the EU are likely to limit how much the UK can achieve on its own as Global Britain. If it is to remain successful as a global player, it will still need a very close partnership with the EU.

For a time, the Covid-19 emergency side-lined the Brexit debate in the UK and made it appear trivial. The emergency was a reminder for all governments of their dependence upon one another and their need for effective co-operation to address common problems. It underlined the need for the UK to continue to work closely with its European partners, whether in respect of vaccines or in learning lessons about the most effective ways to deal with the pandemic. In a world of increasing geopolitical pressures, the need to be aligned with one of the big blocs becomes pressing. While many Brexiters would prefer alignment with the United States, that now comes with such a high price under the Trump Administration, that the alternative option of maintaining a strong alignment with Europe daily makes its case, even if it cannot be openly acknowledged by a Brexiter government, which defines its whole rationale as escaping from the 'control' of Brussels.

#### 4. STRENGTHENING THE RULES-BASED ORDER

Populist nationalism is a destructive force which, if unchecked, has the capacity to destroy the rules-based order and return the world to the great power rivalries and closed regional blocs of the 1930s. We are still far from that at the moment, and one of the reasons is the existence of the United Nations as a symbol of the interdependence of nations and an expression of our common fate. There has been no decade since the UN was created that it has not needed strengthening and reforming, but perhaps the need today is especially urgent, because of the multiple challenges that crowd in upon us and the existential threats to the survival of the species from nuclear weapons, the destruction of the biosphere, and now pandemics.<sup>19</sup>

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19 Cerutti, F. (2007) *Global Challenges for Leviathan: A political philosophy of nuclear weapons and global warming*. Lanham, MD: Lexington Books.



The difficulty with any plan of reform is that it must take essential realities into account. They cannot be wished away. One of these essentials is the intergovernmental nature of the UN, in the way both the Security Council and the General Assembly are constituted. If there is to be a rules-based multilateral order it has to be based on the consent of the member nations, and in the case of the democracies, which are more numerous than they have ever been, it has to be based on the consent of the citizens. This is why populist nationalism is such a problem for the UN and for multilateralism. If populist nationalism is advancing, it is doing so because it is winning significant support, sometimes majority support, within the democracies. It is creating administrations which have no interest in seeing the multilateral order succeed. Instead they relish the prospect of returning to a bilateral world, even though that is only likely to favour the major powers and blocs.

The success of the multilateral order depends on winning consent from the leaders and citizens of every state that it is in their interests to sustain and deepen it. Some might regard this as utopian given current political realities. But it was, after all, the basis on which the multilateral order was established in 1945. There were victorious states, defeated states, occupied states, weakened states, and vast problems of reconstruction. There were also tensions between the victorious powers. But what emerged, slowly at first but with growing assurance, was a new institutional framework for international relations which was above all inclusive. Talk of revenge and reparations which had so clouded the 1920s was put to one side, and instead a very deliberate effort was made to reconstruct not only economies but also states and their civil societies. An essential part of the post-war order was strong, independent nation-states that participated in the building of a multilateral world. The confidence to take the first steps to create the Common Market and the European Community, forerunners of the European Union, came from this experience. The gradual growth of international organisations and international networks transformed the way in which the world worked, and created a degree of co-operation and common purpose which made the post-war decades very different from the 1920s and 1930s. There were setbacks too, and all this took place in the context of the cold war and the divisions and threats associated with that, as well as huge and at times increasing global inequalities. But overall the first 60 years since the establishment of the UN saw substantial progress in building a framework in which global problems could be discussed, solutions canvassed, and action taken.

The last ten years has exposed the fragility of the multilateral order and how much it depends on the positive engagement of leading powers as well as the support of UN member states. This order cannot be strengthened by disregarding the nation states

and the concerns of their citizens.<sup>20</sup> It cannot be imposed by a governing class which is separate from the global citizens it exists to serve. The complaints from the populist nationalists about remote cosmopolitan elites is often exaggerated, but there is enough of substance to fuel popular resentment. Elites become disconnected from citizens at their peril. This is true of national as well as international systems. It is also true of regional intergovernmental associations like the EU.

Rebuilding trust in multilateral institutions and multilateral compromises is not going to be easy, but the realities of interdependence will increasingly oblige all states to try, whatever the initial standpoints of their leaderships. A world order is always a fragile and an imperfect construction, but it is almost always better than the alternative. It was that insight that helped inspire the creation of the United Nations in 1945, and it remains valid today.

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20 Rodrik, D. (2011) *The Globalisation Paradox*. Oxford: Oxford University Press.



## CHAPTER 3

# THE COVID-19 INFLECTION POINT IN GLOBAL GOVERNANCE AND THE EUROPEAN PREDICAMENT

**Nathalie Tocci**

### 1. COVID-19 AND THE US-CHINA RIVALRY FOR GLOBAL LEADERSHIP

Covid-19 will likely become a defining feature of our age. This is not simply because this global pandemic will probably have political, economic, and social repercussions reverberating across all world regions for years to come. It is mainly because these consequences may well accelerate the dynamics if not tip outright the balance from one international order to the next.

That the world had exited its unipolar moment, in which the hegemony of the United States dominated world affairs, we have known for a long time. It was a world embedded in a specific configuration of power and sustained by a set of laws, rules, norms and institutions that together made up a liberal international society. This system started fraying as multiple centres of power, first amongst which China, emerged and a growing rivalry between them took root.

This is the context in which Covid-19 is located, explaining why this pandemic may well represent the inflection point in the international system. By magnifying and accelerating both the weakening of the US's global leadership and liberal norms of the international system that it was so pivotal in constructing and sustaining, Covid-19 may well become the single most important event of our age.

When it comes to global leadership, China, originally the *bête noire* of the coronavirus, may end up as the victor of this global crisis. This is because it has leveraged effectively its two comparative advantages. As the first victim of Covid-19, China was the first to develop a lockdown model that it has exported to countries, including democratic ones, which have eventually, albeit grudgingly, followed. Teams of Chinese medical experts were flown to Italy and elsewhere to share their expertise. Furthermore, as the manufacturing hub of the world, China has exported what

countries have needed the most: protective masks, ventilators, respirators and other medical equipment.

Moreover, China's global role in the Covid-19 crisis has made the inadequacy of the former global hegemon – the US – painfully obvious. Beijing's self-interested display of solidarity has stood in stark contrast to Washington's disdain for a "foreign" virus, its unilateral travel ban on its supposedly closest allies in Europe, its inhuman tightening of sanctions on coronavirus-infected Iran, and its embarrassing attempts to secure exclusive American rights to a vaccine in development in Germany. So far, China is winning the propaganda war by a wide margin.

As the US-China rivalry has deepened, the major victim could be the rules-based multilateral system, already debilitated by nationalism, trade protectionism and the move towards a decoupling of the US and Chinese economies. This crisis could fuel demands for economic autarky across different world regions, driving scepticism for interdependence, cooperation and openness. And without the incentive to protect the shared gains from global economic integration, the 20th century architecture of global economic governance, beginning with the World Trade Organization, could quickly atrophy. The deleterious impact of the China-US rivalry on multilateralism is indeed already playing out. Nowhere is this clearer than in the controversy surrounding the World Health Organization (WHO). Regardless of the merits, limits and mistakes of the WHO, one thing is clear: for the US to withhold funding to it at the peak of the pandemic is utterly irresponsible. Above all, it shows the drama of a global confrontation between the US and China which is already trumping the global necessity to co-operate to overcome a virus which can only be defeated together.

## 2. CONTAINING THE DEEPENING CRISIS OF MULTILATERALISM: THE EU'S ROLE

Covid-19 could be the final nail in the coffin of a rules-based international order. But it could also give birth to a new phoenix rising from its ashes. Globally, Covid-19 has laid bare the limits of a governance architecture that merely monitors and suggests, rather than enforces. To stick to the same example: the WHO has been monitoring the global evolution of the virus on the basis of information which states voluntarily provide. However, some states, particularly in developing or fragile contexts, do not

have the capabilities to provide accurate information. Others, notably authoritarian ones like Russia, are unwilling to do so. Such patchwork monitoring is compounded by the WHO's non-binding recommendations lacking any enforcement mechanism. The current crisis reveals the inadequacy of the current order, pointing to the need for more global coordination and cooperation. The international order is not inadequate because of an excess of norms, rules, laws and institutions, but because these are too few and weak. The onus is now on multilateral platforms and institutions, to prove their worth, not only in containing and ultimately defeating the virus and sustaining the global economy, but also by learning the positive long-term lessons from this crisis, beginning with the quest for sustainable development.

Two courses of action are key. First is coordination and cooperation on the public health dimension of this crisis. Work must be done to ensure a transparent exchange of information and best practices in confronting a crisis such as Covid-19 using standardised methodologies for the collection of data. Likewise, cooperation in the supply of medical equipment is the minimum requirement for an effective international response. Second, and no less important, is the need to mobilise multilateral forums to alleviate the economic impact of Covid-19, bolstering the measures taken by national governments to provide financial support to individuals and companies, and inject public funds into the economy.

Enveloped in its internal battle for survival, Europe has missed the start in addressing the multifaceted global dimensions of Covid-19. However, the underlying principles guiding the EU's role in the world, such as security, resilience, an integrated approach to conflicts and crises, regional cooperation and multilateralism, have been vindicated by Covid-19. They provide opportunities for Europe to take action and to make up for lost ground.

Covid-19 highlights the fundamental importance of strengthening the resilience of fragile and conflict-ridden regions to the Union's east and south in an integrated manner, whereby health, economic, security and political dimensions are tackled together. This pandemic that knows no borders is driving home the reality that engaging our surrounding regions is something we ought to do not merely out of altruism but out of enlightened self-interest. We now know that no continent is an island and that unless we help strengthen the resilience of fragile countries, the effects of our neglect will come full circle and hit us back within our borders. As European diplomats and businesspersons, civil society workers, students and tourists eventually step out of their

homes, the risk of another wave of the coronavirus in the Union prior to the arrival of a vaccine is great. Our response to Covid-19 cannot stop at the Schengen borders which the coronavirus completely ignores. This is true first and foremost of the Western Balkans, where not just public health and socio-economic future are at stake, but also political orientation. Serbia's calculated praise of China and trashing of the EU may be a special case of state-sponsored disinformation. But it should also serve as a warning of what may come if the EU fails to extend maximum support to the Western Balkans in confronting Covid-19.

This is only the beginning. In North Africa, the Middle East and across sub-Saharan Africa, Covid-19 is a threat multiplier that will exacerbate existing vulnerabilities and crises. This is true if and as the pandemic spreads across these regions, where public health systems are extremely weak or have collapsed altogether. Africa's densely populated cities combined with high poverty rates are a ticking time bomb for the spread of Covid-19 infections. Across the continent, counting over 1.2 billion people, there are a mere 2,000 ventilators. The Middle East, notably in crisis areas, fares no better. In Syria, where the public health system in opposition-controlled areas has been systematically attacked by Russia's air force and the regime, there are only 325 ICU beds with ventilators for a population of 17 million. Even more dramatically, in opposition-held Idlib, home to 3.5 million people, there are only 20 such beds. Deprived of the luxury of social distancing, if Covid-19 were to spread to these regions, the death toll would be devastating.

Just as worrying are the indirect effects of the pandemic on Europe's surrounding regions, which will hit regardless of whether the virus itself spreads. From food insecurity in the Horn of Africa to a worsening of social instability in Iraq, Algeria or Lebanon, the risk of terrorism, the entrenchment of authoritarianism or the danger of a below-the-radar exacerbation of conflicts, existing threats and challenges may well escalate to hitherto unknown proportions.

Addressing all this whilst the Union struggles with own survival is daunting. Yet no other global actor is likely to step in and a failure to act will boomerang back onto the Union itself. The US has (temporarily) abdicated on global leadership, while China's energised international engagement has acquired an ever more visible geostrategic edge. The EU is beginning to realise the implications of this. It has reallocated over €15 billion of existing funding and added a further €5 billion – €4 billion from EU member states and €1 billion from the European Bank for Reconstruction and Development – to address

Covid-19 beyond the Union's borders. However, considering that Germany alone has introduced a national coronavirus stimulus package worth over €750 billion, this is only a very first drop in the ocean. The onus is on Europeans not only to mobilise immediately existing resources to bolster the fragile health sectors in these countries, but also to ensure that the guiding principle of the 2021-2027 multiannual financial framework is as much internal as international solidarity. On top, Covid-19 should galvanise a final push towards a more coherent European international financial architecture, in which both the European Investment Bank and the European Bank for Reconstruction and Development, as well as member state development agencies, would coordinate to jointly mobilise funds abroad.

Beyond the resilience of our surrounding regions, Covid-19 highlights the importance of another cornerstone of European foreign policy: multilateralism and a rules-based international system. This pandemic may represent the inflection point of an international order that is fast exiting its liberal moment and transitioning into a future in which great power competition and ideological contestation are the norm. As the power configuration of the international system changes, the principles, laws and institutions built upon it risk crumbling too. However, addressing global pandemics, just like all other defining transnational challenges of our age, from climate to digital and demography, requires more multilateralism, not less.

The Covid-19 crisis thus highlights more than ever the need for European leadership in sustaining and upgrading the multilateral rules-based system. As the staunchest supporter of the United Nations, the onus is on Europe to make the post-Covid-19 world one inaugurated by a renewed UN moment. In light of US irresponsibility, a place to start for the EU could be that of contributing an additional €500 million to the WHO, linked to the clear expectation that the organisation will conduct a critical evaluation of its performance in the crisis. No less important is the need to mobilise multilateral fora like the G20 to alleviate the global economic impact of a crisis which, unlike in 2007-2008, has begun in the real economy but could spill over into financial markets too. A first key step has been the G20 finance ministers' decision on a moratorium on the debt repayment of developing countries. On top, COP26 represents the opportunity to ensure that the restart of global growth is green. With two European countries – the UK and Italy – chairing COP26 and the 2021 G7 and G20, elevating these global governance platforms is an opportunity Europeans must not miss.



Covid-19 may well become a tipping point in global governance. There is certainly the risk that it may seal an end to globalisation and rules-based multilateralism as we knew them, as countries around the world retrench in a Hobbesian world of nationalism and unilateralism. Alternatively, its gravity may spur the awareness that from health to the economy, climate, digital or demography, all the major challenges of our time are global in nature, thus requiring a global governance response. Now, the champions of a fair and effective multilateralism must find – and raise – their voices. Who – if not the Europeans – should take the lead?



## **PART II**

**A RADICAL REFORM OF  
MULTILATERAL GOVERNANCE  
AND THE UN THROUGH  
AN ENHANCED ROLE  
FOR REGIONAL ORGANISATIONS**

## CHAPTER 4

### BEYOND THE EARLY 1945 BALANCE BETWEEN GLOBAL AND REGIONAL UN DIMENSIONS: HISTORICAL BACKGROUND AND DEVELOPMENT

**Mario Telò**

The controversy between universalists and regionalists started in 1943-1945. The fundamental question regarding the structure of the UN (global or regional) and its impact on the UN Security Council (UNSC) was addressed by the first project for the future UNSC 11 membership by the then US under-secretary of state and close adviser to US president Franklin Delano Roosevelt, Benjamin Sumner Welles, in 1943: four major powers and seven rotating representatives of regions of the world. Both Roosevelt and British prime minister Winston Churchill initially shared his vision, before the 'victory' of US secretary of state Cordell Hull.<sup>1</sup>

Why must this question be revived? One of the main differences between 1943-1945 and 2020 is the historical fact of the current existence of political regional organisations on every continent, containing nationalism, on the one hand, and power politics, on the other. In addition, the issue now at stake is a new balance between the global and regional dimensions of multilateral governance, within the UN system in particular.

The early times of this relevant controversy should be mentioned as a perennial of the history of multilateralism. This was the controversy between regionalist and globalist visions of the UN, dividing the West and both the US and UK governments. A very exciting and currently relevant debate took place between 1940 and 1945 about the need to balance the universalist aims and scope of the new multilateral organisations to be constructed (the UN and Bretton Woods institutions) after the war with the region-

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<sup>1</sup> See Telò, M. (ed) (2014) *Globalization, Europe, Multilateralism*. London: Routledge, pp.50-55; and Hull, C. (1948) *The Memoirs of Cordell Hull*. New York: Macmillan, pp.1639-40.

alised geopolitical structure of the world.<sup>2</sup> On one side of the debate, universalism is very relevant for multilateralism for at least two reasons. Firstly, as mentioned by its main advocate, Cordell Hull, the policy of ‘open doors’ (started in 1898) was not only opposed to the European tradition of hierarchical spheres of influence, but also linked to economic liberalism, an idea by essence inclusive of all possible members, by sharing generalised principles of conduct. Secondly, universalism meant in 1943–45 not only immediate inclusiveness of all major global actors (contrary to the League of Nations), but also openness to countries which were not yet members (because of ideological or political reasons, or because they were still colonies and/or non-independent states). Both the decolonisation process of the 1960s and 1970s (supported by the UN through ‘trusteeship’ and other means), and the breakdown of the Soviet bloc in 1989–1991, made it possible an extraordinary global expansion of the membership of the multilateral institutions born in 1944–1947. Emergent economies and newly independent states shared the priority of becoming members of the UN system and Bretton Woods institutions. In those years, in particular, Hull emphasised the risk of competing close blocs and discriminatory trade areas.

On the other side of the debate, the advocates of the regionalised UN structure proposed a three-pillar organisation, balancing universal values with three regional hegemonic stability systems, institutionalised by a series of regional councils under the UN umbrella: the US leading the ‘Western hemisphere’; the UK leading Europe and Africa; China leading Asia against the Japanese grand design of an Asia-Pacific Co-prosperity Sphere. The roots of the various streams in favour of regionalism in the US were linked to traditional caution about involvement in global affairs, notably the Founders’ wish of ‘minimising political entanglements overseas’, and to uphold the legacy of the regionalist ‘Monroe doctrine’ of the new world isolating itself from the disputes of the old.

Even the US state department was divided on the crucial issue of whether the post-war organisation should be regional or universal in its structure and operation, and Sumner Welles opposed Hull until the former’s resignation over the very issue of regional representation within the UNSC. In the UK, Churchill (supported by the plan elaborated by

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2 Fullilove, M. (2013) *Rendezvous with Destiny: How Franklin D. Roosevelt and five extraordinary men took America into the war and into the world*. New York: Penguin; Gellman, I.F. (1995) *Secret Affairs: Franklin Roosevelt, Cordell Hull, and Sumner Welles*. Washington: Johns Hopkins University Press; Hoopes, T. and Brinkley, D. (1997) *FDR and the Creation of the U.N.* New Haven: Yale University Press; O’Sullivan, C. D. (2008) *Sumner Welles, Postwar Planning and the Quest for a New World Order, 1937–1943*. New York: Columbia University Press; Role, J.S. (2007) *Franklin Roosevelt’s Foreign Policy and the Welles Mission*. New York: Palgrave Macmillan; Welles, B. (1997) *Sumner Welles: FDR’s Global Strategist A Biography*. Basingstoke: Macmillan.

his minister, the Labour Party member Stafford Cripps) revealed his regionalist views in 1943, when he called for a “Council of Europe and a Council of Asia” functioning “under a world institution embodying or representing the United Nations and, someday, all the nations”. In Russia, Stalin could also have favoured his own vision of regionalism, as a tool for controlling eastern Europe.

Roosevelt oscillated for a while between the two options, also because he was persuaded that the post-second world war world would be multipolar and not bipolar. He underestimated the European weakness and the Soviet assertiveness, and would have liked the Republic of China (instead of Japan or colonial powers) to take care of stability in eastern Asia, including colonial territories like Indochina. Churchill, for his part, supported the idea of a regionalised United Nations. At the Tehran trilateral summit (with Roosevelt, Churchill and Stalin in November 1943) Roosevelt eventually rejected the notion of separate regional councils within a post-war peace organisation. The conference of Dumbarton Oaks (July 1944) was therefore in favour of a primarily universalist organisation. However, downgrading regional associations to ‘secondary importance’ was not without resistance and reactions. In the end, the San Francisco UN Charter included three articles regarding the role of regions (Chapter VIII “Regional arrangements”, Articles 52-54).

Since then, regional arrangements have been recognised within the universal multilateral organisation (UN Charter, Chapter VII). However, it is only the UNSC that sets the legitimacy of any regional organisation and that may authorise regions to promote peaceful settlements of disputes in their areas (“Enforcement action only with the prior and specific authorization of the executive council”, Chapter VIII, Articles 52, 53, 54). The UK accepted this arrangement thanks to its foreign minister, Anthony Eden. If Roosevelt eventually opted in favour of the Cordell Hull-sponsored formula, it was not only in continuity with Wilson internationalism, but according to his own leadership – his vision of a worldwide organisation, the risk of providing a “haven for isolationist streams” in the Congress, worries of regionalism being transformed into spheres of influence abused by regional hegemons, notably USSR in eastern Europe. A further reason for the defeat of UN regionalist views was the limited expansion of regional organisations in 1943-1945. The Arab League and the *Panamericana* were the first and only ‘regional’ systems, and it was only in 1946 (Zurich speech) and 1947 that Churchill openly expressed his desire for a European regional unity (fostering the foundation of the Council of Europe in 1948).

Roosevelt looked for “a middle ground between utopian collective security (as embodied in the League)” and the defence of US interests. In doing so, New Dealers and internationalists, thanks to their interpretation of US identity, were able to shape the realm of ideas, institutionalising their beliefs in openness, non-discrimination, the multilateral rule of law, and combining free economy with regulation. It was only gradually that it became clear that the multilateral institutions were also an instrument for US security during the era of bipolarity and containment.

However, the regional organisations went on developing during the cold war, and even more after 1989 (new regionalist wave), far beyond the limits of the UN Chapter VIII framework. They did this in different ways, with different modes of governance, mandates, purposes and scope, geographical dimensions, institutional structures, and budgetary resources.

A multilayered multilateralism emerged.

# CHAPTER 5

## REGIONAL ORGANISATIONS AND UN REFORM: TOWARDS A FLEXIBLE INTERACTION MECHANISM

Luk Van Langenhove

### 1. THE LONG AND COMPLEX BACKGROUND OF A POTENTIAL PARTNERSHIP

Chapter VIII of the UN Charter foresees a role for regional arrangements, on the whole dealing with security, especially the peaceful settlement of disputes. The Charter also foresees a clear hierarchy between the global and the regional levels: any enforcement action that involves a regional organisation can only be organised with the authorisation of the UN Security Council.

Since the time when the UN Charter was drafted, the world has become more and more regionalised, and today a considerable number of regional and subregional organisations are now active around the world, making important contributions to the stability and prosperity of their members.<sup>1</sup> But these regional organisations are not necessarily what the drafters of Chapter VIII had in mind. For many regional organisations, the main mandate is not peace and security, but trade and economic cooperation. Nevertheless, some regional organisations, such as the EU or the African Union, have in common with the UN the fact that they are all intergovernmental organisations that have some ambitions in the area of peace and security.

Not surprisingly then, there have been several attempts to somehow connect the global scope of the UN with the regional endeavours of regionalism.<sup>2</sup> But the political reality has always been a spoiler or killjoy for any form of co-operation or division of labour. Only since the end of the cold war has there been room for a 'revitalising' of Chapter

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1 Van Langenhove, L. (2011). *Building Regions. The regionalization of the world order*. London: Ashgate.

2 For an overview, see amongst others: Thakur, R. and Van Langenhove, L. (2006) 'Enhancing global governance through regional integration', *Global Governance*, Vol 12 (3), pp. 233-240; Graham, K. and Felicio, T. (2006) *Regional Security and Global Governance*. Brussels: VUB University Press; Van Langenhove, L., Felicio, T. and Abass, A. (2012) 'The UN and regional organisations for peace: tracking a slippery partnership' in de Lombaerde, P., Baert, F. and Felicio, T. (eds) *The UN and the Regions*. Dordrecht: Springer.



VIII. For some, Chapter VIII is to be regarded as an opportunity to **reform the UN without changing the Charter**, with the prospect that it could make the UN more inclusive and might help in raising the capacities and resources of the UN.

Meanwhile, there have also been other developments that have opened new possibilities for enhanced collaboration between the UN and regional organisations. The first of these developments is the **changing nature of security threats**. The initial ambition of the UN was clear: avoiding or stopping armed conflicts between states. Today however, that ambition is much wider and includes different aspects of human security such as combating climate change or pandemics. This opens the door for enhanced collaboration and coordination – which brings us to a second development: the **changing nature of governance**. From a concept guided by the principles of sovereignty and subsidiarity, governance has evolved to a system of networked actors that all have some statehood properties. According to Slaughter, the future is “network mindset” that replaces the old “chessboard” emphasis on states, sovereignty, coercion, and self-interest, with the web’s orientation toward connections, relationships, sharing, and engagement.<sup>3</sup>

The added value of the regional organisations to global governance is straightforward. On the one hand, there is the cultural affinity, shared history, and deep ties that make regional organisations better placed than the UN to grasp a local situation on the condition that there is a legitimisation and that impartiality is preserved. On the other hand, there is a possibility of burden-sharing. The enduring scarcity of resources for UN activities (such as peacekeeping) could be remedied by cooperation with regional organisations. But this does not mean that regional organisations are to be regarded as entities that are there to serve the UN. They are also autonomous actors with their own agenda and, in that sense, they have to be regarded as equal to the UN.

## 2. TALKING AND WALKING THE PARTNERSHIP

Not surprisingly, there have been several attempts to forge partnerships between the regional organisations and the UN. Several scholars and world leaders have spoken out that such partnerships could be beneficial to all. In April 2003, the UN secretary-general called for the UN and regional organisations to “redouble their

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3 Slaughter, A.M. (2017) *The Chessboard and the Web: Strategies of connection in a networked world*. New Haven, CT: Yale University Press.

efforts” to ensure international peace and security.<sup>4</sup> But the gist of the messages has mostly been on how regional organisations should work for and in the UN and that it should be clear that regional organisations can only act under a mandate from the Security Council. Not exactly a partnership on equal footing. This is reflected in several Security Council resolutions, reports and meetings devoted to this issue, as well as in several high-level meetings between the UN and regional organisations (1994 to 2006). Four thematic Security Council meetings (2003-2006) reaffirmed that a dynamic relationship between the Council and regional organisations needs to be developed. This process culminated in the adoption of Resolution 1631 (2005), which clearly states that it is the Security Council that invites regional organisations to place their capacities in the framework of the UN.

On 20 July 2004, a second ‘open meeting’ between the Security Council and regional organisations aimed to identify new methods of co-operation in conflict resolution and stabilisation processes. In the conclusion of the presidential statement issued on this occasion, the Security Council invited regional organisations “to take the necessary steps to increase collaboration with the United Nations in order to maximise efficiency in stabilisation processes, and encouraged enhanced cooperation and coordination among regional and subregional organisations themselves, in particular through exchange of information and sharing experience and best practices”.<sup>5</sup> In 2018 this was followed up by the Action for Peacekeeping that was launched by Secretary-General António Guterres and that provides for regional operational structures which operate under the leadership of an assistant secretary-general with regional responsibilities. This is certainly a step in the right direction but at first sight it looks more like a streamlining of the presence of regional organisations within the UN structure than a real networking. If the latter is to be achieved, then the UN needs to be prepared to go further than consultation and looking at how regional organisations implement Security Council decisions.

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4 ‘UN and Regional Organisations Must Redouble their Efforts to Ensure Peace – Annan’, UN News Service, 11 April 2003.

5 United Nations Security Council, Statement by the President of the Security Council, 20 July 2004, S/PRST/2004/27.

### 3. THE AMBITIONS RE-VISITED

Peace and security issues today are of a different nature compared with the times when the UN originated in 1945 and had 51 members. Today there are 191 members and the security threats are different (for example, climate change, pandemics, scarcity of resources, and biodiversity). The growing awareness of the threats of the current weaknesses of multilateralism, together with the opportunities related to the regionalisation and networking of the world, are creating the political possibility for change. The key issue in reforming the UN plan is that it has to find a way to create a balance between the UN's responsibilities and the representation of people on our planet. Such a complex balance cannot be found if reform proposals are only based upon nations as the sole building blocks of multilateralism. States have to adjust to a world where other units of governance, from the very local to the global level, will have statehood properties. This creates a complex level of governance called multi-level networked governance. Two of the key questions are what should be tackled at the global level and what should be left to regional organisations; and what kind of interactions are needed between the actors.

A more structured relationship between the UN and regional and other intergovernmental organisations needs to be developed in order to create a truly interlocking system that guarantees greater coordination and cooperation in both policy and action. It is time to re-think the relationship between the UN and the regional organisations, both inside and outside the canvas of Chapter VIII, and to work towards a new partnership based upon equality.

### 4. PROPOSALS FOR REFORMS THAT OPEN THE UN TO REGIONAL ORGANISATIONS

Advocating the role of regional organisations in the UN is not new. In the first decade of this millennium, efforts were made to step up UN cooperation with regional organisations. This needs to be continued and framed in a larger discussion about multilateralism in today's networked world. A new start is needed, based upon a clear conception of the added value of the process to the Security Council, to the relevant UN departments, to the regional organisations, and to the member states.

The proposal here advanced is to engage in a process of **networking the UN with regional organisations as a steppingstone to Multilateralism 2.0**.<sup>6</sup> This process should be guided by a series of **principles** and a clear **vision** of why this networked partnership is necessary. It should also be guided by a set of **operational steps** to realise the proposal.

## 4.1 Principles

*Principle 1.* The United Nations and regional organisations should play complementary roles in facing all global challenges including international peace and security. This is in order to organise regional action within the framework of the Charter and the purposes of the United Nations, and to ensure that the United Nations and any regional organisation with which it works do so in a more integrated fashion than has up to now occurred.

*Principle 2.* Although for traditional peace and security issues, the primacy of the Security Council needs to be preserved at all times, the coordination and cooperation between the UN and the regional organisations can be organised without such a hierarchical relationship.

*Principle 3.* Such a new start needs to be guided by the principle of pragmatism. This partnership should build on the comparative strengths of each organisation. The geographical proximity and close historical, economic and cultural ties amongst members of regional organisations give them the advantage of perhaps understanding better the root causes of regional conflicts and thus of developing peaceful solutions to these problems. Similarly, regional organisations are perhaps best placed to operationalise policies to deal with global problems.

## 4.2 Vision of the added value

The *raison d'être* of such a networked interaction could be to create:

- a **forum of trust-building** between the different regional organisations and the UN at the highest level in all its agencies. In some cases, the UN can also provide **legitimation** to interventions from regional organisations;

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<sup>6</sup> Van Langenhove, L. (2010) 'The transformation of multilateralism Mode 1.0 to mode 2.0.', *Global Policy*, 3(1): 263-270.

- a **mechanism of learning transfer** from one case to another. Regional organisations can provide the UN and other regional organisation with **insights** from on the ground;
- a **knowledge hub on regional capacities**. While some regional organisations can deliver **military capacity** to the UN, there should be increased collaboration between the United Nations and regional organisations in order to **maximise efficiency of cooperation and coordination** in all domains of the UN, in particular through the exchange of information, and sharing experience and best practices.

A number of steps need to be taken in order to reform the present process into a light, flexible and pragmatic structure to the benefit of both the UN and the regional organisations involved.

### 4.3 Modalities and operationalisation for implementing the reform process

Such a process can be driven and supported by the UN and the EU and be realised in a two-step procedure. First, the ground must be prepared by an ad hoc group of ‘friends of regional organisations’, assisted by a high-level panel of experts. Second, endorsement must be sought by the general assembly of the envisaged structure.

**Step 1. Establish a ‘friends of regional organisations’ group** within the UN that is tasked with determining which are Chapter VIII regional organisations, and which organisations have other capacities that can contribute to the better functioning of the UN.

*Step 1.1.* The nature and structure of the partnership need to be clarified in detail in areas such as conflict prevention management or conflict resolution. This includes achieving greater clarity in what it means to be registered as a Chapter VIII regional organisation, and what it means to be a regional organisation that is active in domains that do not fall under Chapter VIII but are related to other provisions of the Charter or to activities of the UN or its agencies in general. A clarification of roles is an essential step and needs to result in a list of Chapter VII regional organisations and a list of other regional organisations, identifying those regional arrangements and agencies that come within the meaning of Chapter VIII of the Charter. These organisations would have responsibility for the maintenance of peace and security specifically for their regions, as envisaged in Chapter VIII; both in pacific settlement under Article 52 and for enforcement

under Article 53 in the event that they are utilised by the Security Council for such a purpose. Other organisations not falling within Chapter VIII would partner with the UN, as requested by the Security Council, without territorial delimitation, in pacific settlement under Chapter VI and enforcement under Chapter VII. These activities would include conflict prevention and peacebuilding.

*Step 1.2.* For both lists of organisations, an assessment needs to be made of the capacities and mandates of each of the organisations. This could be tasked to a high-level independent expert group. There is still a considerable lack of knowledge regarding the capabilities and capacities of regional organisations to engage in conflict prevention, peacekeeping and peacebuilding activities, as well as in other aspects of human security. For such a mapping, a detailed survey of the capacities, capabilities, and practices of regional organisations in the field of conflict prevention, peacekeeping and peacebuilding needs to be prepared and administrated.

*Step 1.3.* Based upon these assessments, **individual memoranda of understanding** between the UN and regional organisations regarding the sharing of information, expertise and resources can be prepared. This will allow formalisation of the expanded consultation, cooperation and coordination between the UN and regional organisations in an agreement between two partners. This could cover such issues as meetings of the heads of organisations, more frequent exchanges of information and early warning, co-training of civilian and military personnel, and the exchange of personnel within peace operations or in times of crisis.

*Step 2.* **Reach a consensus in the UN General Assembly over the aims and modalities** to create a permanent structure of dialogue between the UN and regional organisations. The modalities of such a structure can include high-level meetings, dialogue with the Security Council, and joint management of regional desks. Such coordination and consultation mechanisms need to be further developed. One possibility is that the Security Council should organise meetings on a regular basis with all the Chapter VIII organisations, and in addition, the regional organisations involved in any of the Security Council agenda topics would be invited. Furthermore, the regional organisations should have a fully-fledged seat in the General Assembly.

## 5. CONCLUSION

The proposals presented above for a UN reform process contain recommendations to strengthen the relationship between the UN and regional organisations. This should be done in the spirit of a networked governance structure and geared toward all human security problems. Over the years, several steps have been taken, but have perhaps focused too much on Chapter VIII and the related emphasis on traditional security issues.

The co-operation between the UN and the regional organisations should contribute to enlarging the UN from an intergovernmental organisation to an open organisation where all relevant actors for peace and security can meet. This not to say that the Security Council needs to be transformed as from tomorrow. But expanding it into a hybrid platform with a mixed membership is perhaps feasible: partly countries, partly regional organisations.

A final word on how to implement such a reform process is that it can only be done by an actor that operates within the UN and that is a power itself outside the UN. Of all the regional organisations operating today, only the EU seems to have the capacity and the capability of driving the process. But does the EU, and thus also its member states, want to use soft power to be a change agent in the UN? In this context it is good to remember that the UN and the EU both have their roots in the thinking about a future governance structure after the second world war. And as Winston Churchill famously said: “There is no reason why a regional organisation of Europe should in any way be in conflict with the world organisation of the United Nations. On the contrary, I believe that the larger synthesis will only survive if it is founded upon coherent natural groupings”.<sup>7</sup>

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7 Speech by Winston Churchill, 10 September 1946.

# CHAPTER 6

## A SOUTHEAST ASIAN PERSPECTIVE: ASEAN AND THE UN

**Amitav Acharya**

### 1. THE ASEAN COMMITMENT TO COOPERATION WITH THE UN AND ITS LIMITATIONS

The cooperation of the Association of Southeast Asian Nations (ASEAN) with the UN has been regular and active, at least since the end of the cold war. It has also been comprehensive, covering economic development, political-security issues including peacekeeping, human rights, disaster risk management, environmental degradation and climate change, food and energy security, Millennium Development Goals (MDGs) attainment, connectivity, and culture and education.

There have been a number of mechanisms for ASEAN-UN cooperation. Some highlights are listed in Table 1.

**Table 1. Mechanisms for ASEAN-UN cooperation**

|   |                                                                                                                                                                                                                                         |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a | The first ASEAN-UN summit, held in Bangkok on 13 February 2000                                                                                                                                                                          |
| b | Joint Declaration of the Comprehensive Partnership between ASEAN and the UN, adopted in November 2011, covering four areas: political-security, economic, socio-cultural, and secretariat-to-secretariat cooperation                    |
| c | An annual ASEAN-UN ministerial meeting, held since 2010, between ASEAN foreign ministers, the president of the UN General Assembly (UNGA) and the secretary-general of the UN                                                           |
| d | Annual Secretariat-to-Secretariat (S2S) meetings since the third ASEAN-UN summit in 2010                                                                                                                                                |
| e | The establishment of a UN presence at the ASEAN Secretariat in Jakarta with three UN liaison officers to ASEAN focusing on political-security issues, humanitarian affairs, and drug control and crime prevention matters, respectively |
| f | Exchange of experience and best practice in conflict prevention and preventive diplomacy through a series of Track 1.5 ASEAN-UN regional dialogues (AURED) held since 2012                                                              |
| g | The participation of the ASEAN secretary-general in the UN secretary-general's high-level retreat with heads of regional and other organisations in May 2015 in New York                                                                |

Source: [https://asean.org/?static\\_post=background-overview-united-nations](https://asean.org/?static_post=background-overview-united-nations)



ASEAN is generally supportive of closer cooperation with the UN, and will also welcome any new initiatives to strengthen ASEAN-UN cooperation. However, there are certain limitations that must be kept in mind.

ASEAN countries remain highly sensitive to any transgression of their sovereignty. They greatly value the doctrine of non-interference in the internal affairs of states. This is a general tendency among regional organisations in the Global South, but ASEAN is somewhat more protective of sovereignty than others, including the African Union.

Unlike the African Union, ASEAN has not undertaken any collective military humanitarian intervention invoking the Responsibility to Protect doctrine.

## 2. ASEAN-UN AREAS OF DEEPER COOPERATION

A good deal of ASEAN's cooperation with the UN has been in economic development, with the United Nations Development Programme (UNDP) playing a leading role. Military-security issues have not been a priority area in ASEAN-UN cooperation, and this is something that should be kept in mind when considering UN cooperation with regional organisations generally.

ASEAN countries have contributed to UN peacekeeping. As of July 2015, the ASEAN member states have contributed some 5,500 military and police personnel to UN peacekeeping missions. But ASEAN does not participate in UN peacekeeping as a collective body; there is no ASEAN peacekeeping force. This is due to political sensitivities and lack of capacity, which varies widely among the member states.

The most serious security threats to ASEAN are non-traditional, such as pandemics, drugs, people smuggling, and natural disasters, and ASEAN has already undertaken a number of initiatives to address such challenges cooperatively. However, there is a lack of resources and capacity. Co-operation with the UN on non-traditional security issues is therefore more likely to receive support from ASEAN and will be of particular interest to it. The Covid-19 pandemic has seriously affected ASEAN members, and this may be an area in which greater UN assistance will be especially important to ASEAN.

### 3. ENHANCING THE ROLE OF REGIONAL ORGANISATIONS WITHIN THE UN: AN EMERGENCY COUNCIL

ASEAN, like many regional organisations in the Global South, relies on a small secretariat with limited resources. It does receive ad hoc funding from external donors, but rather on a project basis. Any cooperation programme with the UN that supplements project funding and capacity building will therefore be welcome to ASEAN.

ASEAN is likely to welcome a regular forum that brings together the heads of all major regional organisations with the UN secretary-general and the presidents of the UN General Assembly and the Security Council.

However, such a forum should not add to the capacity burden of ASEAN, which now conducts or participates in more than 1,000 meetings annually. This imposes a heavy drain on ASEAN's time and resources, so adding another set of meetings with the UN should be considered carefully.

The best approach may be to have an annual meeting of heads of regional organisations, the UN secretary-general, the president of the UN Security Council, the president of the UN General Assembly and depending on the issue at hand, the heads of select UN agencies (IMF, World Bank, WHO, etc.). Such a meeting should take stock of cooperation between the UN and regional organisations, and assess future needs and anticipated challenges for the coming year.

But this is not enough. Such a general meeting between the UN and regional organisations should not preclude, and may be enhanced by, the provision for an *emergency* meeting between regional organisations and the above UN bodies when a crisis strikes. This is the idea of an Emergency Council, which should meet, in person or virtually, within a short period of a major crisis outbreak, whether it is a pandemic, war, or natural disaster. Such Emergency Council meetings need not involve all the regional organisations, but those that are most affected by the crisis. And if possible, it should be held in the region/s most affected by the crisis.

There are some difficulties and challenges in operationalising the Emergency Council proposal, and these need to be carefully considered. They include the issues of political will, resources, deciding which or how many regional organisations to include (such an Emergency Council should be small to be effective), and what types of crisis merit convening the Emergency Council.

Currently, the UN Security Council (UNSC) has the authority to invite non-UNSC members to attend its emergency meetings, but this is not an obligation and is undertaken on a case-by-case basis, often at the whims of the veto-wielding permanent five (P5) members of the Security Council. This sometimes means that preventive action and timely reaction do not happen, or are delayed too long and thus do not prevent major damage. An 'automatic' and mandatory Emergency Council that could at least undertake fact-finding and preventive diplomacy missions, or authorise such missions, could remove that uncertainty and create more confidence in the UN's crisis management role. It would also reassure and empower regional organisations, which often feel they are at the mercy of a highly politicised UN Security Council. An Emergency Council meeting should be convened either by any member of the Security Council, or the head of a regional organisation, without the latter having to go through a current Security Council P5 member or non-P5 member.

# CHAPTER 7

## REGIONALISING THE POST-HEGEMONIC AND PLURALIST MULTILATERAL SYSTEM

**Qin Yaqing**

Mario Telò's introduction to this book is highly relevant and practical. Its analysis of the current international situation, the power structure, the heterogeneous multipolarisation, and regionalism and interregionalism is especially enlightening. The focus on regional governance as a most important platform for multilayered governance is particularly significant.

### 1. WHICH POST-HEGEMONIC LEADERSHIP?

Generally, reform of the UN should start to define clearly the roles of this most comprehensive multilateral organisation in today's global affairs and global order. The UN was established as an intergovernmental organisation to deal primarily with interstate security issues. However, the world has greatly changed since then. It is now a place where traditional threats and transnational and global threats exist side by side. What is the primary role(s) of the United Nations in such a world? Do global crises such as Covid-19, which will occur from time to time, fall into the mandate of the UN? Or should the UN continue to take care of interstate issues and leave other transnational threats to others? This concerns not only structural and organisational reforms of the UN, but also the UN Charter itself. When the financial crisis occurred in 2008, it was the G20 that sat in the driving seat. This time when Covid-19 broke out, no one seems to have taken that role.

Telò deems this lack of leadership to be a major problem in today's governance. The outbreak and rapid spread of Covid-19 has shown this most conspicuously. It also focuses special attention on regional leadership. With regard to reform of the UN, how can the two levels of leadership – the UN level and the regional level – be combined?

As it is believed that the American order is over, the leadership issue is becoming even more conspicuous. During the 9/11 terrorist attack and the 2008 financial crisis, the leadership vacuum was not yet an issue, and cooperation among major international actors was largely successful. Covid-19 is different. A lack of leadership and cooperation has become the most serious problem in dealing with the global crisis, and it is important to study why. What is the role of G20? And what is the relationship between the UN, G20, and UN specialised agencies such as the World Health Organization (WHO)?

Related to this question is that of how a balanced and complementary relationship can be established between the global level of governance and the regional. Should the UN play a coordinating role? Or an authoritative leading role? When an emergency or crisis occurs, which level of governance should take responsibility first? Covid-19 is a telling example of governance failure. Who is leading? The UN? The regional multilateral organisations? The specialised agency? None of them seem to fit this leading role effectively. Each country is going its own way, without leadership and without sufficient coordination of policy – which should be the most important function of multilateralism.

## 2. HOW CAN ORGANISED REGIONS MAKE A DIFFERENCE IN BUILDING A NEW MULTILATERALISM?

The EU is rightly used as a most relevant example and many arguments rest on discussion of the EU to take the lead. Other regional institutions and organisations are not as effective as the EU. In fact, the differences are conspicuous. How should the reform of the UN deal with the variation across regions in terms of governance? Moreover, other regional organisations and arrangements may not be as formal as the EU, but they can be quite effective in dealing with regional problems and perhaps show more resilience.

How should global governance reform take into consideration various practices across regions? My term for this is 'inter-practicality', or mutual learning through practice. This should be an important part of interregionalism. When thinking about reform of a comprehensive world organisation, such as the UN, it may be more advisable to take an inter-practicality approach. Reliance largely on one model may prove impractical.

A dialogue mechanism could be organised to engage various regions during the process of working on the reform proposal in order to solicit ideas, opinions, and suggestions. Understanding the various practices is important for an effective and practical action plan for the UN reform.

**If we see governance as multilayered, then there should be three layers at least, and in fact there are more. The first three layers are: 1) the global layer via the UN; 2) the regional layer via regional organisations such as the EU and ASEAN; 3) the state layer.**

Covid-19 has again shown the prevalence and perhaps a strong comeback of the state. **The global, the regional, and the state: cooperating and coordinating, they will all win**; conflicting and splitting they will fail. But how can they be made to cooperate and coordinate – this is the problem. It seems Covid-19, a disaster that should enable states to coordinate and cooperate, is in fact showing a situation which is not optimistic at all, and which is even moving in the opposite direction from cooperation and coordination.

Classical international relations theory says that multilateral international institutions enable states to cooperate because their self-interest can be better realised through such regimes. However, the reality of the Covid-19 crisis seems to be that even if all states know that by cooperating they would win together, they simply refuse to do it. They do not coordinate their policies. They do not cooperate on fighting against common enemies. They do not even care about relative gains. Regional organisations have also shown various shortcomings in dealing with the transnational crisis and global threat.

How can confidence be rebuilt in multilateralism as an effective governing mechanism to fight against global security threats? It seems that Covid-19 has made people and nations even less confident in multilateralism. This is a big problem any reform of global governance and international organisations should solve. Trust deficits, the term used so brilliantly by Telò, do perhaps matter.



## CHAPTER 8

### A EURO-SOUTH AMERICA PROJECT FOR A NEW INCLUSIVE MULTILATERALISM AND REGIONALISM

Álvaro de Vasconcelos

Multilateralism is in crisis – a crisis highlighted by the Covid-19 pandemic that we now face. But it is a crisis born from the larger crisis of democracy and the perceived loss of legitimacy that challenges global institutions. Reform of the United Nations through a new vision of inclusive multilateralism and regionalism would be the most appropriate response.

Such a new vision of multilateralism would also respond to the challenges that we now face as a result of the pandemic, by particularly focusing on health, social order and preventing the destruction of our global system. It would be a progressive multilateralism, designed to defend our achievements in human rights over recent years. It would also be a new, inclusive multilateralism<sup>1</sup> that could simultaneously unite a multiplicity of capable and committed actors, from both the state and non-state sectors, in its construction. Yet today the success of such a project depends more than ever before on the ability of the European Union to adopt a coherent and effective vision for humanity – **a Global Green and Health New Deal**. Such an initiative would find a very positive echo amongst South American citizens, in many states in that region and, we believe, elsewhere too.

#### 1. NEW INCLUSIVE MULTILATERALISM AND REGIONALISM

The dominant question that the pandemic has posed for the future of multilateralism is whether and, if so, to what extent, it will reinforce nationalist and reactionary tendencies that have already emerged in several countries or whether it will play a role in the

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<sup>1</sup> See de Vasconcelos, A. (ed) (2013) *The Challenges of Inclusive Multilateralism. The 2013 Report of the Global Governance Group 10*. Ankara: TEPAV.



rebirth of a new inclusive multilateralism and regionalism to counter these tendencies. South American specialists who were consulted as this chapter was being drafted emphasised that the impact of the pandemic has persuaded many that global crises can stimulate cooperative multilateral and regional responses. Yet they also warned, against the background of the Brazilian experience, that the extreme right has a reactionary nationalist agenda which must be countered. Nevertheless, the popularity of such a new multilateralism does not seem to have weakened in significant sectors of South American societies, despite the very serious political problems facing countries there, such as those arising from the obscurantist government in Brazil and the collapse of Venezuela.

In the 1990s, the concept of a ‘new multilateralism’, as developed by the Euro-Latin American Forum,<sup>2</sup> emerged from the integration of Mercosul (Mercosur in Spanish) as a regional organisation through the Treaty of Asunción in 1991. It was a parallel development to the further integration of the EU through the Maastricht Treaty in 1992. The European Union soon identified Mercosur as an open integration<sup>3</sup> project, similar to its European precursor, as a result of the success of democratic transitions in Brazil, Uruguay, Paraguay and Argentina.

Open integration describes a system which guarantees the values of an open society within an integrated space; namely, the protection of political democracy, cultural and religious diversity, free competition and citizens’ participation in the integration process. Guaranteeing these values leads to their promotion in relations with other integrated areas and states. Multilateralism is therefore seen as a new form of multi-regionalism which derives from the concept of open integration.<sup>4</sup>

The European Union-Mercosur relationship would become the first link in a network of agreements between such areas of integration and regional cooperation in a system of multi-regionalism.

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2 The aim of the Euro-Latin American Forum was to provide a space for dialogue between the political, scientific, business and diplomatic communities of the two regions. It was organised by the Institute for Strategic and International Studies (IEEI) in Lisbon and by the Roberto Simonsen Institute of the Federation of Industries of the State of São Paulo (FIESP/IRS). The authors of its various publications included: Gianni Bonvicini, Armando de Castro, José Luís da Cruz Vilaça, Aldo Ferrer, Gelson Fonseca, Monica Hirst, Celso Lafer, Roberto Lavagna, Guilherme d’Oliveira Martins, Pier Carlo Padoan, Félix Peña, Romeo Pérez Antón, Mario Telò, Vera Thorstensen, Alfredo G.A. Valladão and Álvaro de Vasconcelos.

3 Vasconcelos, A. and d’Oliveira Martins, G. (eds) (1995) *A Integração Aberta, Um projecto da União Europeia e do Mercosul*. Lisbon: IEEI; see also Thorstensen, V. and Seabra, M.J. (1995) *Open Integration: The European Union and the Mercosul and the international system*. Lisbon: IEEI.

4 Ibid.

In the 1990s, the debate within the framework of the Euro-Latin American Forum between European and South American experts and political leaders, civil society activists, EU officials and business representatives – was based on a concept of ‘new multilateralism’ marked by three main characteristics. The first was the notion that the international community in general and the United Nations in particular should play an important role in the protection of human rights, irrespective of the limits imposed by sovereign borders. The second was regionalism, which would become a structural element of the international system as a whole. The third, the emergence of global public opinion, would express civil society’s desire to influence, even participate in, decision-making at a global level.<sup>5</sup>

This vision of ‘new multilateralism’ developed in the 1990s, in a radically different context from the world as it is today. It emerged through the triumph of liberal democratic ideas. The Portuguese revolution of 25 April 1974 had marked the beginning of this new wave of democracy – the Third Wave,<sup>6</sup> which spread from southern Europe to Latin America in the 1980s. In the 1990s, with the disintegration of the Soviet Union, it was the turn of the countries of central and eastern Europe and of other regions in the world, particularly Africa. At the time, under the influence of a benign global American hegemony, the ideals of democracy countering nationalism created the conditions for a new ‘international order’ and for a new and effective form of multilateralism.<sup>7</sup>

The question today, however, is to what extent such a concept of new multilateralism is relevant in a polycentric world where governance in the United States is in the hands of a president who is both a nationalist and a populist. In fact, this crisis of multilateralism is first and foremost the consequence of a parallel crisis of several national liberal democracies. The ebb and flow in democratic sentiment that we have seen reflects the emergence of obscurantist and autocratic nationalist currents in a not-insignificant number of countries. It was the political transformation in Brazil, with the arrival of Jair Bolsonaro to presidential power, that drove the Brazilian government to abandon its defence of progressive multilateralism which had been its chosen option since democratisation. The current difficulties of Mercosul reflect the crisis of the traditional liberal order as one of its hallmarks, and the different political and economic options of

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5 Barahona de Brito, A. and Vasconcelos, A. (2001) *New Multilateralism*, Report to the VI Euro-Latin American Forum. Lisbon: IEEI.

6 Huntington, S. (1993) *The Third Wave: Democratization in the late Twentieth Century*. Norman OK: University of Oklahoma Press.

7 See (1999) *Regular e democratizar o sistema global: Uma parceria para o século XXI*, Forum Euro-Latino Americano. Lisbon: IEEI.

Brazil and Argentina. The paralysis within the UN Security Council, for example, reflects both Sino-American rivalry and the assumption of power by an illiberal president in the United States. The current response to the health crisis is in clear contradiction with the imperatives of an interdependent world, as reflected in a globalised civil society engaged with a growing number of states.

The pandemic has made us aware, as never before, of our common humanity. We are all facing the same challenge and, even if our responses to the crisis in combating the health aspects of the pandemic so far have been national, its eradication can only be achieved through a shared and common struggle. The health crisis has been accompanied by what promises to be an overwhelming recession, which has already started. The consequences will not only be a social tragedy, which will bring misery and hunger to many regions of the world, but a major economic crisis as well. The effects of the recession will be significantly worsened if the response involves a multiplicity of individual actors rather than a concerted, integrated initiative. The former approach could only herald a world in which, in the next crisis to come, we shall succumb to the “adverse effects of climate change” as they challenge the earth system on which all life depends. These multilateral convictions of the majority of the world’s states have been underlined by the United Nations General Assembly, which has adopted a resolution calling for a multilateral response to the pandemic, and the elected members of the Security Council have also sought to play a greater role with France confronting the paralysis faced by the Security Council’s five permanent members.

In a post-western, polycentric world, no state will alone be able to respond adequately to global public demands.<sup>8</sup> The powerlessness of the international community facing the pandemic confirms this to be the case. To overcome this governance gap, as Mario Telò argues, “the new leadership can only be collective and multilateral, strong enough to contain both multipolar military power politics and bipolar tendencies”.<sup>9</sup> New inclusive multilateralism is the best option for the reform of the UN “in order to promote legitimacy and effectiveness”.<sup>10</sup>

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8 See Vasconcelos, A. (ed) (2012) ‘Global Trends 2030: Citizens in an Interconnected and Polycentric World’, ESPAS Report, EUISS, Paris, March.

9 See Mario Telò’s Introduction to this book.

10 Vasconcelos, *The Challenges of Inclusive Multilateralism*.

## 2. THE CURRENT SOUTH AMERICAN DEBATE

The progressive community faces a global problem which is not just the consequence of American and Brazilian nationalist populism. Brazilian foreign policy and the rhetoric of the Trump administration target international institutions as part of their own anti-globalist narrative. They see the progressive agenda as being manifested through multilateralism in the fields of human rights, science, education and ecology. As the Brazilian political scientist, Feliciano Guimarães, points out, Brazil has been active in the United Nations Commission on Human Rights. There, it promotes a reactionary agenda on the issue of women's rights, where it allies with Saudi Arabia, and more widely it promotes internationally an obscurantist and negative agenda on environmental issues.<sup>11</sup> In short, the aim of these far-right forces is no longer simply to destroy multilateral organisations; it is instead to set their international agendas. A similar approach has been adopted by the far-right in some member states of the European Union. Despite this, in Latin America multilateralist commitments remain very strong and, as the Covid-19 crises have demonstrated, multilateralism continues to be seen as the best option for resolving the serious problems that face the world.<sup>12</sup>

Integration projects in the past were born from serious crises; South American commentators point out that the concept of the European Communities was conceived in the middle of the second world war, for example. Furthermore, whenever there has been a major pandemic – as with smallpox, for example – there has been progress in multilateral cooperation, because everyone understands that viruses do not respect borders. In the past, Brazil has played an active role in the process of releasing drug patents to allow, instead, the production of generic drugs. It was thus Brazil that pushed for a multilateral agreement on combating the spread of AIDS – through the World Health Organization's 2001 Doha Declaration on TRIPs and Public Health – which made access to low-cost generic medicines possible.

Yet the difficulties that countries have faced in confronting the current pandemic, the weaknesses in regional cooperation, the serious consequences, both for health and for the very survival of citizens, because of these difficulties and weaknesses, will, according to Pedro Dallari, “(...) force a reform of public health policies and a rethink of the mechanisms for regional integration and cooperation”.<sup>13</sup>

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11 Feliciano Guimarães, interviewed by the author of this chapter, 5 May 2020.

12 Pedro Dallari, written contribution, 2 May 2020. Available at: <https://forumdemosnet.wordpress.com/2020/05/09/algumas-notas-sobre-as-perspectivas-para-o-mundo-depois-da-crise-do-novo-coronavirus-por-pedro-dallari/>.

13 Ibid.

This is now becoming a dominant theme in the debate on the pandemic. Félix Peña shares Dallari's optimism but would prefer to see this as "a stimulus" and stresses the strong support in Argentina for regional integration.<sup>14</sup>

For Brazilian Ambassador Gelson da Fonseca, "the reconstitution of multilateralism, with universal institutions as its objective, will not be achieved if regional institutions do not converge over their objectives". Indeed, universal multilateralism is not incompatible with strong regional institutions; it is more compatible today than before. In short, despite the crisis, Mercosur has not lost its role of being, "(...) a necessary vehicle for regional integration and also for the international projection of South American ideals".<sup>15</sup> Yet the capacity of multilateral institutions to respond to the reactionary offensive they face, and to respond to major challenges this offensive may present to them, is now linked to a huge diversity of forms of global and regional cooperation in Europe and South America.

### 3. EMPOWERING CIVIL SOCIETY INITIATIVES

In fact, beyond mere interstate cooperation, Mercosul's response to the pandemic has underlined the importance of networks; in particular networks of scientists – such as the group of Latin American scientists in the TWAS-Young Affiliates Network (TWAS, The World Academy of Sciences), in collaboration with researchers from CONICET (National Council for Scientific and Technical Research) in Argentina. This network has put forward a policy statement signed by hundreds of scientists which argues that "scientific cooperation is key to our emergence from this global health emergency; we must encourage regional and global collaboration involving governments, multilateral institutions, regional organizations, transnational corporations and civil society".<sup>16</sup>

The Mercosul heads of state declared, in a virtual summit on 19 March 2020, that the pandemic required regional cooperation "based on scientific evidence" and stressed the need to "create multi-sectoral space for regional coordination". This declaration was achieved, despite the negativity of Bolsonaro's obscurantist policies over the fight

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<sup>14</sup> Félix Peña, interview, 7 May 2020.

<sup>15</sup> Gelson da Fonseca, written contribution, 3 May 2020.

<sup>16</sup> Policy Statement: The need for more multilateralism and international cooperation in the face of Covid-19.

against the pandemic, because the networks between government actors continued to operate effectively. In this case, it was due to the role of Argentina and agreement between the Argentinian health minister and his counterpart in Brazil. Bolsonaro, meanwhile, dismissed his health minister because he had defended social distancing as a means of combating the virus! In short, in contrast with the denial policies of the Bolsonaro regime when confronted with the pandemic, Argentina has been able to present itself as a driving force for South American regional and multilateral initiatives with a policy based on scientific advice and political unity.<sup>17</sup>

Given the gravity of the situation, Brazil's federal states have very significantly taken their own autonomous initiatives independently of central government, as has also been happening in the United States. The governments of the states of the northeast region of Brazil have created the Northeast Consortium to fight the pandemic and have developed independent diplomatic initiatives and commercial contacts, undertaking, for example, joint purchases of medical equipment from China.<sup>18</sup> In effect, sub-state diplomacy has become an important component of international cooperation.

However, to make a multilateral progressive perspective succeed, design must be flexible. A 'variable geometry' of multilateral relations will be necessary in order to create appropriate coalitions of willing and able partners, capable of responding to specific needs and involving a multiplicity of state, sub-state and non-state actors. At the same time, it will be essential to fully exploit the possibilities of organisations in the multilateral system to launch initiatives designed to counter the pandemic, in line with the proposals made by UN Secretary-General António Guterres's call for an immediate worldwide ceasefire in light of the global Covid-19 pandemic, supported in Argentina, Brazil, Uruguay and Chile. Organisations in the multilateral system should also reflect the commitments, made on 24 April by governments and non-state actors, to work together to accelerate the development and production of new vaccines, tests and treatments for Covid-19 and to ensure that these are universally available.<sup>19</sup> Civil society and sub-state actors must be empowered in all these initiatives, particularly by involving them in the decision-making process.

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17 Monica Hirst, interview, 4 May 2020.

18 Geraldo Adriano Campos, interview, 3 May 2020.

19 The event was co-hosted by the World Health Organization, the President of France, the President of the European Commission, and the Bill & Melinda Gates Foundation.

## 4. A GLOBAL GREEN AND HEALTH NEW DEAL

In a post-pandemic world, the most appropriate structure will be one in which international cooperation is articulated around three major global issues: health, to ensure that all regions of the world have access to medicines and vaccines without discrimination in order to prevent future pandemics; the economy, to respond to economic recession that will affect all states and their populations, particularly in the most vulnerable regions where there is an acute sense of inequality; and the environment, in order to find a response to the serious threat that global warming is creating for our environment, which will have a devastating effect on life on Earth.

The response to major social, environmental and health challenges in the post-Covid-19 world should be the objective of a United Nations initiative. As far as the environmental ‘green’ dimension is concerned, the objective should be to establish “the legal status of the earth system as a new objective or obligation in international law”.<sup>20</sup> This approach is most likely to find support in the states that border the Amazon, because it responds to the fact that “... the positive impacts that contribute to the maintenance or restoration of a single well-functioning global environmental system, are not directly visible within the formal economy of states. They are positive externalities.”<sup>21</sup> To this end, the General Assembly of the United Nations should be encouraged to convene a major world conference to plan a Global Green and Health New Deal. This conference should be attended both by states and by relevant sub-state and non-state actors.

A proposal for a global new environmental, or ‘green’ deal, was first put forward in a discussion paper for the United Nations Development Programme (UNDP) in the aftermath of the 2008 financial crisis, with the objective of bringing about economic recovery and sustainable development especially by reducing carbon emissions. The author of the report, Edward Barbier, subsequently defended the idea in a book.<sup>22</sup> At the time, however, the proposal did not obtain the necessary political support to be adopted as a new global policy. Now, however, would be an ideal moment to present it again and to enlarge its objectives.

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20 Paulo Magalhães, written contribution, 3 May 2020. Available at: <https://forumdemosnet.wordpress.com/2020/05/09/what-is-climate-from-a-legal-point-of-view/>.

21 Ibid.

22 Barbier, E. (2010) *A Global Green New Deal*. Cambridge: Cambridge University Press.

The European Union would be the best vehicle to take a central role in such a progressive agenda, in which the Global Green and Health New Deal would be the key driver. Yet to be able to do this, the Union will have to reformulate its own Green Deal with the ambition that the crisis demands.<sup>23</sup> Furthermore, such a project should, according to Celso Lafer, be supported “through a ‘knowledge diplomacy’”. For knowledge is indispensable to public policies on health and sustainability.<sup>24</sup> Knowledge is also an essential factor in the struggle of progressives against the obscurantism of the radical right. Knowledge implies, according to Renato Janine Ribeiro, that those issues should be a priority in academic discussion, both in the world of scientific research and in the relationship with other economic, cultural, social and spiritual actors.<sup>25</sup>

The fact that Mercosul has accepted an agreement with the European Union that goes “beyond trade and will adopt rules in the areas of human rights, social protection and the environment” is, for Dallari, proof of the Union’s ongoing capacity to influence a global agenda. For Gelson da Fonseca, if the agreement is ratified, Mercosur “would gain in legitimacy for undertaking more comprehensive international action”. Yet the EU-Mercosul trade agreement will only become an essential part of a new multi-regionalist project if the environmental demands are protected against neo-liberal trade liberalisation, as advocated by those economic sectors in Brazil that supported it.

The political debate that would create the Global Green and Health New Deal proposal would favour Brazil’s return to the environmental policy of which it was a pioneer when it organised the Rio de Janeiro Earth Summit, in June 1992.<sup>26</sup> The support of the Brazilian public for such an initiative will also be amplified by the fact that 85 per cent of Brazilians believe the planet is getting warmer and that, for the overwhelming majority of them (72 per cent), this is due to human action.<sup>27</sup> For Monica Hirst, such a project would certainly find support in Argentina<sup>28</sup> and Uruguay, and most probably in Chile as well – four out of five Chileans believe the planet is getting warmer due to human activity.<sup>29</sup>

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23 The conclusions of the European Council (17,18,19, 20 and 21 July 2020) are an important breakthrough.

24 Celso Lafer, former Brazilian Minister of Foreign Affairs, interview, 5 May 2020.

25 Renato Janine Ribeiro, former Brazilian Minister of Education, written contribution, 7 May 2020.

26 Renato Janine Ribeiro, interview, 7 May 2020.

27 <http://datafolha.folha.uol.com.br/opiniaopublica/2019/07/1988289-para-85-dos-brasileiros-planeta-esta-ficando-mais-quente.shtml>.

28 Monica Hirst, interview, 5 May 2020.

29 <https://www.ipsos.com/es-cl/chile-es-el-pais-en-que-mas-ha-crecido-la-preocupacion-por-el-cambio-climatico>.



The European Union and Mercosul, together with their South American associates, are the natural partners for the Global Green and Health New Deal project because, as Hirst and Malacalza point out, “Latin American multilateralist *bienestar* (well-being) and social inclusion coupled with European normative multilateralism in regulation and environmental sustainability”<sup>30</sup> are two essential narratives of such an achievable Utopia. If such an initiative were to be launched at a global level it would correspond to the demand of citizens everywhere that the post-Covid-19 world should not be a return to the world of savage capitalism. Despite the difficulties of such an initiative, it would be emblazoned with an enormous sign of hope, were it to come about. To paraphrase Vaclav Havel: without dreaming of a better world we shall never build it.

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30 See Hirst, M. and Malacalza, B. (2020) ‘Can multilateralism be reinvented?’, *New Society*. Buenos Aires: FES.



## **PART III**

### **UN REFORM: INCLUSIVENESS, LEGITIMACY AND GENDER ISSUES**

## CHAPTER 9

### THE LEGITIMACY CHALLENGE: MAKING THE UN MORE INCLUSIVE AND DEMOCRATIC

Jo Leinen

The UN is celebrating its 75th anniversary this year (UN75). Secretary-General António Guterres has invited everybody to discuss and propose measures for “renewing and strengthening” the world organisation.

Many papers and debates around UN75 focus on reform of the existing institutions: the role and power of the secretary-general, the efficiency of the General Assembly, and above all the reform of the Security Council. All of this is important but not enough. Business as usual does not reflect the many changes and challenges since the creation of the UN in 1948. UN reform needs fresh ideas and a new footing.

#### 1. A MORE DEMOCRATIC UN WITH A NEW UN PARLIAMENTARY ASSEMBLY (UNPA)

The UN Charter begins with the promising words “We the peoples”. However, one will seek in vain for any clause in the document that specifies a means by which ordinary people can play a role in the organisation’s deliberations and decision-making. The bodies of the UN are occupied by officials who are appointed by the executive branches of national governments. Given the many challenges with direct effect for the citizens, this is no longer sufficient. The intergovernmental order has failed again and again because of egoistic interests and veto positions. Global problems need global politics, and global goods need global institutions. **A United Nations Parliamentary Assembly (UNPA) would, for the first time, give elected representatives a formal role in global affairs.** As an own body, the UNPA would directly represent the world’s citizens and not national governments.

An UNPA could be established without changing the UN Charter. It could be created with a decision of the UN General Assembly under Article 22 of the Charter, as happened years ago with the establishment of the Human Rights Council.

The UN would evolve from what many believe to be a generally inefficient talking shop into a viable and vibrant democratic body. Initially, states could choose whether their UNPA members would come from national parliaments, thus reflecting their political spectrum and gender equality, or whether they would be directly elected. Starting as a largely consultative body, the UNPA would have the right of information on all UN matters and action, the right to scrutinise the budget and spending, and it would of course serve as a platform to discuss relevant global problems and make proposals. The UNPA could create committees – for example a committee on Human Rights, Peace and Security, monitoring the implementation of the Sustainable Development Goals (SDGs) or inquiring about tax havens and money laundering. The assembly would act as an independent watchdog of the UN system and as a democratic reflection of world public opinion.

Alternatively, the UNPA could be created through a new international treaty. To enter into force, the treaty would have to be ratified by a certain number of countries across the continents. Rights and functions with regard to the UN would be confirmed through a cooperation agreement adopted by the UN General Assembly.

The appeal for a UN Parliamentary Assembly is now supported by numerous NGOs, more than 1,500 parliamentarians, a number of national parliaments, the European Parliament and the Pan-African Parliament.

## 2. A WORLD CITIZENS' INITIATIVE (WCI)

Citizens should have a voice in the UN. In a globalised and connected world, many problems have a direct effect on people everywhere on the planet.

Many studies and surveys prove that human beings have the same feelings, aspirations and expectations, whether it is about living in peace, having a healthy environment or a decent job. These basic needs cannot be expressed within the UN because they are blocked and fragmented by other interests and power games.

**A World Citizens' Initiative (WCI) would be a dynamic new instrument to put proposals from citizens of all continents and many countries on the agenda of the UN General Assembly and the Security Council.** The experience of the European Citizens' Initiative (ECI) and lessons learned from it could be the starting point for debate.

The World Citizens' Initiative (WCI) would have an organising committee that is geographically representative. This committee would register citizens' initiatives and open the procedure for collection of support. Proposals would only be eligible if they are in line with the purposes of the UN, as laid out in Article 1 of the UN Charter.

A WCI would qualify within 18 months after registration if it has collected a certain quorum of signatures in representative parts of the world. Robust digital tools could facilitate the collection of support. Verification would be undertaken based on random samples, residency information and date of birth.

A successful WCI would be automatically placed on the agenda of the General Assembly (UNGA) or, depending on the proposal, on the agenda of the Security Council (UNSC). The successful WCI would oblige either the UNGA or the UNSC to draft a resolution in response to the WCI and to vote on this resolution. States would be required to publish an explanation of the vote, whether they vote in favour of the resolution or not. This would create transparency for world public opinion and global citizens.

A World Citizens' Initiative (WCI) in a reformed UN system could be created without changing the UN Charter. It could be established under Article 22 by a vote of the General Assembly. Global politics could then start a more citizen-centred agenda, and would have a human face. This would improve the credibility of the UN enormously, helping to guarantee its survival.



# CHAPTER 10

## JUSTICE THROUGH GENDER BALANCE IN THE UNITED NATIONS: AN URGENT MATTER OF CONSISTENCY

**Ruth Rubio Marín and Eulalia W. Petit de Gabriel\***

*The most difficult thing is the decision  
to act, the rest is merely tenacity.*

Amelia Earhart (1899-1937)

*Gender equality is the unfinished  
business of our time.  
And so, the time is now to change it.*

António Guterres, UN Secretary-General<sup>1</sup>

### 1. OBJECTIVE AND INITIAL CONSIDERATIONS

The following analysis and proposals are intended to take advantage of the existing UN institutional and regulatory structure. We are not envisaging unfeasible, utopian or politically unworkable changes, but rather imagining how a more equitable reality from a gender perspective can be achieved with the tools available. According to Telò,<sup>2</sup> the 75th anniversary of the United Nations is not the moment for “a grandiose declaration, or a call for fundamental changes which mostly go unmet; but for concrete reform proposals, dynamic and innovative, even if largely within the current Treaty framework”.

The reform of the United Nations, and the gender challenges it poses, is an extraordinarily broad topic which goes beyond the limit of these pages. In the Introduction to this book, the gender dimension is presented as relevant to “a more legitimate global multilateral governance”, including “both enhanced input and output legitimacy as well as accountability and fair representation”.<sup>3</sup> In this chapter, we suggest ways for advancing in this direction.

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\* We want to express our gratitude to Prof. Estrada-Tanck and to Nahla Valji, Senior Gender Adviser, Executive Office of the Secretary-General, for comments on the first draft of this chapter.

1 SG/SM/18928-OBV/1775-WOM/2132, 8 March 2018.

2 See Mario Telò's Introduction to this book.

3 Ibid.



Women's participation is indeed strongly connected to legitimacy and governance, but it is also a human rights concern which touches upon the right to equality. That is why the deficiency of gender balance in human rights organs and bodies, and in international tribunals, is especially visible, and in a certain sense is paradoxical because the organisation which promotes certain norms and values among its member states should not assume fewer obligations to satisfy them internally. Furthermore, overcoming the under-representation of women is also something which can have an impact on the interpretation and application of international law and human rights in general, as well as a potential multiplier effect in the system as a whole. For this reason, the adoption of concrete measures i) would, in addition to providing extremely high visibility to the United Nations' commitment to gender equality (a commitment that was significantly strengthened with thn these areas must be a priority focus of attention and represent an exemplary change in the UN. The effects of taking action in this direction would be immediate in terms of legitimisation, and in the longer run in terms of governance.

To date, the issue of gender in the UN has been addressed conjointly with the conceptual elaboration of the debates on the role of women. Initially, the main line of argumentation was the notion of equality and non-discrimination. Subsequently, the action focused on the demand for equal representation or gender balance, together with the concept of positive measures. More recently, focus has shifted to the introduction of a gender perspective in all policies through gender mainstreaming.<sup>4</sup> All these developments have sought to transform the situation of women in the contemporary world and society itself. However, it is necessary to go further. Normalising the presence of women in the positions of greatest legal impact (international courts of all kinds and human rights bodies and mechanismse arrival of Secretary-General António Guterres), provide a way to multiply the impact of gender mainstreaming across different areas of law, and start to make up for women's decades of absence from legal discourse.

## 2. GENDER AT THE UN IN PERSPECTIVE

The UN's journey in relation to women, first, and gender mainstreaming, later, has been a long one. The Economic and Social Council (ECOSOC) began this story as early as 1946, although the General Assembly (GA), the Security Council (SC) and

4 Booth, C. and Bennett, C. (2002) 'Gender mainstreaming in the European Union towards a new conception and practice of equal opportunities?', *The European Journal of Women's Studies*, 9(4), pp. 430–446. Available at: <https://doi.org/10.1177/13505068020090040401>.

the Secretariat have become involved too, especially from the year 2000 onwards. Discourse and action have been projected both within and outside the UN. It is essential to give the greatest visibility to the achievements so far.

In 1946, ECOSOC created the Commission on the Status of Women (CSW) to promote the rights of women in the political, social, economic and educational fields.<sup>5</sup> This Commission promoted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted and opened for signature and ratification, or accession, by the GA.<sup>6</sup> Until today, CEDAW remains the most relevant piece of positive law in the field, and is binding for 189 states. The rest of the subsequent normative developments in relation to gender justice have taken place almost exclusively through soft law, or non-binding legal instruments.

CEDAW provides for a specific mechanism of control over states parties (the Committee on the Elimination of Discrimination against Women), which was extended to the reception of individual complaints through the 1999 Protocol (currently ratified by 114 states). The CEDAW Committee is the international human rights monitoring body with the highest representation of women: 22 women and a single man. This should also be the subject of reflection, considering that it confirms the norm that the representation of women is highest in bodies dealing with women, children or the family. This embodies an undesirable gender bias: neither the discrimination against women nor children's issues are the exclusive domain of women. A parity composition (desirable in all the committees, and not only in that of CEDAW), would contribute to overcoming such stereotypes and duly highlight the need for men and women to be involved in the redefinition of gender dynamics, further allowing space for the important debate around the new masculinity.<sup>7</sup>

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5 E/RES/8 (II) of 21 June 1946, not including norms related to gender balance in its own composition.

6 A/RES/34/180, of 18 December 1970.

7 Sometimes the argument is made that since men have for the longest time been hugely over-represented, having an over-representation of women should not be seen as contradicting equality. While certainly plausible, the soundness of this argument depends, to some extent, on the rationale on which parity is sustained. If the dominant logic is one of *temporary* special measures with a corrective/compensatory purpose only, then the over-representation of women, subject to past and present discrimination, should not be seen as problematic at least until that discrimination is overcome. If, however, parity is seen as advancing a new understanding of democratic legitimacy seeking the disestablishment of traditional gender roles (and thus the redefinition of femininity in ways that make it normatively compatible with authority and masculinity in ways that make it normatively compatible with care), as well as a corrective substantive equality measure, then perfect parity for both sexes in every domain of decision-making as a *permanent* ambition might more conducive. In this case, however, agendas pushing for parity in the public domain should be accompanied by agendas seeking parity in the private sphere as well. On the competing rationales for parity and special measures see Rodríguez-Ruiz, B. and Rubio-Marín, R. (2008) 'Constitutional justifications for parity democracy', *Alabama Law Review*, 60(5), 2009, pp. 1167-1190.

ECOSOC's CSW was also the promoter of the four major conferences convened on women by the United Nations. The first took place at the request of the GA in commemoration of the International Women's Year<sup>8</sup> in Mexico City (1975). The second was the World Conference of the United Nations' Decade for Women, held in Copenhagen in 1980, the achievements of which were reviewed at the third conference, held in Nairobi in 1985. From the first conference, wide governmental and non-governmental participation was a common feature. In all of them, documents of objectives and possible measures to achieve the advancement of the status of women were adopted. But it was the 1995 Beijing Conference which marked a distinctive turning point. A Declaration and Platform for Action were adopted, the follow-up of which was commissioned to the CSW by ECOSOC.<sup>9</sup> The Beijing Declaration recognised the central role which women should play in leadership, conflict resolution and the promotion of lasting peace, going beyond the perspective of non-discrimination.

Indeed, the Beijing Platform for Action established the principle of equal participation of women and gender balance of women and men in decision-making for the first time. It thus came to epitomise a true breakthrough in its attempt to foreground women's inclusion in decision-making and empowerment as a democratic requirement, explicitly endorsing affirmative action and substantive or de facto equality not only as legitimate but also as necessary remedies, linking women's access to decision-making to the notion of justice as well as democracy (Strategic Objective G1: 181). In doing so, the Platform built on the expansion in CEDAW of the identified domains of public participation and decision-making from which women were said to be problematically excluded, in ways which better exposed the sexed separation between the public and private spheres. The Platform recognised that action should be taken to enable women to access all those avenues to power and authority which had traditionally been closed to them, in the domain of the state (including, for the first time, a reference to the judiciary) (Strategic Objective G1: 190a) but also in civil society, explicitly mentioning political parties, employer organisations, trade unions, research and academic institutions, as well as executive and managerial positions in corporations and institutions (Strategic Objective G1: 184 and 191a).

The involvement of the GA in the realisation of the Beijing objectives, and in the policies for the advancement of women at the global level in general, was decisive. Indeed, at its 23rd special session in 2000 – 'Women 2000: gender equality, development and peace for the twenty-first century' – the GA decided to carry out a five-year evaluation of the Beijing Platform for Action. It also approved a political declaration and an outcomes document ('Further actions

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8 A/RES/310 (XVII).

9 E/RES/1996/6.

and initiatives to implement the Beijing Declaration and Platform for Action'). From then on, every five-year evaluation (2005, 2010 and 2015) would be led by the CSW. From 2000 the Beijing process converged with the adoption of the United Nations' Millennium Development Goals (MDGs) within the GA. In relation to gender, MDG 3 was set for 2015 "to promote gender equality and empower women". The revision and renewal of these MDGs in 2015, with the adoption of the Sustainable Development Goals (SDGs), saw gender equality set as SDG 5. Now the 2030 Agenda calls for women's full and effective participation, as well as equal opportunities in all areas of political, economic and public life decision-making.

The year 2000 also marks the moment at which the SC joined the gender agenda with the adoption of a key resolution on women, peace and security (Resolution 1325),<sup>10</sup> which has sparked prolific literature. Under the terms of the resolution, the SC assumes a commitment to render visible the effects of conflict on women and girls, and also underscores the vital role of women in conflict prevention and resolution, and in the construction and the consolidation of peace. Resolution 1325 triggered the adoption of national action plans to comply with it, and its ten complementary resolutions,<sup>11</sup> with an increasing focus on the sexual violence suffered by women and now also men in conflict situations.<sup>12</sup> In relation to institutional participation, Resolution 1325 "[u]rges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict" and "[u]rges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster "(paras. 1 and 3).<sup>13</sup>

In the framework of the institutional reform started in 2005, after a number of years in which the GA dealt with the situation of women in the UN (1998-2011), and after the unanimously adopted A/RES/55/69 resolution on the 'Improvement of the status of women in

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10 S/RES/1325 (2000).

11 S/RES/1820 (2008), S/RES/1888 (2009), S/RES/1889 (2009), S/RES/1960 (2010), S/RES/2016 (2013), S/RES/2122 (2013), S/RES/2242 (2015), S/RES/2267 (2019), S/RES/2493 (2019) and S/RES/2538/2020.

12 One certainly wonders whether it is time to go beyond this very important but also narrow focus on sexual violence to the detriment of the many other ways in which armed conflict produces harm that is gendered and has a disparate impact on women and girls.

13 With S/RES/2242 (2015), the SC created an Informal Experts Group on Women, Peace and Security (IEG). Since 2016, it has provided a space for regular consultations between SC experts and the United Nations on urgent concerns regarding women, peace, and security in country-specific situations. It is, however, intended not so much as a mechanism to tackle women's equality but as a gender-alert policy reflection group providing the SC with gender analysis which it can use in making more effective decisions on sustainable peace and security.

the United Nations system', the GA created UN Women in 2010.<sup>14</sup> This is defined as the UN entity dedicated to promoting gender equality and the empowerment of women. One of its active areas is women, peace and security, although without a direct and express reference to participation in legal mechanisms for the settlement of disputes. In terms of leadership and political participation, UN Women's work is focused on promoting the adoption of new laws and the introduction of constitutional reforms to guarantee women's equal access to political spheres as voters, candidates, elected representatives and public officials. The issue has also occupied the CEDAW Committee, which, through its recommendations, has gradually been embracing the normative standard of parity representation in an increasing number of domains in its discussion with member states.<sup>15</sup>

Since 1994, internal actions have also been carried out in relation to gender equality and the organisational structure of the UN, under the mandate of the secretary-generals (SG) Javier Pérez de Cuéllar, Boutros Boutros-Ghali, Kofi Annan, and Ban Ki-moon. An initial step was taken through the creation of the UN Focal Point for Women under the assistant secretary-general for human resources management (1994), today included in the UN Women structure. Successive reports of the SG to the CSW (ECOSOC) between 2004 and 2008 elaborated on the question,<sup>16</sup> although there was no major improvement concerning the UN structure (OSAGI and OFPW 2010).<sup>17</sup> A major shift has taken place since Secretary-General António Guterres arrived in office, however, with a commitment to achieving gender parity in the senior leadership levels of the UN by 2021 and across the organisation at all levels by 2028. A strategy – with a parity target at 47-53 – has been adopted, which is delivering impressive results, thus showing the difference that political will can make.<sup>18</sup>

14 A/RES/64/289, 'System-wide coherence', paras. 49-88, by way of statutes of the entity.

15 Rubio-Marín, R. (2018) 'Women's participation in the public domain under Human Rights Law: Towards a participatory equality paradigm shift?' in Rubio-Marín, R. and Kymlicka, W. (eds.) *Gender Parity and Multicultural Feminism: Towards a new synthesis*. Oxford: Oxford University Press, pp. 66-96.

16 A/53/376, 14 September 1998; A/54/405, 27 September 1999; A/55/399, 19 September 2000; A/56/472, 15 October 2001; A/57/447, 2 October 2002; A/58/374, 17 September 2003; A/59/357, 20 September 2004; A/61/318, 7 September 2006; A/63/364, 18 September 2008; A/65/334, 9 September 2010; A/67/347, 4 September 2012.

17 OSAGI and OFPW (2010) 'Gender balance strategy for the United Nations Secretariat: A strategic action plan'. Available at: [http://www.un.org/womenwatch/osagi/ianwge/NEW%20Gender%20Balance%20Strategy\\_march%202010\\_Anex%206.pdf](http://www.un.org/womenwatch/osagi/ianwge/NEW%20Gender%20Balance%20Strategy_march%202010_Anex%206.pdf)

18 [https://www.un.org/gender/sites/www.un.org.gender/files/gender\\_parity\\_strategy\\_october\\_2017.pdf](https://www.un.org/gender/sites/www.un.org.gender/files/gender_parity_strategy_october_2017.pdf). It is impressive that the first target was achieved two years ahead of schedule, with parity in full time under-secretary-generals (USGs) and assistant secretary-generals (ASGs), as well as in UN resident coordinators, achieved for the first time in 75 years, in addition to the highest number of women in leadership in peacekeeping missions ever. See <https://www.un.org/sg/en/content/sg/statement/2020-02-27/secretary-generals-remarks-the-new-school-women-and-power-scroll-down-for-french-version> and <https://www.un.org/sg/en/content/sg/speeches/2020-03-06/remarks-group-of-friends-gender-parity>. A 20-year old staff administrative instruction on temporary special measures has also just been renewed on 6 August 2020 (see ST/AI/2020/5, Administrative instruction, 'Temporary special measures for the achievement of gender parity', superseding the instruction of 21 September 1999, SG/AI/1999/9).

Furthermore, on 12 March 2019, a high-level Conference on Women in Power was organised by the GA, at which a call for action was adopted to “create an environment where gender equality is respected, and inclusion is part of the organizational culture in all spheres of society”. On 27 April 2020, within the framework of the UN Covid-19 Response, the Women Rise for All initiative was launched, made up of women leaders and convened by United Nations’ Deputy Secretary-General Amina Mohammed as a global advocacy effort to support the UN roadmap for social and economic recovery from Covid-19.

In short, the gender agenda of the different organs of the United Nations has greatly proliferated, especially since the beginning of the 21st century. There are nevertheless still significant deficits in terms of equality and participation in the UN’s structure at the highest levels, and specifically in relation to human rights (HR) and international justice – the area on which we will focus. These deficits hinder, or at least impoverish, a true gender mainstreaming. Out of concern for this situation, the Advisory Committee of the Human Rights Council (HRC) has launched a study on ‘Current levels of representation of women in human rights organs and mechanisms’. Analysing the contributions published thus far, the scarce number coming from states, NGOs in the sector, and academics is striking. In parallel, coordination among all the structures and bodies of the UN that are concerned with gender equality and gender mainstreaming should be strengthened: informal collaboration exists, but it would be optimised if protocols and institutional channels were adopted to enhance dialogue between the HRC Advisory Committee, CEDAW, the SC Informal Experts Group on Women, Peace and Security (IEG), the ECOSOC CSW and the UN Focal Point for Women and UN Departmental Gender Focal Points (UN Women). Their contributions to detecting barriers and formulating proposals to advance women’s empowerment and gender sensitive policies would multiply the impact of any measure taken.

### 3. ROOM FOR IMPROVEMENT

The number of women in human rights working groups, special rapporteur positions, and treaty bodies to which the supervision, guarantee and control of human rights obligations is entrusted, as well as the number of women in international tribunals, is another barometer for the gender situation in the UN and in the member states. A balanced composition of all of them would have a visible impact and

contribute to the enrichment and further spread of gender mainstreaming in the numerous policies and regulations which are directly and indirectly affected by the activity of such bodies.<sup>19</sup>

The composition of the HR treaty bodies, working groups and mechanisms, and the ratio between male and female special rapporteurs, have achieved a certain gender balance in recent years (with an average of 45 per cent of women).<sup>20</sup> This fact must be systematically celebrated and underlined. However, significant thematic imbalances persist in matters connected to family-related topics, such as housing, women and children, as occurs in CEDAW (91 per cent women) and the Committee on the Rights of the Child (CRC) (56 per cent). International courts and the International Law Commission (ILC) itself present the lowest rates of incorporation of women, both in their historical data and their current composition, and they lack the habit of offering sex-segregated data.<sup>21</sup> Yet some changes would not require great revolutions. Suffice the example of the lost opportunity with the recent renewal of the International Residual Mechanism for Criminal Tribunals (IRMCT). Originally, in 2012, this had only four women (16 per cent) among its 25 members. The term renewals have taken place between 2012 and 2020 with a certain degree of automatism, except in seven cases of death or withdrawal to occupy other positions. All of them were male judges, with only two being replaced by women, coming to six female judges, 24 per cent of the total. If the seven renewals of this period had been used to appoint women judges, the gendered composition could have become much more balanced with 11 female judges and 14 male judges (44 per cent women). Without even questioning the quasi-automatic renewal with which the

19 Grossman, N. (2011) 'Sex representation on the bench and the legitimacy of International Criminal Courts', *International Criminal Law Review*, 11, pp. 643-653. Available at: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Submissions/WomenTheTableReport.pdf>; Malleson, K. (2003) 'Justifying gender equality on the bench: why difference won't do', *Feminist Legal Studies*, 11(1), pp. 1-24.

20 GQUAL (2015) 'Composición actual de Tribunales Internacionales y Organismos de Monitoreo', 14 September. Available at: <http://www.gqualcampaign.org/composicion-de-tribunales-internacionales-y-cuerpos-de-monitoreo/>; OHCHR, 'Gender composition of Treaty Bodies on 1 January 2019'. Available at: [https://www.ohchr.org/Documents/HRBodies/TB/Gender\\_representation.docx](https://www.ohchr.org/Documents/HRBodies/TB/Gender_representation.docx).

21 Grossman, N. (2016) 'Achieving sex-representative court benches', *American Journal of International Law*, 110, pp. 82-95; Grossman, N. (2016) 'Shattering the glass ceiling in international adjudication', *Virginia Journal of International Law*, 110, pp. 195-221; Pillai, P. (2018) 'Women in International Law: A vanishing act?', *Opinio Juris*, 3, December. Available at: <https://opiniojuris.org/2018/12/03/women-in-international-law-a-vanishing-act/>; Gascón Marcén, A. (2020) 'La mujer como miembro de tribunales internacionales', in Ruiz Resa, J.D. *Las mujeres y las profesiones jurídicas*. Madrid: Dykinson; Petit De Gabriel, E.W. (2020) *Mujer y tribunales internacionales: el difícil camino hasta la toga*, in Ruiz Resa, J.D. *Las mujeres y las profesiones jurídicas*. Madrid: Dykinson. The first female candidates to the ILC were nominated in the 1961 and 1991 elections. The General Assembly elected the first two female members of the ILC in 2001; at present, there are four out of 34 members (11.7 per cent). Concerning international tribunals, women's participation ranges between 14.3 per cent (International Tribunal for the Law of the Sea and Inter-American Court of Human Rights) and 33-34 per cent (International Criminal Court and European Court of Human Rights). The International Court of Justice counts 20 per cent women and the International Residual Mechanism for Criminal Tribunals 24 per cent. By far and away, the best figures are scored by a regional court, i.e., the African Court on Human and People's Rights, reaching 54.5 per cent.

IRMCT seems to have operated to date, a possible point of contention in itself, the composition of the mechanism between 2015 and 2020 would have changed significantly if seven women judges had been appointed.<sup>22</sup>

In general terms, the improvements which can be proposed, first of all address the type of procedure for the (s)election. The procedures differ depending on who makes the nomination (individual or governmental), and the final selection (state or international). In those cases in which the nomination is individual (such as, concretely, in the case of special procedures), the essential organisational responsibility and room for improvement lie in dissemination and transparency. Regarding outreach, it is very important that calls are disseminated through non-exclusively governmental channels. On the one hand, subscription services and alert systems for vacancies would be useful. On the other hand, the dissemination of opportunities could be institutionalised through stable collaboration (through an open call, for example, for an alliance) with NGOs working in the domain of gender; with professionals from sectors related to human rights law (HRL), international law (IL), and international humanitarian law (IHL) (such as Atlas or GQUAL or Women@thetable); or with IL associations, which usually integrate a high percentage of women, such as ICON or the Global Network for International Law. In relation to those positions for which the state must formulate a proposal or a selection, the transparency of the states in their internal processes, and of the organisation regarding the final procedure followed to formalise the election, can also be improved. In both cases, perhaps one of the key measures should be advertising, as a source of accountability and social legitimacy. The publicity of the procedures must reach the maximum possible level and involve the call and the criteria which will be applied to the selection, the applications or profiles of the candidates, and the reasoned and motivated decision adopted by the body in charge, together with the reports of advisory bodies which participate in the process. This is already the case, partially at least, for special procedures. The HRC Advisory Committee publishes the applicants' forms (which can be individual or supported by a state) for each vacancy, allowing the alleged merits and profile to be seen. The committee also publishes its evaluation report of the candidates.

This system used for the special procedures through self-application can and should be transposed to government nominated positions, including those of a jurisdictional nature. This is a step that has already been taken by the Council of Europe. In 2004, the Parliamentary Assembly launched a wake-up call on the need to publicise the national

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22 Petit De Gabriel, E.W. (2020) '(Dis)Paridad en el Mecanismo Residual Internacional de los Tribunales Penales', *Aquiescencia*, 8 July. Available at: <https://aquiescencia.net/2020/07/08/disparidad-en-el-mecanismo-residual-internacional-de-los-tribunales-penales-por-eulalia-w-petit-de-gabriel/>.



procedure for nominating candidates<sup>23</sup> and the need for the then Ad hoc Sub-Committee on the Election of Judges<sup>24</sup> to publish the motivation for their selection and preference among the candidates proposed by the state<sup>25</sup> prior to the election in the Parliamentary Assembly. In 2012, the Committee of Ministers approved a set of ‘Guidelines on the selection of candidates for the post of judge at the European Court of Human Rights’, specifically addressing the requirement for a public and disseminated prior call at the national level.<sup>26</sup>

The second element which can be acted upon are the regulations governing elections or appointments. From the perspective of hard law, the norms for the creation of these bodies, tribunals and agencies and their statutes, do not generally include the gender representation criterion in their election and composition, although they usually take into account other representative criteria, such as equitable geographical distribution or the plurality of legal systems. The International Criminal Court is a notable exception. The 1998 Rome Statute includes gender balance – worded as “fair representation” – as a condition for member states to fulfil when appointing judges (Article 36.8.a)iii).<sup>27</sup> The African Court on Human and People’s Rights is another exception (Article 12.2 of its Statute).<sup>28</sup> The gender balance reached in both courts differs (respectively 33 per cent and 54.5 per cent female). The exceptional result in the African Court is in line with the strong commitment of the African Union (AU) to this cause, as the Statute of the Court entrusts the Assembly of the AU with the guarantee of equitable gender representation in the election of judges.<sup>29</sup>

Modifying the rules of creation and regulation of courts and other human rights bodies to introduce this gender representation criterion, when it was not originally contemplated, is a complicated task. Instead, we argue that it can be introduced through

23 AS/Recommendation 1649(2004), paras. 17-19.

24 AS/Resolution 2002 (2014) replaced it with the Committee on the Election of Judges to the European Court of Human Rights, which met for the first time in Strasbourg on 27 January 2015. The regulation of this Committee can be seen in AS/Res 1842 (2011) adopted on 7 October 2011, as modified by Resolution 2002(2014).

25 AS/Res(2004)1366.

26 Adopted by the Committee of Ministers on 28 March 2012, CM(2012) 40-final, as amended on 26 November 2014 by CM/Del/Dec(2014)1213/1.5-app5.

27 “The States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for: (i) The representation of the principal legal systems of the world; (ii) Equitable geographical representation; and (iii) A fair representation of female and male judges”.

28 “Article 12: Nominations. 1. States Parties to the Protocol may each propose up to three candidates, at least two of whom shall be nationals of that State. 2. Due consideration shall be given to adequate gender representation in the nomination process”.

29 Article 14, paragraph 53: “In the election of the Judges, the Assembly shall ensure that there is equitable gender representation”.

soft law standards, as has been done for the proposal and election of judges for the European Court of Human Rights (ECtHR), both in the international and national phases. Thus, gender balanced is now the rule for both the proposals for membership in the Committee for the Election of Judges of the Parliamentary Assembly<sup>30</sup> (since 2004) and the composition of the Advisory Panel of Experts on Candidates for Election of Judges, of the Committee of Ministers,<sup>31</sup> chosen by this body on the proposal of the member states (since 2010). In the national phase and for the lists of three to be proposed by the governments of the member states, the Parliamentary Assembly highlighted the need for this balance from 2004,<sup>32</sup> establishing in 2005 that national proposals should include at least one candidate of each gender.<sup>33</sup> The Committee of Ministers transposed it on its 'Guidelines on the selection of candidates for the post of judge at the European Court of Human Rights' in 2012.<sup>34</sup> In 2014, after a 2008 ECtHR advisory opinion requested by the Committee of Ministers (first opinion ever delivered by the ECtHR ex Article 47 ECHR)<sup>35</sup> because of a list of only male candidates proposed by Malta, the Committee of Ministers included an exception for cases of quasi-absolute impossibility of satisfying the requirement.<sup>36</sup> Although the introduction of these criteria has improved the situation, it has not resolved all the shortcomings in the election system in relation to gender<sup>37</sup> because unfortunately, and not without some inconsistency, the Parliamentary Assembly is, in its final decision, not subject to the rules that guarantee the gender balance which it demands from the states.

Following the best of this model and overcoming its shortcomings, we advocate the creation of guidelines which, in addition to creating transparency, introduce demands on the nomination from a gender perspective, for national proposals and final decisions by

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30 AS/Res (2004)1366, as modified by its Resolutions 1426 (2005), 1627 (2008) and 1841 (2011).

31 Resolution CM/Res(2010)26 on the establishment of an Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights. Since 2010, national lists have been submitted to this Advisory Panel, prior to the election by the Parliamentary Assembly.

32 AS/Res 1366 (2004).

33 AS/Res 1426 (2005).

34 CM (2012)40-final.

35 ECtHR Advisory opinion, on certain legal questions concerning the lists of candidates submitted with a view to the election of judges to the European Court of Human Rights, 12 February 2008.

36 CM(2012)40-final, as amended on 26 November 2014 by CM/Del/Dec(2014)1213/1.5-app5. The consolidated process of selection and its regulation can be found in SG-AS (2020) 03 rev 2, of 26 May 2020.

37 Hennette Vauchez, S. (2015) 'More women – But which women? The rule and the politics of gender balance at the European Court of Human Rights', *European Journal of International Law*, 26(1), pp. 195-221. Available at: <https://doi.org/10.1093/ejil/chv004>.

all involved. The bodies adopting the decisions, or the advisory bodies with which they support their decisions, would be in charge of approving the decisions. Their adoption and publicity would create a need for specific conduct and require justification in case of deviations. Transparency of the process and accountability would thereby be guaranteed.

In this regard, the concrete proposals on how to approach gender balance are multiple.<sup>38</sup> However, even the best ideas can sometimes be subject to controversy, such as that spurred by the Norwegian proposal of a male candidate for the CEDAW Committee in 2018, after having made three proposals for male candidates in previous renewals of the Committee whose composition is 91 per cent female.<sup>39</sup> The determination of the universe with respect to which gender balance is examined, can become an epic battle. Must one expect gender balance taking into account the previous proposals of the same state (as was claimed in the Norwegian case)? Should gender balance be present in every list formulated? Should the total number of positions to be decided at a certain point in time be taken into account in seeking concrete results? Or should the current composition or past composition of the body be the most relevant feature (allowing for the under-represented sex to be privileged), especially if the aim is to compensate for past injustice or to promote changes in the praxis of the institution that may come about through a more gender balanced composition? Moreover, the logic of temporary special measures and that of permanent parity composition do not always coincide, as the former allows that the composition of bodies be predominantly feminine – for a time at least – to correct accumulated disadvantages, while the latter claims parity between the sexes with a vocation for permanence.<sup>40</sup>

Regulation by means of soft law instruments raises the issue of the lack of enforceability before domestic courts, in cases in which candidates want to challenge the selection decision or the national proposal. This issue, together with that of the political act nature of the selection decision (and thus of its immunity to judicial review) has been raised, for example, before the Spanish Supreme Court in relation to the ‘Guidelines on the selection of candidates for the post of judge’ of the Committee of Ministers of the Council of Europe.<sup>41</sup>

38 Two interesting examples are the report on best practices presented by WOMEN@THETABLE to the HRC Advisory Committee (2019), and the list of specific suggestions in Kraft-Buchman, C., Chungong, M., Salmón, E.S., Vicente, A. (2019) ‘10 ways to improve gender equality at the UN’, *Inter-Parliamentary Union*, 19 November. Available at: <https://www.ipu.org/news/voices/2019-11/10-ways-improve-gender-equality-un>.

39 Bailliet, C.M. (2016) ‘A call for transparency in nominations to international committees and tribunals’, *INTLAWGRRLS*, 15 March. Available at: <https://ilg2.org/2016/03/15/a-call-for-transparency-in-nominations-to-international-committees-and-tribunals/>.

40 Rodríguez-Ruiz and Rubio-Marín ‘Constitutional justifications’.

41 STS 2139/2017, of 31.5.2017, ECLI:ES:TS:2017:2139.

For this reason, it is also necessary to work from a hard law perspective which reinforces the internal judicial control of state action in this area. The task could be linked to human rights norms related to gender equality as interpreted by the corresponding bodies.<sup>42</sup> For the sake of brevity, and because it has been less frequently explored, we will focus here on the potential offered by the interpretation of Article 8 CEDAW, which should be interpreted as inclusive of international human rights tribunals and bodies<sup>43</sup> in a similar way to how Article 7 includes women's access to the national judiciaries.<sup>44</sup> Article 8 CEDAW provides that:

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Since 1988, the CEDAW Committee has tried to promote the adoption of positive measures regarding this obligation by states.<sup>45</sup> In 1997, it already stated that “[t]he inclusion of a critical mass of women in (...) the international criminal justice system will make a difference”.<sup>46</sup> And, consequently, among the recommendations formulated, it included the adoption of measures: “which should be identified, implemented and monitored for effectiveness including those designed to ensure a better gender balance in membership of all United Nations bodies, including the Main Committees of the General Assembly, the Economic and Social Council and expert bodies, including treaty bodies, and in appointments to independent working groups or as country or special rapporteurs” (para. 49). To this was added, as early as 1997, the requirement of transparency and information on legislative and other measures adopted at the national level, their application and their results (para. 50). In 2015, in GR No. 28 on the core obligations of states parties under Article 2 of the CEDAW, the CEDAW Committee recommends that, in relation to “[s]pecialized judicial/quasi-judi-

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42 Dahdouh, M., Rodriguez Segui, V., Smith, V. and Zavala Herrera, M. (2017) 'Achieving gender parity on international judicial and monitoring analysis of international human rights laws and standards relevant to the GQUAL Campaign', IHRLC Working Paper Series No. 4, October, Berkeley International Human Rights Clinic, University of California. Available at: <https://www.law.berkeley.edu/wp-content/uploads/2015/04/Working-Paper-4-Achieving-Gender-Parity-171002-3.pdf>.

43 Martin, C. (2015) 'Article 8 of the Convention to Eliminate All Forms of Discrimination against Women: A stepping stone in ensuring gender parity in international organs and tribunals', GQUAL. Available at: <http://www.gqualcampaign.org/wp-content/uploads/2015/09/Advocacy-Piece-1.pdf>.

44 General Recommendation (GR) No. 23: Political and public life, 1997, para. 31.

45 GR No. 8: Implementation of Article 8 of the Convention, 1988.

46 GR No. 23, 1997, para. 40.

cial systems and international/regional justice systems”, the “States parties: (a) Take all appropriate steps to ensure that all specialized judicial and quasi-judicial mechanisms are available and accessible to women and exercise their mandates under the same requirements as the regular courts” (para. 56).

Perhaps the time has come to promote a new General Recommendation which interprets Article 8 CEDAW in a contemporary way, in the light of the aforementioned developments in the Council of Europe and all the achievements and debates on gender balance in relation to international justice, but also in the light of the CEDAW Committee’s own practice in its recommendations to states (under Articles 7 and 4.1 on temporary special measures), endorsing parity of representation at the national level. Additionally, in accordance with the obligations established in Article 2 CEDAW, state courts duly apply the principle of non-discrimination of the Convention and validate the legitimacy of positive measures to guarantee substantive equality (GR No. 28 on the core obligations of states parties under Article 2 of CEDAW, 2010, para. 33). This is why we suggest the need to train national judges and prosecutors on the scope of CEDAW’s obligations in relation to the selection and appointment processes for international courts and human rights mechanisms.

In short, it is necessary to clearly establish that CEDAW (Article 8) imposes obligations on the states parties in relation to the composition of international tribunals and human rights organisations; and that national courts can and should apply the obligations derived from CEDAW within their domain (Article 2) as a necessary reinforcement of, and complementary to, the soft law guidelines which might be adopted.

## 4. RECOMMENDATIONS

The path taken by the UN in relation to gender balance and gender mainstreaming is remarkable and must be acknowledged. It has promoted strategic changes and engaged member states through institutional and regulatory instruments, confronting the internal challenge of building a more gender-equitable international administration. However, there is still room for improvement.

*General recommendation.* The United Nations must address the need to balance the composition of the highest positions of legal responsibility, such as in international courts of all kinds and in human rights bodies and mechanisms. This would have extraordinary visibility as an expression of all the work carried out in this area and would also multiply the impact of the gender mainstreaming mandate. Furthermore, it is an imperative derived from the very notion of justice.

*Recommendation on the visibility of achievements.* A complete set of materials should be made available in various formats (for example, for children, young people, audio-accessible or academic) on the historical development of the UN engagement with women's rights and gender governance within the life of the organisation to render the path travelled visible. Whenever possible, a historical perspective on the gender dimension should be included in documentation on any topic. It would also be very useful to develop general and accessible gender-segregated databases. The 'World survey on the role of women in development' needs to be supplemented with data which reflect the UN's internal situation more generally, as significant advancements have been achieved since 2017, as a result of the current Secretary-General's commitment to gender parity, shown in the recently launched UN Gender Parity Dashboard accompanying his Strategy. Nevertheless, none of them include gender statistics in relation to the composition of bodies, organs and tribunals, or other similar quantifiable indicators. The European Institute for Gender Equality and its statistical analysis, as reflected in the Gender Equality Index, provides an example of good practice.

*Recommendation on cooperation.* Any impact study, or any normative, programmatic or institutional initiative in relation to gender, should involve and integrate the views of the different internal UN actors with competence on gender equality and gender mainstreaming. This includes the HRC Advisory Committee (Group on 'Gender issues at HR bodies'), the CEDAW, the Security Council Informal Experts Group on Women, Peace and Security (IEG), the ECOSOC CSW and the UN Focal Point for Women and UN

Departmental Gender Focal Points (UN Women), all of which are encouraged to explore further collaborative synergies following adequately established protocols to this end.

*Recommendations on the dissemination of opportunities and outreach.* The UN should have a vacancy subscription and alert system for court positions and human rights mechanisms which allow individual self-nominations (either separate or integrated into UNcareer). Alongside this, institutionalised alliances could be built with NGOs from the relevant sector and/or IL societies and related fields, thus expanding traditional government channels which often favour male networks. This would allow more women's groups to be reached and it would enable such organised groups to lobby at the state level for the sake of greater gender balance in the composition of courts and human rights bodies.

*Recommendations on transparency.* A culture of transparency should be promoted by publicising the procedures. This must cover all stages and levels of participation and decision-making, from the publication of the call and selection criteria, to the applications or profiles of the candidates, and the reasoned and motivated decision adopted by the body in charge, together with the reports of the advisory bodies which take part in the process.

*Recommendations on new norms.* It is worth harnessing the potential of soft law regulation, without underestimating its scope and impact. For this reason, we advocate the adoption of guidelines which incorporate gender balance requirements in the nomination for national proposals and final decisions. The bodies which must adopt the decisions, or their advisory bodies, would be in charge of approving the specific guidelines to make them suited to the specific procedures. These norms would result in new by-defaults and deviations would be exceptions which must be strictly justified. They would also guarantee the transparency of the process and accountability. As for hard law, we propose that the CEDAW Committee be encouraged to prepare a new General Recommendation on Article 8 CEDAW, clarifying that positions in international courts and human rights mechanisms are covered by the obligations of the Convention and subject to national judicial review.

All of these reforms are within reach and represent an urgent matter of consistency for the UN. Will Secretary-General Guterres' professed commitment to gender equality at UN75 provide the occasion which triggers them and further contribute, in this way too, to shaping our future together?





## **PART IV**

**UN AS A PART OF A STRONGER,  
MULTIFACETED MULTILATERALISM**

# CHAPTER 11

## BEYOND THE PARIS COP 21 TREATY: FOR A MORE BINDING GLOBAL CLIMATE GOVERNANCE

**Jo Leinen**

The Corona-virus is spreading across the globe and affecting the health of millions of people. Hundreds of thousands have already lost their lives. Most governments are therefore reacting with broad-ranging emergency measures. An overwhelming majority of populations are aware of the risks and follow the instructions. We are also observing a great deal of creativity, innovation and solidarity. Trillions of euros are offered by central banks and governments for damages and losses, adaptation and recovery.

The Fossil-virus has meanwhile been spreading around the globe for years, leaving no corner and no country free from its negative, if not devastating, effects. Climate change is already killing hundreds of thousands of people through floods, droughts and forest fires. Millions more will lose their homes and existence. But nowhere is there a comparable effort to that for the other (corona) virus to fight these upcoming disasters. Whereas in the coronavirus crisis most politicians are listening to scientists and following the Covid-19 curves closely, in the climate-disease crisis the facts and findings of scientists are still denied or questioned. The Mauna-Loa curve has been known for 40 years, but the response to it has been nowhere near adequate.

In 1990 the first report of the International Panel on Climate Change (IPCC) appeared, warning about rising temperatures. In 1994 the Rio Convention followed. It took 20 conferences of the parties (COPs) until 2015 to write down basic elements for climate action in the Paris Agreement. Even though we now have a written agreement, we nevertheless have to acknowledge that COP 21 is not a binding global treaty but more a gentleman's agreement to make efforts for climate protection at home.

1. At the centre of the Paris Agreement are voluntary Nationally Determined Contributions (NDCs). However, what was pledged by 194 countries will lead to more than a 3°C temperature rise.

2. The second element is the review clause. Every five years the national pledges should be reviewed with the aim of higher ambitions. The next review will be in 2025.
3. In the meantime a rulebook has to be finalised with guidelines for transparency, accountability and reporting.

COP 25 in Madrid has shown us that the dynamic of Paris has already been partly lost. Major parties are blocking further progress – like Australia, Brazil, Turkey, and above all the US. Others are hiding behind US President Donald Trump. With the Covid-19 damage it is far from certain whether COP 26 in Glasgow will become a success.

What should be done? To be sure, the COP process is necessary – but it is not enough. Other mechanisms and instruments of multilateral climate commitments are vital. But there are some reasons for hope. Besides the negative factors, there are many positive signs of goodwill and engagement. How then can progressive forces be promoted and coordinated?

1. The EU, as a multilateral unit itself, must lead by example. The European Green Deal must prove that well-being, economic development and social justice are compatible with each other. Core elements of the Green Deal could serve as a platform for discussion and cooperation with partners around the world on:
  - mainstreaming climate policy to all sectors (including the industry, energy, mobility, housing, and food sectors);
  - binding timelines and targets through legislative acts;
  - implementing a circular economy strategy and a no-waste policy;
  - carrying out research for breakthrough technologies (including in green steel, cement, non-iron metals, energy storage, and green hydrogen);
  - not financing the past but the future, and using the Recovery Funds as Green Marshall Funds.

2. The EU must use climate diplomacy on all levels for coalitions of the willing, whether with governments, cities, regions, civil society, industry or others, in order to:
- promote a global carbon market by a network of emission trading systems (ETS);
  - advance green financing with taxonomy concepts on the global financial markets;
  - lead a coalition of the willing for carbon price policies (for example, abolishing fossil fuel subsidies and introducing carbon floor prices);
  - upgrade the International Renewable Energy Agency (IRENA) to a UN agency, with competences like those of the International Atomic Energy Agency (IAEA) to supervise and sanction on the road to a global solar economy;
  - engage more for climate action agendas in international institutions;
  - enhance the World Bank as a World Climate Bank;
  - equip the World Trade Organization (WTO) with new rules for sustainable and fair trade;
  - support the World Food Programme (WFP) for sustainable ways of food protection and distribution;
  - redefine 'security' in the 21st century in relevant institutions, such as the UN Security Council and NATO;
  - ensure climate defence budgets are many times bigger than military budgets;
  - ensure climate is a permanent topic on the agenda of multilateral fora, such as the G7, the G20, and Major Economies Forum.

The EU Green Deal should lead to a Global Green Deal. Climate stability is a global public good. The climate risks are not about lifestyles but about lives, especially of the future generations. This global problem needs global action. Pioneers and avant-gardists are needed. In the end, we need global governance with a rules-based system and relevant institutions and instruments.



# CHAPTER 12

## INTERNATIONAL ECONOMIC CRISES AND MULTILATERAL INSTITUTIONS

**Pier Carlo Padoan**

Over the past decade the global system has gone through three crises which have impacted on the international global architecture in a deep and in some cases permanent fashion. These crises are the global financial crisis, which started in 2008, the 'Trump shock' to multilateralism through aggressive (although often more vocal than factual) trade policy action, and the Covid-19 crisis. So far, the international system has managed to resist and react, partly by adapting institutions and showing strong resilience. We still need to see how the system will manage the pandemic. In such a framework, one key point for the future of multilateralism will be the role that Europe will play. This chapter offers brief reflections on these topics.

### 1. GLOBAL ECONOMIC GOVERNANCE AND GROWTH

Governance of the global economy has an impact on growth. Conflictual global relations depress growth other things equal. Over the last few years, global governance has been under increasing pressure. Pressure has impacted on several policy domains, notably trade and security. In addition, policy uncertainty has increased. The economic policy uncertainty (EPU) index has gone up (more uncertainty) in tandem with events such as the eurozone crisis in 2009, has gone down with the initial solution of the eurozone crisis during 2011-2015, increased with the Brexit vote in 2015, increased with the migration crisis during 2015-2017 and increased with the US-China trade war. The Covid-19 crisis has further aggravated the outlook and enhanced the policy challenges, and the EPU has gone up again.

Policy uncertainty reflects, among other factors, changing conditions in global governance. Over the past few years, increasing fragmentation and conflicts have replaced

the more coordinated approach to global governance that had prevailed in the recent past. Other things equal, higher uncertainty about global governance translates into an increase in the interest rate and lower growth. A more conflictual approach to governance implies, other things equal, that adjustment of imbalances is more costly and disorderly, with negative consequences on growth and risk. The current state of global relations suggests that conflicts and weak governance are on the rise and this trend will persist. Other things equal, the degree of risk should increase, leading to (possible) higher interest rates in spite of massive monetary policy action. Again, this is compounded by the severity of the Covid-19 outbreak.

There is a need to improve global governance, to lower systemic risk, and to raise long-term growth once the recovery from the recession has been completed. We need to revert the trends of higher confrontation and declining growth (including secular stagnation). Policy should at the same time decrease global risk and raise global growth: two targets that mutually reinforce each other (in both directions).

What are the challenges for global economic governance? Global governance has changed dramatically since the outbreak of the global financial crisis, shifting the focus from the G7 to the G20 and thus recognising the growing role of large emerging economies. The G20 agenda covers a very broad range of issues, including “strong, sustainable, balanced and inclusive growth”. However, it is hard to say that global governance has succeeded in achieving risk reduction. Rather, the opposite is true if we look at the state of international relations today. In addition to increased policy conflicts related to trade and security, global economic governance has until recently ignored the systemic risk associated with pandemics. Nevertheless, the G20 process has contributed to global resilience by providing leadership on some occasions, putting in place a shared framework for growth and enhancing the role of international organisations such as the International Monetary Fund (IMF), World Bank, Organisation for Economic Co-operation and Development (OECD), Financial Stability Board (FSB), and International Labour Organization (ILO).

Over the recent past, attempts to strengthen global cooperation and multilateralism seem to have been replaced by increasing bilateralism and ‘sovereignism’ (in other words, the view that nation states should prevail over multilateralism). This trend has strengthened at the centre of the system. The policy of the global hegemon, the US, has been increasingly inward-oriented, looking at national interests and contributing less to global public goods such as stability, security and open markets. In other words, there is a lack of hegemonic stability as the largest power has favoured bilateral relations (both

positive and negative) over multilateral cooperation. And other key countries have taken similar attitudes. Governance therefore needs to deal with increasing fragmentation.

Because of the absence of an effective global hegemon, the provision of public goods by global governance would require fundamental changes, which are unlikely in the short to medium term. Without hegemony, international cooperation is much more difficult, requiring key players' willingness to reciprocate, adjust preferences, and adopt a long-term perspective in their policy strategies. Europe could play a much more effective role from this point of view, contributing to better global governance in a multipolar world.

## 2. THE IMPACT OF PANDEMICS

This governance failure is particularly acute when seen against the outbreak of the Covid-19 crisis, also given the unprecedented intensity of the economic shock triggered by the pandemic.

Covid-19 is further undermining the multilateral system – both its institutions, and its underlying economic, social and political dynamics. The pandemic is a global, symmetric shock that has hit with equal intensity but different timings a large part of the global system. Policy responses, however, have been differentiated. In other words, the response has been asymmetric despite the fact that the policies have followed similar approaches (first eliminate the pandemic, then fix the economy). In addition, responses have been uncoordinated and unilateral. They have all been based on the lockdown principle, which is the only way possible if there is no vaccine available. However, the lockdown has a direct negative impact on the economy, as well as an equally severe impact on neighbouring economies. This is, of course, the dark side of interdependence. In general, unwittingly or explicitly pursuing aggressive beggar-thy-neighbour policies undermines global governance at its very roots. It is a 'mercantilistic approach' that favours national interest over collaboration, but that also produces a welfare loss for the global system. Pursuing persistent trade surpluses (and therefore trade deficits in other countries) is a typical example. As said, such behaviour makes international governance very difficult. A global hegemon could compensate for such opportunistic behaviour by accepting to run a large current account deficit (possibly in exchange for other benefits, not necessarily in the economic sphere), thus reconciling aggressive nationalism with global growth.



A pandemic crisis, however, is a different case. First, while trade or macroeconomic policies are the responsibility of governments, a pandemic is not. Second, no country would benefit from other countries increasing damage to their health (in other words, being worse off as in a mercantilistic beggar-thy-neighbour scenario). Third, each country has a strong interest in its neighbours following a policy against a pandemic. Given that such policies reinforce each other, all countries have an interest in a common healthcare policy. From this point of view, the pandemic outbreak should reinforce global cooperation.

However, if we add the economic implications of a pandemic, we note that this only happens up to a point because while there is an interest in fighting the virus and possibly extending the lockdown, there is an opposing interest in exiting the lockdown before your competitors, so as to possibly gain market shares at their expense. This is therefore a renewed form of mercantilism. There is also an interest from individual countries and jurisdictions (within federal states) to limit the movement of people, as movement enhances the risk of contagion. Pressure for cooperation is thus not likely to increase from this point of view.

Another aspect is that a cooperative approach to healthcare and the fight against pandemics requires a more intensive effort in research and development, which in turn calls for stronger multilateral institutions such as the World Health Organization (WHO), as well as stronger networks and collaboration among national institutions. As the pandemic experts regularly remind us, we are going to be living with the ever-present challenge of different pandemics arising in the future. Diseases and pandemics are going to be even more powerful ‘global bads’, given the capacity of a globalised world to facilitate transmission. We should therefore all agree that we need stronger global collaboration to provide counterbalancing global goods, such as security and healthcare.

Nevertheless, a systemic global agreement on these issues is still lacking. The fight against coronavirus is currently moving along national lines, and sometimes even subnational. Bilateral relations are often merely symbolic or outright conflictual. It is not too late to change course, but international institutions must provide more leadership starting with the G7 and G20, and involving international organisations including the WHO, OECD, World Bank, IMF, and regional development banks.

### 3. THE ROLE OF EUROPE

To deal with the role of Europe in the global environment I will concentrate on one aspect – the international role of the euro, which is very specific yet also highly symbolic of the role of Europe in the global economy. As Christine Lagarde takes over from Mario Draghi at the European Central Bank, the euro (and Europe) is entering a new phase characterised by the new role that the single currency could play in the global environment. The international role of the euro will be a leading indicator of the international role of Europe and of the role the European institutions will play in the global environment – an environment characterised by more aggressive multilateralism and more ‘issue interconnectedness’ at the same time.

The challenge for a European currency to take the role of a global currency is not new. During the 1970s in the post-Bretton Woods era, the D-mark had become the second global currency, pushed by the strength of German exports. The German authorities resisted this pressure on the basis that a strong and global D-mark was against German interests. Today the situation is completely different. The eurozone as a region would benefit from a stronger global role of the euro, which would at the same time contribute to strengthening global governance. However, the process of integration of the eurozone is not complete and this may act as brake on the way towards a global role for the euro. A global role for the euro requires a strong financial base – in other words, it needs the completion of Banking Union and of the Capital Markets Union. Slow progress in this area reflects the persistence of different national views and preferences across eurozone members. Using a well-known distinction in eurozone policy jargon, there are persistent differences between risk reduction and risk sharing preferences. Progress towards a more prominent global role for the euro (and the eurozone) requires progress towards a more integrated eurozone governance, as well as a stronger institutional architecture for the EU economy – including single euro area representation in international organisations such as the IMF, and a fully-fledged fiscal union. In turn, a stronger globally-oriented eurozone would contribute significantly to global governance.

## 4. CONCLUSION

We are moving towards a more multipolar, yet more interconnected, global system. As the Covid-19 pandemic shows, economic security and welfare will continue to be related, generating pressure on governments to deliver responses that are up to the challenges. Governance of such a system requires more resilience and a stronger role for international institutions. Crises will always be drivers of institutional change. The key point is that we must keep alive an institutional network so that we have a global system that is resilient enough to react to crisis in a positive way, including by strengthening international organisations.

# CHAPTER 13

## A NEW MULTILATERAL AGENDA AFTER COVID-19: THE ROLE OF THE EU

**Paolo Guerrieri**

### 1. THE COVID-19 PANDEMIC AND THE RISK OF TOUGHER TRADE RESTRICTIONS

The Covid-19 pandemic is an unprecedented crisis and its economic impact is going to be unmatched as well. The International Monetary Fund (IMF) forecasts that in 2020 the world economy will register the worst recession since the Great Depression, far worse than that of the global financial crisis of 2008-2009. According to the World Trade Organization (WTO), world trade will decline 9.2 per cent in 2020, more than the expected fall in world GDP.

In this situation, new restrictions on trade could proliferate. Amid the Covid-19 pandemic, national security and public health concerns are providing new reasons for protectionism, especially for medical supplies and food. When the pandemic passes, some recovery in production and trade will take place and many barriers will be removed. But it is unlikely that there will be a full restoration of the international trade regime as it existed before the pandemic.

Profound transformations of the economy and global trade can be expected. Some analysts go further and anticipate epochal changes in the world economy and international trade: a deglobalisation trend characterised by rising nationalism and protectionism, shattering supply chains.<sup>1</sup> Such a scenario seems excessively pessimistic. The pandemic crisis will more likely reinforce some political and economic trends that were already potent before the crisis.

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<sup>1</sup> Irwin, D. (2020) 'The pandemic adds momentum to the deglobalisation trend', Vox.EU.org, May. Available at: <https://voxeu.org/article/pandemic-adds-momentum-deglobalisation-trend>.

## 2. THE END OF THE ‘GLOBALISATION FELIX’

The so-called ‘golden age’ of the global economy and trade is bound to end. This was the period of what John Williamson called the Washington Consensus, which favoured economic liberalisation.<sup>2</sup> After reaching its peak up to the 2008-2009 financial crisis, the global economy and trade entered a phase of relative decline over the next decade. In this period, called ‘slowbalisation’, world trade to GDP has fallen, as well as global value chain (GVC) trade.<sup>3</sup> Furthermore, the backlash against globalisation has been the defining political trend of the past decade. The benefits that globalisation clearly produced (low prices and high efficiency) have been asymmetrically distributed towards the more advantaged in developed economies.<sup>4</sup>

The multilateral order associated with globalisation, and the international institutions within this order, have also been in trouble for years. The rules, norms and institutions that have governed international trade and the world economy for many decades are no longer fit for purpose due to structural reasons. The centre of gravity of the world economy has been shifting from the US and Europe to Asia Pacific. From a bipolar world, we have moved towards a tripolar economy with the additional pole of East Asia. In the early 2000s, China accounted for 4 per cent of world GDP, but today it accounts for four times as much, 16 per cent. Nevertheless, while the world economy and its power structure have evolved significantly over the past decade, multilateral international institutions have not.

The Covid-19 pandemic and international responses to it – which include government decisions to restrict international sales of health goods, and a reassertion of the national dimension – will intensify this crisis of globalisation and the multilateral order as we knew it. What will replace it is not yet clear, but it will be a different model from the past. Let us imagine two possible alternative scenarios.

*Scenario 1: Deglobalisation.* The first scenario is an acceleration and worsening of current global trends. In this scenario, there would be a transition phase characterised by a multipolar world economy without any effective national leadership and a growing

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2 Williamson, J. (1990) ‘What Washington means by policy reform’ in Williamson J. (ed.) *Latin American Adjustment: How much has happened?* Washington DC: Institute for International Economics.

3 The Economist (2019) ‘The steam has gone out of globalization’, 24 January.

4 Stiglitz, J.E. (2018) *Globalization and Its Discontents Revisited: Anti-globalization in the era of Trump*. New York and London: W.W. Norton & Company.

vacuum in global governance.<sup>5</sup> Unlike many times in the past, and particularly in the 2008-2009 financial crisis, the US has not shown any leadership internationally in this pandemic crisis. China has become a world power over the past decade and is today the sole challenger of the incumbent hegemon, the US. China can therefore provide some leadership, but nothing compared to that of the US in the past.<sup>6</sup> Increasing tension and inevitable conflict between a rising China and the incumbent US power is thus expected to dominate global politics, even in the near future. Their main battlefield will be technology, while a sort of economic decoupling will take harder shape than today.

This post-pandemic deglobalisation scenario would have negative consequences for the international economy and trade interdependence – and thus on corporations and business activities that have benefited from global value supply chains.<sup>7</sup> Since the outbreak of coronavirus, many firms and companies that had come to depend on China have been hit hard. After the crisis, many companies will choose or will be forced to relocate production and distribution back to their home countries.<sup>8</sup> It is not possible to foresee the extent of global disorder that this will create. The worst consequences include beggar-thy-neighbour policies, slow recovery, slumps in global trade and the near abandonment of international co-operation. Reviving the world economy would also be much harder if countries moved back towards domestic markets. The concrete risk is an international systemic vacuum with no provider of public goods that would prevent another – perhaps even worse – global trade and/or financial crisis. In other words, a sort of global disorder would be created that would not mark the end of globalisation, but that would favour the proliferation of new restrictions on trade, and inflict huge long-lasting economic costs globally.<sup>9</sup>

*Scenario 2: Trade governance.* It is also possible to imagine a second, more favourable, scenario. The world economy has become more interdependent than ever before – not only in terms of cross-border trade-investment flows and global production networks, but also in terms of other factors such as cross-border flows of technology, ideas, data, tourists, workers and students. A global economy today is too important an economic

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5 Bremmer, I. (2012) *Every Nation for Itself. Winners and losers in a G-Zero world*. New York: Portfolio Penguin Books.

6 Dollar, D., Huang, Y. and Yao, Y. (2020) *China 2049. Economic challenges of a rising global power*. Washington DC: Brookings Institution Press.

7 World Bank (2020) *World Development Report 2020: Trading for development in the age of Global Value Chains*. Washington DC: World Bank Group.

8 UNCTAD (2020) *World Investment Report 2020. International production beyond the pandemic*. Geneva: United Nations. Available at: <https://unctad.org/webflyer/world-investment-report-2020>.

9 Irwin, “The pandemics add momentum”.

development to be reversed. Nevertheless, the pandemic crisis is revealing the fragility and vulnerabilities of this global economy, which should therefore be transformed. But the scenario based on a simple return to the nation-state economic dimension does not actually provide any effective solution. History demonstrated long ago that if every country tries to self-insure in an interdependent world, the outcome makes everyone worse off.<sup>10</sup> It is a fact that the list of shared global problems – from climate change to digital security to health risks – is long and daunting. These global problems require countries to cooperate. Collective action remains vital – starting with the Covid-19 pandemic, which is a global problem requiring some form of international governance. In short, despite the high risks and gloomy prospects ahead, countries need more, not less, multilateral cooperation in the future.<sup>11</sup>

However, going back to an old-fashioned multilateral order like that of Bretton Woods would be almost impossible, at least in economic terms, because it took shape and was associated with a post-war bipolar world economy (dominated by the US and Europe) that now no longer exists. In addition, the US of today is not playing any global leadership role or serving as a global provider of public goods. A future multipolar economic system, on the other hand, could turn out to be stable – even without its traditional leader – through a multilateral cooperative solution game. In terms of trade regime and trade policy, for example, one could imagine a relaunch of an international cooperation environment that would rest on a possible reconfiguration of the world system into large macro-regional aggregates (North America-NAFTA, Europe, Asia Pacific), characterised by value chains that would be redesigned within these macro-areas, and relationships of a transactional nature between them.<sup>12</sup> In fact, while the US administration has been trying to demolish the rules and institutions of the existing global trading system over the last three years, in the rest of the world some innovative and long-term trade policy strategies have already been implemented at regional and bilateral level.

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10 James, H (2009) *The End of Globalization: Lessons from the Great Depression*, Cambridge MA: Harvard University Press; Baldwin, R. and Evenett, S.J. (eds) (2020) *COVID-19 and Trade Policy: Why Turning Inward Won't Work*. A VoxEU.org eBook: CEPR Press. Available at: <https://voxeu.org/content/covid-19-and-trade-policy-why-turning-inward-won-t-work>.

11 Dervis, K. and Strauss, S. (2020) 'What COVID-19 means for international cooperation', *Project Syndicate*, March. Available at: <https://www.project-syndicate.org/commentary/global-cooperation-can-prevent-next-pandemic-by-kemal-dervis-and-sebastien-strauss-2020-03?barrier=accesspaylog>; Obstfeld M. (2020) 'Globalization and Nationalism: Retrospect and Prospect', Discussion paper, Centre for Economic Policy Research, London, July.

12 Kahler, M., Henning, C.R., Bown, C., Wang, H., Voeten, E. and Williams, P.D. (2016) 'Global Order and the New Regionalism', Discussion paper, Council on Foreign Relations (CFR), New York, September. Available at: <https://www.cfr.org/report/global-order-and-new-regionalism>. See also the introduction of this book.

## 2.1 A multilevel cooperation

In the case of Europe, the EU has already finalised new trade deals with many countries and areas in North America, Asia Pacific and Latin America (such as Canada, Japan, Vietnam, Singapore, and Mercosur).<sup>13</sup> In the Pacific area, although the US withdrew from the Trans-Pacific Partnership (TPP) trade agreement, the remaining eleven member countries – including Canada, Mexico, Japan, Singapore and Australia – have approved a new version of the TPP trade pact (the so-called Comprehensive and Progressive Agreement for Trans-Pacific Partnership – CPTPP), being able to keep most of the original innovative content intact.<sup>14</sup> There is another important trade agreement that has very recently been approved – the so-called Regional Comprehensive Economic Partnership (RCEP) involving 15 nations (India has recently withdrawn) belonging to the Association of Southeast Asian Nations (ASEAN) as well as China, Japan, South Korea, Australia and New Zealand. The RCEP will thus include more than 2 billion people and encompass up to 30 per cent of world trade and global GDP.

Taking all of this into account, it is politically feasible that the CPTPP member states, the EU, and China could come together and agree to develop an agenda for trade policy cooperation and concerted action on international trade and investment issues. The key to effective and pragmatic economic integration and global governance today is a willingness to adapt and adjust at bilateral, regional and global level. This means saving those aspects of the old multilateral order that remain useful but also creating new arrangements that are fairer and more appropriate for today's world.<sup>15</sup> The concept of 'fair trade' – not to mention social displacement – should be a bigger part of policy discussions. The WTO reform should also be included in the new common agenda, as a potential forum to coordinate a multilateral response and address the cross-border policy spillovers driving trade conflicts between the major trading powers.<sup>16</sup>

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13 Mildner S.A. and von Unger E. (2020) 'Setting New Rules – The Free Trade Agreements of the European Union', BDI article, Berlin, May. Available at: <https://english.bdi.eu/article/news/setting-new-rules-the-free-trade-agreements-of-the-european-union/>.

14 Goodman, M.P. (2018) 'From TPP to CPTPP', CSIS Center for Strategic & International Studies, Washington DC, March. Available at: <https://www.csis.org/analysis/tpp-cptpp>.

15 Papaconstantinou, G. and Pisani-Ferry, J. (eds) (2019) *Global Governance: Demise or transformation?* European University Institute Robert Schuman Centre for Advanced Studies, Florence.

16 Hoekman B.M. and Mavroidis, P.C. (2020) 'Preventing the bad from getting worse: The end of the World Trade Organization as we know it?', European University Institute Robert Schuman Centre for Advanced Studies Global Governance Programme, EUI working paper RSCAS 2020/06.



One can hope that this multilateral initiative will convince the US of the new Biden Administration that it is in their interest to join in, at least in terms of business opportunities and better economic results.

A first initiative by these or a similar group of countries could be implemented already in the post-pandemic-crisis world. This would involve an agreement to a moratorium on tariffs and trade diversion, and it would be aimed at stopping the endogenous escalation of trade wars in many sectors, particularly those of pharmaceuticals and medical equipment. Such an agreement would also have great value for the future of the trading system because such trade barriers will affect economic recovery, given the importance of GVCs. In the 2008-2009 financial crisis, protectionism was limited and the trading system survived thanks to a multilateral cooperative initiative at the G20 level to prevent countries' beggar-thy-neighbour actions at the beginning of the crisis.<sup>17</sup>

### 3. THE ROLE OF THE EU

Whether one or the other scenario outlined above prevails, the EU could play a crucial role. Much will depend on how Europe, both internally and internationally, confronts this epochal crisis.<sup>18</sup> As the largest and most open trade bloc in the world, the EU – even more than the US or China – has a strategic interest in preserving the global rules-based order. It cannot simply wait and see the outcome of current confrontation between the US and China as this would mean risking both diminished influence and commercial damage.<sup>19</sup> There is a need for a strategic response by the EU in order to connect its internal and external dimensions. First, as regards economic policy, Europe should no longer follow its traditional export-led growth model in the newly fragmented post-Covid world. Its growth strategy should instead be much more based on the single market and the EU's domestic demand.<sup>20</sup>

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17 Obstfeld M. and Posen A.S. (eds) (2020) 'How the G20 can hasten recovery from COVID-19', PIIE Briefing, 20-1, Peterson Institute for International Economics, Washington DC, April. Available at: <https://www.piie.com/sites/default/files/documents/piieb20-1.pdf>.

18 Bénassy-Quéré, A. and Weder di Mauro, B. (eds) (2020) *Europe in the Time of Covid-19*. A VoxEU.org eBook: CEPR Press. Available at: <https://voxeu.org/article/europe-time-covid-19-new-ebook>.

19 Leonard, M., Pisani-Ferry, J., Ribakova, E., Shapiro, J. and Wolff, G.B. (2019) 'Redefining Europe's economic sovereignty', Policy contribution, Bruegel, Brussels, June. Available at: <https://www.bruegel.org/2019/06/redefining-europes-economic-sovereignty/>.

20 Guerrieri, P. (2017) 'Les politiques européennes et le futur de l'euro', *Revue Politique Etrangère* n. 2/2017.

Second, as regards the external front, the EU should formulate a more effective trade and investment strategy. In this regard, Europe's response to the Trump tariff war has so far been quite effective. But it is not enough. For the future, a more encompassing overall strategy is needed at different levels: (i) to address the EU-US bilateral relationship; (ii) to respond to China's challenge in terms of a more assertive reciprocity;<sup>21</sup> (iii) to maintain EU commitment to an open, rules-based global trading system, by reforming the WTO and maintaining deeper economic relations with the rest of the world – for example, with Japan, other Asian countries and Latin America.

In addition, it should be emphasised that the defence of a multilateral trading system does not in any way exclude – but could, on the contrary, be complementary to – more effective policies and strategies in bilateral negotiations.<sup>22</sup> In this regard, the EU has maintained and should continue to maintain a kind of special position, having over the years put in place a complex system of bilateral and regional trade agreements – a system that has never come into conflict with multilateral approaches. On the contrary, the interaction between the two has in most cases facilitated the liberalisation of the EU's trade relations in general.<sup>23</sup> The EU must therefore continue to cultivate close relations with the rest of the world, starting with Japan and the other countries of Asia Pacific, intensifying trade negotiations of the kind already successfully concluded in recent years with Canada, South Korea, Japan, Vietnam, Singapore and the Mercosur countries, to cite the most important.

Bilateral/interregional economic relations are also important for the EU to be able to advance EU social and environmental standards, as has already happened in the recent past. In this regard, it is essential to renovate the content of trade agreements more towards 'fair trade' than free trade.

To sum up, the EU still has the potential to be a global player. Europe's main problem is political, rather than economic. The EU's decision-making structures are too dis-

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21 García-Herrero, A., Wolff, G. et al. (2020) 'EU-China trade and investment relations in challenging times', Study for Policy Department for External Relations, European Parliament, June. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603492/EXPO\\_STU\(2020\)603492\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/603492/EXPO_STU(2020)603492_EN.pdf).

22 Lawrence, R.Z. (1996) *Regionalism, Multilateralism and Deeper Integration*. Washington DC: Brookings Institution Press.

23 Guerrieri, P. and Scharrer, H.E. (2000) *Global Governance, Regionalism and the International Economy*. Baden-Baden: Nomos Verlagsgesellschaft.

jointed to be able to use this potential.<sup>24</sup> The key problem remains European divisions and the lack of reciprocal trust. However, the EU should not behave as a fragmented power. It is time to unlock the EU's potential.

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24 Baldwin R. and Wyplosz, C. (2019) *The Economics of European Integration*. 6th edn. New York: McGraw Hill.



## APPENDICES

# APPENDIX 1

## MULTILATERAL ORGANISATIONS AND ARRANGEMENTS AT GLOBAL, REGIONAL AND INTERREGIONAL LEVEL

Sebastian Santander

### 1. GLOBAL MULTILATERAL INSTITUTIONS

#### 1.1 The United Nations, 1945

The United Nations is an international organisation established in 1945. It was founded to replace the League of Nations and its headquarters are located in New York. There are currently 193 member states. The UN aims to facilitate cooperation among nations and to guarantee international peace and security. One of its main aims is to facilitate international cooperation on other issues like economic development, social progress and human rights. The UN does not represent a global government. However, its resolutions give legitimacy to state interventions. It does not have a military force but can ask its member states to provide soldiers in order to set up peacekeeping forces (blue helmets). The UN is divided into six principal organs:

(1) The **General Assembly** represents the main deliberative, policymaking and representative organ of the UN. Comprising all 193 members of the UN, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter. The General Assembly meets in regular session intensively from September to December each year, and thereafter as required.

(2) The **Security Council** represents the decisional body. It is one of the principal organs of the UN. The Security Council takes the lead in determining the existence of a threat to peace or an act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorise the use of force to maintain or restore international peace and security. It

adopts resolutions for peace and security. The Security Council also recommends to the General Assembly the appointment of the Secretary-General and the admission of new members to the United Nations. Together with the General Assembly, it elects the judges of the International Court of Justice. The Security Council is made up of 15 member states, consisting of five permanent members (China, France, Russia, United Kingdom and United States) and ten non-permanent members. The five permanent members hold veto power.

(3) The **Economic and Social Council (ECOSOC)** is responsible for coordinating the economic, social and related work of 14 UN specialised agencies, their functional commissions and five regional commissions. ECOSOC has 54 members and holds a four-week session each year in July. Since 1998, it has also held a meeting each April with finance ministers heading key committees of the World Bank and the International Monetary Fund (IMF). ECOSOC serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to member states and the United Nations system.

(4) The **Trusteeship Council** is authorised to examine and discuss reports from the Administering Authority on the political, economic, social and educational advancement of the peoples of Trust Territories and, in consultation with the Administering Authority, to examine petitions from and undertake periodic and other special missions to Trust Territories. The Trusteeship Council suspended operation on 1 November 1994, with the independence of Palau, the last remaining United Nations Trust Territory, on 1 October 1994.

(5) The **International Court of Justice (ICJ)** is the principal judicial organ of the United Nations. It was established in June 1945 by the Charter of the United Nations and began work in April 1946. Of the six principal organs of the United Nations, it is the only one not located in New York (United States of America). The seat of the Court is at the Peace Palace in the Hague (Netherlands). The Court's role is to settle, in accordance with international law, legal disputes submitted to it by states and to give advisory opinions on legal questions referred to it by authorised United Nations organs and specialised agencies. The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

(6) The **Secretariat** — an international staff working in duty stations around the world — carries out the diverse day-to-day work of the United Nations. It services the other

principal organs of the UN and administers the programmes and policies laid down by them. At its head is the secretary-general, who is appointed by the General Assembly on the recommendation of the Security Council for a five-year, renewable term. The duties carried out by the Secretariat are as varied as the problems dealt with by the UN. These range from administering peacekeeping operations to mediating international disputes, from surveying economic and social trends and problems to preparing studies on human rights and sustainable development. Secretariat staff also inform the world's communications media about the work of the United Nations; organise international conferences on issues of worldwide concern; and interpret speeches and translate documents into the UN's official languages.

There are 15 specialised agencies, which include the Food and Agriculture Organization (FAO), International Civil Aviation Organization (ICAO), International Fund for Agricultural Development (IFAD), International Labour Organization (ILO), International Monetary Fund (IMF), International Maritime Organization (IMO), International Telecommunication Union (ITU), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Industrial Development Organization (UNIDO), Universal Postal Union (UPU), World Health Organization (WHO), World Intellectual Property Organization (WIPO), World Meteorological Organization (WMO), World Bank, and World Tourism Organization (UNWTO).

The UN also has programmes and funds such as the United Nations Conference on Trade and Development (UNCTAD), United Nations Drug Control Programme (UNDCP), United Nations Environment Programme (UNEP), World Food Programme (WFP), United Nations Fund for Population Activities (UNFPA), and United Nations Children's Fund (UNICEF).

## **1.2 UN Regional Commissions**

### **ECA: Economic Commission for Africa (1958)**

*Purposes:* A United Nations initiative, the aim of ECA is to facilitate economic development and relations between member states.

*Members:* Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo, Democratic Republic of Congo,



Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Green Cape, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Morocco, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

### **ECE: Economic Commission for Europe (1947)**

*Purposes:* A United Nations initiative, ECE aims to facilitates greater economic integration and cooperation among its member countries and promotes sustainable development and economic prosperity.

*Members:* Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America, Uzbekistan.

### **ECLAC: Economic Commission for Latin America and the Caribbean (CEPAL in Spanish) (1948)**

*Purposes:* A United Nations initiative, ECLAC works in the field of industrial development.

*Members:* Antigua-Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, France, Grenada, Guatemala, Guyana, Haiti, Honduras, Italy, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Netherlands, Peru, Portugal, St Kitts and Nevis, St Lucia, St Vincent and Grenadines, Spain, Surinam, Trinidad and Tobago, United Kingdom, United States, Uruguay, Venezuela.

### **ESCAP: Economic and Social Commission for Asia and the Pacific (1947)**

*Purposes:* A United Nations initiative, the main purpose of ESCAP (previously ECAFE, is to encourage economic and social development in Asia and the Pacific. It acts as a regional centre of the United Nations and constitutes the only intergovernmental forum for all Asia and the Pacific. It implements a whole series of development programmes through technical assistance, services for governmental cooperation, research, training and information.

*Members:* Afghanistan, Australia, Azerbaijan, Bangladesh, Brunei, Cambodia, China, Eastern Samoa, Fiji, France, India, Indonesia, Iran, Japan, Kiribati, Kyrgyzstan, Laos, Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, North Korea, Pakistan, Papua New Guinea, Netherlands, Philippines, Russia, Solomon Islands, Singapore, South Korea, Sri Lanka, Tajikistan, Tonga, Turkmenistan, Tuvalu, United Kingdom, United States, Vanuatu, Vietnam.

### **ESCWA: Economic and Social Commission for Western Asia (1974)**

*Purposes:* A United Nations initiative, the aim of ESCWA is to undertake or to support studies on economic and social perspectives in the region, to collect and to distribute the information, and to offer consulting services. The main work of ESCWA is being led in collaboration with other members of the UN.

*Members:* Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen.

### **1.3 Bretton Woods institutions**

*Purposes:* The Bretton Woods Agreements were reached in July 1944. Their main aim was to set up a system of rules, institutions, and procedures to regulate the international monetary system. The 44 nations, which took part the Bretton Woods Conference, established the World Bank (WB) and the International Monetary Fund (IMF). These organisations became operational in 1945. The main focus of the World Bank's work in

the early post-second world war period was the reconstruction of Europe. A couple of years later the bank's mission became to support developing countries and their inhabitants to achieve development and the reduction of poverty. The IMF is an organisation that was formed to stabilise international exchange rates and facilitate development. The WB and IMF headquarters are located in Washington DC, USA. The chief features of the Bretton Woods system were an obligation for each country to adopt a monetary policy that maintained the exchange rate of its currency within a fixed value in terms of gold; and the ability of the IMF to bridge temporary imbalances of payments. The system collapsed in 1971, after the United States unilaterally terminated the convertibility of US dollars to gold. Today the WB is a source of financial and technical assistance to developing countries. It has 189 member countries. The IMF is an organisation of 189 countries working to foster "global monetary cooperation, secure financial stability and facilitate international trade". The third institution established in the aftermath of the Bretton Woods Conference was the General Agreement on Tariffs and Trade (GATT, 1947). On 1 January 1995 the World Trade Organization (WTO) was created which became the successor to the GATT. The WTO is an international organisation designed to supervise and liberalise international trade. It is the only global international organisation dealing with the rules of trade between nations. The WTO has 164 members and represents more than 95 per cent of total world trade. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments. The goal is to support producers of goods and services, exporters, and importers to conduct their business.

## 1.4 International Criminal Court (2002)

*Purposes:* The International Criminal Court (ICC), governed by the Rome Statute, is the first permanent, treaty-based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. The ICC is an independent international organisation, and is not part of the United Nations system. Its seat is in the Hague in the Netherlands. Although the Court's expenses are funded primarily by states parties, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities.

The international community had long aspired to the creation of a permanent international court, and in the 20th century it reached consensus on definitions of genocide,

crimes against humanity and war crimes. The Nuremberg and Tokyo trials addressed war crimes, crimes against peace, and crimes against humanity committed during the second world war. In the 1990s after the end of the cold war, tribunals like the International Criminal Tribunal for the former Yugoslavia and that for Rwanda were the result of consensus that impunity is unacceptable. However, because the international criminal tribunals were established to try crimes committed only within a specific time frame and during a specific conflict, there was general agreement that an independent, permanent criminal court was needed. On 17 July 1998, the international community thus reached a historic milestone when 120 states adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court. The Rome Statute entered into force on 1 July 2002 after ratification by 60 countries. The Court has received complaints about alleged crimes in at least 139 countries but, so far, the Prosecutor of the Court has opened investigations into seven situations in Africa.

## 1.5 Global Groups

### Group of Seven or Eight (1975)

*Purposes:* The G7-G8 was created in 1975. It began as the Group of six. Canada and Russia joined the Group respectively in 1976 and 1998. It is an informal group, which deals with financial and economic issues. The finance ministers/secretaries of the eight countries meet annually. In 2014 the Group has returned to his previous name after Russia stopped being invited.

*Members:* Canada, France, Germany, Italy, Japan, (Russia), United Kingdom, United States of America. The European Union is also represented (Council President and Commission President).

### Group of Twenty (1999)

*Purposes:* The G20 was created in 1999. It is a group of finance ministers and central bank governors from the participating members and it includes the world's largest economies. Collectively, the G20 represents about 80 per cent of the gross world product,

80 per cent of world trade and two thirds of the world population. It was rehabilitated in 2008 during the world finance crisis in an attempt to find collective solutions to the crisis and reform the international financial system. Since the rehabilitation of the G20, the head of government or heads of state have also periodically conferred at summits.

*Members:* Argentina, Australia, Brazil, Canada, China, European Union, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, South Korea, Turkey, United Kingdom, United States.

### Group of 77 (1964)

*Purposes:* The Group of 77 (G77) was established in June 1964 by 77 developing countries. Although there were 77 founding members of the organisation, it has now expanded to 134 member countries. The G77 is the largest intergovernmental organisation of developing countries in the United Nations. It provides the means for the countries of the South to articulate and promote their collective economic interests and enhance their joint negotiating capacity on all major international economic issues within the United Nations system. It also provides the means to promote South-South cooperation for development.

*Members:* Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cabo Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palestine, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa,

Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

## 2. REGIONAL ARRANGEMENTS

The organisations listed below are grouped by geographical area (Africa, Americas, Arab World, Asia, Europe and Oceania) and listed within each area in alphabetical order.

### 2.1 Africa

#### **AEC: African Economic Community (1991)**

*Purposes:* The African Economic Community (AEC) was established in 1991 by signing the Agreement of Abuja. It includes the majority of African states, and is part of part of the African Union. The AEC aims to encourage the establishment of free trade areas and customs unions. It also encourages its members to adopt a single market, a central bank and a common currency.

*Members:* AMU, CEMAC, CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD, SACU, SADC, WAEMU, WAMZ.

#### **AU: African Union (2001)**

*Purposes:* The historical foundations of the African Union originated in the Union of African States, an early confederation established in the 1960s, as well as subsequent attempts to unite Africa, including the Organisation of African Unity (OAU), which was established in 1963, and the African Economic Community in 1981. Critics argued that the OAU in particular did little to protect the rights and liberties of African citizens from their own political leaders. The idea of creating the AU was

revived in the mid-1990s as a result of the efforts of the African Unification Front. The heads of state and government of the OAU issued the Sirte Declaration on 9 September 1999, calling for the establishment of an African Union. The Declaration was followed by summits at Lomé in 2000, when the Constitutive Act of the African Union was adopted, and at Lusaka in 2001, when the plan for the implementation of the African Union was adopted. The African Union was launched in Durban on 9 July 2002 by its first president, South African Thabo Mbeki, at the first session of the Assembly of the African Union. Its Constitutive Act declares that it shall “invite and encourage the full participation of the African diaspora as an important part of our Continent, in the building of the African Union”. The African Union has defined the African diaspora as consisting of people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union. The African Union also aims to have a single currency and a single integrated defence force, as well as other institutions of state, including a cabinet for the AU head of state. The purpose of the Union is to help secure Africa’s democracy and human rights, especially by bringing an end to intra-African conflict and creating an effective common market. It also aims to create a sustainable economy. In order to reach the latter goal, the AU launched the New Partnership for Africa’s Development (NEPAD). The headquarters of the African Union are situated in Addis Ababa (Ethiopia).

*Members:* Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Republic of the Congo, Côte d’Ivoire, Djibouti, Egypt, Equatorial, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Western Sahara (SADR), Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

*Suspended members:* Guinea-Bissau and Madagascar.

*Observer:* Haiti.

### **CEUCA: Customs and Economic Union of Central Africa (1966)**

*Purposes:* CEUCA, in French Union douanière et économique de l'Afrique Centrale (UDEAC), is a free trade area and a customs union with a common external tariff for imports from other countries. It aims to establish an ever-closer union among member states so as to reinforce subregional solidarity, to promote the gradual and progressive establishment of a Central African common market, and subsequently, through establishment of this sub-regional grouping, to participate in the creation of a true African common market and the consolidation of African unity. CEUCA signed a treaty for the establishment of a Economic and Monetary Community of Central Africa (CEMAC) to promote the entire process of sub-regional integration through the forming of monetary union with the Central Africa CFA franc as a common currency.

*Members:* Cameroon, Republic of Congo, Chad, Central African Republic, Equatorial Guinea, Gabon.

### **COMESA: Common Market for Eastern and Southern Africa (1994)**

*Purposes:* The Common Market for Eastern and Southern Africa is the successor to the Preferential Trade Area of Southern African States, which was established on 22 December 1981. The aims of COMESA are to attain sustainable growth and development of member states by promoting a more balanced and harmonious development of production and marketing structures; promote joint development in all fields of economic activity and the joint adoption of macro-economic policies and programmes in order to raise the standard of living of the peoples in member states, and to foster closer relations among them; cooperate in the creation of an enabling environment for foreign, cross-border and domestic investment, including joint promotion of research and adaptation of science and technology for development; cooperate in the promotion of peace, security and stability among member states in order to enhance the economic development of the region; cooperate in strengthening the relations between the Common Market and the rest of the world and adopt common positions in international forums; and contribute towards the establishment, progress and realisation of the objectives of the African Economic Community. Nine of the member states formed a free trade area (FTA) in 2000, with Rwanda and Burundi joining the FTA in 2004, and the Comoros and Libya in 2006. COMESA is one of the pillars of the African Economic Community.



*Members:* Angola, Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe. Botswana and South Africa are under conditions stipulated by the members.

*Former members:* Lesotho (withdrew in 1997), Mozambique (withdrew in 1997), Tanzania (withdrew in September 2000), Namibia (withdrew in May 2004).

### **CEN-SAD: Community of Sahel-Saharan States (1998)**

*Purposes:* The CEN-SAD was established in 1998 and integrates 28 countries. Its main aim is to achieve economic unity by implementing free movement of goods and people.

*Members:* Benin, Burkina Faso, Central African Republic, Chad, Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libya, Mali, Morocco, Niger, Nigeria, Sudan, Sao Tome and Principe, Sierra Leone, Senegal, Somalia, Togo, Tunisia.

*Former member:* Mauritania (2008-2012).

### **EAC: East African Community (2001)**

*Purposes:* The EAC is a customs union in East Africa, originally founded in 1967. It was disbanded in 1977. In January 2001 the EAC was revived. The new EAC treaty paved the way for an economic and, ultimately, political union of the three countries. A further treaty signed in March 2004 set up a customs union, which commenced on 1 January 2005. Under the terms of the treaty, Kenya, the richest of the three countries, was to pay duty on its goods entering Uganda and Tanzania until 2010. A common system of tariffs was to apply to other countries supplying the three countries with goods. EAC is one of the pillars of the African Economic Community. In 2010, the EAC launched a common market and it aims today to establish a common currency similar to that of the European Union.

*Members:* Kenya, Uganda, Tanzania.

### **ECCAS: Economic Community of Central African States (1983)**

*Purposes:* ECCAS, in French Communauté Économique des États d'Afrique Centrale (CEEAC), is an organisation for the promotion of regional economic co-operation in Central Africa. It “aims to achieve collective autonomy, raise the standard of living of its populations and maintain economic stability through harmonious cooperation”. ECCAS was established by the CEUCA and ECGLC members (see below). Angola became a member in 1999. It started functioning in 1985, but was inactive for several years because of financial difficulties and the conflict in the Great Lakes area. The war in the DR Congo was particularly divisive, as Rwanda and Angola fought on opposing sides. ECCAS has been designated a pillar of the African Economic Community, but formal contact between the AEC and ECCAS was only established in October 1999 due to the inactivity of ECCAS since 1992. The AEC again confirmed the importance of ECCAS as the major economic community in Central Africa at the third preparatory meeting of its Economic and Social Council (ECOSOC) in June 1999. The headquarters of the ECCAS are situated in Libreville, Gabon. The working languages of the Community are French, Spanish, and Portuguese.

*Members:* Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Sao Tome and Principe.

### **ECGLC: Economic Community of the Great Lakes Countries (1976)**

*Purposes:* The ECGLC, in French Communauté Économique des Pays de Grands Lacs (CEPGL), is a subregional organisation created in 1976 by signing the Agreement of Gisenyi (Rwanda). It aims to encourage trade and to establish a customs union. The ECGLC has a series of specialised agencies for common development in the banking, energy, agronomy, mining and animal technology sectors.

*Members:* Burundi, Democratic Republic of Congo, Rwanda.

## **ECOWAS: Economic Community of West African States (1975)**

*Purposes:* The Economic Community of West African States, CEDEAO in French, aims to become a common market. It also promotes co-operation and development in economic activity, particularly in the fields of industry, transport, telecommunications, energy, natural resources, trade, monetary and financial questions and in social and cultural matters, for the purpose of raising the standard of living, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent. It also serves as a peacekeeping force in the region. In 1990, ECOWAS created the Economic Community of West African States Cease-fire Monitoring Group (ECOMOG). ECOMOG very quickly became the armed wing of the community. Nigeria, Benin, Burkina Faso, Gambia, Guinea, Mali, Niger, Senegal and Sierra Leone are the countries that provide the military contingents of ECOMOG. ECOWAS has intervened in several countries. It sent a peacekeeping force of 20,000 men to Liberia during the first Liberian civil war, which took place during the early 1990s. In September 2003 ECOWAS deployed a second peacekeeping operation to Liberia, the ECOMIL. In 1999, ECOMOG intervened during the civil war of Guinea-Bissau. It sent about 600 men. And in 2012, ECOWAS sent a new peacekeeping force to Guinea-Bissau in order to help in “restoring the constitutional order” two weeks after the coup of 12 April 2012. ECOWAS also intervened in Sierra Leone in 1997, and in Côte d’Ivoire in 2003. Furthermore, following the United Nations Resolution 2071 passed by the Security Council in October 2012, ECOWAS offered to send a force of about 3,000 soldiers to stabilise Mali, rebuild the country’s shattered army and help drive the militants from the north. ECOWAS is considered one of the pillars of the African Economic Community. Its two main institutions to implement policies are the Secretariat and the Fund for Cooperation, Compensation and Development. The ECOWAS Fund was transformed into the ECOWAS Bank for Investment and Development in 2001.

*Members:* Benin, Burkina Faso, Cabo Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

*Former members:* Mauritania (withdrew in 2002).

### **MRU: Mano River Union (1973)**

*Purposes:* The MRU is an international association established in 1973 between Liberia and Sierra Leone. It was joined in 1980 by Guinea. The MRU aims to establish a customs union, to expand trade, encourage productive capacity, and progressively develop a common policy and cooperation as regards harmonisation of tariffs and regulations related to customs, qualifications and postal services. It also aims to promote joint development projects (hydroelectric construction, telecommunications, maritime activities) and to secure a fair distribution of the benefits from economic cooperation. Due to conflicts involving its member countries (Sierra Leone civil war and Liberian civil war) the objectives of the MRU could not be achieved. However, during a presidential summit held on 20 May 2004, the MRU was reactivated. It was enlarged in 2008 to Côte d'Ivoire.

*Members:* Guinea, Liberia, Sierra Leone, Côte d'Ivoire.

### **SACU: Southern Africa Custom Union (1969)**

*Purposes:* SACU is a customs union among the countries of South Africa. It is the oldest customs union in the world and entered into force in 1970, replacing the customs union agreement of 1910. Its aim is to maintain the free interchange of goods between member countries. It provides for a common external tariff and a common excise tariff to this common customs area. SACU is developing external relations. By late 2004 it was negotiating a free trade deal with the United States. It is also involved in negotiations for a free trade agreement with the European Union.

*Members:* Botswana, Lesotho, Namibia, South Africa, Swaziland.

### **SADC: Southern African Development Community (1992)**

*Purposes:* The SADC replaced the SADCC (Southern African Development Coordination Conference), which was established in 1980. The main purposes of this customs union are deeper economic cooperation and integration, on the basis of balance, equity and mutual benefits, providing for cross-border investment and trade, and freer movement

of factors of production, goods and services across national borders; common economic, political and social values and systems, enhancing enterprise and competitiveness, democracy and good governance, respect for the rule of law and the guarantee of human rights, popular participation and alleviation of poverty; and strengthened regional solidarity, peace and security, in order for the people of the region to live and work together in peace and harmony. Particular concerns are human resources, science and technology, food security, natural resources and environment, infrastructure and services, finance, investment and trade, popular participation, solidarity, peace and security.

*Members:* Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, Swaziland, Tanzania, Zambia, Zimbabwe, South Africa.

### **WAEMU: West African Economic and Monetary Union (1994)**

*Purposes:* The WAEMU, in French the Union économique et monétaire ouest-africaine (UEMOA), replaced the WAMU (West African Monetary Union), which was established in 1959. The WAEMU is a customs union and monetary union between some of the members of Economic Community of West African States (ECOWAS). The WAEMU aims to make the economic and financial activities of member states more competitive in the context of an open market based upon free competition; to set up a multilateral surveillance procedure to harmonise national legislations (particularly fiscal) and coordinate economic policies; to set up a common market and a common external tariff.

*Members:* Benin, Burkina Faso, Guinea-Bissau, Côte d'Ivoire, Mali, Niger, Senegal, Togo.

## **2.2 Americas (The) ALADI: Latin American Association for Development and Integration (1980)**

*Purposes:* The ALADI (for which the English acronym is LAIA) replaced the ALALC (Latin American Free Trade Association). The Montevideo Treaty, signed on 12 August 1980, is the global legal framework that establishes and governs ALADI. It is a preferential trade area based in Montevideo and its main purpose is to become a common market. The

ALADI has contributed to transforming economic structures and creating the conditions for integration in countries where they were less favourable. It has contributed to establishing bilateral and multilateral relations among member states. The ALADI is open to all Latin American countries and regional integrations as well as to other developing countries or their respective integration areas outside Latin America.

*Members:* Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

*Observers:* China, Dominican Republic, El Salvador, Guatemala, Honduras, Italy, Nicaragua, Panama, Portugal, Romania, Russia, Spain, Switzerland.

### **ALBA: The Bolivarian Alliance for the People of Our America (2006)**

*Purposes:* The first steps of ALBA, in Spanish Alianza Bolivariana para los Pueblos de Nuestra América, were accomplished in December 2004 by Cuba and Venezuela when they decided to exchange medical resources and petroleum. Six more states have since joined ALBA, which represents an attempt to establish a regional economic integration based primarily on a vision of social welfare and mutual economic aid. The summit of heads of state and government of ALBA, held in December 2008, approved the technical details of the introduction of the new currency named SUCRE (Unique System for Regional Compensation). The SUCRE is intended to replace the US dollar as a medium of exchange. It was first used as virtual currency in 2010. The plan is to transform the SUCRE into a hard currency.

*Members:* Antigua and Barbuda, Bolivia, Cuba, Dominica, Ecuador, Nicaragua, Saint Vincent and Grenadines, Venezuela.

*Former member:* Honduras

### **CAN: Andean Community of Nations (1969)**

*Purposes:* The CAN (previously Andean Pact), in Spanish Comunidad Andina, was established in 1969 with the Cartagena Agreement. The aim was to establish a com-

mon market. Since 1995, the member states have been working on a customs union. From 1 January 2005, the citizens of the member states can enter the other Andean Community member countries without the requirement of a visa. Travellers should present the authorities their national ID cards. The CAN and MERCOSUR comprise the two main trading blocs of South America. In 1999 these regional organisations began negotiating a merger with a view to creating a South American Free Trade Area (SAFTA). On 8 December 2004, the CAN signed a cooperation agreement with MERCOSUR, and they published a joint letter of intention for future negotiations towards integrating all of South America in the context of the South American Community of Nations. Chile, which was a founder member, withdrew in 1976. Venezuela, which joined the CAN in 1973, announced its withdrawal in 2006, claiming the FTA agreements signed by Colombia and Peru with the USA caused irreparable damage to the community.

*Members:* Bolivia, Colombia, Ecuador, Peru.

*Former members:* Chile, Venezuela.

*Observers:* Chile, Mexico, Panama.

### **CAIS: Central American Integration System (1993)**

*Purposes:* The Central American Integration System, in Spanish Sistema de la Integración Centroamericana, was established in 1993. Its headquarters are located in El Salvador. The main aim of the CAIS is to encourage regional cooperation in the field of peace, political freedom, democracy and economic development. The system body of the CAIS consists of several organs: a Presidents summit, the Central American Bank for Economic Integration, the Central American Common Market, the Central American Parliament, and the Central American Court of Justice.

*Members:* Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama.

*Associate member:* Dominican Republic.

### **CARICOM: Caribbean Community (1973)**

*Purposes:* The CARICOM was established by the Treaty of Chaguaramas and replaced the 1965-1972 CARIFTA (Caribbean Free Trade Association), which had been organised to provide a continued economic link between the English-speaking countries of the Caribbean following the dissolution of the West Indies Federation (1958-1962). The CARICOM has established a common external tariff and common market. A Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy (CSME) was signed by the heads of government of the Caribbean Community on 5 July 2001. Part of the revised treaty includes the establishment and implementation of the Caribbean Court of Justice.

*Members:* Antigua and Barbuda, Bahamas (member of the Community but not of the customs union), Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Surinam, Trinidad and Tobago.

*Associate members:* Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Turks and Caicos Islands.

*Observers:* Aruba, Colombia, Dominican Republic, Netherlands Antilles, Mexico, Puerto Rico, Venezuela.

### **CELAC: Community of Latin American and Caribbean States (2010)**

*Purposes:* The Community of Latin American and Caribbean States (in Spanish Comunidad de Estados Latinoamericanos y Caribeños) was established in 2010. CELAC is the successor of the Rio Group. It includes 33 countries from Latin America and the Caribbean and represents 600 million people. Canada and the United States of America have not been invited to join the regional organisation. CELAC's main goals are: promotion of sustainable development of the states in the region; strengthening cooperation on areas of common interest; building a common space with the purpose of deepening the political, economic, social and cultural integration of the region and establishing effective commitments to joint actions to promote the sustainable development of Latin American and Caribbean states; sharing the conviction that the Latin American and Caribbean



region should continue to strengthen its presence in the forums of which it is part and state its perspective on major issues and events on the global agenda; encouraging the dialogue, interaction and synergy among the regional and subregional integration mechanisms of Latin America and the Caribbean in order to deepen integration and accelerate regional development through the formulation of common and complementary projects; identifying and implementing South-South and Triangular cooperation strategies in order to strengthen efforts to promote technical cooperation among the countries of the region; and enhancing the coordination of positions in order to project a common vision of Latin America and the Caribbean in external dialogues.

*Members:* Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

### **DR-CAFTA: Dominican Republic-Central American Free Trade Agreement (2005)**

*Purposes:* Originally, the agreement encompassed the United States and the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, and was called CAFTA. In 2004, the Dominican Republic joined the negotiations, and the agreement was renamed DR-CAFTA. The goal of DR-CAFTA is the creation of a free trade zone, similar to the North American Free Trade Agreement (NAFTA) which currently encompasses the US, Canada, and Mexico. DR-CAFTA is a stepping-stone towards the Free Trade Area of the Americas (FTAA).

*Members:* Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Dominican Republic, United States of America.

### **Grupo de los Tres: The Group of the Three (1995)**

*Purposes:* The G3 is a free trade agreement that came into force in 1995. The agreement aims to liberalize goods, investment and services, and to facilitate public purchases.

In May 2006 Venezuela decided to withdraw from the trade bloc due to differences with its two partners.

*Members:* Colombia, Mexico.

*Former member:* Venezuela.

### **MERCOSUR: Southern Common Market (1991)**

*Purposes:* MERCOSUR, in Spanish Mercado Común del Sur and in Portuguese Mercado Comun do Sul, was established with the Treaty of Asunción signed on 26 March 1991. Before the establishment of MERCOSUR, the biggest member states, Argentina and Brazil, passed through two important stages. The PICE (Integration and Cooperation Programme, 1986) established the first link between them in pursuit of further economic integration. In 1989 the two countries reached a new agreement: the PICAB (Integration, Cooperation and Development Treaty), which aimed to abolish tariffs barriers and coordinate policy in some specific areas (customs, science, technology) as well as macroeconomic policy. In 1990 new modifications were introduced with the Acta de Buenos Aires (Buenos Aires Act), which aimed to facilitate the setting up of the common market in 1994. One year later, the Treaty of Asunción extended the Buenos Aires Act to Paraguay and Uruguay, and established MERCOSUR. The former was later amended and updated by the 1994 Treaty of Ouro Preto, which created new institutions and gave it a legal status in international law. MERCOSUR came into force on 1 January 1995. Its aims are both political and economic: to stabilise democracy, to develop the economies in the region, to provide global insertion of national economies and to reinforce the power of its members in the international system. An important aim of MERCOSUR is to be a mechanism for 'open integration'. The development of MERCOSUR was arguably weakened by the devaluation of the Brazilian currency in January 1999 and the collapse of the Argentine economy in 2002. MERCOSUR still has internal conflicts over trade policy and it has not achieved its two important goals of a free trade area and customs union. In spite of internal problems, MERCOSUR has been enlarged. Venezuela signed its membership agreement on 17 June 2006 and became a member in 2012. Bolivia is now negotiating its membership of MERCOSUR. The organisation has a South and Andean American integration vocation. In December 2004 it signed a cooperation agreement with the Andean Community, and they published a

joint letter of intention for future negotiations towards integrating all of South America. However, following the impeachment of President Fernando Lugo by the Paraguayan Senate, this country was suspended. MERCOSUR has also developed interregional trade links with the EU, and contacts in the field of trade have been made with China, India and APEC. MERCOSUR member states signed a free trade agreement with Israel in December 2007 and are taking part in the negotiations for a free trade area of the Americas. They are also planning a South American Free Trade Area (ALCSA or SAFTA). The main institutions of MERCOSUR are the Common Market Council (CMC), the Common Market Group (GMC), the Parliament of MERCOSUR, the Commission for Permanent Representatives (CRPM), the Trade Commission (CCM), the Permanent Court of Justice (TPRM) and the Administrative and Socio-economic Office. In 2005, the member states created the MERCOSUR structural convergence fund (FOCEM). This fund finances programmes to promote structural convergence, develop competitiveness and promote social cohesion – particularly in the smaller economies and less developed regions – and to support the operation of the institutional structure and the strengthening of the integration process.

*Members:* Argentina, Brazil, Uruguay, Venezuela.

*Suspended member:* Paraguay.

*Associated members:* Bolivia, Chile, Colombia, Ecuador, Peru.

*Observers:* Mexico, New Zealand.

## **NAFTA: North American Free Trade Agreement (1994)**

*Purposes:* NAFTA, in Spanish Tratado de Libre Comercio de America del Norte (TLCAN) and in French Accord de libre-échange nord-américain (ALENA), was more than a simple free trade agreement of goods. It aimed to liberalise movement of goods, capital and services. Its goal was to abolish more than 20,000 barriers to trade by 2010; to promote conditions of fair competition and increase investment opportunities; to provide adequate provision for intellectual property rights and environmental protection; to establish effective procedures for implementing and applying the Agreement and for resolution of disputes; to encourage further trilateral, regional and multilateral

cooperation. Unlike other free trade agreements in the world, NAFTA was more comprehensive in its scope. It was also complemented by the North American Agreement for Environmental Cooperation (NAAEC) and the North American Agreement on Labor Cooperation (NAALC). While different groups advocated further integration into a North American Community, sensitive issues hindered this process. The three NAFTA countries (Canada, Mexico, US) pursued different trade policies with non-members, making the possibility of creating a customs union hard to attain. Security issues and sovereignty were also a controversial topic. Nonetheless the three countries complemented NAFTA with the Security and Prosperity Partnership of North America (SPP), which was established on 23 March 2005 in order to take new steps to address the threat of terrorism and to enhance the security, competitiveness and quality of life of their countries' citizens.

NAFTA was replaced by the United States-Mexico-Canada Agreement (USMCA) on 1 July 2020.

*Members:* Canada, Mexico, United States.

### **Pacific Alliance (2012)**

*Purposes:* The Pacific Alliance, in Spanish Alianza del Pacífico, was formally established in June 2012. It is an economic organisation, which includes Chile, Colombia, Mexico and Peru. Its main aim is to create a free trade area and it has a clear orientation toward Asia.

*Members:* Chile, Colombia, Mexico, Peru.

### **Rio Group (1986)**

*Purposes:* The Rio Group was a forum dealing with political and development problems of Latin American external relations and issues of regional integration. It was replaced by CELAC in 2010.

*Members:* Argentina, Belize, Bolivia, Brazil, Caricom, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, Venezuela.

### **SELA: Latin American Economic System (1975)**

*Purposes:* Established by the governments of Latin America with the main purpose of reinforcing the region's capacity in international economic negotiations and contributing to the full development of the member states.

*Members:* Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

### **UNASUR/UNASUL: Union of South American Nations (2008)**

*Purposes:* The UNASUR Constitutive Treaty was signed on 23 May 2008 at the third South American summit of heads of state, held in Brasília, Brazil. UNASUR, in Spanish Union Sudamericana de Naciones and in Portuguese União de Nações Sul-Americanas (UNASUL), aims to unite two existing regional organisations (MERCOSUR and the Andean Community) with the participation of other South American countries (Guyana, Suriname and Chile) in order to create a free trade area. This was to eliminate tariffs for non-sensitive products by 2014 and sensitive products by 2019. UNASUR aims to develop common projects in the area of infrastructure (IIRSA) and security. The South American leaders also announced their intention to model the new community on the European Union, including a common currency, parliament, passport and bank. The main aim of the common bank is to finance economic development projects in order to encourage local competitiveness and to improve the scientific and technological development of the member states. According to the Constitutive Treaty, UNASUR's headquarters are located in Quito (Ecuador), the Parliament in Cochabamba (Bolivia) and the UNASUR Bank in Caracas (Venezuela).

*Members:* Andean Community (Bolivia, Colombia, Ecuador and Peru), MERCOSUR (Argentina, Brazil, Paraguay, Uruguay and Venezuela), Chile, Guyana, Suriname.

*Observers:* Mexico and Panama.

## **2.3 Arab World and Maghreb**

### **ACM: Arab Common Market (1964)**

*Purposes:* The Arab Common Market (ACM) was established by the Council for Arab Economic Unity (CAEU), an organisation that the Economic Council of the Arab League had founded in 1957. The ACM is not an independent organisation and its implementation was overseen by the CAEU. The long-term goal of the ACM was to establish a full customs union that would abolish trade restrictions, trade quotas, and restrictions on residence, employment, and transportation. Since its establishment the ACM has fallen short of this goal. The Arab world has always been divided between the wealthy oil states and the least-developed marginal states such as Mauritania, Somalia, Sudan, and Yemen. Major political events such as the cold war and the Gulf war (I and II), as well as differing internal institutions and external relations and policies, continue to hamper Arab economic integration.

*Members:* Egypt, Iraq, Jordan, Libya, Mauritania, Syria, Yemen.

### **ACC: Arab Cooperation Council (1989)**

*Purposes:* The goals of the ACC are to be a more efficient forum for economic cooperation and integration among Arab countries; to promote among member states the coordination and harmonisation of major economic policies in areas such as finance, customs and trade, industry and agriculture; and to form an Arab common market. The ACC is open to all Arab countries. The aim is eventually to bring together countries represented by organisations with more limited geographical coverage.

*Members:* Egypt, Iraq, Jordan, Yemen.

### **AMU/UMA: Arab Maghreb Union (1989)**

*Purposes:* The goals of the AMU are to safeguard Maghrebi economic interests; to foster and promote economic and cultural cooperation among member states; to intensify mutual commercial exchanges as a necessary precursor to integration; and to create a Maghreb Economic Space. The aims of the Maghreb Economic Space are a free market in energy products; free movement of citizens within the region; joint transport undertakings, including a joint airline, road and railway improvements; the formation of a Maghreb union of textile and leather industries; and the creation of a customs union.

*Members:* Algeria, Libya, Mauritania, Morocco, Tunisia.

### **CAEU: Council for Arab Economic Unity (1957)**

*Purposes:* CAEU aims to provide a flexible framework for achieving economic integration in stages; to undertake research into the economic conditions and outlook of the member states, to collect and to distribute the information and to offer consulting services; to prepare the way for a customs union; and to develop industry and agriculture.

*Members:* Egypt, Iraq, Jordan, Kuwait, Libya, Mauritania, Palestine Authority, Somalia, Sudan, Syria, United Arab Emirates, Yemen.

### **CCASG: Cooperation Council between Arab States of the Gulf (1947)**

*Purposes:* The organisation's main purpose is to pursue coordination, integration and cooperation in the economic, social and cultural fields.

*Members:* Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates.

### **LAS: League of Arab States (1945)**

*Purposes:* The main purposes of this association are to reinforce the links between member states. The League's charter states that the League shall co-ordinate economic affairs, including commercial relations, communications, cultural affairs, nationality, passports, and visas, social affairs, and health affairs. In recent years, some have questioned the efficacy of the Arab League's ability to fulfil its mission and ensure better conditions for Arab countries, as political repression and poverty are still rampant throughout the Arab world. Some, even within the Arab world, have called for the LAS to be disbanded.

*Members:* Algeria, Bahrain, Comoros (1993), Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen.

*Observers:* Eritrea (January 2003), Venezuela (July 2006).

## **2.4 Asia**

### **ASEAN: Association of Southeast Asian Nations (1967)**

*Purposes:* According to its founding Bangkok Declaration, the objectives of the ASEAN are to accelerate economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations; to promote regional peace and stability through abiding by respect for justice and the rule of law among countries of the region and by adherence to the principles of the United Nations Charter; to promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields; to provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres; to collaborate more effectively for the greater use of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising



of the living standards of their peoples; to promote Southeast Asian studies; and to maintain close and beneficial cooperation with existing international and regional organisations with similar aims and purposes, and explore all avenues for even closer cooperation among ASEAN's members.

The aims of ASEAN economic cooperation in the post-cold war period include: to develop the region into a global base for the manufacture of value-added and technologically sophisticated products geared towards servicing regional and world markets; to enhance the industrial efficiency of the region through exploiting complementary location advantages based on the principles of market sharing and resource pooling; to enhance the attractiveness of the region for investment and as a tourist destination; to cooperate in enhancing greater infrastructural development which will contribute towards a more efficient business environment; to ensure that the rich resources (mineral, energy, forestry and others) of the region are exploited effectively and efficiently. The aim is also to create a free trade area.

*Members:* Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam.

*Observer:* Papua New Guinea.

### **CACO: Central Asian Cooperation Organization (1994)**

*Purposes:* The objective of the Central Asian Cooperation Organization (CACO) is to enhance “the development of the economic integration in the region” and “the perfection of the forms and mechanisms of expansion of the political, social, scientific-technical, cultural and educational relations” among its members. CACO was first initiated by all five central Asian nations in 1991 as the Central Asian Commonwealth. Later Turkmenistan followed a policy of isolation, withdrawing from participation in all regional forums. The organisation then continued in 1994 under the name of Central Asian Economic Union or CAEU and included Kazakhstan, Kyrgyzstan and Uzbekistan as members. In 1998 CAEU was then renamed Central Asian Economic Cooperation with the entry of Tajikistan. In 2002 it was renamed yet again to its current name, the Central Asian Cooperation Organization or CACO. In 2004, Russia joined the organisation. At the end of 2005, it was decided between

the member states that Uzbekistan would join the Eurasian Economic Community and that the organisations would merge.

*Members:* Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Russia.

*Observers:* Georgia, Turkey, Ukraine.

### **SAARC: South Asian Association for Regional Cooperation (1985)**

*Purposes:* To promote the welfare of the peoples of South Asia and improve their quality of life; to accelerate economic growth, social progress and cultural development in the region and give all individuals the opportunity to live in dignity and realise their full potential; to promote and strengthen collective self-reliance among the countries of South Asia; to contribute to mutual trust, understanding and appreciation of one another's problems; to promote collaboration and mutual assistance in economic, social, cultural, technical and scientific fields; to strengthen cooperation with other developing countries; to strengthen cooperation among members in international forums or matters of common interest; and to cooperate with international and regional organisations with similar aims and purposes. In 1993, SAARC countries signed an agreement to gradually lower tariffs within the region. Nine years later, at the 12th SAARC summit in Islamabad, SAARC countries devised the South Asia Free Trade Agreement which created a framework for the establishment of a free trade zone covering 1.4 billion people. This agreement came into force on 1 January 2006.

*Members:* Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka.

*Observers:* Australia, China, European Union, Iran, Japan, Mauritius, Myanmar, South Korea, United States.

### **SCO: Shanghai Cooperation Organisation (2001)**

*Purposes:* The creation of the Shanghai Cooperation Organisation (SCO) was announced by China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan on 15

June 2001 in Shanghai (China). The SCO Charter was signed in June 2002 and entered into force in September 2003. The SCO is a Eurasian political, security and economic alliance. It has developed political dialogues with third countries and in particular with Azerbaijan, Armenia, Cambodia, Nepal, Turkey and Sri Lanka.

*Members:* China, India, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Tajikistan, Uzbekistan.

*Observers:* Afghanistan, Belarus, Iran, Mongolia.

## 2.5 Europe

### **BENELUX (1947)**

*Purposes:* Benelux is an economic union between Belgium, the Netherlands and Luxembourg in western Europe. The treaty establishing the Benelux customs union was signed in 1944 by the governments in exile of the three countries in London, and it entered into force in 1947. It ceased to exist in 1960, when it was replaced by the Benelux Economic Union. It was preceded by the (still extant) Belgium-Luxembourg Economic Union, established in 1921. The establishment of Benelux contributed to the founding of the European Economic Community in 1957.

*Members:* Belgium, Luxembourg, the Netherlands.

### **BSEC: The Black Sea Economic Cooperation (1992)**

*Purposes:* The Black Sea Economic Cooperation (BSEC) was established by 11 countries in the Black Sea region during a summit held in Istanbul on 25 June 1992. BSEC is based on two documents, the 'summit Declaration on Black Sea Economic Cooperation' and the 'Bosporus Statement'. The principles governing the BSEC are based on those of the Helsinki Final Act, the Conference on Security and Co-operation in Europe (CSCE) follow-up documents, the Paris Charter for a New Europe (1990). It has since gained legal identity (on 1 May 1999) with the entry into force of its charter.

The main purposes of BSEC are to achieve closer co-operation among its member states (and any other interested country) through the signing of bilateral and multilateral agreements, in order to “foster economic, technological and social progress, and to encourage free enterprise”; to ensure that the Black Sea becomes a sea of peace, stability and prosperity, striving to promote friendly and good-neighbourly relations; and to ensure economic cooperation to help implementing “a Europe-wide economic area, as well as reaching a higher degree of integration of the participating states into the world economy”.

*Members:* Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, Ukraine.

*Observers:* Belarus, Croatia, Czech Republic, France, Germany, Israel, Italy, Poland, Slovakia, Tunisia, United States.

### **CEFTA: Central European Free Trade Agreement (1992)**

*Purposes:* Through CEFTA, participating countries hoped to mobilise efforts to integrate western European institutions and through this, to join European political, economic, security and legal systems, thereby consolidating democracy and free-market economics.

*Members:* Romania, Bulgaria, Croatia, and the Republic of North Macedonia.

*Former members:* Poland, Czech Republic, Slovakia, Hungary, Slovenia.

### **CIS: Commonwealth of Independent States (1991)**

*Purposes:* The CIS is an economic union initiated by the leaders of Russia, Belarus and Ukraine after the dissolution of the Soviet Union (8 December 1991).

*Members:* Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, Uzbekistan.

*Former member:* Turkmenistan withdrew in 2005 and became an associate member.

## Council of Europe (1949)

*Purposes:* The Council of Europe was founded in 1949. It now has 47 members and 800 million citizens. It is an entirely separate body from the European Union. The Council of Europe is an international organisation, which promotes cooperation between all countries in Europe. The main aims of this organisation are to promote the protection of human rights, a pluralist democracy and the rule of law; to find common solutions to the challenges facing European society; to promote awareness and encourage the development of Europe's cultural identity and diversity; and to consolidate democratic stability in Europe by backing political, legislative and constitutional reform. The best-known bodies of the Council of Europe are the European Court of Human Rights, which enforces the European Convention on Human Rights, and the European Pharmacopoeia Commission, which sets the quality standards for pharmaceutical products in Europe. The statutory institutions are the Committee of Ministers; the Secretary General; the Parliamentary Assembly; the Congress of Local and Regional Authorities; the Commissioner for Human Rights; and the Conference of International Non-governmental Organisations (INGOs).

*Members:* Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Republic of Moldova, Turkey, Ukraine, United Kingdom.

## EC/EU: European Community/European Union (1957)

*Purposes:* The European integration process has passed through several stages. In 1985 the European Economic Community (EEC), which had been set up in 1957 by the Treaty of Rome, was modified by the Single European Act. This brought together the European Coal and Steel Community (ECSC), the EEC and the European Atomic Energy Community (Euratom). The EEC became the European Community and then, in 1992, with the signature of the Maastricht Treaty, the European Union (EU). The Maastricht Treaty created a three-pillar structure: (1) the Community pillar, managed by mainly

supranational procedures; (2) the Common Foreign and Security Policy (CFSP) pillar, managed by an intergovernmental Council; and (3) the Justice and Home Affairs (JHA) pillar also based on intergovernmental cooperation. The EU currently has a customs union, a common single market, a single currency managed by the European Central Bank (so far adopted by 17 of the 28 member states), a Common Agricultural Policy, a Common Trade Policy, and a Common Fisheries Policy. The Schengen Agreement abolished passport control, and customs checks were also abolished at many of the EU's internal borders, creating a single space of mobility for EU citizens to live, travel, work and invest. According to Article 2 of the Treaty on European Union (Maastricht Treaty), the EU sets itself the following objectives: to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion, and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of the treaty; to assert its identity on the international scene, in particular through the implementation of a CFSP including the framing of a defence policy cooperation; to strengthen the protection of the rights and interests of the nationals of its member states through the introduction of a citizenship of the EU; to develop close cooperation in the field of justice and home affairs; and to maintain in full the *acquis communautaire* ensuring the effectiveness of the mechanisms and the institutions of the Community. The objectives of the EU should be achieved as provided in the treaty and in accordance with the condition of the schedule set out in the treaty while respecting the principle of subsidiarity. Article C indicates that the Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Treaty of Amsterdam (1997), which superseded the Maastricht Treaty, incorporated a number of changes: to sweep away the last remaining obstacles to freedom of movement and to strengthen internal security; and to give Europe a stronger voice in world affairs. The Treaty of Nice (2000) launched the Common Security and Defence Policy (CSDP) and had the main task of adopting the EU's institutional structure and enabling the EU to enlarge to new member states. In 2004 and 2007 the EU enlarged to 12 east and central European countries. Croatia joined the EU in July 2013. In December 2009, European countries adopted the Lisbon Treaty, which merged the EU three pillars system into a single legal entity provided with legal personality. The Lisbon Treaty introduced prominent changes: more qualified majority voting in the EU Council, increased involvement of the European Parliament in the legislative process through extended co-decision with the EU Council, and the creation of a President of the European Union and a

High Representative for Foreign Affairs to present a united position on EU policies. In 2016, 52 per cent of the British population expressed its will to leave the EU, and one year later the national government formally announced the withdrawal of the UK from the EU. After the UK Parliament ratified the withdrawal agreement, the UK left the EU on 31 January 2020.

*Members:* Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Finland, Hungary, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Netherlands, (United Kingdom). Any European state may apply to the Council to become a member of the Union, which acts unanimously after consulting the Commission and after receiving the assent of the European Parliament; ratification by each member state is requested.

*Candidate countries:* Albania, Montenegro, North Macedonia, Serbia, Turkey.

### **EEA: European Economic Area (1994)**

*Purposes:* Free trade area.

*Members:* EU and EFTA (minus Switzerland, which rejected the EEA in a referendum).

### **EFTA: European Free Trade Association (1960)**

*Purposes:* To promote in the area of EFTA and in each member state a sustained expansion of economic activity, full employment, increased productivity and the rational use of resources, financial stability and continuous improvement in living standards; to secure conditions of fair competition in trade between member states; to avoid significant disparity between member states in the conditions of supply of raw materials produced within the EFTA area; to contribute to harmonious development and expansion of world trade and to progressive removal of barriers to this; and to create a single market in western Europe.

*Members:* EFTA brought together the countries, which did not want to join the Treaty of Rome in 1957: Austria, Denmark, Norway, Portugal, Sweden, Switzerland and United Kingdom. Today it consists of just four countries: Iceland, Liechtenstein, Norway, Switzerland.

### **EEU: Eurasian Economic Union (2015)**

*Purposes:* The aim of the EEU is to establish a single market for goods, services, capital and labour. It also aims to establish coherent industrial, transport, energy and agricultural policies. The four founding members are Armenia, Belarus, Kazakhstan, and Russia. Kyrgyzstan joined the bloc a few months after its creation.

*Members:* Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia.

### **Visegrad (1991)**

*Purposes:* The Visegrad Group created a free trade area between eastern countries in order to further the process of European integration. All four members of the Visegrad Group entered the European Union on 1 May 2004.

*Members:* Czech Republic, Hungary, Poland, Slovakia.

## **2.6 Oceania**

### **ANZCERTA: Australia New Zealand Closer Economic Agreement (1983)**

*Purposes:* ANZCERTA was established in 1983 as a successor to the New Zealand-Australia Free Trade Agreement (NAFTA), which had been set up in 1966. The Antipodean NAFTA applied only to certain products (excluding agriculture) and was therefore not a full free trade agreement. CER involved a stronger commitment to the establishment of free trade between the two countries, with trade in merchandise



becoming fully free by 1990. There is also a commitment to economic integration in relation to services and the labour market. Integration has not been achieved in investment and currency matters; Australia unilaterally abrogated an agreement on a common aviation market in October 1994.

*Members:* Australia, New Zealand.

### **SPC: South Pacific Commission (1947)**

*Purposes:* The Commission was established by the governments of Australia, France, the Netherlands, New Zealand, the United Kingdom and the United States. It became an NGO providing the member states with technical assistance, scientific knowledge and economic assistance for development. The United Kingdom decided to leave the Commission on 1 January 1996.

*Members:* Australia, Cook Islands, Guam, Eastern Samoa, Fiji, France, French Polynesia, Futuna, Kiribati, Marianne Island (North), Marshall Islands, Micronesia, Nauru, New Caledonia, New Guinea, New Zealand, New Island, Palau, Papuasias, Pitcairn Islands, Solomon Islands, Tokelau, Tonga, Tuvalu, United States, Vanuatu, Wallis, Western Samoa.

## **3. INTERREGIONAL ORGANISATIONS**

### **ACP-EU partnership (1975)**

*Purposes:* The cooperation between the EU and the ACP was established by through the Lomé Convention (Togo), replacing the Yaoundé Convention and the Arusha agreements. Its purpose is to establish cooperation for development among its member countries, some of which are former European colonies. The Lomé Agreement was succeeded by the Cotonou Agreement signed in Benin in June 2000. One of its major differences with the Lomé Convention is that the partnership established by the Cotonou Agreement aims to reinforce ACP regionalism in order to conclude inter-regional arrangements with each regional group. Another difference with the Lomé

Convention, is that the Cotonou Agreement is extended to new actors like civil society, the private sector, trade unions and local authorities. These will be involved in consultations and the planning of national development strategies. They will also be provided with access to financial resources and involved in the implementation of programmes.

*Members:* The 27 member states of the European Union and Angola, Antigua-Barbuda, Bahamas, Barbados, Belize, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Cook Islands, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic Republic of Congo, Djibouti, Dominica, Equatorial Guinea, East Timor, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Eastern Samoa, Haiti, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Marshall Islands, Mauritius, Mauritania, Micronesia, Mozambique, Namibia, Nauru, Niger, Nigeria, Niue, Palau, Papua New Guinea, Rwanda, St Kitts and Nevis, St Lucia, St Vincent and Grenadines, Samoa, Solomon Islands, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Suriname, Swaziland, Tanzania, Togo, Tonga, Trinidad and Tobago, Tuvalu, Uganda, Vanuatu, Zambia, Zimbabwe, South Africa.

### **APEC: Asia-Pacific Economic Cooperation (1989)**

*Purposes:* APEC is to serve as a forum for regular discussion on regional trade questions and cooperation; to sustain the growth and development of the region for the common good of its peoples and contribute to the growth and development of the world economy; to enhance positive gains, both for the region and for the world economy, resulting from increasing economic interdependence; to encourage the flow of goods, services, capital and technology, developing and strengthening the open multilateral trading system in the interest of Asia-Pacific and all other economies; and to reduce barriers to trade in goods and services among participants in a manner consistent with WTO principles where applicable, and without detriment to other economies. The main purpose of APEC is to set up a free trade area by 2020.

*Members:* Australia, Brunei, Canada, Chile, China, Hong Kong, Indonesia, Japan, Malaysia, Mexico, New Zealand, Papua New Guinea, Philippines, Peru, Russia, Singapore, South Korea, Taiwan, Thailand, United States, Vietnam.

### **APT: ASEAN Plus Three (1997)**

*Purposes:* ASEAN + 3 is a cooperation established in 1997 between the ASEAN member countries and the three East Asia nations of China, Japan and South Korea. It includes cooperation in the areas of food and energy security, financial cooperation, trade facilitation, disaster management, people-to-people contacts, narrowing the development gap, rural development and poverty alleviation, social welfare, human trafficking, labour, communicable diseases, the environment and sustainable development, and transnational crime, including counter-terrorism.

*Members:* The ten members of ASEAN, and three East Asia nations of China, Japan and South Korea.

### **APS: ASEAN Plus Six (2005)**

*Purposes:* ASEAN + 6 is a cooperation established in 2005 between the ASEAN member countries and Australia, China, India, Japan, New Zealand and South Korea. It has the aim of liberalising trade in services and investment, and is seeking to relax rules on protecting intellectual property. The main aim of ASEAN plus Six is to set up a Free Trade Zone by 2015.

*Members:* The ten members of the ASEAN, and Australia, China, India, Japan, New Zealand and South Korea.

### **ASEM: Asia–Europe Meeting (1996)**

*Purposes:* In 1994 the European Commission proposed a ‘New Strategy for Asia’ and the ASEAN member states approved the ‘Singapore Project’. Both these initiatives gave rise to the principle of the Asia–Europe Meeting, with the main purpose of bringing the two continents closer. Launched in Bangkok in 1996 between the then 15 member countries of the European Union, the European Commission and ten Asian countries, the ASEM process has developed a global agenda and a new dynamic between two strategic partners, Asia and Europe. ASEM summits have taken place every two years,

alternating between Asia and Europe. ASEM potentially covers all issues of common interest to Europe and Asia. It has a comprehensive approach, addressing the political, economic, cultural and people-to-people dimensions of Asia's relations and partnership with Europe.

*Members:* The 27 member states of the European Union and the European Commission; the ten member states of ASEAN and the ASEAN Secretariat; Australia, Bangladesh, China, India, Mongolia, Norway, New-Zealand, Pakistan, Russia, South Korea, Switzerland and Japan.

### **Barcelona Process (1995)**

*Purposes:* After 20 years of increasingly intensive bilateral trade and development cooperation between the EU and 12 Mediterranean partners, the Conference of EU and Southern Mediterranean Foreign Ministers in Barcelona (27–28 November 1995) marked the start of a new 'partnership' phase including bilateral, multilateral and regional cooperation. The conference was a first step towards a 'Euro-Mediterranean Partnership' (hence called 'Barcelona Process'), which has now expanded and evolved into the Union for the Mediterranean. The Barcelona Declaration adopted at the Conference expresses the partners' intention to establish a common Euro-Mediterranean area for peace and stability based on fundamental principles including respect for human rights and democracy (political and security partnership); create an area of shared prosperity through the progressive establishment of a free-trade area between the EU and its partners and among the Mediterranean partners themselves, accompanied by substantial EU financial support for economic transition and for the social and economic consequences of this reform process (economic and financial partnership); and develop human resources, promote understanding between cultures and bring peoples closer together in the Euro-Mediterranean region, as well as develop free and flourishing civil societies (social, cultural and human partnership).

*Members:* The 28 EU member states, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia.

### **BRICS Forum (2010)**

*Purposes:* The BRICS forum aims to encourage commercial, economic and cultural cooperation among its members. The BRICS Forum includes five emerging countries: Brazil, Russia, India, China and South Africa, and represents 3 billion people with a combined nominal GDP of €10.5 trillion. These countries are distinguished by their large, fast-growing economies. They are also distinguished by the significant influence on regional and global affairs.

*Members:* Brazil, Russia, India, China, South Africa.

### **FTAA: Free Trade Area of the Americas (1994)**

*Purposes:* The Initiatives of the Americas project (1990) is at the root of the Free Trade Area of the Americas (FTAA), in Spanish Área de Libre Comercio de las Américas (ALCA), in French Zone de libre-échange des Amériques (ZLEA), and in Portuguese Área de Livre Comércio das Américas (ALCA). The main aim of the FTAA was to liberalise goods, services and investments, but it was never finished. The negotiations were launched by US President Bill Clinton on 11 December 1994 at the Miami summit conference of 34 American countries. The FTAA came to public attention during the Quebec City summit of the Americas in 2001, which was targeted by massive anti-corporatisation and anti-globalisation protests. The Miami negotiations for the FTAA in 2003 met similar protests, although perhaps not as large. The fourth summit was held at Mar del Plata, Argentina in January 2005, but no agreement on an FTAA was reached. Further discussions were planned for a summit in Cartagena (Colombia) in 2012 but these never took place.

*Members:* All the countries of the Americas (except Cuba): Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, El Salvador, Ecuador, United States, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Dominican Republic, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

### **IBSA Dialogue Forum (2003)**

*Purposes:* The IBSA Dialogue Forum was created in 2003 by India, Brazil and South Africa. The main objectives of the IBSA Forum are to promote South-South dialogue, cooperation and common positions on issues of international importance; to promote trade and investment opportunities between the three regions of which they are part ; to promote international poverty alleviation and social development ; to promote the trilateral exchange of information, international best practices, technologies and skills, as well as to channel each other's competitive strengths into collective synergies; and to promote cooperation in a broad range of areas, namely agriculture, change climate, culture, defence, education, energy, health, information society, science and technology, social development, trade and investment, tourism and transport.

*Members:* India, Brazil, South Africa.

### **NTA: The New Transatlantic Agenda (1995)**

*Purposes:* At the EU–US summit in Madrid on 3 December 1995, European Commission President Jacques Santer, Spanish Prime Minister Felipe Gonzalez, as President of the European Council, and US President Bill Clinton signed the New Transatlantic Agenda (NTA). The agenda is essentially a political gesture. The US and EU have agreed an NTA for making swifter and more effective progress towards the political, economic and security goals they first set for themselves in the Transatlantic Declaration of 1990. The Agenda drawn from a more detailed action plan identifies a joint work programme in four areas: promoting peace, development and democracy around the world; responding to global challenges such as international crime, the environment and disease; contributing to the expansion of world trade and closer economic relations; and building bridges across the Atlantic.

*Members:* United States of America and the 27 member states of the European Union.

## Rio de Janeiro Process (1999)

*Purposes:* The 'Rio de Janeiro Process' started in Brazil in June 1999 with the Euro-Latin American summit. The main purpose of this initiative is to bring the two continents closer, creating a strategic partnership. The objective of the Rio summit was to strengthen the political, economic and cultural understanding between the two regions in order to encourage the development of a strategic partnership, establishing a set of priorities for future joint action in the political and economic fields. A second EU-LAC (Latin America and the Caribbean) summit was held in Madrid on 17-18 May 2002. This summit assessed progress made in the framework of the strategic partnership established at Rio, emphasising progress in the three main pillars of the relationship: political dialogue; economic and financial relations including trade and capital; and co-operation in a number of areas. New proposals were made at the Madrid summit for the further strengthening of this bi-regional partnership. The third EU-LAC summit took place in Guadalajara (Mexico) on 28 May 2004 and made great achievements, finding a common policy line for the 58 participating countries: 33 LAC + 28 EU states. Strong and concrete commitments were taken in three main domains: social cohesion, multilateralism, and regional integration. The fourth EU-LAC summit took place in Vienna (Austria) on 12-13 May 2006, when heads of state decided, in particular, to launch negotiations for an Association Agreement between the EU and Central America. The fifth EU-LAC summit took place in Lima (Peru) on May 2008. Major topics discussed at the Lima summit were free trade, food prices and poverty, and sustainable development. The sixth summit took place in Madrid in 2010 and decided to create the EU-LAC Foundation as a tool to strengthen the bi-regional association. The last summit took place in Santiago (Chile) on 26-27 January 2013. For the first time Latin America and the Caribbean were represented by the Community of Latin American and Caribbean States (CELAC), created in 2010. The main theme of the summit was the 'Alliance for Sustainable Development: Promoting Social and Environmental Quality Investments'.

*Members:* The 27 EU member states + the European Commission and all the countries of the Americas including Cuba, but not Canada and the USA: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, El Salvador, Ecuador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, the Dominican Republic, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

## **OSCE: Organization for Security and Cooperation in Europe (1975)**

*Purposes:* The Organization for Security and Cooperation in Europe succeeded the Conference on Security and Co-operation in Europe which started on 3 July 1975, and originated the so-called ‘Helsinki Process’. The basic act of the Conference on Security and Co-operation in Europe was signed in Helsinki on 1 August 1975 by the heads of state or government of 35 states. Institutionalised as a permanent body on 21 November 1990 (Charter of Paris for a New Europe), the OSCE was enlarged and further delineated by the Helsinki Document (July 1992). The current title was finally adopted at the pan-European summit in Budapest on 5-6 December 1994, to be effective from 1 January 1995. The OSCE is a security forum and its 55 participating states span the geographical area from Vancouver to Vladivostok. In this region, it is an important instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation. The OSCE includes three baskets: a) a comprehensive and co-operative approach to pan-European security; b) human rights and elections monitoring; c) economic and environmental co-operation.

*Members:* Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Mongolia, Norway, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, Uzbekistan.

## **TTIP: The Transatlantic Trade and Investment Partnership (2013)**

*Purposes:* The TTIP is a proposed free trade area between the EU and the US. It was first considered in the 1990s. Announced at the Birmingham summit (1998), the Transatlantic Economic Partnership (TEP) is the economic pillar of the New Transatlantic Agenda (1995), to be achieved by “progressively reducing or eliminating barriers that hinder the flow of goods, services and capital”. A new private sector group, the Transatlantic Business Dialogue (TABD), was established to define and promote the specific trade and investment agenda needed to bring the marketplace to fruition.



Thanks in large part to the TABD, Washington and Brussels reached agreement in 1997 – after years of effort – on a package of mutual recognition agreements (MRAs) eliminating duplicative testing and certification in six sectors. The US government estimates that this package eliminates costs equivalent to two or three percentage points of tariffs. In the meantime, other problems arose that soured the prospects for broader transatlantic economic cooperation. But in 2007, the project of a Transatlantic Free trade Area (TAFTA) was revived. In 2013, the USA and the EU recommended the start of negotiations on the Transatlantic Trade and Investment Partnership (TTIP). The USA and the EU aimed to establish this free trade area by 2015, but negotiations ended in 2016 without conclusion.

*Members:* United States of America and the 27 member states of the European Union.

### **TPP: The Trans-Pacific Partnership (2016)**

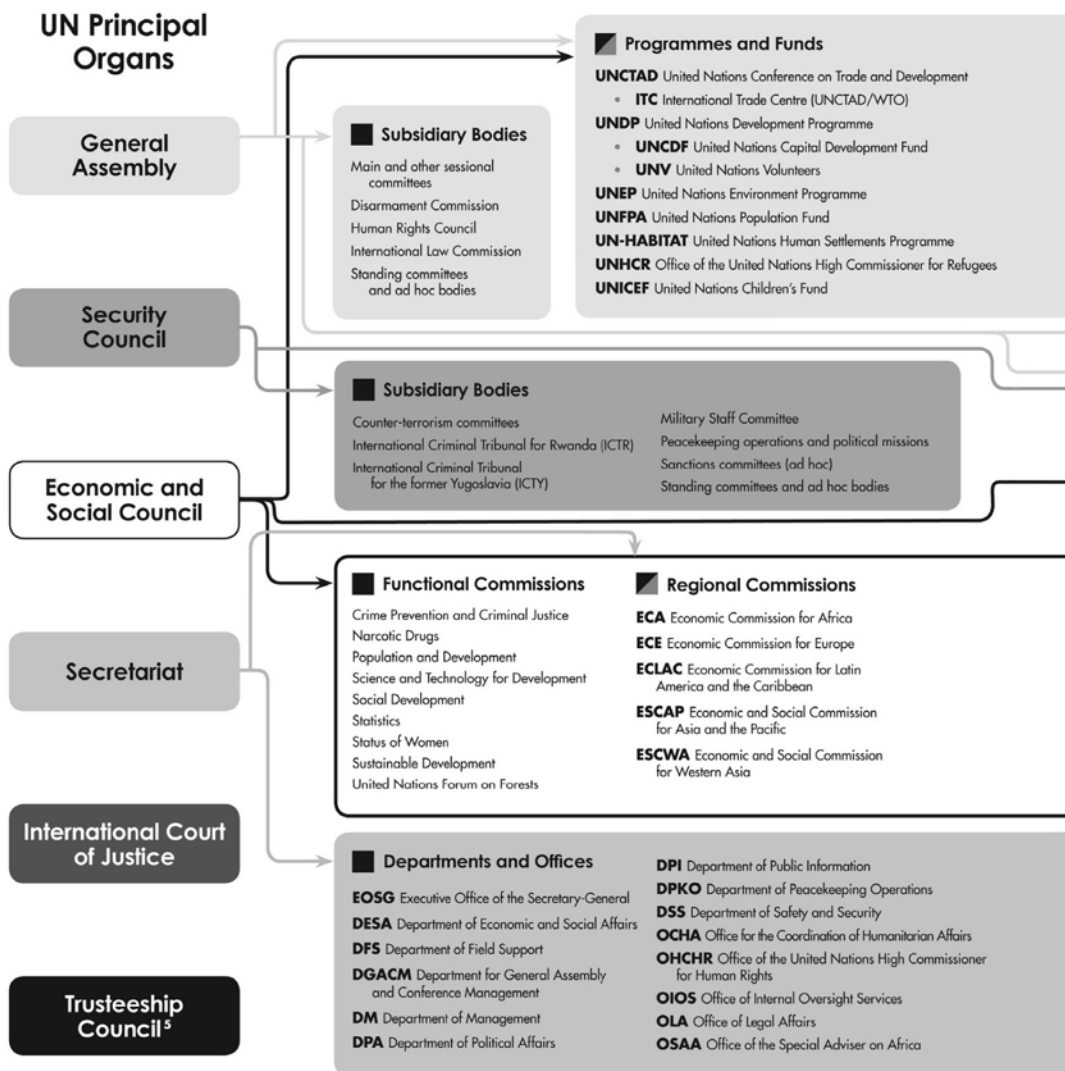
### **CPTPP: Comprehensive and Progressive Agreement for Trans-Pacific Partnership (2018)**

*Purposes:* Initially the Trans-Pacific Partnership included four countries: Brunei Darussalam, Chile, New Zealand and Singapore. The original agreement was negotiated in 2005 and known as the Transpacific Strategic Economic Partnership Agreement (TPSEP) or the P4. It is a comprehensive free trade agreement (trade in goods, rules of origin, trade remedies, sanitary and phytosanitary measures, technical barriers to trade, trade in services, intellectual property, government procurement and competition policy). Later on, other countries from the Americas (Canada, Mexico, Peru, United States of America), Asia (Malaysia, Vietnam), and Oceania (Australia) agreed to enter talks with the P4 in order to join the TPSEP. Since then the TPSEP has become the Trans-Pacific Partnership (TPP). Negotiations to create a free trade zone in the Pacific (TPP) started in 2010 and the agreement was signed in 2016, but after the withdrawal of the United States the agreement was not ratified and was replaced by the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed among the remaining countries.

*Members:* Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore Vietnam.

# APPENDIX 2

## UN SYSTEM ORGANISATIONAL CHART



**UNODC** United Nations Office on Drugs and Crime  
**UNRWA**<sup>1</sup> United Nations Relief and Works Agency for Palestine Refugees in the Near East  
**UN-Women** United Nations Entity for Gender Equality and the Empowerment of Women  
**WFP** World Food Programme

### Research and Training Institutes

**UNICRI** United Nations Interregional Crime and Justice Research Institute  
**UNIDIR**<sup>1</sup> United Nations Institute for Disarmament Research

**UNITAR** United Nations Institute for Training and Research  
**UNRISD** United Nations Research Institute for Social Development  
**UNSSC** United Nations System Staff College  
**UNU** United Nations University

### Other Entities

**UNAIDS** Joint United Nations Programme on HIV/AIDS  
**UNISDR** United Nations International Strategy for Disaster Reduction  
**UNOPS** United Nations Office for Project Services

### Advisory Subsidiary Body

United Nations Peacebuilding Commission

### Related Organizations

**CTBTO PrepCom** Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization  
**IAEA**<sup>2</sup> International Atomic Energy Agency  
**OPCW** Organisation for the Prohibition of Chemical Weapons  
**WTO**<sup>3</sup> World Trade Organization

### Specialized Agencies<sup>4</sup>

**ILO** International Labour Organization  
**FAO** Food and Agriculture Organization of the United Nations  
**UNESCO** United Nations Educational, Scientific and Cultural Organization  
**WHO** World Health Organization  
**World Bank Group**  

- IBRD** International Bank for Reconstruction and Development
- IDA** International Development Association
- IFC** International Finance Corporation
- MIGA** Multilateral Investment Guarantee Agency
- ICSID** International Centre for Settlement of Investment Disputes

**IMF** International Monetary Fund  
**ICAO** International Civil Aviation Organization  
**IMO** International Maritime Organization  
**ITU** International Telecommunication Union  
**UPU** Universal Postal Union  
**WMO** World Meteorological Organization  
**WIPO** World Intellectual Property Organization  
**IFAD** International Fund for Agricultural Development  
**UNIDO** United Nations Industrial Development Organization  
**UNWTO** World Tourism Organization

### Other Bodies

Committee for Development Policy  
 Committee of Experts on Public Administration  
 Committee on Non-Governmental Organizations  
 Permanent Forum on Indigenous Issues  
 United Nations Group of Experts on Geographical Names  
 Other sessional and standing committees and expert, ad hoc and related bodies

**OSRSG/CAAC** Office of the Special Representative of the Secretary-General for Children and Armed Conflict

**UNODA** Office for Disarmament Affairs

**UNOG** United Nations Office at Geneva

**UN-OHRLS** Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

**UNON** United Nations Office at Nairobi

**UNOV** United Nations Office at Vienna

### NOTES:

- UNRWA and UNIDIR report only to the General Assembly.
- IAEA reports to the Security Council and the General Assembly.
- WTO has no reporting obligation to the General Assembly (GA) but contributes on an ad-hoc basis to GA and ECOSOC work inter alia on finance and developmental issues.
- Specialized agencies are autonomous organizations working with the UN and each other through the coordinating machinery of ECOSOC at the intergovernmental level, and through the Chief Executives Board for Coordination (CEB) at the inter-secretariat level. This section is listed in order of establishment of these organizations as specialized agencies of the United Nations.
- The Trusteeship Council suspended operation on 1 November 1994 with the independence of Palau, the last remaining United Nations Trust Territory, on 1 October 1994.

This is not an official document of the United Nations, nor is it intended to be all-inclusive.

## APPENDIX 3

### THE ANTÓNIO GUTERRES UN REFORM PROJECT

**Selected presentation of two main issues:  
peace and sustainable development**

#### **1. PEACE AND SECURITY REFORM: RESTRUCTURING THE PEACE AND SECURITY PILLAR**

The overarching goals of the reform are to prioritise conflict prevention and sustain peace; enhance the effectiveness and coherence of peacekeeping operations and special political missions; move towards a single, integrated peace and security pillar; and align it more closely with the development and human rights pillars to create greater coherence and cross-pillar coordination.

##### **1.1 The five elements of the reform**

1. Creating a Department of Political and Peacebuilding Affairs and a Department of Peace Operations.
2. Creating a single political-operational structure under assistant secretaries-general with regional responsibilities, reporting to the under-secretaries-general for political and peacebuilding affairs and for peace operations.
3. Establishing a Standing Principals' Group of the secretary-general and the under-secretaries-general for political and peacebuilding affairs and for peace operations.
4. Enhancing certain priority areas to ensure coherence and coordination across the peace and security pillar.
5. Introducing several non-structural changes in the way the peace and security pillar works.

## 1.2 What is the role of the new departments?

The **Department of Political and Peacebuilding Affairs (DPPA)** combines the strategic, political and operational responsibilities of the previous Department of Political Affairs (DPA) and the peacebuilding responsibilities of the Peacebuilding Support Office (PBSO). DPPA has global responsibility for political and peacebuilding issues, and manages a spectrum of tools and engagements across the conflict continuum to ensure a more holistic approach to conflict prevention and resolution, electoral assistance, peacebuilding and sustaining peace. It provides strategic, political, operational and management advice, direction and backstopping to all special political missions.

The **Department of Peace Operations (DPO)** serves as an integrated ‘centre of excellence’ for United Nations Peace operations, is responsible for preventing, responding to and managing conflict and sustaining peace in the context of mandates in countries where peace operations under its purview are deployed. This includes facilitating and implementing political agreements, providing integrated strategic, political, operational and management advice, direction and support to peace operations; developing political, security and integrated strategies, leading integrated analysis and planning of peace operations and backstopping those operations.

## 1.3 The security pillar

The United Nations faces new challenges in ensuring peace and security, promoting sustainable development, protecting human rights and delivering humanitarian aid. Today’s conflicts cause immense human suffering, increased human casualties, displacement, often reversing hard-fought political, human rights and development gains and putting the Sustainable Development Goals at risk.

This rapidly shifting global landscape prompted the secretary-general to lead a series of inter-related reforms, including a restructuring of the peace and security pillar. This was designed to make the pillar more coherent, pragmatic, nimble and effective, capable of collaboration with partners across the UN system and outside it to prevent violent conflict.

### **1.3.1 A unified peace and security pillar**

The UN peace and security pillar is at the heart of the Charter's commitment to save succeeding generations from the scourge of war. Seven decades after the founding of the UN, that goal remains as relevant and urgent as ever. Today's conflicts cause immense human suffering; they are more complex and more difficult to resolve than at any other time in human history. A surge in violent conflict in recent years has drastically increased human casualties, displacement, and humanitarian needs, often reversing hard-fought political, human rights and development gains and putting the Sustainable Development Goals at risk. Moreover, the geopolitical context has become less conducive to the settlement of disputes, as deep divisions amongst major powers have led to paralysis on catastrophic wars and contributed to a steadily declining faith in multilateralism. What the secretary-general has termed a global "trust deficit disorder" points to challenges to our collective ability to manage today's risks.

This rapidly shifting global landscape prompted the secretary-general to lead a series of interrelated reforms, including a restructuring of the peace and security pillar. This was designed to make the pillar more coherent, pragmatic, nimble and effective, capable of collaboration with partners across the UN system and outside it to prevent violent conflict. It brought together the core UN peace and security capacities around a single political-operational structure with regional responsibilities and facilitated the integration of peacebuilding across the pillar.

Within the pillar, the Departments of Political and Peacebuilding Affairs (DPPA) and Peace Operations (DPO) share common goals: to prevent violent conflict and its negative impacts; to contribute to its transformation and resolution; and to help build strong, inclusive and resilient societies that will deepen peace outcomes for generations to come. While the departments retain discrete mandates, plans, and sources of funding, the pillar draws on a range of tools and resources that are employed flexibly in mission and non-mission settings. Through political expertise, technical capacities, and a wide array of advisory and specialised support, we are focused on maximising our impact in the field.

### 1.3.2 A renewed commitment to conflict prevention and sustaining peace

Today, as a result of its restructuring, the peace and security pillar can better fulfil its central role in helping to prevent violent conflict and reduce large-scale human suffering.

First, the pillar has an overriding focus on effective conflict prevention and sustaining peace. This is bolstered by the secretary-general's call for a **"surge in diplomacy"**. With early warning capacities spread globally and a breadth of partners, the pillar is able to analyse and respond quickly to the risks of outbreak or escalation of conflicts, bringing its full range of political, technical, and programmatic capacities to bear.

Second, a unified pillar is already enhancing the effectiveness and coherence of its field presences – from peacekeeping to special political missions – placing political solutions at the heart of its work. The reformed single shared political-operational structure, now guided by regional approaches that draw on the various resources of the UN, is supported by a variety of shared services and is able to develop and deploy flexible responses tailored to the needs of each context. The Action for Peacekeeping initiative is a crucial aspect of this, pushing the UN and its partners to tangibly improve the impact of peacekeeping operations. In addition, strengthened support to our field presences and delegated authority is bringing decision-making closer to the point of delivery.

Third, the reform pursues a 'whole of pillar' approach, with a particular emphasis on supporting mission transitions in settings where the UN is undergoing a significant reconfiguration, and providing support to UN presences in the field through a range of capacities such as electoral assistance, and mediation, rule of law and peacebuilding support. Across the pillar, the Women, Peace and Security Agenda retains a central place; the aim is to ensure that a gender perspective and women's participation, protection and rights are reflected in the work of the UN. The inclusion of youth is equally emphasised – recognising the growing importance of the Youth, Peace and Security Agenda – and other marginalised groups.

## 1.4 Shared priorities

The ability to achieve these goals will be strengthened by deepening the commitment to a number of shared priorities.

*Politics:* working towards the promotion of political solutions to conflicts, which are a prerequisite for sustainable peace.

*People:* working to engage societies beyond political elites and ground action in a deep knowledge of socio-economic, environmental, and structural aspects of communities and peoples.

*Impact:* supporting effective and efficient field presences, working to maximise their impact and deliver positive change on the ground.

*Partnerships:* engaging in partnerships across the United Nations system, with member states, and with international, regional, sub-regional, and local institutions and actors.

*Innovation:* prioritising innovation – in approach, partnerships, and in integrating new technologies – to enhance the work of the organisation, while also committing to better understanding and managing the new risks posed by technological advancements.

*Learning:* the most crucial resource is the organisation's staff, who carry the vision into action.

## 1.5 References

- Resolution adopted by the General Assembly on 20 December 2017: Restructuring of the United Nations peace and security pillar (A/RES/72/199).
- Report of the secretary-general on revised estimates relating to the programme budget for the biennium 2018-2019 related to the peace and security reform (A/72/772).
- Report of the secretary-general on restructuring of the United Nations peace and security pillar (A/72/525).



- Resolution adopted by the General Assembly on 5 July 2018: Special subjects relating to the programme budget for the biennium 2018-2019 (A/RES/72/262 C).
- UN work on international peace and security.
- Change and continuity in the reform of the UN's Peace and Security Work – DPPA newsletter.

## 1.6 Reform already implemented

On 1 January 2019, the Secretariat's new peace and security architecture came into effect. The Department of Political and Peacebuilding Affairs (DPPA) and the Department of Peace Operations (DPO) now jointly oversee eight new regional divisions (Middle East, Asia and the Pacific, Northern Africa, Eastern Africa, Western Africa, Central and Southern Africa, Europe and Central Asia, Americas), each managing a mix of peacekeeping operations, special political missions and non-mission settings. These Divisions – which replace the regional divisions in DPKO and DPA – are being supported by policy and thematic capacities from both Departments, including the expanded Peacebuilding Support Office within DPPA. The whole structure is supported by shared administration and services.

Preparations for the transition have been intense. Staff in DPA, DPKO and PBSO, together with a small transition team, began working on six workstreams in September to plan for a smooth process of change and to identify ways to realise the benefits of this reform. In December, staff were notified of their assignments in the new organisation, and a pilot Regional Division (covering the Americas under Director Laura Flores) began operating. That approach allowed for the testing of what some call the 'wiring and plumbing' of the new structure, including processes for internal information-sharing and decision-making.

In line with the principles of the secretary-general's management reform, efforts are under way to increase delegation of authority on substantive, management and administrative matters, and to simplify routine work processes. These have been accelerated in 2020.

## 2. SUSTAINABLE DEVELOPMENT

UN Secretary-General António Guterres has initiated various reform processes to effectively implement the 2030 Agenda for Sustainable Development.

In September 2015, the heads of state and government of all UN member states adopted the **2030 Agenda for Sustainable Development** including the Sustainable Development Goals (SDGs). The High-Level Political Forum on Sustainable Development (HLPF) is currently the heart of the UN's sustainable development governance.

1. UN reforms for the 2030 Agenda.
2. In the current hard times for multilateralism, it is no longer about development policy alone, but about political change in all policy areas and countries.
3. Updating working methods and practices.
4. Major reform proposals have less chance of finding consensus than incremental changes at the level of working methods.
5. Benchmark: strengthening resultorientation.
6. Looking back: the negotiations on the SDGs and the 2030 Agenda.
7. Enhanced cooperation with nonstate actors. But participation of nonstate actors: mixed results.
8. Improved internal UN coordination.
9. Multi-level and bottom-up approach to implementation and review.
10. Voluntary national reviews: a good but insufficient approach.
11. The Global Sustainable Development Report as science-policy interface.
12. Although there is no uniform recipe for successful science-policy interfaces, some factors are important.

13. The Ministerial Declaration – without HLPF results.
14. At the end of the HLPF, which meets annually in July under the auspices of ECOSOC, the member states adopt the Ministerial Declaration, first by acclamation at the end of the HLPF (for the first time by vote in 2018), and then again formally on the following day as part of the ECOSOC president's report to the ECOSOC High-Level Segment.
15. Looking ahead: proactively shaping UN reforms. General recommendations for the HLPF Review 2019-2020.
16. Building the political will for reform.

### 3. GUTERRES REPORT ON SUSTAINABLE DEVELOPMENT: 2019

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**T**he world is facing a paradox. While the Covid-19 pandemic has confirmed the transnational and common nature of infectious diseases, as well as of climate change, security, financial stability, extreme poverty, sustainable development, terrorism..., the main responses have been at national and local level, while multilateral global governance has been shown to be particularly weak.

Defending the past multilateral legacy, and at the same time simply implementing a few managerial adjustments, is not a serious option. We therefore bring substantial arguments showing the urgent need to build a 'new multilateralism'.

This book is not about a dream. It underlines the dynamic trends that already exist, going beyond a mere continuity with the past and addressing with courage the current deficits in multilateral legitimacy, representation and efficiency.

Four main proposals are put forward: a more binding and legitimate multilateral governance, a better horizontal coordination between the UN system and the Bretton Woods institutions, and – of primary importance – an enhanced role for regional organisations within the multilateral global system.

The driving leadership expected from the EU in reforming the multilateral system is underlined throughout the book. Indeed, the destiny of the EU is directly linked to a new multilevel multilateralism.

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"This innovative book, edited by Mario Telò as the coordinator of a network of senior experts from three continents who were sponsored by FEPS, the IAI and several progressive foundations, puts forward a number of clear and concrete priorities for an urgent and feasible reform of the UN. The book represents both a work based on the EU's interest and values, and an open and workable bridge for substantial convergences with a global coalition of national and regional actors across the planet, who want to take stock of the opportunity offered by the Covid-19 crisis to revive multilateralism and UN governance."

Josep Borrell, High Representative of the EU for Foreign Affairs and Security Policy

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