



The Rules-Based Multilateral Order

A Rethink is Needed

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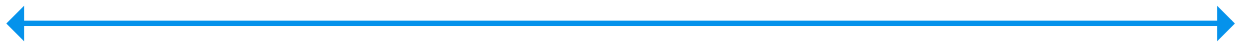


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ABSTRACT

The rules-based multilateral order is essentially a Western one, which has been added to and amended since the end of World War II. In the last 75 years, technological development, especially in transport and telecommunications, has made the world an ever more single space. As well, the dynamics of world organisation have changed with the emergence of more than one hundred new states, the inexorable rise of China and the increasing impact of civil society and of corporations on world affairs. New challenges, climatic, social and technological, have arisen. The established system needs to be rethought.




The rules-based multilateral order is a way of ordering international affairs which has evolved historically. There have been other systems of ordering international affairs - one can think, for instance of the system going back, in some Chinese presentations, to the Zhou dynasty (1046-256 B.C) and which culminated under the Ming Empire in China in the fifteenth century, where the Ming Emperor dominated “all under heaven”, or, in Chinese, *tian xia*, and bordering states were seen as vassals who were presented as paying tribute to the “Son of Heaven”. But in essence the international system that has evolved since the seventeenth century is of Western origin.

It took its beginnings in the Westphalian peace settlement of 1648, which, after a thirty year war which devastated Germany, saw an agreement which emphasised sovereignty and non-interference in internal affairs, with an associated balance of power as the main traits of the new way of organising continental European affairs. This became increasingly unstable at the same time as European states were spreading their influence across the wider world. The system came to be seen as fundamentally unfit for purpose with the Napoleonic wars, leading to its replacement at the Congress of Vienna 1812-15, when the Concert of Europe was established. This too was basically a balance-of-power model, one in which the larger powers took a more openly dominant role, and it kept the peace to a great extent for the rest of the century.

The 1914-18 war is called the First World War. This is sufficiently indicative of the fact that the collapse of the European system which the war represented had implications at world level: the involvement of the United States from 1917, the Russian Revolution of the same year show this clearly. All this had followed the defeat of Russia by Japan in 1905 and the Chinese revolution of 1911. The cataclysm was followed by the Versailles Treaty where the tone was set by Woodrow Wilson’s Fourteen Points, and the establishment of the League of Nations as well as a set of subordinate institutions at world level. The settlement was fatally flawed in two respects: firstly the major new power which appeared in the course of the war, the United States, did not join the League; secondly, the defeated powers, principally Germany, saw the settlement as imposed, unequal and unjust.

The settlement arrived at at the end of the Second World War did make some attempt to draw the lessons from this failure. It did so to some purpose: the new UN-based system was more universal in its scope – at least, the United States were one of the principal architects and this time an enthusiastic participant at first. But although it did eventually achieve almost universal membership, it did, like all its predecessors, base itself on the status quo of the time, privileging as it did the victors of the war, and consecrating a balance of world power which no longer exists – one need go no further than look at the composition of the permanent membership of the Security Council, or the over one hundred new states which have since emerged to become convinced of this.

The evolution of world affairs since the seventeenth century represents without doubt a progression towards an ever more unitary world: even if many local particularities remain. Yes, there have been setbacks, but the process is in the direction of a greater planetary perspective in the management of human affairs. This progression has taken on much greater speed since the middle of the last century,




propelled by technological developments: improvements of world transport which have facilitated movements of people and ever more sophisticated telecommunications have seen for the first time easy communications links from one end of the world to the other. As well as this, since the 1980s the phenomenon known as globalisation has seen a freeing of capital movements and an associated ideology often called the Washington consensus. This saw the privatisation of public enterprise, the deregulation of laws or practices which were seen to hinder the unhindered operation of the market, and cutbacks to publicly financed social services. All this was implemented by leading Western states and imposed by them, through the instruments of the IMF and the World Bank. This on crucial occasions was seen as exercising decisive influence on domestic policies of a number of client states forced to call for assistance. It also freed the field for the free operation and the flourishing of large multinational corporations, almost all of which were and are Western-based. The apparent Western domination of the post-War international system was reinforced by the collapse of the Soviet Union in 1991, which seemed to demonstrate that there was now no realistic alternative to a world order based on the practices and policies of the West, led by the United States. At the time, this was called the unipolar moment.

This new world order was progressively challenged – Russian Prime Minister Evgeniy Primakov turned back - at Shannon - from a scheduled visit to Washington in March 1999 when he was told of the NATO bombing of Serbia without a UN Security Council Resolution. The crucial episodes, however, which put paid to the notional new world order on Western foundations were the US/UK invasion of Iraq without a UN mandate in 2003, and the financial crisis of 2008, which demolished any remaining credibility of what had been called the Washington consensus. These threw into question two pre-eminent foundation stones of a viable international order: the central position of the UN on questions of war and peace, and the viability of an uncontrolled international financial system which made inadequate provision for the public interest. It became clear that the would-be bipolar world had become multipolar. And then, it also became apparent that the world in fact consists of some two hundred states, and that the interests of all of them needed to be taken into account - a G7/G8 would no longer suffice to allow the more general interest to come into play.

Added to this are the new challenges which have become apparent to an increasingly singular world. These have to do with the internet, where there is no effective international oversight – rather, such oversight as there is is restricted to the US or a number of large, mostly US, multinationals. Artificial intelligence, which has profound implications for security and the economy, is completely unregulated internationally. Climate change and environmental policy call out for international management, the bases for which are inadequate. The regulation of space, including that of its military use, has been lacking. The law of the sea, too, is not universally applicable. The use of antibiotics too is unregulated internationally or multilaterally. In a more general sense, an international order based solely on states has been overtaken: not only multinational corporations, but many private interests, play decisive roles in the international order. Civil society, individual citizens and political actors at sub-state level do not find themselves sufficiently represented any more. So that, as has been well put by Robin Niblett, the Director of Chatham House, “Together, these trends have created an inescapably interdependent world in which states cannot by themselves manage the challenges to their future prosperity and security, even when living in peace”.

Ironically, the bipolar world developed a strong network of arms control and disarmament measures which have now been successively disowned or allowed to lapse. The US withdrew from the key such measure, the ABM Treaty, in December 2001. The US also renounced the INF treaty last year. Only this year, President Trump announced that the US military would no longer be bound by the ban on landmines of the Treaty of Ottawa. It seems probable that the new START Treaty, regulating strategic nuclear weapons, will not be renewed next year. There is uncertainty about the continuing viability of the communication link, known as the hot line, established between Washington and Moscow during the Cold War. It appears that what are called “deconfliction measures” were, and perhaps are still being used between the two in the Syrian conflict, but the present status of the wider facility is not known.



The US has been increasingly ill-disposed towards the United Nations and has failed to ratify important international treaties, the UN Convention on the Law of the Sea, for instance. But this has sunk to a qualitatively new low in the present administration. President Trump in his proclamation of “America First” has demonstrated an open contempt for a rules-based multilateral order. He has pulled the United States from the Paris Climate Accord, the JCPOA agreed with Iran, the Trans-Pacific Partnership, the UN Human Rights Council and UNESCO and, in refusing to nominate appointees to the Appellate Body of the WTO, has made that body paralysed in one of its central functions. This, of course, comes after the failure of the Organisation’s Doha Round in 2001. The administration is actively hostile to the International Criminal Court. More alarming to many of our partners, at a private speech in November last, John Bolton, Trump’s former national security adviser, predicted that Trump could pull out of NATO in a second term. Long-standing principles of international law are being openly flouted by the US (and Israel) on the West Bank in pursuit of a Trump peace plan.

In sum, the multilateral order that has applied hitherto was, as mentioned, essentially Western-inspired and led, and it has been patchy and incomplete in other respects, not least in the lack of any consistent mechanisms or rules of enforcement. For all that, it was in its time, that is, until very recently, a functioning order. Its irregular and unplanned disappearance does not make its replacement in a more politically, socially and economically more complex world any easier; in fact, it will be more difficult.

All states will have to be able to see their interests taken into account in a new rules-based order. And, historically, there is much to suggest that such orders result from the conclusion of a major cataclysm. But this cannot be allowed to determine that nothing should be undertaken: too much is at stake. In considering the prospects, the attitudes of two states in particular, Russia and China, are probably crucial.

Russia is not by some distance important from the economic point of view. But as a power which, along with the United States, deploys more than 90% of the world’s strategic weapons is one that disposes of a vast territory stretching over Europe and Asia, and is a permanent member of the Security Council, it disposes of at least a decisive spoiling capacity. Russia has developed from a position where, in 1991, it wished to be a full participant in the post-war order, into a state radically discontented with that order. Its position is perhaps best seen in the famous speech given by President Putin to the Munich Security Conference in February 2007. There, he said:

Only two decades ago the world was ideologically and economically divided and it was the huge strategic potential of two superpowers that ensured global security.

This global stand-off pushed the sharpest economic and social problems to the margins of the international community’s and the world’s agenda. And, just like any war, the Cold War left us with live ammunition, figuratively speaking. I am referring to ideological stereotypes, double standards and other typical aspects of Cold War thinking.

The unipolar world that had been proposed after the Cold War did not take place either.

....

However, what is a unipolar world? However one might embellish this term, at the end of the day it refers to one type of situation, namely of one authority, one centre of force, one centre of decision-making.

It is a world of one master, one sovereign. And, at the end of the day this is pernicious not only for those within the system, but also for the sovereign itself because it destroys itself from within.

And this certainly has nothing to do with democracy. Because, as you know, democracy is the power of the majority in light of the interests and opinions of the minority.

While rejecting what he describes (and sees) as unipolarity, Putin has made no secret of Russia’s lack of commitment, despite membership of the Council of Europe, to Western concepts of human rights. Since the Munich speech Russia has, of course, in its annexation of the Crimea, infringed one of the most basic precepts of any viable multilateral order.




As to China, here we are dealing with both an economic superpower and permanent member of the Security Council. We have to do perhaps even more importantly in this context, with a power which has quite a different, and very ancient, tradition of handling international relations. China has had since 1979 real GDP growth averaging 9.5% through 2018, a pace described by the World Bank as “the fastest sustained expansion by a major economy in history”. It has become the world’s largest economy on a purchasing power parity basis, as well as largest manufacturer, merchandise trader, and holder of foreign exchange reserves. It has built high-speed railways and whole new cities at an unprecedented pace. The Chinese government has made innovation a top priority in its economic planning through a number of high-profile initiatives, such as “Made in China 2025”, a plan announced in 2015 to upgrade and modernise China in ten key sectors in order to make the country a major global player in these sectors. Official Beijing has given so far some indications of its approach to a multilateral order, principally in the area of environmental and trade policies. In regard to climate change, despite being one of the largest carbon emitters on the planet, it is committed to the Paris Agreement. On trade, it is resolutely anti-protectionism. As proclaimed by Xi Jinping at Davos in January 2017, “We must remain committed to developing global free trade and investment, promote trade and investment liberalisation and facilitation through opening up and saying no to protectionism.... No one will emerge as a winner in a trade war.”

Trade and climate change apart, in 2016 China rejected the ruling of the Permanent Court of Arbitration in The Hague on its territorial claims in the South China Sea, calling the ruling “a farce”. It is also clear, most recently through its treatment of the Uighur community in Xinjiang, that the People’s Republic sets little store on international human rights norms. In his meeting with Barack Obama in California in 2013, Xi spoke of forging what he termed “a new type of great power relations”. This was not further specified. For the time being, official Beijing keeps its counsel on how the larger picture might look. But some prominent intellectuals have given an insight into their thinking. Liu Mingfu, for instance, a prominent military commentator, sketches in a 2010 book, *The China Dream*, a positively *tian xia* picture of how Chinese pre-eminence in its region took shape:

The universal spread of China’s civilisation and the variety of nations that sent emissaries to China were simply a reflection of the attractiveness of the central nation, and the admiration of the neighbouring countries had for China’s civilisation. The small nations bordering China gained more than material benefits from their tributary relationship with China. Their rulers were granted royal titles by the mighty central empire, which enhanced their legitimacy, giving them political benefits as well.

It is, of course, only coincidence that Xi’s *China Dream*, which he held out to all Chinese as an objective in 2013, should have the same title as Liu’s book.

More notable, perhaps, is Zhao Tingyang, a leading Chinese intellectual who is conversant with the Western as well as with the Chinese philosophic tradition. Zhao starts from the assertion that the world is in a deplorable state, marked by decades of unresolved conflicts, plagued by inequality, threatened by climate change, dominated by international finance capital and challenged by technical innovation. The problem, in his view, is not individual failed states, but a failed world. The West, in his view, lacks a set of tools for dealing with the world as a whole. Indeed, the world as such does not figure as a “political subject” at present, because the central unit of international policy is still the nation state established as such since the Westphalian Peace of 1648, and remaining today the highest instance of power. For Zhao, the national state has been overtaken, and with it, the Western-inspired world order as a whole. “The rise of globalisation unveils the deficits of international policy. The concept of living together no longer applies to the interior of national states, what is more and more at stake is living together at global level, and this raises the question of an exercise of power beyond the system of national states.” The solution proposed by Zhao is *tian xia*, which encompasses the physical, spiritual and the political world as a whole. *Tian xia*, being all under heaven, knows no states, no borders, no outside, no inside. It is, according to Zhao, an inclusive order of being open to all sides, an order which, if at all, defines peoples and cultures only in relation to the centre, the seat of that which has the mandate of heaven. Historically, of course, this is the Chinese Imperial Palace.



The specific Chinese historical references apart, Zhao's analysis coincides with much that exercises those concerned about a viable world order in the twenty-first century, c.f., the earlier reference to Robin Niblett. It is at once acute and idealistic, and notable for present purposes for the way it falls back on traditional Chinese thinking. No doubt, he does not represent official thinking, but the strain is persistent in China and will no doubt present itself again in one form or other.

These larger considerations aside, some radical amendments clearly are necessary if the existing instances of a rule-based order are to maintain even a minimal viability in a completely changed world. The UN's Security Council, for instance, is generally accepted to be no longer in correspondence with the real distribution of power in the world of the twenty-first century. Who now believes that the five most important powers are the US, Russia, China, the UK and France? Yet, while it is generally accepted that the allocation no longer corresponds to the reality, no significant progress has been made in reform. Despite a changed world, the convention whereby the IMF's Director General is a European, and the World Bank's Group President an American persists, and was only recently insisted upon again. While the G7 gave way in part to the G20, and the latter affected to seriously tackle reform of the IMF, more than a decade later the unconscionable imbalances in the organisation remain largely unaddressed. For example, the US has 17.46% of the voting power, while China, the world's second biggest economy, has only 6.41%, slightly lower than that of Japan. Germany and Belgium together have more voting power than China. This list could be extended, leading to the question whether the requisite change is possible short of a cataclysm.

The EU is the prime example of a rules-based international organisation. It is too an organisation which, by force of example or circumstance has the potential to promote a more general adoption of common rules. So it is appropriate that the Foreign Ministers of France and Germany, Jean-Yves Le Drian and Heiko Maas, launched on 2 April 2019 an informal alliance of countries that are convinced that multilateralism founded on respect for international law is the only reliable guarantee for international stability and peace and that the challenges we are facing can only be solved through cooperation. The initiative is organised around three goals:

1. Compensating for the insufficient involvement of states and defending fundamental standards;
2. Reforming and modernising the international institutions compared with the status quo;
3. Driving strong initiatives, particularly where governance is absent or insufficient.


The Alliance aims to take action and maximise the support for concrete thematic initiatives:

1. A call for action to bolster respect for international law;
2. The Paris Call for Trust and Security in Cyberspace;
3. The Information and Democracy Partnership;
4. The Gender at the Centre Initiative;
5. The Climate and Security Initiative;
6. Principles on Lethal Autonomous Weapons Systems (LAWS).

On 26 September 2019 during the High-Level week of the UN General Assembly, France and Germany organised an Alliance for Multilateralism event along with Canada, Mexico, Chile, Singapore and Ghana. The event attracted some 48 responses, a fourfold increase on the original meeting of 2 April of the same year, and established a programme of work for the immediate future.

The Franco-German initiative is very timely, given the background set out above. It also bears underlining that a rules-based multilateral order is of existential importance to small states which in conditions of absence of generally accepted rules can only survive by acting as clients of the more powerful – the logic fundamentally of *tianxia*.

By the same token, however, it remains to be seen whether in fact a rules-based order is viable without a hegemon. The crisis of the current situation is in no small part the result of abdication of the hegemon, the US. The problem is that the present American administration, in its transactional view of world affairs and its place in these affairs, does not acknowledge that the advantages of a real America First resulted from the US providing public goods for the rest of the world, in the form for



instance of world-wide freedom of navigation. This has resulted in the US military budget being larger than those of the next seven combined, and in the US maintaining over 800 foreign military bases. The EU, it has to be said, even if it boasts a population of 500 million and sometimes vaunts itself as the largest economic bloc in the world, is far from being in a position to provide such public goods. President Macron of France has been vocal on the score of where the EU is lacking, but has found little positive echo. If there is no prospect of the EU acting as a substitute hegemon, it has also to be said that the likelihood of any larger multilateral alliance doing so appears at present rather remote.

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