

Executive Summary

THE NEW MULTILATERALISM

Defining Characteristics

1. A new multilateralism is emerging in the post-bipolar international system. It is marked by three main characteristics. First, by the sense that the international community and the United Nations (UN) in particular are responsible for the protection of the rights of individuals, above and beyond sovereign boundaries. Second, it is marked by regionalism, which has become a structural feature of the international system as a whole. Third, it is characterised by the emergence of a global public opinion, which expresses the desire of civil society to influence or participate in global decision-making. Like the globalisation of trade, finances and services, this 'second wave' of globalisation has pushed the need for global multilateral governance forward. This is a sovereignty-altering multilateralism, which changes the position of the state in the international system.

Classic Multilateralism

2. In the past, two major forces conditioned multilateralism. First, there was the notion that states were not only at the centre of global decision-making, but even the sole actors in such a process. Classic multilateralism was based on an emphatically state-centred model. Second, the values of national sovereignty and non-intervention ruled supreme, even when mass human rights violations were concerned. These values, although disputed and contradicted by post-war developments, were

reinforced as a result of the creation of new post-colonial states in the developing world, and by the Cold War. The values and power considerations shaping classic multilateralism are still at work, but they have been weakened by the new elements outlined above, particularly with the fall of the Berlin Wall. The new emerging multilateralism co-exists in a state of tension and complementarity with the values informing classic multilateralism.

A Clarification

3. The term multilateralism refers to a methodology: a way of negotiating that involves all participants. It is the polar opposite of a unilateral action. Conceptually, the *method* of negotiation is separate from the political and normative *context* in which it occurs. However, it is legitimate to call this phenomenon 'new multilateralism', as a changing normative and political context eventually re-shapes the method itself. To give just one example: the growing participation of civil society actors in international decision-making, which results in states having to share authority with other agents, may be a result of changed norms and context, but it has also clearly become a feature of multilateral negotiation in and of itself.

A Fragile and Ambiguous Reality

4. The consolidation of the new multilateralism is not a foregone conclusion. Indeed, the future of even 'classic' multilateralism is uncertain. There are three main threats to both classic and new multilateralism: the first is related to method, and the latter two to context. They are unilateralism, unipolarity or multipolarity, and powerlessness.

Unipolarity, Multipolarity, and Powerlessness

5. Unilateral action is the first threat to multilateralism. It is its polar opposite, and is particularly dangerous when it is practised by the only superpower, the United States. The destabilising threat of unilateralism (or unilateral withdrawal from multilateral fora), the insistence on retaining unilateral 'escape options', the refusal to fully participate and accept the consequences of common global rules, is severely damaging to the legitimacy and operational capacity of regulated interdependence and multilateralism.

6. The second problem is prolonged unipolarity or the emergence of multipolarity. If the US remains the only superpower in the world for a prolonged period of time, it may be hard for it to harness that power willingly within a multilateral framework. On the other hand, multipolarity can be a threat *if* the consolidation of regional groups is mistaken for a drive to re-establish a multipolar order based on traditional balance of power politics. In sum, a reinvented post-Cold War multipolarity grounded in balance of power politics is not compatible with the new multilateralism; neither is a hegemonic project, even if benign.

7. The third threat is powerlessness, or the inability of existing of future multilateral institutions to enforce fairly global rules and ensure equal accountability for all actors. The impotence resulting from the powerlessness of international institutions bound by decision-making mechanisms that are no longer adequate, particularly in the UN, presents a clear challenge. Global problems require global solutions and global enforcement mechanisms. Single states cannot act effectively (or legitimately in many cases) as global enforcers. Nor can democratic state-centred authority and legitimacy encompass the global arena. Global accountability and enforcement mechanisms are necessary to ensure the survival and consolidation of a new multilateralism. Not only does powerlessness to act effectively or to ensure *accountability* and *enforcement* promote the credibility and suitability of unilateral action, but it also eats away at the very notion that regulated interdependence will ever be possible. At its worst, the powerlessness of the international community is synonymous with genocide and impunity, as it was in Rwanda.

Shared Responsibility for Individual Rights

8. The new multilateralism is not minimalist in ambition and potential: it takes advantage of the emergence of a shared ethic grounded in the notion of the supremacy of human well being, which challenges an uncontroversial respect for traditional sovereign boundaries. It reflects an emerging 'universal jurisdiction' over gross human rights violations. The creation and ratification of human rights instruments at the international and regional levels and the emergence of a widened conception of legitimate humanitarian intervention, are both the context for and a component of the new multilateralism. The creation of the International Criminal Court (ICC) is the most advanced example of the will to universalise human rights norms and, crucially, to improve enforcement mechanisms.

The Role of Regionalism

9. Regionalism can play a role in reinforcing existing tendencies towards multilateral world governance, because it has characteristics that make it compatible with and beneficial for the consolidation of multilateralism. Not all regionalisms are 'born equal'; some are more suited to bolster multilateral action than others are. *Open integration* projects, namely regionalism based on democracy, social diversity and the rule of law, which also aspires to deeper political and economic union founded on a commitment to social cohesion and solidarity, are the greatest potential motor for a new multilateralism. Open integration initiatives best express, at the regional level, what the new multilateralism can aspire to at the global level. It means that democratic states willingly abdicate key sovereign powers in the pursuit of a widened vision of human well being, adopting common rules to regulate relations between them as impartially as possible. The process of deepening open integration projects generates a sovereignty-sharing 'zeitgeist' that minimises the unilateral 'will'.

10. The European Union (EU) has travelled the furthest in terms of shared sovereignty in the economic, social and political arenas. The impetus towards sovereignty sharing, or towards the creation of a federation of democratic states, reflects the understanding that a dynamic balance between national and 'federal' authority and competence (subsidiarity) is the only way to govern in a context of complex interdependence. For the EU, and other open integration projects based on similar values such as the Southern Common Market (Mercosul), the aim is to externalise internal behaviour patterns, projecting them onto the global arena. At present, however, neither the EU nor the Mercosul are able to project themselves in this way. Both are still essentially concentrated on resolving internal challenges to consolidation or widening. Today, projection occurs mostly at the level of example or because of the attraction of the model. In the future, however, a *de facto* outward projection could play a key role in strengthening the logic of regulated interdependence that lies at the heart of the new multilateralism.

Public Opinion and Civil Society Actors

11. The new multilateralism is propelled by the action of new civil society actors. These realise that the achievement of their goals cannot be ensured through national activism alone. Thus, their activism is increasingly international or transnational. At the same time, a 'global public opinion', whether organised or not, is making itself felt on key normative issues. Thus, the state is no longer the sole regional or global player, as it must increasingly share the world stage with other, heterogeneous,

actors. In the economic realm, business associations and multinationals are key power players; in the political arena, transnational advocacy networks focused on normative issues such as human rights, labour rights, the environment, poverty and inequity can change the balance of power in individual countries and in international negotiations. The protests in Seattle in 1999 and in Genoa in 2001, while heterogeneous in style and goals and perhaps unrepresentative in and of themselves, are indicative of a much wider public interest to influence and participate in global decision-making. It expresses the concern of civil societies with the exclusionary aspects of globalisation.

Sovereignty and International Accountability

12. Despite the growing importance of new actors and despite efforts to promote new forms of supranational democratic representation, the new multilateralism does not announce the demise of the sovereign state. The state remains at the heart of what can be a 'gradualist revolution'. The EU is currently debating how to establish supranational democratic governance, a demand posed by EU citizens. Other integration projects, like the Mercosul, are further from achieving such an aim and have not even begun to seriously debate the issue. Although the legitimacy of the national state grounded in classic democratic legality is still central, this authority is clearly insufficient to cover the needs of regional and global governance. There is a pressing need to increase the capacity of citizens to demand democratic accountability at the regional and international levels. In the absence of formal institutions, non-governmental organisations (NGOs) have been partially fulfilling a representational role, but these organisations require accountability mechanisms themselves, and cannot substitute for formal institutional structures.

Regulated Interdependence

13. The new multilateralism must be founded upon a regulated interdependence, that ensures full and equal participation of the unequal or weak, and limits the 'escape options' of the strong. It must be the working expression of a regulated *pax interdemocratica*, which in an era of democratic convictions, is based on the notion that, even in the absence of a 'global democracy', inter-state relations must be managed democratically and governed by common rules. Multilateral governance is the best insurance policy against what has been called the 'clash of civilisations'. In sum, the primary source of the legitimacy of the new multilateral-

ism is the well being of all human beings. This is best served by democracy at the national level, open regionalism at the regional level (which both imply the acceptance by national democratic states of shared sovereignty where human rights and well being are concerned), and internationally promoted human rights and humanitarian values (a nascent 'universal jurisdiction').

14. The new multilateralism is not a fully evolved reality; it is a fragile but also real possibility. Its consolidation depends upon the willingness of the US to multilateralise its international action, on the EU and other integration projects to jointly commit to it and push it forward, and on the mobilisation of civil society actors in its favour. The greatest enemies of the new multilateralism are unilateralism, a revival of power politics, impotence resulting from powerlessness and the lack of political will to combat it. At the same time, if open integration projects do not resolve internal democratic challenges and project their form of regulated interdependence onto the global arena, this may limit the new multilateralism to being a mere replay of classic multilateralism.

THE ROLE OF THE EU AND THE MERCOSUL

Common Ground

15. What role can the EU and the Mercosul play in pushing forward this vision of regulated interdependence? How can they contribute to the new multilateralism? The EU and the countries of Latin America share commitment to multilateral governance. Both regions are also committed to the kind of regionalism that can reinforce multilateralism. Both have also established a desire to widen their respective boundaries of action by establishing biregional agreements that focus not only on trade liberalisation according to World Trade Organisation (WTO) rules but also on deeper political dialogue based on the values of democracy, human rights and social justice.

The Challenges

16. There is common ground: but there are also obstacles to translating hopes into concrete action. The inherent asymmetry in the relationship, with the EU figuring higher on the hierarchy of Latin America's foreign policy and trade interests, than the region figures on the EU's, is problematic. The solution lies not only in the EU making

a clearer commitment to Latin America, and the Mercosul in particular, as a long term strategic partner; it also lies in the Mercosul developing its negotiating capabilities, and its capacities to project itself as a coherent and united international project.

17. There has been a marked tendency for many Latin American countries to adopt a defensive multilateralism rather than a pro-active multilateral stance. In other words, they participate in the multilateral system to defend their interests, more than to take a pro-active stance on global issues that may not be of primary importance to the region. The fear of rules created by Europe or the US, particularly in the realms of the environment and labour, often make the countries of the region suspicious of the new multilateral agenda. The perceptions that the search for international justice is one-sided makes some countries in the region resist the logic of 'universal jurisdiction'.

18. Latin American countries wish to be equal participants, not merely passive receptors of rules. However, the less power states have in the international system, the more likely they are to resist *ad hoc* interventionist solutions to problems. Latin America perceives correctly that weaker states have more to gain from a predictable multilateral world governance (where they may have a predictable say in what gets done about any given problem) than strong states. The latter, can more easily impose solutions, use persuasion to form *ad hoc* coalitions outside the multilateral system, and sideline the interests and concerns of weaker states. The Latin American position, however, is sometimes somewhat inconsistent: the best way to influence and shape an international multilateral agenda is not to refuse to consider controversial issues, but to take them on board. Indeed, as the renewed threat of international terrorism indicates, it is necessary for all countries committed to multilateral action to adopt pro-active agendas on issues of global relevance.

An Action Oriented Biregional Agenda

19. There is no bilateral relation without points of conflict. The already high level of convergence and mutual interest is the point to emphasise. It means that with political will a common agenda can be forged. The European Union-Latin American and Caribbean Summit process, initiated in 1999 in Rio de Janeiro, provides a key opportunity to promote a high level agenda. The first summit served to announce a common commitment to forge closer ties. The 2002 Madrid Summit must be an action oriented event, which proves that both regions are committed to developing a common global agenda.

The Triple Negotiation Agenda and Sustainable Development

20. What do both regions aspire to that they can better achieve in common? First, the Madrid Summit must be the place where a clear commitment is made to trade liberalisation that is compatible with social justice and solidarity. This means taking on board (and resolving differences) where labour rights and the environment are concerned, taking on the technology gap, and promoting mechanisms to ensure accountability and enforcement of commonly determined standards in these arenas. At the same time, given the multiple negotiation process that both regions are involved in, a key aim must be to ensure the compatibility between the rules governing global trade and regional integration groups. Most important is the harmonisation of the triple negotiations within the WTO, within the Free Trade Area of the Americas (FTAA) process, and between the EU and the Mercosul, Europe's key integration partner in the world today.

UN Reform, International Justice and Peace-Keeping

21. Second, both aspire to more effective global rules, a more accountable and enforceable multilateral system. Thus, both must work to affirm the central place of the UN in the international system. For the UN to take this place, it must undergo key reforms that the EU and Latin America, particularly the Mercosul, can support. Greater co-ordination within the UN is a major objective. Rather than working separately, the EU and the Mercosul must engage in closer prior consultations to adopt common positions. The priorities are the promotion of UN institutional reform, of effective UN conflict-prevention, peace-keeping, and nation-building missions, of the fight against illegal drug and arms trafficking, international terrorism and money laundering, and of the ratification and entry into force of an ICC with strong powers of prosecution.

Inclusion and Security: The Andean Challenge

22. Third, both sides also have an interest in adopting common agendas and policies to deal with regional problems. Specifically, both the EU and Latin America, and the Mercosul in particular, have an interest in promoting common solutions to the crisis situation in some Andean countries. There is scope and need for a European-Latin American Plan Colombia. The problems of the Andes may be far from Europe, but they are European nonetheless, just as the problems of the Balkans were Latin America's. Illegal arms and drug trafficking, money laundering, and migration resulting from violence and poverty, are transnational manifestations of a regional

problem. The Madrid Summit is the place to announce common action to promote a new vision of democratic security for the sub-region.

The Opportunities... and Dangers of Summit Diplomacy

23. The Madrid Summit presents the EU and its main integration partner in Latin America, the Mercosul, with a major opportunity. They can either make the summit the starting point for an agenda of substance and action, or they can lose that opportunity and engage in 'summit rhetoric'. This would be a waste that an ever more attentive global public will find unacceptable and even insulting. Both regions must take advantage of organised civil societies to push forward this proposed agenda.

24. A note of warning: continued asymmetries pose a threat to the biregional dialogue. An effective plan of action to promote regulated interdependence requires some 'house-cleaning': the Mercosul is currently undergoing a crisis that is preventing it from acting as an effective and organised interlocutor to the EU. Its governments and civil societies must respond to the challenges and opportunities posed by regional integration and dialogue with the EU. At the same time, the EU must make a commitment to Latin America as an equal interlocutor, ceasing to place it at the bottom of its hierarchy of priorities.

25. This vision of what constitutes the new multilateralism and the role of the EU and the Mercosul in promoting it, are the central ideas informing the work of the Sixth Euro-Latin American Forum, and the analysis presented in this report. It is in light of these ideas that the policy recommendations contained in this report are presented.

KEY WORDS

• new multilateralism • new sovereignty • universal jurisdiction • unilateralism • hegemony • multipolarity • balance of power • regulated interdependence • *pax interdemocratica* • human rights • human well-being • humanitarian intervention • global security • combating illegal drugs and arms trafficking, international terrorism and money laundering • *open integration* • transnational normative advocacy networks • democratic state • unilateralism • powerlessness • an action oriented biregional agenda • The Triple Negotiation Agenda and Sustainable Development • International Justice, Peace-Enforcement and Global Security • Inclusion and Democratic Security: The Andean Challenge •