QI Conference:

The Rules-Based Order Is in Crisis: What Comes Next?

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Panel #1: **The 'Rules-Based International Order' — A Path Toward Stability or a Recipe for Rivalry?**

Trita Parsi 2:14

Welcome to the Quincy Institute's half-day conference titled, The Rules-Based Order is in Crisis: What Comes Next? My name is Trita Parsi. I'm the executive vice president of the Quincy Institute, a trans-partisan think tank in Washington that promotes ideas that move US foreign policy away from endless war and toward rigorous diplomacy. We favor a national security strategy that is centered on military restraint and diplomacy. If there ever was any doubt that the global order is on the verge of collapse, the ICC warrants for Israeli Prime Minister Netanyahu and Yoav Gallant, the defense minister, probably put those doubts to rest, not the arrest orders themselves, but the reactions of the United States and some European partners. One has to be exceptionally forgiving, perhaps naive, not to be left with the impression that all the preaching about the rules-based order over the course of the last couple of years, particularly under the Biden administration, was little more than deceit.

(3:14) But is the world doomed to live under an increasingly selective RBIO instead of an inclusive order centered on international law? The current UN-centric system is undoubtedly very flawed, but would a non-inclusive coalition of the willing type of an order bring greater stability to the world and greater security to the United States, or does this risk ultimately fracturing the world into different competing borders? Last summer at the Quincy Institute, we launched a Better Order Project. We brought together more than 130 scholars, experts, officials, and former ownership officials from more than 40 countries to collectively develop a package of proposals aimed at stabilizing an international order in transition. We imagined ourselves in the year 2040. We assumed that all current geopolitical trends will have continued a pace, but stop short of actually bringing the world towards a systemic collapse. We assumed, for instance, that US-China tensions would continue, but would stop short of actually bringing the two countries into war.

(4:25) The UN Security Council would remain unreformed, and as a result, become even more out of sync with the realities of today, and unfortunately, increasingly irrelevant, but it would not lead directly, at least not at that moment, to the collapse of the UN system as a whole. And we assumed that by 2040, the world would have become undeniably post-unipolar. We asked ourselves, given these profound geopolitical and systemic changes, how will country's perceptions of their own self-interest change? And will those changes unlock new flexibilities

that will enable the international community to push through global governance reform that currently remain outside or beyond our political reach? Imagining ourselves in 2040, we produce 20 detailed proposals along seven variables, ranging from UN security council reform to climate security to artificial intelligence, all aimed at making a post-unipolar world more stable and secure. You can read all of the different proposals at betterorderproject.org.

(5:35) Today, we have brought together some of the participants in the Better Order Project, as well as some outside voices, to address both the broader questions about the state of the global order and the specific issues of UN security council reform and the deteriorating norms around the use of force, as well as the need for norms and laws around the use of sanctions. As the use of sanctions. An economic coercion is likely to continue to grow in the common decades with devastating consequences for civilian populations, but also because of the risk that a fracturing economic order will also fuel a fracturing security order. For all of our viewers here today that are on YouTube, you can use the comment section on YouTube to ask your questions, and we'll try to get to those during the conversation. But, so with no further ado, allow me to introduce our esteemed panelists for our first panel, which will deal with the crisis of the so-called rules-based order.

(6:34) Antonio Patriota is the former foreign minister of Brazil and currently serves as its ambassador to London. He has also served as Brazil's Ambassador to the United States, to the UN, to Egypt, and to Italy. While at the UN, he chaired the 60th and the 61st sessions of the commission on the status of women and the UN Peacebuilding Commission. Aslı Bâli is a non-resident fellow here at the Quincy Institute and a professor of law at Yale Law School, focusing on public international law, human rights, and comparative constitutional law. Before her academic career, she worked for the United Nations Office of the High Commissioner for Human Rights. She currently serves as co-chair of the advisory board for the Middle East division at the Human Rights Watch, as well as the President of Middle East Studies Association. Michael Mazarr is a senior political scientist at the Rand Corporation. Prior to joining Rand, he served as professor of National Security Strategy and Associate dean at the US National War College. He has served as special assistant to the chairman of the Joint Chiefs of Staff, President and CEO of the Stimson Center, and he has written extensively on issues pertaining to global order. And last but not least, we have Feng Zhang, a visiting scholar at Yale Law School and non-resident, senior fellow fellow at Tsinghua University in Beijing. He specializes in China's foreign policy and is the author of Chinese Hegemony: Grand Strategy and International Institutions in East Asian History, and he is also co-authored two books with Ned Lebow, another participant in the Better Order Project, titled Taming Sino-American Rivalry and Justice and International Order. All of our four panelists played a very crucial and active role in the Better Order Project, and we are grateful not only for participating here in the conversation today, but for all their vital contributions to the project as a whole.

(**8:27**) Antonio, let me start off with you. I want to get your reaction to the reactions of the United States and the EU states to the ICC decision. Biden called it outrageous. Germany remains undecided as to whether it will comply with it. Hungary has openly defied it and invited Netanyahu to come and visit Budapest. Brazil has long argued that the rules-based international

order is not the same as international law, and in some ways stands in contrast to it. Have these reactions, in your view, vindicated Brazil's skepticism about the rules-based order concept?

Antonio de Aguiar Patriota 9:09

Well, Trita, let me start by saying how pleased I am to participate in this debate, and how pleased I was to be a part of the Better Order Project because the Quincy Institute also calls itself an institute for responsible statecraft, and I think this is precisely what we need in today's world, more responsible statecraft, particularly from those who should be leading by example. And yet what we witness is systematic violations of international law and international humanitarian law. And by the way, I would remind viewers that the established expression is the rule of law, not the rule of rules. Rules of the game can change according to whoever is dictating them. The legal order is one that should apply universally, and selective adherence to it is very detrimental to international cooperation, and I would argue detrimental to the interests of those who allow themselves to pick and choose which parts of the order to abide by or not.

(**10:17)** So when you ask me about the reactions to the ICC arrest warrant, I believe that it exposes the situation that has been already to some degree camouflaged by different terminology, a little bit of equivocation here and there. And in that sense, it may not be an entirely negative thing because we will understand better where exactly do different countries positions lie. So I would call attention, for example, to the editorial of today's Financial Times, which I was very happy to read, makes a very compelling case for not picking and choosing which aspects of international law that countries should comply with because this can be very dangerous, can be corrosive not only of international cooperation, but also the standing of those who subscribe to this kind of behavior. And it seems to me that one initial comment I could make is that the reactions by the US and some others in the West have exposed divisions within the Western cap.

(11:33) Now, is this intended? Is this unintended? I think it weakens the kind of position that the West would like to occupy internationally and it tends to unite, well, the rest, all of those of us who believe that the international order based on international law, the UN Charter, and let's face it, the tribunals that were created after Yugoslavia, Rwanda, and ultimately the International Criminal Court, can be considered a civilizational step forward. We know that big powers like the US, China, Russia, Israel itself, India have not ratified the Rome Statute, but most other democracies in the world have and are ready to see the benefits of upholding the letter and the spirit in which it was created. So let me just conclude this first reaction by saying that I thought that the G20 in Rio, happens to be my hometown, so I was very pleased it took place there, represented a welcome demonstration of unity around a call to action to reform international global governance.

(**12:48)** President Lula took the initiative to defend the idea of a review conference of the UN Charter. Subsequently, India and South Africa have aligned themselves with this proposal. This is a proposal that meets with significant support from civil society think tanks, including the Quincy Institute. I think as we witness a kind of tipping point of a systemic nature, we're familiar with the climate tipping point, but I see another tipping point that could be of just as dramatic

consequences for all of us, for humankind. We can't just criticize, condemn, denounce. We need to do something about it. So I would really encourage all of those in a position to do so, to rally around the defense of the international legal order and recognizing its limitations. So proposing a reform that will eliminate anachronisms, strengthen the bodies we need to strengthen, including security council, and maybe map out where some blank spaces need to be fulfilled with new guardrails and disciplines. Thank you.

Trita Parsi 13:55

Thank you so much, Antonio. I want to get back to what to do about this and what the pathways forward may be. But before we go there, I want to clarify a couple of things. You mentioned that what we see here in some of the reactions are in some ways perhaps helpful because it clarifies where country stand. I want to turn to you, Aslı. A common perspective in the global south is that the rules-based order is not only not the same as international law, but it actually is a threat to it, that it hollows it out. As an expert on international law, how do you assess that interpretation? And if you agree, would you say that the collapse or the crisis of the RBIO actually may be a good thing?

Aslı Bâli 14:43

Thanks so much, Trita. And thank you also for having me here today and for leading this important initiative at the Quincy Institute. I think definitely charting the right kind of path forward, and I hope it gets a very wide readership and audience. To your first question, international law is a signal achievement of the post-World War II order. It was a transformation of what we meant by international law, which began with, in the UN Charter, the notion that those states that are recognized as sovereign have de jure equality. That is to say they have an equal right to participate in the production of the rules that govern the system, which is completely novel. Prior to the second World War, when vast swaths of the world were under imperial domination, you had enormous territories represented simply by metropolitan actors like the UK and France creating norms exclusively in their own interest, or to regulate competition exclusively amongst western imperial powers.

(15:44) The new world order was a consequence of a range of things. The two world wars demonstrated that the instability produced by that competition was a planetary threat to our continued existence. It also demonstrated that those European powers could no longer manage and control their empires, that they no longer actually had the de facto power to control those territories. And the new system that was the product of the US architectural imagination, in many ways, was to recognize the sovereignty of all territories across the globe and give them equal membership in the United Nations and produce a positive international legal order that involved the participation, however flawed, and I will happily return in another round to talking about the flaws of the international legal order, but the equal participation of all states in determining the rules that would govern, now, granted in an institutional architecture that internalized vast asymmetries, including things like the UN Security Council with asymmetric voting powers allocated to the victors of the second World War.

(16:46) And soon, those victors became the core nuclear powers, and so that asymmetry could be imagined to reflect the need to bind them into some architecture with one another to prevent another world war that would find them one opposed to the other. But the bottom line of the international legal order is that it is a consensual order. As Antonio mentioned as an example, the Rome Statute, which is a multilateral treaty concluded between states as a matter of international law, includes only those parties that consent to participating in it. Those parties that choose not to be in that order, such as the United States, are not subject to the jurisdiction of the court. And the way that international law is produced as a positive matter involves states making these judgments for themselves. The contrast with their so-called rules-based international order is that the rules-based international order is once more rule of hegemony.

(17:36) It's a rules-based system in which powerful states dictate what the rules will be for the preservation of relations in what they describe as a liberal order amongst like-minded states that are willing to commit. In the case of the rules-based international order that the Biden administration routinely invokes, it primarily is an order of states willing to back American hegemony in an increasingly competitive environment where you have the rise of multiple other potential, at least regional hegemonic actors. And that American hegemony includes the ability to pull together coalitions of the willing to impose rules where the US deems it in its interest, and equally to defect from the rules when the US deems that they are not serving its interest. And those rules may be prescribed by international law or not actually governed by international law at all, but rather simply by the preferences of the powerful state.

(18:28) That kind of an order, which harkens back to the pre-World War II international legal system, is remarkably dangerous at this point. It has been a problem from the beginning of the post-World War II order. One thing to note about that international legal order, I've already said it was a product of the American international legal imagination. The UN Charter was effectively a constitution for the legal order. The Universal Declaration of Human Rights was effectively the Declaration of Independence. The International Bill of Rights was a corollary to the American understanding of how governing power is restricted by rights-based instruments. All of this, however, was drafted to serve, disproportionately, US interests. That is to say the US was the hegemonic actor over that universal international legal order, and the US has benefited from its stability more than any other single actor in the international community over the last three quarters of the century.

(19:22) As a result, the US's pattern of behavior in the last quarter century of systematically defecting from that same set of rules, the rules that are written for the international system as a whole, the international legal rules, and crafting these coalitions of the willing and rule-based international order and so forth, that is essentially block-based, that is a coalition selected by the United States of privileged allies that it's prepared to defend in exchange for their willingness to underwrite its own hegemonic preferences, represents absolutely a dire threat to the international legal order because it is the withdrawal of support from the hegemonic actor that has most disproportionately benefited from that order in order to defect to a smaller club of states that are to be defended. And then all other states face a regime of essentially provisional

or permeable sovereignty where their own interest can be set aside and the law that they agree to can be overridden by the preferences and prerogatives of the United States.

(20:21) So that is directly a threat, and that does mean that, as Antonio has suggested, having a clearer understanding of the positions that states have taken, has actually cast the United States increasingly in the role of a defector, of not a state that is in favor of a status quo of stability, the underlying logic of the international legal order, but instead a revisionist estate that is acting, more or less, as a rogue intention with the existing international legal order. Understanding that clearly, for example through denunciations of the international institutions like the International Criminal Court, the ICJ, the overriding of UN Security Council resolutions as we saw with the ceasefire resolution in March for Gaza that the US allowed to pass with an abstention, and then immediately disregarded, all of this has produced an environment in which the US's legal claims are themselves delegitimized. The US has made clear its own antagonism towards a system that still commands a high degree of legitimacy from the rest of the international community, and the result is evident.

(21:23) For example, you look at UN General Assembly votes and you see how states are voting when it comes to core matters of international security, as with the Israel-Palestine conflict at the moment, and you see them voting, in one bloc, some 180 states taking one set of positions, and eight or nine states taking the other set of positions, and the United States amongst them. So this has isolated the United States. It has drawn attention to the illegitimacy of the selectiveness with which the US has managed its rule-based international order, and it has created an opportunity to re-legitimize, if you want, and re-inscribe support for the existing international legal rules and rejection of the rule-based international order.

Trita Parsi 22:04

Thank you, Aslı. Mike, I'm going to turn to you to comment on this. Let me just preface by saying this. The way Aslı describes this essentially is that you had an order after World War II. And then in some period of time in the last 15, 20 years or so, we are seeing the United States starting to favor and starting to use the term rules-based international order, a term that was not even used prior to this century, actually, and essentially says that the rules-based order is a revisionist tool, something that turns back the clock rather than what the Biden administration has defended it as, as a tool to retain the status quo. From your perspective, do you agree with that assessment? And can you tell us what you think the Biden administration's thinking around this is? And I want to particularly mention the 2022 NSS, National Security Strategy, document in which the Biden administration frankly describes the rules-based order less so as a governing structure for the world, but kind of like a block by saying that those who subscribe to the rules-based order would also benefit from American military protection. So tell us your assessment, your reaction to what Aslı said, and what you think Biden's intent with the rules-based order is. Is it a bloc to counter Russia and China essentially?

Michael Mazarr 23:33

Yeah, so thank you very much. Great to be with you again. On the first point, I very much agree that there have been problems with sort of inconsistent and hypocritical US behavior in regard to some of these rules, particularly over the last several decades. I guess I don't necessarily see as much the inherent necessary contradiction between whatever we call the post-war order, liberal international order, rules-based. The two fundamental components of it are principle of non-aggression and an international economic and financial order that did contribute to stability to the degree that they were adhered to, and particularly the non-aggression component of the post-war order obviously has echoes in the UN Charter and elements of international law. So I think in theory the two can be mutually supporting, and I believe that that's kind of the Biden administration's sense when they're promoting what they call a rule-based international order, that they believe they're promoting principles that don't contradict, but in fact reflect, and theoretically could support elements of international law.

(24:45) Two problems arise. One is it is absolutely true that from the beginning, the United States, as a great power, has chosen times and places when it simply disregarded those principles and acted in its own mind, in service of other principles of international law or the order, but in ways that simply exempted itself from having to follow those rules. To some extent, that's going to be true of any order. And to me, the question is, what's the threshold? And I think for a number of decades, there was probably a certain degree, as John Ikenberry and others have argued, of sympathy and tolerance for the fact that the great power running this order that's benefiting a lot of countries in a lot of ways is going to step out of bounds from time to time. I do believe that that pattern of behavior, I don't know if it's reached a crisis point, but certainly has passed a threshold of tolerance of the rest of the world.

(25:41) We can talk about the specifics, but that's one challenge. The other challenge is, as you mentioned, the US perspective today is that international law and any kind of rule-based international order is primarily under assault from revisionist powers, namely Russia and China, and that US actions, including gathering like-minded countries together, are fundamentally response to that kind of revisionism. It's a very long discussion to get into the details of that. How much is the US the original revisionist and others are reacting to us? How much are Russian and Chinese ambitions targeted at precisely elements of international law that we all want to uphold? But that is the US perspective. And so in nominating these sort of alliances of like-minded countries, the US administration felt that it was responded to an unavoidable international reality, that the pressure from China and Russia was creating a need to respond, whether it's the NATO response to the Ukraine aggression, whether it's international technological cooperation to promote norms of intellectual property and things like that.

(**26:53)** The challenge for us now, and where I think the work of this project is so important, is preventing that line of thinking from getting completely out of control and contributing, along with, I have to say, actions by China and Russia, to driving the world into these blocks that fragment any hope for a shared non-discriminatory international order. I really believe that... I think... And part of actually the spirit of our work was we are moving in the direction of a more multilateral mosaic-like combination of elements of international ordering. And so in that kind of a future, I think that groups of like-minded countries promoting standards and agreeing to

adhere to standards, that are in alignment with international order and the kinds of international rules of non-aggression free and fair trade and so on that we've wanted to promote, those can be supportive of a stable international system, but only if we pursue them in ways that are clear-eyed and try to integrate them into a larger approach that begins, as we're saying, with the principles of the UN system, with principles of international law, and extends off of that.

(28:12) So I think that there's a reality here the United States is responding to that just can't be ignored. There are violations of international law going on in Europe, in Asia that are not caused by the United States, but the way in which the United States deals with that, do we drive in the direction of, as we're talking about, trying to re-legitimize an international system that begins with the UN system and international law, or do we decide that that's all in the rear view mirror and we are now just trying to put together bespoke coalitions to promote US interests on specific issues? That's the judgment for us today. I think the Biden administration senior officials say, "We were trying to do that, to do something that still strengthens a coherent international system," but it's clear that the United States, as an actor, across administrations, is going to have to think carefully about its level of respect for key values if it wants to remain legitimate as the leader of this kind of a process**.**

Trita Parsi 29:19

Thanks so much, Mike, and you raise several excellent points. I want to Feng in on this to respond as well, but let me just ask you one clarifying question. I strongly agree with you that at there is a possibility as long as these things are centered and building off of international law, that there still can be a way out of here. But what is the need for a rules-based order if it is, at the end of the day, centered on international law? Why not, in the face of Russian and Chinese violations of international law, just reinvest in international law rather than these other constructs that introduce so many different contradictions?

Michael Mazarr 30:02

So I guess that... It's a great question, and we talked about those sort of issues in this project. It requires kind of a conceptual investigation to answer, because again, I feel like folks in the state department today might say, "Look, the rules we have in mind on aggression, for example, and on coercion, are grounded very much in the conception of the UN Charter and international law that relates to the use of force." So there's a significant overlap between what I would think of as the postwar order and the UN system and the international legal regime. There is no question that there are some US demands and actions that are not in that space of overlap, right? And that's the tension to manage, but I sort of feel like there are certain grounding principles. What most US officials and analysts think of from my perspective as the postwar order begins with the UN system extends from it, so in a conceptual level, I don't think they are necessarily opposed, it's just when the US gets some rules or ends in mind, groups them under the rule-based international order and begins demanding and then using things like secondary sanctions and things like that to enforce this. That's where we are taking our maybe well-intentioned effort to

defend those things out of the bounds of that original conception. That's where I think the tension lies.

Trita Parsi 31:33

Thank you so much Michael. Feng, give me your reaction to what Michael said, which is that at the end of the day, these things can be sorted out as long as of course they are centered on the UN charter and don't deviate too much away from it, but is that how China perceives this or does China see the rules-based international order as an instrument against China itself? If so, what will China's response be, not just up until now but in the future as well? Will it be an investment in the international legal system or will China also seek to bring together its own forms of coalition of the willing alliances or blocs still centered on the international law, perhaps at least conceptually, but nevertheless something that could fuel the fracturing of the international order as a whole and bring about a multi-order world?

Feng Zhang 32:33

Well, thank you Trita for having me. I too think this better-order project is an extremely variable project so I'm really pleased to be part of it. You raised several very interesting and complex questions. Let me first start with China's attitude toward the rules-based order. I think China's basic attitude is that this construct, the rules-based international order is a rhetorical and policy tool of the American hegemony, as several of our panelists have already pointed out. To use an often-made distinction, this is rules by rules according to the American conception as opposed to rule of law, a rule of international law. I think the Chinese government attitude is that this is simply the latest manifestation of US hegemony and power politics as practiced by the Biden Administration. I find what Mike has said about the UN origin of the American conception was very interesting because China is not against rules per se.

(**34:05)** China's order is also deep down rules-based, it's just that China's conception of rules are rules that reflect the UN Charter and other principles and norms that reflect the spread of the United Nations. Looking back historically, in the post-war period, I think you can find a common origin in the Chinese and American conception order, but it is fascinating how far the two countries has diverged as of now in understanding international order. If you look at Chinese leaders' statements, they'll always say there's only one international order, and that is the international order centered on United Nations. There is only one set of legitimate international rules. Those are the rules that reflect the UN Charter, rule UN institutions and the norms espoused by those UN institutions. Also, in terms of specific principles, China lays emphasis on two major principles. One is equality. Mutual respect, mutual equality is always what China emphasizes in global governance.

(35:38) The second major principle China emphasizes is justice. I think the emphasis China has laid on these two principles has a lot to do with its modern history because it sees itself as having been a victim of western hegemony since the 19th century. It still identifies itself as part

of the developing world or the global south. I think in global governance forums it very much wants to promote equality and justice.

(36:21) As to your question, what China might do in the future, if we look back perhaps over the past decade, I would say China's basically adopted a two-pronged strategy. One is to promote reform within the system, inside the system, to start with the United Nations and then other multilateral institutions. And then perhaps more notable and certainly more notable from Western perspective is how China has been trying to modify and reform the system from outside of some of the prevailing current institutions. The major example of course are AIIB, the Asian Infrastructure Investment Bank, and then the BRICS, the Shanghai Cooperation Organization and other regional institutions, especially in Asia, so I expect China will continue to push for reforms both inside the system as well as outside the system. Thank you.

Trita Parsi 37:38

Thank you so much, Feng. I want to move on to a couple of other issues, but I want to give Michael a quick chance to, if you could give a reaction because on the surface of it, China is saying that they want to invest in international law, help reform the UN system. It really doesn't sound particularly objectionable, but from an American perspective, I'm sure the devil is in the detail. What is the US challenge with the Chinese approach, in your opinion?

Michael Mazarr 38:05

To the UN in particular?

Trita Parsi 38:06

Or towards global order as well.

Michael Mazarr 38:10

Yeah. Well, I mean, obviously we're sort of talking about this, the background challenge of any international order is it's got to reflect the interest and ambitions of the great powers of the time. There isn't an independent force that will constrain that, and the United States sees China doing what the United States was doing in the early part of the formation of this order, which is promoting its influence and its interest through the institutions of the order, through principles of the order. That's logical and natural to a certain degree with a rising power, but the US view in general, of course these days is extremely suspicious of any Chinese efforts to achieve greater influence, shift the rules of any international organizations, international processes because it's perceived as a grab for power. The great challenge we face is for these two leading powers of the era along with many others to come to some agreement on the limits of the degree of unilateral ambition they're going to try to satisfy through shaping the international order in favor of some of the kind of general rules that we're talking about.

(39:27) I think a very important place to start is with the essential guarantee of the UN Charter

of non-aggression and the non-use of force. That's something that I think the United States is more in a mindset to be supportive of today than it was 20 years ago. Those are kind of dialogues that we could have to say, okay, we're great powers, we will often act outside the scope of the rules or laws of the day, but can we agree to a very strong endorsement and a willingness to restrain our power in certain ways? The US-China situation today, obviously the status of relations is very poor, and any hope of building joint approaches to a shared order is very challenging these days because each side views the other in a zero-sum sense of trying to achieve power through the mechanisms of this order, and we're going to have to find a way through that to get the kind of future that we're talking about.

Trita Parsi 40:30

Thank you. Mike, you mentioned earlier on that you don't necessarily see any inherent problems, but as these concepts have evolved, some contradictions have been introduced. One of them appears to be a tendency to separate countries based on whether they are democracies or not. A lot of the defense, for instance, or rejection of the ICC ruling against Israel is to make the argument that the ICC shouldn't really apply to Israel because Israel is a democracy. I want to turn this to Asli and Antonio. Concepts of that kind, if those are introduced and given a central position within any effort to create some sort of an international security architectural order, how will that play out in your assessments? Why don't we start with you Antonio?

Antonio de Aguiar Patriota 41:24

Thank you. Well, as a diplomat representing a democracy, in my case, one that's been under assault, and you've probably followed what happened last week in Brazil so I think I'm entitled to say that we have a strong commitment to democracy, but we also have a commitment to the democratization of international relations. There's a principle that applies domestically, which we believe should apply internationally as well. In a democracy, no one should be above the law no matter how powerful you are economically, politically, through inheritance, otherwise, so the same should apply when we are speaking of respect for international law. When you applaud the international criminal court as it issues arrest warrants against the ruler of Russia, but you call it outrageous when the same court pronounces itself on another country, be it a democracy or otherwise, but not simply because it's your ally, I think this is highly disruptive and detrimental to the kind of democratization of international order that we would like to see.

(42:41) If I may just react very briefly to something Mike said about the interest or legitimacy of like-minded countries getting together and trying to establish approaches to international order. Well, of course there's, I mean, in principle, nothing against that, but I would say that in a democracy, the importance of sitting with those who are not like-minded is maybe the essence of the game, so internationally, the same principle should apply, which actually I think is one of the arguments in favor of groups such as the G20. It's not a group of like-minded countries, it's a group that is representative of the world economy, or if you're talking about environmental issues, it brings together 85% of greenhouse gas emissions. This is really what we need, to sit

around the table among the non-like-minded, because the like-minded, we know already how they will behave, how they react, how they think.

(43:47) Finally, a thought about geopolitics. I believe it's perfectly legitimate to want to make your country great, whether it's again or for the future, we all defend the same agenda irrespective of where we come from, but there is one thing that is impossible to do, which is to interfere with historic trends and go back to a previous geopolitical order, so we will not be able to make the world unipolar again, or bipolar again. I think one of the big challenges with today is that two very major actors are nostalgic of previous orders, whereas perhaps one very fundamental power, China, is not necessarily nostalgic. I would say as an emerging country, Brazil, we are not nostalgic either, we look to a future of cooperative multipolarity or post-hegemonic multipolarity, and this is, I think, a powerful sentiment that will not be defeated by other attempts at going back in time. Thank you.

Trita Parsi 45:03

Thank you, Antonio. Asli, I want to bring you in on that question as well.

Aslı Bâli 45:05

Well, I'll just come in very quickly to say the challenge and the reason I described the US as, at times, acting as a revisionist power now is because, first, it is confronted with an international order and architecture in which other states can also express their ambitions, as Antonio just said, as Mike acknowledged, and yet it's unwilling to tolerate that within the international institutional architecture. The fact that, for example, China is able to use existing international organizational fora to advance its perspective and its interpretations of rules is viewed as it's self intrinsically illegitimate.

(45:41) It's not illegitimate, right? This is exactly what the architecture is built for, to channel the competitive influences of powerful states into the institutional architecture of the international order rather than having them selectively opt out of it, which of course then produces a danger of real global conflict. I also just want to note that the US, in the two domains in which Mike named, the most important achievements, and I agree entirely with his account of it, of the international order that is the non-aggression rules and the stabilization of economic, financial and monetary order in the international system, the United States is increasingly acting as a spoiler.

(46:19) It is presiding over a system in which a very serious threat to global international peace and security is unfolding in the Middle East and there is simply no permission from the United States for any international response to it. When the remaining international institutions that maintain some degree of independence from great power influence, the international courts seek to shape the understanding under international law of the relationship of that conflict to precisely that core rule of non-aggression along with a set of other very important peremptory norms like the prohibition on genocide, they are repudiated by the United States. On the other side, with respect to economic, financial, monetary order, the United States has single-handedly

crippled our existing world trade structure, and the United States through its use of secondary sanctions, but also through the use of its own jurisdiction has repeatedly forced states into sovereign default. The very kind of thing that we were trying to build a system to prevent.

(47:16) That is what the system is designed to do, to create international financial and monetary stability, and instead we're endangering regions. I mean just the example of Argentina, which I won't belabor here, but a country that patiently negotiated a sovereign debt restructuring only to have it unraveled by literally a district court in the United States. The US views that as an acceptable role for it to be playing in the international architecture. Under these circumstances, it's very difficult to imagine a universe in which China, if that's the principle competitor in the minds of the Biden Administration or others, won't command significant alliances in the international order because the United States is behaving in ways that are deeply adverse to the interest of a very large proportion of the global community that is not included in that selective coalition that it builds, whether it's definitionally around democracy.

(48:04) I doubt whether that will be the principle definition going forward in the next period, but perhaps, or around some other definition of its interests. When you exclude large swaths of the world, you impose de facto policies they deeply disagree with, you export your foreign policy preferences through secondary sanctions. You're not just acting unilaterally, you're not just acting in ways that are intention of the order, you're actually acting in a way that deeply destabilizes the existing international architecture.

Trita Parsi 48:33

Thank you so much, Aslı. One of the consequences that we have talked about here if this trend continues and if this trend then in one way or another is also then replicated by other states is that we actually will move towards some sort of a multi-order world, meaning very different from what existed during the Cold War, in which despite two different orders, there was nevertheless a super order above that that both sides agreed upon, they recognized the authority of the security council. There was one set of international law that was created after the Second World War, but that we may not move towards a system in which there will be different sets, competing sets of rules, not just competing interpretations of law. I think there is an inherent reaction to that that would be negative.

(49:18) I'm going to throw this out to Feng and to Mike, but there's also arguments that, historically, the world actually has been multi-order for most of its history. This is an argument that Shivshankar Menon, India's former national security advisor has advanced, and also a participant in the better order project. Can you give me a reaction to that and say, as much as we may not want to see it right now, is it really that nightmare scenario or is it just a return to normalcy? Why don't we start with you, Feng? You are on mute, Feng.

Feng Zhang 49:54

Yeah, really interesting question, especially if we go back to history. My first work is about international, the East Asian history, and this is also often being talked about by scholars as we

are increasingly practitioners as the order based on the so-called China's tribute system. This is a system, this is an order where China was at the centre of the East Asia receiving deference from its neighbouring polities, in exchange, it provided material as well as symbolic benefits to its neighbors. I don't think that kind of order can be resurrected in contemporary East Asia, although I think you can probably make an argument. I think a lot of people inside China are in fact making this argument that East Asia with China is a preeminent power, it is not going to be bad in any kind of intrinsic way as opposed to the East Asia dominated by the United States. This is very a complicated argument and there are lots of states in the region that are skeptical of China's role, at least as of now.

(51:28) One of the persistent worries, I guess, especially from states in Southeast Asia is that China wants to make a hierarchy because the old Chinese order, so-called tribute system based order is a hierarchical order and they worry that China may want to make hierarchy a normative order again in East Asia. I just want to quickly go back to something that Mike has said. This is to do with the restraint or the self-restraint of gray parks. I think this is very important. Self-restraint is going to be very, very important for both the United States and China, especially as they go forward in negotiating, along with other states, a new stable international order. To me, one of the major functions of international law is about imposing constraints on great power behavior and that demands self-restraint from those great powers.

(52:28) I think one of the, perhaps a better way to deal with this problem is really to try to sector focused approach rather than a systemic context. I see the US rules-based order construct is presenting a systemic context between the United States and China and a few other states. What if we focus on sectoral issues, say, technology or even the South China Sea, and revising sectoral specific rules under a broader set of international loans institutions guided by universally acknowledged and agreed to international law? That's more manageable and they might help prevent the kind of geopolitical rivalry that we are all worried about that's taking place between China and the US.

Trita Parsi 53:28

Michael?

Michael Mazarr 53:29

Yeah, I think the answer to your question in terms of multipolar world is, we may be going into really an unprecedented kind of environment, which is the requirement for a combination of universal standards and efforts and an inevitably growing degree of sort of a mosaic pattern of an order with different groups pursuing different issues in different ways. I think part of the challenge is that the world we're going into is not... All of the international structuring things we're talking about obviously are built on the ideological currents and the nature of social and economic systems, with sort of the relative decline of neoliberalism, the search on the part of many countries for new approaches to trade, to promoting the domestic health of their economies and societies. There's all this ferment going on within countries and that is, apart

from any policies in the United States, a major, I think, impelling factor of what we're seeing in the world today.

(54:38) The result is that you've got countries that are settling into very different value systems politically, different approaches to domestic economic things that are going to require flexibility in universal rules. Getting back to the idea of embedded liberalism where you had countries in the early phases of the post-war order with more opportunity to shape trade policy to protect workers and environmental laws and things like that. There's an inevitable fracturing going on that's going to lead to various kinds of like-minded groups pursuing goals and interests in different areas, but we also have these global problems of not only issues of aggression, but these global challenges that we face of climate and pandemics and all the rest that require, and we've had a post-war era that creates the opportunity as we've all been talking about, to create global international law that governs the actions of states.

(55:38) Managing that tension, I think, is the overriding need in these issues. The United States, if it wants to continue to lead, has to approach that with more humility and willingness, as Antonio, for example, was talking about, to be open to the voices of many other countries than it has been. I'm not sure that we've seen this kind of an era before, where you have such a profound institutionalized global order or set of laws combined with global threats that require collective action, but at the same time ideological socioeconomic currents within countries that are pulling us apart into different kinds of approaches and blocks. That's going to be incredibly tricky to manage.

Trita Parsi 56:32

Interesting. We have a question from Timothy Rush in the audience who asks what about the BRICS? Is the BRICS also emerging as some form of a coalition of the willing alternative here? I suspect, Antonio, that is not how Brazil views the BRICS, but I think one could make the argument that one common denominator of the different BRICS countries is that they do tend to have a degree of disagreement with the RBIO concept.

Antonio de Aguiar Patriota 57:06

Can I comment?

Trita Parsi 57:07

Yes, all yours.

Antonio de Aguiar Patriota 57:10

I think the parallel that could be drawn is really between BRICS and G7 to some degree. The natural topic that brings them together are economic financial ones, so the coordination that takes place before the spring and autumn sessions of the international financial institutions in Washington is really their privileged locus, let's put it that way, where they all uphold, let's say, similar positions or a broad common denominator of introducing better representation for

developing countries into the governance structures of those institutions that I think most of us agree have a strong component of anachronism in their performance. It's practically impossible to reach agreement within BRICS on issues such as peace and security, human rights. The differences are really irreconcilable. Within the BRICS, there's a smaller group of three democracies from the South India, Brazil, South Africa that are reaching some degree of agreement on even on peace, security and governance beyond the economic field. I'll give you the example of the review conference of the charter that I mentioned before. Last week in Rio, India and South Africa joined Brazil in calling for this review. There's several configurations here at play, and I think it would be a mistake to present the BRICS as a coalition of any kind of the willing, certainly not a defense alliance or even remotely so.

Trita Parsi 58:53

Thank you, Antonio. I want to move the conversation towards solutions, but before I do, let me throw something in that perhaps complicates the situation even further. That is that we have mostly discussed this from the standpoint of what the Biden Administration has done, and they dramatically increased the usage of the term RBIO, particularly after Russia's illegal invasion of Ukraine. They almost stopped using it after Gaza incidentally, but the Trump Administration never used the term even once to the best of my knowledge, and there's no indications that they will do going forward either. Nor did they show much of regard or interest in these institutions in the multilateral system. How does the Trump Administration's entrance into power in January change, or perhaps not change, this situation and your read of the situation? Why don't I start with you, Aslı?

Aslı Bali 59:51

Yeah, thanks so much. I mean, I would think of the Trump Administration primarily as an accelerant of many of the dynamics we've just been discussing. The Trump administration, at least at present, as we understand what its cabinet and composition might look like, includes someone who's been nominated to be the ambassador to the United Nations, who believes that the organization should not exist. Secretary of Defense, who thinks that NATO and United Nations should not exist, the Geneva Conventions should be overridden. Under these circumstances, you have a degree of opposition to both existing international legal constraint, any really conception of constraint and an understanding that's pretty much oppositional to the one that Antonio described of how one may make one state great again within a kind of coordinated arrangement through which the international community has to come to some basic understandings and agreements about how to manage the global common threats that we all face.

(1:00:53) The prospects for the United States leading such an effort are very low, I think, for the next four years. Of course, as we all know, the Trump Administration or Donald Trump himself is unpredictable, it's conceivable that he takes a different path, at least on some of the positions that they have expressed to date. I mean, for those who follow particular conflicts closely, they project that the Ukraine war might end as a consequence of the US withdrawal of a margin of

support or quantum of support, that the Israeli war might accelerate it or might become a war of annexation.

(1:01:27) I mean, there are a number of scenarios that one can spin out about the actual immediate consequences, but I think long-term, as I say, it's primarily going to mean accelerant that causes an effect that you, I think, named in one of your opening comments, Trita, which is, to really cause the rest to coalesce with one another. In a sense, Antonio mentioned the idea that the west itself might be fractured. I think it's very clear that that's the case. I mean, if we're looking at things relating to international law, for example, the positions on the ICC and the ICJ, it's just very clear that there's a proportion of Western Europe that simply disagrees fundamentally with the positions that the United States has taken Aslı Bâli and are charting their own course on those questions relating to those institutions, their role in the international legal order, and more generally the need to reinvest in a security council that imposes constraints on the use of force and on aggression. I think we'll probably see all of that continue to accelerate.

(1:01:22) So I think in a way it depends on where you sit whether you think this might be salutary or not. There is a conceivable universe in which a better order, like the one that you have proposed and that the Quincy Institute has overseen, might be coming into view precisely because other states have an incentive to align together to shore up the possibility of international systemic cooperation against a backdrop in which the United States fully defects from that model.

Trita Parsi 1:02:49

Very interesting. I want to get a quick reaction from Feng and Antonio as well. Do you agree that at the end of the day what the Trump administration represents is not a fundamental break, but more of an accelerant of existing trends? And I assume the trend that Asli is referring to here is a revisionist trend that is hollowing out the international system. You first, Feng.

Feng Zhang 1:03:13

I very much agree with Aslı on this, and also going back to something that Asli said earlier, how the Biden administration's policies as being a threat to international law and international order more broadly. If you think about this, it's quite striking that how little inroad China has made actually in revising the parts of international law and international order that has been most severely damaged by US policy.

(1:03:50) But looking forward to the Trump administration, I think China is more, with respect to Trump administration, China is probably not primarily thinking about revising international order to its favor, its grand international order project. I think it's more focused on stability of the bilateral relationship. It's very focused on assessing whether a second Trump administration presents more of a threat or more of perhaps some kind of opportunity, and it will be focused on a few key issues, especially trade and Taiwan.

(1:04:37) So it will be very focused on those issues that in regards will be critical to the bilateral relationship in the next four years. And it will also focus very much on how to keep its own

economy growing. The economy has been on downward trajectory recently and you factor into the ramifications of any Trump switching policy for China's own development.

Trita Parsi 1:05:09

Interesting. Thank you, Feng. Antonio, give me either your personal assessment or Brazil's official position.

Antonio de Aguiar Patriota 1:05:17

Well, I'll try to draw a compromise between the two and say that it's really early to say whether the incoming administration in Washington will accelerate something or represent a big rupture. I just objectively comment on the following, the United States ambassador to the United Nations is traditionally the only one out of the 193 countries that holds cabinet level status back in its government. To my knowledge, the incoming administration has not changed that status. I think that's a measure of manifestation of respect for the system.

(01:05:58) It's also interesting to remind ourselves that during his previous tenure as president, President Trump used to address the General Assembly regularly. And so I think we could expect the same. In that sense, even a minimal degree of participation or one that is let's say potentially disruptive but still engaging with the rest of the international community is something that may be helpful ultimately. But I would just add on another thought which comes to mind. I don't know how many of you have read the autobiography by Kofi Annan, which I read I think recently during COVID. And there's a thought in there that I find very interesting. He says that the credibility of the UN system would've been irreparably damaged if it had authorized the Iraq intervention, which proved to be under false pretexts. So the UN system preserves its credibility and legitimacy even in the face of violations when it does give cover for those violations. And I think this is no small sign of strength, and we should demonstrate some faith in that ability to deny legitimacy, deny credibility as a very powerful tool in our system.

Trita Parsi 1:07:31

That is an epic glass half-full assessment, Antonio. If I could ask Michael, if you could react to the question about Trump but would this specific thing in mind, in the vein of seeing things perhaps glass half-full, which is if the Trump administration is serious about reducing America's military posture around the world, withdraw forces from several different arenas because it no longer serves US vital interest to be in so many places at the same time, despite conservatives' misgivings about international institutions or discomfort with it, does it not actually serve the Trump administration to actually have a stronger multilateral system in place in order to be able to offshore some of those security burdens, otherwise risking that in the absence of that being once again pulled in to those arenas and perhaps once again having to play the role of a global police force despite the very clear desire of the Trump administration to stop playing that role?

Michael Mazarr 1:08:41

I mean, there's an element of that. I guess I would agree to a point, but put it a little differently. Clearly it appears that, I mean President Trump has routinely said that the United States has borne too much of the burden of supporting this international order. It's ironic that some of the strongest grievances against the operation of the order have arisen in the country that arguably has benefited the most from it or certainly has had the most power within it. So to that extent, yes, any process that creates the basis for others to share burdens ought to be welcomed.(

(1:09:15) But I would think that hopefully, of course there's a number of folks that are likely to be senior members of the administration who simply don't agree with the idea that the United States should withdraw significantly from many regions of the world. I would hope that maybe a broader argument could be made, which is that a revised US approach to leading a more inclusive order is ultimately the way to preserve most American influence in the world.

(1:09:41) And for those interested in preserving that influence, for those who believe that the US role as a counterweight to other major powers is important, that is the root to maintaining credibility and legitimacy. And the beginnings of an agenda such as on the UN reform piece that the report lays out, US support for things like that could be part of a strategy that could leave the United States much better positioned to lead the world in coming years. So to me, I'm not sure if that argument will resonate, but in theory it could and that's my glass half-full interpretation.

Trita Parsi 1:10:20

Very good. Thank you so much, Michael. We only have a couple of minutes left, but let me turn to potential solutions. We have a question from a Global South diplomat in the audience who asks about what can be done to make sure that... Let me find the question, one second. "What can be done to make sure that the distinction between the RBIO and international noise, it's not just a matter of semantics or of academic debate, but rather has concrete policy implications?"

(1:10:54) And within that, I would just ask, is it too late? Have we already passed the rubicon or is there still a possibility despite the increase in conflict that we're seeing, an increase in skepticism about international institutions, is it still possible to return to a stronger international law system that ultimately serves all countries, particularly the great powers themselves? I want to start off with Antonio on that and go to all of you to give a quick reaction to that.

Antonio de Aguiar Patriota 1:11:27

Well, I can answer for my country. We're certainly very committed to preserving and reforming and insisting on the long-term viability of the existing order. This doesn't mean we are not aware of the threats to it and the threat that represents a multi-order environment, which is one of the reasons I find that the report of the Better Order Project is really worth reading. And I hope it reaches a wide audience because it provides a yellow light of alert, but also some hope and some pragmatic ideas and solutions to move forward in the right direction.

(1:12:16) So I would also add the following. When I see the movement around the world among youth groups, civil society, et cetera, at the different conferences that deal with climate biodiversity to save the planet, et cetera, I can see that there's a very strong current of public

opinion that is in favor of international cooperation to deal with one of the defining challenges of our time.

(1:12:44) So I would like to see the same kind of mobilization internationally to try to uphold the existing order, the existing system based on international law. And I believe that civil society, academia, individuals, strong private sector interests around the world could really play, the media, a very significant role in this regard. I must say that here in the United Kingdom, whenever I speak at different universities, and we know they have some of the best in the world, I find a very receptive audience to the kinds of ideas that our report embrace. So I think there's room for hope.

Trita Parsi 1:13:28

Feng, share your views.

Feng Zhang 1:13:33

Right, so I think China has always been strongly committed to an international order centered on the United Nations and strongly supported rules that reflect the UN Charter. So I see no reason why China would change their stance in the years ahead. But I would say China, as a great power, sometimes fall into what we might say maybe a great power trap, for lack of a better term. This harks back to something that Mike said, two great powers rules functions in two ways. One way that we really talk about and is what I would like to see is for rules, especially international law, to impose strong constraints on the behavior of great powers. But great powers also also often use those rules to promote their own interests. And this is very clear in the behavior of both the United States and China.

(01:14:40) So I guess for China going forward, it will have to exercise real self-restraint. I want to go back to this concept, self-restraint. And the efficacy of international law I think really boils down to the degree to which the dominant great powers will be able to exercise their self-restraint. And this is very clear in the case of the United States. If the US doesn't want to exercise self-restraint, we've seen this in the behavior of the Biden administration, with the behavior of the previous Trump administration, then international law will be powerless in many areas. So my hope is that China will recognize its great power and responsibility and a big part of that responsibility is self-restraint.

Trita Parsi 1:15:42

Thank you, Feng. At the Quincy Institute, we are quite partial to the concept of self-restraint and definitely wish that to be adopted not just by the United States but by China and other great powers as well. Michael, your quick reactions.

Michael Mazarr 1:15:57

So just very quickly, specifically things the United States could do to move in the direction of these glass half-full outcomes. Number one, I think we could not only support, as the United

States has done, but strongly push for reform, for the reform of the structures and the power arrangements as has been laid out in the report.

(1:16:14) Number two, I think the United States could make a clear, you could have a clear presidential declaration that we will respect the UN Charter on the use of force and the United States will not unilaterally use force outside of the response to direct aggression. So defending our treaty allies unconditionally, yes, future Iraqs, Libyas, Grenadas, no.

(1:16:34) And third, I think the United States could declare that it will cease the imposition of secondary sanctions and roll back those that are in place. I think those three things together would put a marker down on the table that the United States intends to lead in the international system, unapologetically stand up for the values that it believes in, but will try to do so in a way that respects some of these shared principles of international governance.

Trita Parsi 1:16:59

Thank you, Michael. That would be some very welcome and significant changes, and we will talk about some of them in the next panel. Thank you so much for that, Michael. Aslı, last word to you.

Aslı Bâli 1:17:08

Thanks so much, and I agree with all that Antonio, Feng and Michael have said already. I think there is hope for the international legal order. And one way that I would mark that is that over the last year since October 7th, I've had many occasions to address American audiences on international laws as it applies to the Gaza conflict. And very often I'm asked questions about whether the UN has become irrelevant, illegitimate, et cetera. And that to me is very striking because the reception everywhere else in the world is exactly the opposite of that. That is there's a distortion of being in the United States, being in the heart of empire essentially, in which we are told constantly by the media and others that international law has failed, international law is not succeeding.

(1:17:49) But I want to subscribe to the Kofi Annan version that Antonio described, which is that it is precisely in the fact that the United Nations has stood up in this moment, that its institutions, including its courts, but also the General Assembly, as an expression of essentially world revulsion at this kind of selective enforcement of the rules that we see a willingness globally to actually coalesce around the idea of international order.

(1:18:17) This is an order that was, again, authored by the United States and has by and large really primarily benefited the United States while also benefiting most of the rest of the world. But the United States has had an enormous degree of ability to project its own strength through this order. The fact that the rest of the world is willing to continue to subscribe to these rules and to this architecture and seek to shore it up at a time when the United States is defecting, is itself I think a source of optimism and hope in its own way, and I think is the reason that something like the Better Order Project has a prospect for, first of all, a positive audience reaction beyond

the United States and also perhaps the ability to persuade some policymakers in the United States.

Trita Parsi 1:19:06

Fantastic. Thank you so much, Aslı, Antonio, Feng and Michael. This has been a fascinating conversation. We will continue it. Deeply appreciate all your comments and all your contributions to the project and look forward to chatting with you all soon.

(1:19:21): We will now continue the program, but there will first be an intermission of about, at this point, 13 minutes. After that, we will come back and our next panel will be dealing with economic coercion and military force, Taming Unilateralism in a Changing World. And we will have a panel together with Nathalie Tocci, Moeed Yusef, and Fyodor Lukyanov. See you all in about 12, 13 minutes. Thank you so much.

Panel #2: **The 'Rules-Based International Order' — A Path Toward Stability or a Recipe for Rivalry?**

Trita Parsi 1:32:14

Welcome back to the Quincy Institute's half-day conference on the crisis of the rules-based international order. For our second panel, we're going to be focusing on some of the work that the Better Order Project did in terms of addressing the norms around the use of force, as well as the manner in which the growth of economic sanctions may contribute to a bifurcated economic order that can then fuel a bifurcated security order.

(1:32:47) The post-Cold War order sought to limit the use of force and unilateral military intervention. Though the track record, of course, has been spotty and it often failed in some instances, I think there's an agreement nevertheless, and particularly we heard that in the previous panel that we just had, that in its absence the world would have seen far more violence and far more suffering. It did far less, however, to curtail the civilian suffering caused by economic sanctions, a tool that has grown exponentially in the past three decades, with financial and secondary sanctions being especially noteworthy. The humanitarian consequences of these varying forms of unilateralism have been significant. The transition away from uni- polarity will likely aggravate many of these issues. The question then is can the norms and laws, can norms and laws be agreed upon to limit and regulate the use of force and economic coercion in an increasingly post-unipolar world? As the use of economic sanctions explodes, can norms be agreed upon to limit the suffering of civilian populations and avoid the worst outcomes for the global economic and security waters? Or will multi-polarity invariably bring about even less regard for existing laws and norms to say nothing of efforts to tighten such regulations?

(**1:34:11)** Those are the questions that we will focus on in this panel. And we have a stellar setup of panelists that will help us navigate these complexities. Let me introduce them. First we have Nathalie Tocci who is the Director of the International Affairs Institute in Rome and a professor at the European University Institute. She has served as special advisor to EU high

representatives Federica Mogherini and Josep Borrell, authoring the European global strategy and aiding its implementation. We also have Moeed Yusuf, who is the Vice-Chancellor of Beacon House National University in Pakistan and previously served as National Security Advisor to Pakistani Prime Minister, Imran Khan. Before his stint in government, he was the Associate Vice President of the Asia Center at the US Institute of Peace right here in Washington D.C. And we also have, or we will have hopefully soon, Fyodor Lukyanov, has been the Editor-in-Chief of Russia in Global Affairs since 2002. He's also the chairman of the Presidium of Council on Foreign Defense Policy and teaches at the Higher School of Economics in Moscow.

(1:35:20) Nathalie, I'm going to start off with you. We are clearly in a situation in which the interpretation of the laws of war have become increasingly lax and a growing set of countries are copying the US global war on justifications for the use of force. Absent any change, where are we heading? Will middle powers in the next 10 years increasingly model their behavior on how the US has conducted itself during the global war on terror when it comes to use of force? And if so, how will such a world look like from a European perspective? Nathalie.

Nathalie Tocci 1:35:59

Thank you, Trita. Wonderful being here. I see Fyodor has just joined, so hello to him as well. So let me start, Trita, with a rather general observation, which I think is really at the heart of this project and it has to do with essentially as I think the project itself and the report puts out there is one thing which is called international law and another which is called the rules based global order. And essentially, I mean one can have different interpretations of what this means. A, in a sense more, in a sense pro-Western interpretation would basically say and would probably ground the fact that there is a difference between these two things and would say, well, you know, there is a thicker set of norms which we can call the rules-based global order. And there is a thinner set of norms which we can call international law. And indeed, ideally from a western perspective, the west is in the business of expanding the remit in the sense of those thicker norms by including a greater number of countries.

(1:37:10) Of course, the way in which many non-Western countries would see this would again start from the observation that there is a difference between these two sets of things and basically would see the language and the narrative of the rules-based global order as being something which essentially is used to kind of subsume, fudge, create ambiguity over international law and perhaps overtake international law. Now I think these two narratives, which to a large extent obviously contrast, but they're both premised on this understanding that there are two sets norms there. Right? Maybe some are thicker, some are thinner. I think part of our debate, because I think then it goes straight to this question of the use of force as well as what we're going to also be discussing, which is the use of sanctions has to somehow grapple with in many respects another reality. And the other reality has to do with there is something called laws or rules, however you want to call them, and something which score no rules and no laws at all.

(01:38:18) And in a sense that greater transactional-ism, in a sense in world affairs is something which in many respects cuts across a West non-West divide. You know, the main cleavage is not necessarily one between the west and in many respects the rest, but may well cut across. You know, in many ways, I think, when this project was conceived, and of course it was during the years of the Biden administration in the US, which in many respects was in this business, how can I put it, of concentric circles, of understanding the graduate expansion of those norms, the thickening in the sense of those norms, slightly leaner, starting maybe with small nuclei, you know, small nuclei like the G7, and then in a sense exporting them to the G20 and onwards. Now we're in a situation, and you know, it only takes a US election to kind of completely change the paradigm in many respects in which there is this question of are we in the business of having norms or not having any norms at all? And it is not just because of obviously what we're probably going to see a greater propensity by the United States to fall into the camp of growing transaction-ism. But, and here comes the point that I think you were raising about middle powers, there is a growing propensity of those middle powers to understand international relations in an extremely transactional way. And so I think a kind of question on depending this conversation is exactly what cleavage are we talking about. Right? Because we may not necessarily be talking about the same kind of cleavage as we thought we were talking about when this project was conceived. Now coming on to the questions of both the use of force and the use of sanctions, I think the report rightly puts forward the distinction between there are some cases in which a norm exists and the problem has to do with the enforcement of that norm. And this obviously has to do with the question of the use of force.

(1:40:35) And there are other instances in which the problem is that there is no such law and this has to do in many respects, not so much with the use of sanctions as such, but in particular with the use of extraterritorial sanctions. And so it becomes a question of how to regulate that particular practice. I think the report puts forward the extremely important proposal, which is essentially kind of boils down to it is a fundamental importance that we don't stretch the meaning of self-defense essentially to legitimize pretty much anything. Right? And incidentally, the two wars that are going on both in Ukraine and of course the wars in the Middle East, particularly in Gaza and in Lebanon, really have to do with the stretching of the concept of security and of self-defense essentially to legitimize occupations, annexations, so on and so forth.

(1:41:32) So I think extremely important to regulate not so much the norm itself, but the enforcement of that norm and the proposal put forward that has to do with, well hey, it's either that state that asks you to intervene if there is a non-state actor which is de-legitimizing it or there has to be a UN Security Council resolution. Obviously it's a proposal that's not going to solve all cases, but certainly would go some way towards a better enforcement of that norm. So use of force. Other question, and I think I was reflecting on this while kind of reading the report because, you know, when we were working on this project we were in many respects looking at it through having a conversation about use of force, having a conversation about sanctions, and so on and so forth for the other topics.

(1:42:24) When we were talking about the use of sanctions, of course there the conversation's really one about, as you were saying, you know, not so much the question of enforcement of the norm, but defining or qualifying in a sense the norm itself and in particular in areas like the use of secondary sanctions, obviously extremely important. Again, I fully kind of sign up to the proposal made which really kind of doesn't necessarily ban extraterritorial sanctions, but essentially says, hey, let's have a look at what an international court would say on the matter. And on that basis essentially proceed towards enforcement. The only, the two thoughts that I'd like to leave you with really have to do with the nexus between these two topics that we're discussing. On the one hand use of force and on the other the use of sanctions including extraterritorial ones. Because in many respects you could see the increasing use of sanctions as being symptomatic of the fact that there is greater reluctance to use force. Right? In many respects, sanctions are a coercive instrument. The military instrument is coercion par excellence.

(1:43:39) When you're not quite ready to go that far, you kind of sanctions tend to be including extraterritorial ones end up being a surrogate. So in an odd kind of way, and I don't have a solution to this, but I think we are grappling actually with a tension between, on the one hand the limitation or rather the adherence of the norm in the case of the use of force, and on the other hand one of the instruments that can be used precisely to ensure that adherence. But in the case of sanctions, we're in the business of trying to regulate and perhaps even constrain it.

(1:44:15) So I think that's a tension that we need to address. The other unrelated point that I wanted to put on the table and then I'll stop has to do with the fact that insofar as we can understand both the use of force and sanctions as being coercive instruments, but of course at different levels of coercion, the question that I guess I would ask myself is, does that therefore mean that there are different thresholds of violations that would legitimize one set of coercive instruments as opposed to the other? So I guess what I'm saying here really is I fully sign up to both sets of proposals. I'd be extremely interested to hear perhaps a discussion trying to connect these two sets of issues that we've been working on.

Trita Parsi 1:45:01

Thank you so much, Nathalie. And one of the factors that play into all of this, when you mentioned that sanctions have oftentimes been used as an alternative to the use of force, is that when it comes to use of force, there is a very extensive body of law regulating how to use it, proportionality, impact on civilians. Whereas when it comes to economic coercion, there essentially is none. And one of the proposals that we have is to start developing norms around the use of sanctions that it is not copying international humanitarian law, but is using some of the principles of that in order to be able to build something that is much better than what we have right now. And I want to bring Moeed into the conversation because you have a perspective that just adding these different types of norms, et cetera, is insufficient. You would like to see a more paradigmatic shift when it comes to the thinking around economic sanctions. Floor is yours, Moeed.

Moeed Yusuf 1:46:03

Thank you. Thank you, Trita, and thank you to the Quincy Institute first all for having me here. I've gone through your report with great interest and I have to say I'm very impressed because I think this is really the need of the hour. We've got to start thinking about what to do before it's too late because the international order is fluid. The unipolar moment is all but gone and we don't know what the next order looks like, frankly. And this is really the time to think about how not to let it slip further. And the optimist in me thinks that it's this unipolar moment that allowed more unilateralism than a multipolar moment would, but I think the jury is still out, of course. Let me begin, Trita, by saying that I think we are playing with shades of negatives. When we talk about economic coercion, we are only talking about what degree of negative influence or externality is going to come about, whether you have strong norms or not.

(1:47:11) I think there's a whole other space that we need to think about as we move into whatever this new world order looks like, which is cooperative geo economics. You know, it's a very specific post-Cold war lens, Edward Luttwak and others when they put out this idea of geo economics. It's essentially Machiavellian politics, Machiavellian statecraft extended through economic tools. But I think we've got to think about how you get to a point where you talk about geo economics that's collaborative rather than competitive. And let me give you the example of Pakistan. It's a country. It's a state that's been seen as more of a security state throughout its existence, 77 years or 75 years and counting. And in that the idea that we put out in 2022 as part of a codified, formal, publicly available Pakistani national security policy, the argument we make there is we need to get to a point where we have positive interdependence with all our neighbors, adversaries, and friends alike. Right?

(1:48:29) And the sentence, the way I explain it to you is how does Pakistan, but you can apply it to any country, how does Pakistan get to a point where the cost of an unstable Pakistan is greater for both its friends and adversaries than the cost of a stable Pakistan? So how do we get to a point, how do we create enough interdependence? And in our case, it was an argument around regional connectivity. Even with our perennial adversary, India, if you've got a gas pipeline flowing through Pakistan where 50 million Indians are dependent on that gas to ensure that their kitchen is functional, you know, the possibility of Indian Pakistan going to war is going to be very different than if there is no real interdependence there. So the point I'm making is we've got to think of this in a positive spirit and then build on this to create norms to prevent negativity and adversity. Let me also say I'm part of a project. I'm a senior fellow at the Kennedy School at Harvard, and one of the projects that I'm part of is looking at this concept of middle powers.

(1:49:39) We define them as countries who are strong enough either geographically, economically or strategically that neither China nor the US is going to be able to ignore them, but they don't want to pick a side. They do not want to be part of one camp or the other. And you can go all the way from the Indonesias of the world to the Pakistan of the world to the Saudis of the world to Brazil to Nigeria, a dozen countries. These countries could actually become the bulwark against this pressure to pick from a binary choice. You go with either the US or China. There is nothing in between. Because if we end up in that space, we are going to end up in camp politics where you can rest assured that these norms are going to go out of the window and both these powers are going to back their "proxies" or partners to essentially fight it out, if

you will. So I think we've also got to look at this group of middle powers who are desperate not to pick a camp but to benefit from both camps.

(1:50:44) So can, for instance, is Saudi Arabia, Pakistan, Kazakhstan, Indonesia come together on the question of how to handle technology such that they don't have to make these binary choices and not create a tech curtain, if you will. Can a Brazil and a South Africa and a UAE come together on the issue of climate? I'm just making this up, but come together on the issue of climate to say how do we create a more equitable, fair and just mechanism for climate governance in the world, et cetera. Now if you create norms next to these, even to prevent coercion, I think you've got a good chance of ending up somewhere where it's acceptable to all. Similarly on the use of force side, you know, the problem, Trita, frankly is that the champions of creating a peaceful world order and maintaining peace in the world and upholding human rights have become the most discredited in this space. To the point that when a country invades another country, for the most part, for most watching this, in contravention of the UN charter, you still don't have a global consensus.

(1:51:58) And I'm thinking of Russia and Ukraine. Then you come to the Middle East and frankly, any single norm, any single law, anything you can talk about is out of the window. So in these circumstances, I think it's very difficult for the Global South to take these norms and these pronouncements seriously. This will only happen if action reflects whatever norms we create. So while I'm completely on board with the idea of norms, you know, some of your suggestions, for instance, a US-China bilateral agreement on the coercion part, I mean it's crucial because these two countries are going to matter more than anybody else. But similarly on the use of force, unless the champions of this conversation actually behave in certain ways that reinforce these norms, I'm afraid the UN is going to remain important and it's going to be very, very difficult for the Global South to take this seriously.

Trita Parsi 1:52:34

Those are excellent points, Moeed. And I think part of the calculation behind some of these proposals is that, as you know, we put ourselves in the year 2040 and try to imagine what the world would look like then and recognizing that in that type of a undeniably post-unipolar world, there suddenly would be an emergence of interest even in the great powers to make sure that these norms actually become stronger because they need them to bind the other great powers. The reality that will not be in place in a unipolar world, but in a post-unipolar world, whether it's bipolar, multipolar or variation of it, then suddenly you would have great powers suddenly also have those interests.

(1:53:37) But that requires that these norms survive these next 10, 15 years, which right now looks very dangerous. And then I want to turn it to Fyodor and put you on the spot a little bit because on the one hand, Russia does view itself as a victim in many ways, but Russia's own conduct, including statements about changing its nuclear doctrine. From the Russia perspective, I'm sure they've seen that as a defensive measure given everything that is happening. But reality is is that that is also hollowing out nuclear norms globally. And my question to you, Fyodor, is how does Russia see this? It may see this as defensive right now, but does it

recognize that measures of this kind also hollows out norms in ways that will ultimately be to the detriment of Russia itself?

Fyodor Lukyanov 1:54:33

Thank you very much, Trita. I'm very honored and pleased to participate in this project and especially in this conversation. And I must say that Queen's Institute made a fantastic job by inviting so many people from all possible parts of the world. And nowadays we don't see many of such representative efforts unfortunately. Starting with your question, what has recently happened to Russian nuclear doctrine? I understand the reaction in the world, first of all, because the very fact that somebody starts to seriously present the nuclear factor as a political tool sounds terrifying to many. But isn't it a little bit of traditional hypocrisy? Because actually all nuclear powers, but in particular the biggest ones, like Russia, previously Soviet Union, and the United States, they always from the beginning had different ideas and plans how to use or non-use the nuclear factor. And during the whole history we saw that the role of nuclear deterrence and the nature of nuclear deterrence changed from time to time. If we compare how it was seen in fifties, in sixties, in eighties, and say in 2000s, we'll see different situations.

(01:56:33) And now the idea with the Russian behavior, which from my point of view is not undermining the international set up of rules because at the end of the day, any country possessing nuclear arms is guided by its own concept, be it United States, China, Pakistan, Russia, and so on. So at the end of the day, what Russia is trying to do to is remind the opponents that unwillingness to discuss some vital issues might lead to very bad consequences. I don't see any bigger revolution in what has changed in this concept, by the way. I'm not a big specialist on that, but I think the consensus here is that it's very modest modification. More than that, I can say that there are people in Russia who are quite unsatisfied with the modesty of these changes, but anyway. I would like to address a couple of very brief points concerning this report.

(1:57:50) And by the way, to start with what has been mentioned by Moeed about wars which are being fighting now. With all brutalities and terrible costs of war, which we see in Ukraine and around Ukraine, I would like to say that this war will not have such an enormous impact on the future of international system as we used to subscribe to it both in Russia and in the West, just because this is a conflict between Russia and the West. And this is the continuation of the conflict, which we believed was resolved by the end of the Cold War, but actually it was not. So it's not much about the future of the international system. Unfortunately it's about the past, which is still with us. So I don't know how it will end, but at the end of the day, the big majority of the international community of world population, from my point of view, they don't see this conflict as something which will define their future.

(1:59:12) While when we come to the Middle East and to the situation around Palestine, and I fully agree with Moeed, that will have a bigger conceptual impact on the situation because it goes the question of principles and norms, exactly what we discuss. The important point in this report about the controversy between international law and rules-based international order, it's very interesting to read. It's very important to discuss. But I would dare to say that this

controversy is rather, if not irrelevant, but at least not that important as it can look like. For one simple reason, international law, as rules-based international order, are not something which are put forever and should be seen as something totally untouchable, which should be preserved and will never end. A rules-based international order, this is a product of very particular, very special period in history. We understand how it emerged, but even the international law, which we discuss, that's not something which was given from God to modus. That is a product of a development which was based on the certain balance of interests, powers, forces, product of international development as well.

(2:01:05) And that will change because everything is changing at the same time. I don't mean that we need to abandon international law, God forbid, but we should not see this international law as something absolutely untouchable. And that should be adapted and that should be, all changes should be taken into account. Why I think that this controversy between international law and rules based international order is not that important. Because the real challenge is not about that. The real challenge is not which kind of international system will prevail. Rather than something else, order, any order will exist or probably not at all. This issue is being touched in the report, but I would probably say it slightly differently. It seems that the whole logic of the international development leads us towards much less regulated system, not because of particular behavior of particular countries, be it United States, Russia, China, Iran, whoever. This is because the diversification, and I would say emancipation, of the international system is happening each year, each month probably now. It's very quickly. And those who play a role, those countries who has impact on the international system are now much more numerous than before. I don't know how many we can discuss, but at least 20, 25 countries, big powers, middle sized powers, even some minor powers, they have impact on the international development. It was not the case before. And when we try, if we try to create an order, traditional sense order in this international environment, I don't think we will succeed because order requires balance. How you will balance such a system with 25 or 30 important actors of completely different kind of completely different caliber. So I think that this is the much bigger challenge coming than behavior of some concrete countries. Secondly, I would use the notion, which Nathalie should know very well and which is not being used here in Russia. This is a notion of subsidiarity, which is the basic principle of the European Union. I think that we are moving towards a system where problems should be solved, discussed and solved on the lowest possible level, involving those who are directly attached by this problem. Not the global solution for any, for example, regional conflict, but those who are directly involved and those who have direct interest in this, they should be involved in the solution, but not those who have ideas but are not directly there.

(02:04:34) Then we have ... The important part of this report is about international humanitarian law, and I think that we need to stress it over and over again, how important it is, because whatever reasons for conflicts are, we need to preserve the humanitarian international law. The problem which I think emerged not recently, but it started much, much earlier with the international humanitarian law and which partially, at least, undermined the very idea, was a mix-up of two things, international humanitarian law, which by default should be depoliticized, de-ideological, and the whole idea about liberal understanding of human rights.

(02:05:24) Unfortunately, the human rights philosophy and methodology which prevailed after the Cold War led to this result that many countries started to mix up. They see attempts to apply international humanitarian law as attempts to impose something political on them, and that should be changed. And I think that the whole narrative, the whole framework of international politics as we saw it until recently, and the President Biden administration is very typical for that, is an attempt to frame it as a democracies versus autocracies struggle. From my point of view, it kills any attempts to make depoliticized humanitarian work. Economic sanctions, the-

Trita Parsi 2:06:22

Let me interrupt you. I want to make sure we get reactions to many of the very interesting points that you have raised and raised by Moeed as well. And one in particular that I think probably will raise some eyebrows, is your belief that the war in Ukraine will do less in actually changing the course of history, if I can perhaps exaggerate a little bit what you said, than what is happening in Gaza right now. And I want to tie that to what Moeed said as well because what he is pointing to is something that is quite common in the Global South. A very strong belief in investing in economic interdependence as a way of achieving security. What the war in Ukraine appears to have done, and I want to first direct this towards Nathalie, is to actually have the West abandon the idea that economic interdependence actually is a pathway towards security.

(2:07:18) But I also wanted to have you comment on what Fyodor said in terms of Ukraine versus Gaza, particularly mindful of several European countries coming out with either unclear statements as to how they will respect or not respect the ICC ruling, and in the case of Hungary very clearly saying that they will completely reject it. So if you could react to those two things jointly, Nathalie, that would be great.

Nathalie Tocci 2:07:48

Absolutely. So firstly, I think that if we take Ukraine and the Middle East, I think as far as violations of international law is concerned, we're talking about egregious violations in both cases. In one case, it's about the violation of sovereignty, territorial integrity, in the other case, it's really shattering international humanitarian law. So I think if we put it in terms of norm violation, it is honestly from bad to worse. Now, coming to though the point that Fyodor was making, two reflections. I think he's wrong and he's right. He's wrong because I think that actually what is happening in Ukraine is going to have fundamental global repercussions on at least two things. The first we've already touched on and the second, Peter, you touched on now. The first is precisely that of nuclear proliferation. Now, Fyodor is absolutely right that the change that has happened in Russia's nuclear doctrine is not a revolutionary change. Russia on the one hand always actually saw in a sense a continuum between the conventional and the non-conventional realms in warfare. And indeed there have only been some "tweaks" in the wording in that respect.

(2:09:17) However, given that this is happening at a time in which essentially there has been the transformation in many respects from nuclear deterrence to nuclear blackmail, I think this is basically part of what has been going on, and it has been, let's face it, a very effective weapon,

that threat that Russia has made. And this inevitably is something that other players have been looking. So I think if we think for instance about Iran at this point in time, Iran is going through a time in which two of its pillars, of its traditional deterrents, on the one hand missile defense, and on the other hand the use of its militias or proxies, have been degraded quite significantly. So it would have all of the incentives to actually accelerate that third pillar, which is precisely its nuclear program, and it is watching how effective the threat of a nuclear capacity is in the case of Russia in terms of withholding support for Ukraine.

(02:10:18) So I actually think that on the nuclear proliferation front, actually it will be an extremely consequential war and I also think it will be, and it has already been extremely influential in reshaping our understanding of interdependence. Now, rarely does an event represent the turning point. Normally it's a cascade of events that go and reinforce a particular understanding. But if part of the shift that is going on is the shift from a world in which interdependence was considered an unmitigated source of peace, love and happiness, to a world in which interdependence is increasingly viewed as a source of insecurity, then it is very clear that whether we're looking at it through the energy angle, whether we're looking at it through the food angle, the interdependence in the world today and the militarization of those interdependencies, have been exposed and exacerbated by the war in Ukraine.

(2:11:20) So I think it's consequential globally in those two respects. I think though that Fyodor is right, and this I think connects to a point that Moeed was making as well, which is that one thing is the actual practical implications of this war, but we know that a lot about international relations is about feeling, about emotions. And it is absolutely correct that I think that whereas the war in Ukraine, and if we want to look at it in a global dimension, is in a sense a war between the Global West and the Global East if we put Russia and China into the same category here, the Middle East and Gaza, although actually it has far fewer practical implications, insofar as it is in a sense a war that speaks to the cleavage between the Global North and the Global South, is felt a lot more, especially in countries in the Global South.

(2:12:17) So I think we can only really make sense of this once we put in a sense a more emotional dimension in all of this because in a sense what is happening in the Middle East really echoes back and resonates with so many of the injustices which obviously date back from the colonial period. And although what Russia has been doing in Ukraine has a lot to do with colonialism, it is simply not the way in which it is viewed in many countries in the Global South, which is part of the problem, that especially Europeans and of course Ukrainians themselves have been having in trying to in a sense make their case to countries in the Global South. Because if you think colonialism, generally countries in the Global South think about the Global North, they don't think about Russia's colonization of Eastern Europe.

(02:13:06) I'm sorry about this. You asked me about the ICC. Look, and here as we speak, there is a G7 meeting taking place in Fuji in which they're talking precisely about this. It is catastrophic, Trita, it really is, because here we have in the G7 six countries which have signed up to the Rome Statute, one country which hasn't. I absolutely understand why it is important to try and find a common position, but if that common position ends up being a dilution of the commitment, then in a sense what is happening is an actual delegitimization of the court that we

helped constructing. And the minute in which what is being done by the ICC is defined as a political decision, it all of a sudden raises the question, "So what is it that the ICC has been doing up until now?"

(2:14:08) So either, as I believe, it is absolutely right to issue an arrest warrant vis-a-vis Putin and to do so vis-a-vis Netanyahu. The minute in which you define one as political and the other is not, you are actually helping to delegitimize the court itself. So I think it's absolutely catastrophic, and in a sense I have respect more for countries, let's take the cases of an Austria, which is a very staunch defender of Israel and essentially has been saying, "I absolutely disagree with the arrest warrant, but we will respect it." I personally don't disagree with that, I think it's absolutely right, but I would respect a position that would perhaps take issue with the content of the arrest warrant, but the minute in which the law is the law, well the law has to be abided.

Trita Parsi 2:15:04

Moeed, If I could get your quick reaction to that in particular, sitting adjacent at least to the Middle East and watching this happening, this tremendous hollowing out of norms, as you pointed out yourself, turning it into meaningless, and the perspective in the Global South vis-a-vis the North at this point in terms of an ability to walk this back rather than this being just a free for all.

(2:15:31) But on top of that, I want to also ask you, you put so much emphasis on economic interdependence as something that is crucial for Pakistan's security. In that context, we are seeing a massive growth of economic sanctions, including secondary sanctions. Australia, for instance, has now increased its use of sanctions roughly 500%. I don't know what the exact number is for Europe, but it has massively increased there as well. And on top of that, we predict that in the next 10 or 15 years, we will also start seeing other great powers with strong currencies starting to use extraterritorial financial sanctions in the manner that the United States has done in the last 20 years. How is that compatible with, or is it a threat to your vision and Pakistan's vision, and much of Global South vision for economic interdependence as a pathway towards security? And in that sense, wouldn't stronger norms already now starting to be developed at least provide one facet of being able to minimize the danger of this?

Moeed Yusuf 2:16:46

Yes. I don't want to be too provocative, but let me say this. First of all, war is horrific, full stop. I think debating which one is less so is irrelevant if you are staring down the barrel of a gun. I will say though that the Global South's reaction, and I think Nathalie is right in terms of how the Global South has reacted to the war in Ukraine versus the Middle East. But one of the reasons for that, and the word that comes to mind when you think of the Global North, not to my mind necessarily, but to the Global South, if I were to generalize, is hypocrisy. And when you think of a hypocritical stance, in some ways it's worse than saying, "You're just bad." It comes across as more unethical when you preach something and then go against it.

(2:17:40) And there, I'll give you a personal example, very personal, but first hand. I was Pakistan's national security adviser the day Russia ... the conflict started, and I have the rather dubious distinction of landing my prime minister in Moscow on the day of the attack, and we spent that whole day there. And then afterwards I had multiple conversations with my counterparts from the Global North, and it was very interesting and incisive for me, because the reaction that Pakistan was getting from countries in the Global North was, "How could you do this? Didn't you know what this meant?"

(2:18:26) And when I would ask, "What does it exactly mean?" frankly, the answer was, "This is not a normal war, Europe has been attacked." And for somebody sitting in the Global South, obviously for all the sympathy and all the right conversations, part of the Global South did ask, "So the war in Europe is more important than the war that's hit my country and the country next door and the country next door for the past 70 years because?" And the answer was, " Because Europe is too used to peace. After the World War we weren't supposed to have military conflict on our territory."

(2:19:06) So the point I'm making, Trita, is that both are horrific, but there is this sense in the Global South, justified or not, I'm not debating that, that there's too much hypocrisy when it comes to who's hurting. Otherwise, I don't think you can frankly compare Ukraine with the situation in the Middle East because in the Middle East there's one state actor which has crossed every single line in terms of the extent of violence with unbacked opposition on the other side, I'll leave it at that. But I think that's, I would say the view from the Global South, if I were able to generalize.

(2:19:45) On the question of Pakistan and economic interdependence, you're absolutely right. I think it's an uphill struggle even on the best day of the week. The way the world is going, it's becoming more and more hardcore realpolitik. And so the economic interdependence part, no one country like Pakistan can achieve. It has to be a group of these middle powers that creates some pressure on some particular issues. And the stronger the norms, the easier it becomes to do that.

(2:20:15) So I don't think a country or five countries can stop this conversation that you're mentioning, countries with strong currencies and what are they going to do, but can you create a mechanism whereby these countries can benefit both from the dollar regime and whatever else regime somebody is putting out? Can the US and China agree to something whereby certain amount of technology can cross over and you don't have a clear tech curtain that is preventing countries from benefiting from innovation? Those are the questions to answer. But as I said, even on the best day, I think it's going to be a very, very uphill struggle, precisely because those who must uphold the norms are now being, as I said, discredited when it comes to holding them up, because there is this question of hypocrisy that keeps coming back.

(2:21:02) And just one other word I'll say, I think there is also a misnomer that there is a Global South that looks at a monolith called the Global North. The Global South is as divided as anybody. Countries in the Global South have their own interests, and many times they will actually pair up with countries in the Global North to further that "hypocrisy." Other times they'll

pair up with the Global North to do what may come across as implementing IHL and just war, and at other times they're opposed to the Global North. So that is why I think it's a bit of a myth to say that there is a Global South coming together on a particular platform. Different countries in the Global South take different positions on different issues, but at the end of the day, I think if you've got to have these norms as strong as we want them, the champions of the norms have to lead, and then like-minded countries from the Global South will have to rally behind.

Trita Parsi 2:22:04

Thank you so much Moeed, and I want to go to you, Fyodor. I know you were about to start talking about economic sanctions and I want to follow up on that, but also specifically point to your point that perhaps this war in Ukraine will not be as decisive. It has completely disengaged Russia economically from Europe, and it doesn't appear that Russia expects sanctions to ever be lifted, and as a result, economic interdependence appears not to be in the cards between Europe and Russia going forward. Given all of that, let me hear your perspective or the Russian perspective on economic sanctions going forward, and potential norms to regulate them.

Fyodor Lukyanov 2:22:47

Yeah, thank you very much. I will be very brief, because I think this issue, paradoxically, is very simple. Yes, you are right that what happened ... and that was not expected by the Russian side, I must say, that the complete cut of economic relationship between Russia and the European Union, including energy between Russia and Germany, which was seen as absolutely untouchable, but it happened. So it was a miscalculation on the Russian side.

(2:23:17) But as you said, the number of sanctions introduced by many countries is growing, is rapidly growing. What happens? International economic life continues. It is being deformed and distorted, but globalization in this regard that the world is interconnected, survives. Yes, it was an unprecedented attempt to kick off Russia from the international economic system, basically it failed. It definitely failed with the rest of the world outside Europe and the West. But if we look at all tricky ways, how Russian energy, goods, how many things are coming from Russia to Europe and the United States and back under strange flags and in different ways through many intermediaries, but it happens, it continues. That means that international economy survives, the integrity of the national economy survives, and that will continue.

(2:24:47) The more sanctions, the less effectiveness, because at the end of the day, United States will create situation when efforts to make an alternative payment system, which now are not very successful inside BRICS, inside other groupings, but they will work because no one will tolerate it. Not only countries which are in conflict with the United States, but no one, Pakistan, whoever. And that's why I believe in the international economy and the market economy very much.

Trita Parsi 2:25:21

Interesting. Nathalie, if you could react to that. But also, one of the proposals the report has put forward is to bring some legal clarification on the legality or the lack of legality on extraterritorial

financial sanctions, which at this point is essentially only being imposed by the United States. Europe has opposed these, but yet it has abided by them. This was particularly the case when it comes to the sanctions on Iran. Even after Trump left the Iran nuclear deal, reimposed sanctions that the Europeans pointed out were no longer legitimate or legal, nevertheless, European companies did abide by them, and European governments seem to be either unwilling or incapable of doing anything about that.

(2:26:13) Do you think ... A clarification as to whether these sanctions are legal or not, and essentially the American argument is that they are domestic application of American law because any trade in dollar eventually passes through the US Treasury in Washington, at least for a split second, and as a result, American law is legitimately imposed. How do you think a proposal of this can change Europe's calculations and conduct, whereas mindful of the fact that even when it opposed them as illegal, it nevertheless seemed incapable of doing anything about it?

Nathalie Tocci 2:26:50

Yeah. Well, I think in general, Europe would look favorably upon the idea that there is an international body that will try and regulate something, which on some occasions may actually be detrimental to European interest, not necessarily on all occasions. That, I think, as a point of principle, Europe would be in favor. To me, the real question is how to persuade the United States to move in this direction, because as you rightly say, it is basically the one player that would be affected by an international regulation of essentially a power that at the moment basically only the US really has. Now, the only way in which in a sense you start creating incentives of the like is precisely because, and Fyodor was moving in this direction, indeed, this is something which may no longer forever be only within the remit of the United States as indeed as a reaction precisely of the use and overuse of extraterritorial sanctions.

(2:27:55) There is an acceleration of the use of alternative currencies, which then themselves, and here obviously I'm mainly thinking about China, may itself increasingly then have the temptation to make a recourse to the use of extraterritorial sanctions. Especially, I think, again, if we start from the assumption that sanctions, including extraterritorial sanctions, are in many respects a surrogate for war. They are a replacement for war, they are are a proxy for war. So to the extent that there is less of an incentive to wage war, there will always be more of an incentive to exercise sanctions, which I think is precisely the reason why we're seeing more sanctions in many respects moving forward.

(2:28:39) So I think in general, Europeans would look upon the idea of regulating the use of extraterritorial sanctions favorably, definitely. I also think, in all honesty, often this is really a question of, "Exactly how do you feel you're being affected by this?" And you have seen the way in which there's been the pendulum really swinging on this particular question in Europe, because when the question was first viewed very, very negatively, was precisely on the occasion that Rita, you were mentioning, i.e. the fact that the US threatened the use of extraterritorial sanctions under the first Trump administration because Europeans had the audacity of wanting to stand up and abide by international law in the case of the Iran nuclear

deal. That was really the moment in which it wasn't of course the EU itself or European countries, it was really the question and the decision that individual companies often take. And so although you can have public institutions saying, "Go ahead, continue trading with Iran, you'll be fine," it's in a sense a self-sanctioning or rather a self-restraint of companies that actually don't want to run the risk of incurring the wrath of the United States.

(2:30:05) So at that point in time, there was a lot of antipathy, obviously, for extraterritorial sanctions. You then moved to the last four years where especially in the end it turned out to be a massive flop, but for instance, when we were having discussions about inserting an oil price cap in the case of Russia and Ukraine, then you basically had Europeans that actually thought about rather favorably of the use of US extraterritorial sanctions vis-a-vis those countries that bought Russian oil over and above the price cap. I would not at all be surprised if now that Trump has been re-elected, the European debate on extraterritorial sanctions shifts back to where it was four years ago. So I think as I said, as a point of principle, probably very much in favor, as a point of practice, very much determined by the way in which Europeans and European companies are affected by this.

Trita Parsi 2:31:12

Thank you so much Nathalie, and I think one of the things I missed raising is of course the Trump factor in all of this, of how Trump's presidency in the next four years may be impacting the various perspective on these definitions, particularly, of course, any efforts to try to strengthen norms on the international scene. I want to thank you all, I want to thank you Nathalie, Moeed, Fyodor, all, for a fantastic conversation. This is of course a conversation that needs to be held more regularly and increase in its intensity because we are moving towards a world in which in the absence of almost an unparalleled level of human collaboration, we will be moving towards something that is much worse than the eras of conflict that we had before the post Cold War era.

So thank you all so much. We're going to now shift over to our next panel, which is on the very crucial issue of UN Security Council reform, which will be moderated by my colleague Zach Paikin. Zach, if I could first ask you to give me your quick reactions to the previous two panels.

Zachary Paikin 2:32:21

Well, thanks very much, Trita. In the interest of time, I'll just pick up on one. We've had such a series of rich discussions so far and this discussion that we've just had on whether or not the war in Ukraine or the wars in the Middle East represents a greater challenge to the future of the international order is a significant one. You've got, as Nathalie said, very significant norms that are cutting through both, in one case, more concerns around IHL, in others questions surrounding aggression and territorial integrity, but of course, sovereignty and self-determination are touched on in both cases.

(2:32:53) But one thing that stands out a lot to me as it relates to the Middle East in particular is that unlike in the case of Ukraine, where Russia alone cannot bring the international order to its

knees just by itself, it's not powerful enough as an actor on its own, you've got the hegemonic West that's involved in the case of the Middle East, and that matters. And the hypocrisy that is involved there does indeed matter.

(2:33:12) And it's also taking place at a time when the Global South is rising as new strategic entrants who are demanding forms of equality and being able to set the terms on equal basis to other countries that are established powers. And those are two important factors, but it's one additional factor that I think allows the situation in the Middle East to stand out to me at least, which is that it's the cumulative effect of both conflicts simultaneously, not just the features of one or the other, but the cumulative effect of both.

(2:33:44) You've had on the one hand, Western countries in the case of Ukraine, come in defense of the little guy in effect, and then turning around very quickly thereafter and reframing the situation in the Middle East through the lens of a civilizational struggle. And the contrast there between those competing explanations that are happening simultaneously is a lot for many different folks to bear. Of course, there is the possibility that this could be reframed as some sort of a civilizational struggle in both cases, that Ukraine is an aspiring member of Europe and therefore that's a civilizational struggle as well. But if we do that, then we're giving up to some extent on the notion of a universal order. Civilizationalism is in some extent in tension with a universal order.

(2:34:27) So the question that we need to dwell on going forward, I think, to some extent is, "How much do we need a universal order to regulate a diverse world?" The stakes are very high, it's a huge question, and I think we should give it a shot to try to build a universal order in a diverse world, and we should give it a shot earnestly rather than just through lip service. We've got a choice here between the continuation of hypocrisy and a full-fledged embrace of civilizationalism, or we can choose a third way. So let's choose a third way and build a better order.

Trita Parsi 2:34:56

Thank you so much, Zach, and I think the panel on the Security Council reform that you will be moderating in a few minutes, of course, will be very central to that. Let me just give a final thank you to Fyodor, Enmuid and Natalie. Thank you all so much. Off to you, Zach.

Panel #3: How to Reform the UN Security Council to Save Multilateralism

Zachary Paikin 2:35:12

Thank you so much, Trita and friends, colleagues, good afternoon. Thank you all for staying with us. For those of you who are joining just now, I'm Zach Paikin. I'm the deputy director of the Better Order Project here at the Quincy Institute for Responsible Statecraft. We continue our programming this afternoon with a discussion on UN Security Council reform. As was already discussed earlier today by many panelists, it is doubtful that often vague pledges among like-minded states to defend the so-called rules-based international order can be a substitute for

deep, genuine and inclusive multilateral reform, and no multilateral institution of global scope is as central to upholding international peace and security as the United Nations.

(2:35:57) As the world continues to move away from unipolarity, pressure will continue to mount in favor of making the membership of the UN Security Council more representative. That said, the devil remains in the details. If the number of great powers is increasing in a multipolar world, does that mean that the number of permanent members of the Security Council needs to increase, for example? Now, that may be the case, but existing permanent members will need to agree to grow their ranks, and other member states of the United Nations will also need to have their concerns assuaged that more veto- wielding countries will not lead to even greater use and potentially even greater abuse of the veto. Can permanent members agree to certain limitations on their veto privileges, despite a deepening great power competition that we're seeing today, and can a formula to expand the Security Council be reached that rights certain historical wrongs and provides a win-win, or as we say in our report, a win-win-win for all UN member states?

(2:36:58) We are fortunate to have with us today two of the most knowledgeable practitioners to help us unpack this multifaceted topic, although I only see perhaps one of them with us right now, but hopefully Minister Pandor will join us shortly. In the meantime, allow me to introduce Georg Sparber, who is Ambassador of the Principality of Liechtenstein to the United States of America since 2021. He also serves as Liechtenstein's permanent observer to the organization of American States. Before assuming his current duties, he held the position of Deputy Permanent Representative of Liechtenstein to the United Nations in New York since January 2017. Between 2014 and 2016, he served as Deputy Head of Mission at the Liechtenstein Embassy in Vienna with accreditation to Austria and the Czech Republic. During that time, he was also Deputy Permanent Representative of Liechtenstein to the Organization for Security and Cooperation in Europe, the OSCE, as well as the United Nations and International Organizations in Vienna.

(2:38:02) Ambassador Sparber, thank you so much for being with us this afternoon. Before I begin, allow me to remind our audience that you can check out the Better Order Project's proposals for UN Security Council reform by going to betterorderproject.org and clicking on the tab Regulation of Force and Coercion that you can see at the top of the page. Let me begin with you, Ambassador Sparber. Many of our viewers here at the Quincy Institute are observers primarily of US foreign policy, but can you help our audience understand why UN Security Council reform is important? Why is it important for the international order and what's in it for the United States?

Georg Sparber 2:38:43

Thank you very much, Zach, for having me on this conference. It's good to see you again. This is, in a way, a follow-up to the conversation that I had earlier on with the Quincy Institute when you were in the process of drafting this process, so I'm happy to join you for this discussion. I should maybe say at the beginning that I'll speak in my personal capacity here. I'm no longer working with the mission in New York, but I did, of course, follow the processes then very closely

and still, I'm very interested in the issues discussed. Let me also maybe at the beginning appreciate your contribution to this ongoing discussion on Security Council reform, in particular enlargement. I think any contribution at this stage is a good contribution as far as it helps promote the discussion and move us forward. There is a very long and protracted process, but I do believe that we see a little bit of a change in the dynamics.

(2:39:49) I do believe that's maybe an answer to your general question. Security council reform to some extent is at the core of bringing the world to a more efficient global governance system, promoting the rule of law. I have to say that I like the way that your report is focused on promoting the rule of law as maybe opposed to the concept of the international rules-based order, as if there were many such orders available. I think we are, as Liechtenstein, very much supportive of advancing the rule of law with the UN. At its center, the rule of law is a key measure of stability, and sometimes people forget that it's been the big powers who created the United Nations, because it helped promise to provide more stability based on the rule of law and not necessarily as a concession to smaller states.

(02:40:53) Sometimes, the bigger states maybe forget that more easily than we do, but I think when you look at the UN today, it's pretty much the advancement of international law that is among its core achievements. To me, that is first and foremost the prohibition of the illegal use of force of which the Security Council is primarily responsible to see that it's implemented, but also human rights is armed with literally every dimension of law. I think what we are talking about when we're talking about reforming the Security Council is very much preserving those achievements and ensuring that the UN can progress in those areas in the future.

(2:41:39) I'm happy to talk more in detail about some of the aspects of your proposal, about enlargement, but also aspects of working methods, maybe the role of the General Assembly, but maybe I'll leave it at that, saying that I think we've seen in the past few weeks a good dynamic in this discussion. We have a pact for the future that very concretely gives the mandate to the process of Security Council reform. We also see intergovernmental negotiations that are in very capable hands with Austria and Kuwait that see a bit more of a dynamic and I think it's a very good time to have that discussion.

Zachary Paikin 2:42:23

Excellent, thank you, Ambassador. We will come to some of our proposals a little bit later on, but first, you mentioned the issues surrounding the use of force and the role that the United Nations is supposed to play in ensuring that the use of force is not employed illegally. Reforming the composition of the Security Council requires amending the United Nations Charter, which is something which the P5 countries: the US, China, Russia, the UK and France, have the ability to veto. Some of those countries have been using force illegally and are doing so in defense of what they see as their core interests. In your view, why do you think it's important for the P5 to agree to Security Council reform? Why should they?

Georg Sparber 2:43:01

I think there's two aspects to this and a little bit conceptual question, how you define reform. Of course, there is a whole dimension of reforms or improvements that you can make in Security Council that do not necessarily need the formal agreement of the P5 because they do not call for a Charter amendment. I think many of those reform measures have been implemented over the past that pertains to the working methods, that pertains to maybe voluntary restraints on the use of veto and so on. We could talk more about that if that's interesting.

(2:43:42) All in all, of course, the spirit of the UN is always such that if people agree to something, there is a better insurance that things are actually implemented. Any reforms to the Security Council would naturally need to at least seek the approval of the permanent member of the Security Council. Now, when it comes to more legally robust reforms that would call for an amendment of the UN Charter, then of course, you have a legal requirement for the permanent members to agree to it, ultimately because it will only enter into force if all the P5 have ratified the change to the Charter. That's just how the Charter is phrased and that's not something that anybody can change, but that, of course, defines if you want the political space that you have for some of the reforms, such as enlargement, such as the veto power and so on.

Zachary Paikin 2:44:42

Could you see a possibility in which certain permanent members agree perhaps to drop their opposition to expanding the permanent veto-wielding membership of the council? Obviously, there's great diversity of perspectives on this issue among not just the permanent members but the wider membership of the United Nations as well. What's your read on how political debates are evolving on that question?

Georg Sparber 2:45:05

I am personally probably a really big optimist when it comes to what the UN can do. I would say, though, I believe any measure that by virtue of Charter amendments changes the privilege that the veto attributes to the permanent members of the council will be very, very difficult, if not impossible to achieve. I think that's just a political reality that we have to deal with. To be frank, Liechtenstein has been a bit among the most outspoken critics of the veto power in the past. We have put forward many ideas and initiatives to improve the work of the Security Council and reduce the use of the veto whenever possible. That said, a real reform of the Charter that would, in a way, change that prerogative for the permanent members is, I don't think it's a realistic basis for the membership to work off. I think at the end of the day, even though a large majority of the membership is critical of the veto, it's a reality of life at the UN. Every state that has joined the UN and ratified the Charter has also, to some extent, agreed to that.

Zachary Paikin 2:46:34

Just sticking on the expansion of the permanent membership for a second, because Liechtenstein does believe in multilateralism and the survival of the multilateral architecture. If we have a situation where India, for example, continues to insist that it is deserving of the same rights and privileges as the existing P5, especially because by the end of this decade, India is

going to be the world's third-largest economy. It's already the world's largest country by population. It's a nuclear power just like Britain is, but if you have a situation where India does not hold a permanent, veto-wielding seat and Britain does, de facto even though it does no longer.

(2:47:10) I should say de jure rather, but de facto no longer uses its veto, that could lead to an issue in which a country, a rising future major power like India feels like the multilateral architecture does not reflect its interests and increasingly disengages from multilateralism and India being a country that has the potential to serve as a bridge as well between the global south and the west, this would be a major loss for multilateralism. Do you get the sense that in order to preserve not just multilateralism but also to preserve the centrality of this institution where the great powers hold such important privileges and an important privileged position, that both small countries and big countries alike should agree that it's important to expand the permanent membership of the council, whatever concerns they might have?

Georg Sparber 2:47:57

Thank you for that question. Of course, as a diplomat, our primary task is to see where there is space for agreement. As Liechtenstein, I will say that very clearly, the UN is a cornerstone of our foreign policy, so we have a very keen interest in preserving the UN as the key international body for policy, including security policy, so we will do whatever we can to increase the chances to get to that point. That said, it is absolutely clear that the council in its current form and shape is not representative and that's a problem in itself, if you want. It's also a problem in particular, because the council sometimes forgets that one of its most foundational duties is to act on behalf of the membership, so making the council reflective today of today's realities is in a way, a no-brainer.

(2:49:01) Now, how exactly you want to do that is a different question. What we do believe is very important is that we do not initiate reforms that essentially, in some way repeat the same mistakes that have gotten us to the place where we are today. I believe, at least from my perspective, the veto power plays a very big role in that story. I think Liechtenstein has by now a pretty long tradition in trying to analyze the existing views. You mentioned India. There is many others who have aspirations and want to have an inclusive and functional multilateral system. We have always looked at this as our responsibility also, and our task to provide proposals that may be able at some point to bridge the divide between the different positions. Liechtenstein itself has no aspirations when it comes to playing a role in the Security Council, but we have a huge interest in a functioning multilateral system with the UN at its center.

(2:50:11) We have put forward for a while now our own enlargement model. It's a little bit different than yours, but some elements are quite similar. We have just reintroduced that last week in the course of the intergovernmental negotiations with some slight amendments, and I'm happy to talk more about that if that's interesting to the audience.

Zachary Paikin 2:50:37

For sure. Let me ask you about, before we turn to our other guest who has just arrived, let me ask you about the question of representativeness as a bridge to introducing her. How important do you think representativeness is to the legitimacy of the Security Council? Many people will say that the UN General Assembly derives its legitimacy from being a representative body where all the countries in the world, all the UN member states, are represented and that the Security Council, more than being representative, needs to be effective, needs to be efficient and to do its job. Right now, we're seeing that it's not doing that, that it is occasionally, manifestly failing to uphold international peace and security. Where would you rank the importance of effectiveness versus representativeness as it relates to the future of the Security Council, and what should that lead us to conclude in terms of, what are the most important reforms that we need to focus on in the years ahead?

Georg Sparber 2:51:29

Let me maybe start answering from a different direction. The only body in the UN that is unquestionably legitimate is the General Assembly, because everybody has a vote there. It's the most democratic and most inclusive body. Whenever you go ahead and create a smaller group of states that's supposed to represent the entirety of the membership, then you need to be sure that this is a representative body, and the Security Council clearly is not anymore. It may have never been or some look at this differently, but today, it's without question that it's not representative anymore. That is an essential element about it; it's supposed to act on behalf of the membership.

(2:52:14) The second element I just mentioned, that it's the acting on behalf of the membership that's really crucial for us. Charter is very clear on that, and the Security Council sometimes seems to have forgotten that there is actually an accountability towards the general membership in the way that the council acts or does not act, and probably the latter has been the bigger problem in the past years. I think both elements are crucial: representativeness in the membership, but also accountability for its track record and its work towards the membership as a whole. We have tried to advance reform of the Security Council on both those strengths.

Zachary Paikin 2:53:02

Gotcha. Thank you so much, Ambassador. It's now my pleasure to bring in our second panelist into the discussion. Naledi Pandor is the former Minister for International Relations and Cooperation of the Republic of South Africa. She served as a Cabinet minister in the South African government from 2004 all the way until 2024, previously serving as Minister of Education from '04 to '09, Minister of Science and Technology from '09 to '12, Minister of Home Affairs from 2012 to 2014, Minister of Science and Technology again from '14 to '18 and finally is Minister of Higher Education and Training from 2018 to 2019, so several portfolios.

A pleasure, Minister, to have someone of your caliber and experience on the panel, so thank you for joining us today at the Quincy Institute. Let me turn to you. The Pact for the Future, adopted in September at the United Nations Summit of the Future, underlines the importance of addressing the historical underrepresentation specifically of the African continent on the

Security Council. Among other things, the African Union's Ezulwini Consensus demands two permanent seats for Africa to rectify this historical injustice. My question to you is, how wedded is the African Union to this specific formula? Is it open to a pragmatic compromise in which maybe no group of states in the world gets 100% of what it wants, but nonetheless, it opens the door to comprehensive Security Council reform?

Naledi Pandor 2:54:29

Good evening and thank you to the Quincy Institute for inviting me. I cannot speak for the African Union, but the Ezulwini Consensus remains the consensus position of the union, so for the moment, until they indicate a new approach, I assume they're tied to that consensus. I do think that the proposal on two permanent African seats, including a veto, was really framed with a mind to the Security Council remaining with the current mandate and exercising that mandate with this undemocratic decision-making process where a veto can just overturn everything. I think that in discussion of the report of the Commission of the African Union, the committee of heads of state that is looking at the matter of UN reform, there has been recognition that substantive reform may probably go beyond what was anticipated in that consensus document, because it's an older position. I think understanding of the United Nations and how it functions has perhaps somewhat matured beyond that period of when the Ezulwini Consensus was adopted, but for now, it remains the standing policy posture of the African Union.

Zachary Paikin 2:56:21

Gotcha. Ambassador Sparber, let me ask you about Europe in this case. Currently, Germany is demanding that it be given a permanent seat on the council. However, the United States and Western Europe and Eastern Europe combined currently account for six of the Council's 15 seats and many countries are wary, understandably, of further increasing Europe's representation, given how over-represented it already is relative, rather, to its population. Your sense on that issue. Is that a legitimate concern that other parts of the world might have?

Georg Sparber 2:56:52

In very general terms, as I said before, I do believe that the Security Council today lacks representativeness, and that is a main issue that should be under discussion if you want to have a better working Security Council for the future. Now, everybody, every nation on the world has probably their legitimate interest in how it wants to be represented in that or this forum. Our concern, as I mentioned before, is primarily to find a way to bridge the divide between the different negotiation positions. Germany and some other countries obviously represent one block. There's others. The minister mentioned the Ezulwini Consensus, which is a very important part of that discussion. We certainly look at the current distribution of seats in the Security Council as biased towards the Western European/United States group. That is also the basis on which we have developed our model for enlargement, which intends to be more representative and do justice to the different negotiation positions as best we can right now.

Zachary Paikin 2:58:10

Let me ask you precisely about that model, which you call an intermediate model for Security Council reform. It offers to compensate six countries, likely to be rising powers in all likelihood, not with a permanent veto-wielding seat, but rather with a compromise position in which they would obtain a lengthy eight- to ten-year term on the council. The Better Order Project has put forward something similar in logic but somewhat different, in which the General Assembly would elect a pool of 20 countries instead of just six, and those 20 countries would then be rotating on and off the council, five at a time. The reason I bring up our proposal here is because, if you take 20 countries out of the running rather than just six, that means that smaller countries will have a better chance of being elected to an ordinary non-permanent seat on the council. Do you think that a formula like that might stand a better chance of earning the approval of a critical mass of UN member states if they realize that this will be to their advantage, in effect?

Georg Sparber 2:59:07

Yeah, very good question. I've actually looked with great interest into the specifics of your model. Maybe let me quickly explain what our intermediate model is without going too much into the detail. You mentioned that it would create a new category of seats which are longer term and are renewable. That means that de facto, countries would be eligible for quasi-permanent membership with periodic re-elections. They would however not get, the model does not foresee additional veto powers or veto rights. With that, we try to bridge the divide, of course, that some countries aspire at permanent membership in the council, while others are very skeptical of that same thing. At the same time, we preserve a reasonable measure of accountability of the council members to the General Assembly because the one crucial mechanism of accountability that the General Assembly has are elections. I recognize that your model does have that, too, but at a pretty, let's say reduced level, namely, I think you elect your intermediate body there every 24 years or so. That's something, I believe, that does distinguish our two models from a bit more than only a quantitative point of view, because I think we start from the idea that the lack of accountability has really been at the root for much of the trouble that the Security Council has been in, so we do not want to go ahead with a reform that essentially institutionalizes that lack of accountability. Further, we do, to the contrary, look for a model that makes accountability actually the strength of the new Security Council. I think that's one of the differences between our models and probably still some more discussion until we're convinced of yours in that regard.

Zachary Paikin 3:01:22

Excellent. Thank you so much for that substantive engagement. Minister Pandor, let me come back to you and let's move on now and talk about the veto. This is obviously a privilege that the United States and China and Russia are bent on jealously guarding, and some are of the view that the right to cast a veto keeps the great powers invested in multilateralism because they know that they will be able to use it to protect their core interests, but others believe that the great powers have not merely used but have, in fact, abused their veto privileges, especially as of late. These countries in particular are nervous about agreeing to Security Council reform unless the question of the veto is addressed alongside it, so how do we square that circle in your view?

Naledi Pandor 3:02:09

I think that we'll always have difficulty if those who currently hold power are the ones who determine the model. If we're thinking about them all the time and not the entire membership of the UN body, I think we're just digging a hole for ourselves. It's not that they've failed from time to time. They have failed dismally because essentially, what the larger powers have pursued is their own interest using the Security Council. Instead of it being a Security Council, it has become an insecure council. The model needs fundamental reform. I really think that what we should be considering much more directly is what role the General Assembly can play, and should the Security Council become a body of referral that then is required to interface on a consistent and coherent basis with the General Assembly?

(3:03:21) I really think democratization is important and I think given giving sovereign nations a voice is vital. The concern at the moment is the interest in the Security Council is an interest about wielding power rather than improving the ability of the UN body to respond to global challenges. I really think that what we need is a much more innovative approach, a deeper examination of the role of the Security Council and the wariness about replicating what exists in slightly amended forms, which just get us back to where we are.

(3:04:11) I think alongside both the role of the General Assembly and a possible referral body, you also need to just look at where decisions are made, what nature of decisions, and that voting shouldn't be something that is immaterial, because not only does it diminish the impact of the United Nations, it diminishes the value of democracy in global terms, because it suggests to the world that we can have aspects of democratic practice that are really quasi-democratic and have no force and effect. I think a much more fundamental consideration about how decisions are taken, what form of mechanisms we have in place for greater protection of civilians and the innocent, how we enforce international treaties and ensure that they have currency and force an effect. Otherwise, we are merely duplicating what exists and it becomes an exercise in futility.

Zachary Paikin 3:05:26

Let me stick with you and with an idea that you just raised, which is that we're living in an era now where the path to achieving Security Council reform, at least in the sense of fundamentally altering the composition of the council, remains littered with political obstacles and therefore, it might be best to focus on measures to empower the General Assembly. Our report also talks about ways in which the Peacebuilding Commission might also be empowered, but I'm wondering, how much can those measures, as important as they may be, truly serve as a sufficient substitute to genuine Security Council reform? Will these measures ultimately mean relatively little if the Security Council, which is at the end of the day, the body that is tasked with upholding international peace and security, continues to be unaccountable, ineffective, unrepresentative, et cetera?

Naledi Pandor 3:06:20

Well, I'm not saying it should be as it is today. Obviously, when we talk of reform, it's the entire body that you're referring to, the entire body of decision-making, but the issue is if matters are decided in the Security Council chamber recomposed with the 23 or so that your report proposes, does that protect people more? Does it give rise to greater opportunities for countries enjoying peace and security? Does it end conflicts and so on? I would hazard that it would not. So, I do think alongside looking at composition, representivity, which is important, and decision-making, I really think you don't want to get to the situation we have today of this unipolarity when one or two countries are so powerful that essentially, they determine the direction of the world. You need a counterweight to the abuse that we've had thus far and I see that lying in the equality of nations and thus the General Assembly having a far greater link on decision-making with the Security Council rather than the distinctiveness that you have today.

Zachary Paikin 3:07:51

Let me pick up on that topic and turn right back to Ambassador Sparber, because your country's veto initiative allows the General Assembly to convene within 10 working days of a Security Council resolution being vetoed and offers a platform for the country that casts the veto in question to explain itself. Now, this certainly enhances dialogue between different bodies at the United Nations, but in your view, does it go far enough? Do we need more measures beyond this to strengthen the hand of the General Assembly?

Georg Sparber 3:08:21

Yeah. My short answer is of course we always need more tools, more initiatives at the General Assembly to respond to the need, and the need is particularly big in a situation where the Security Council will be mandated to act but does not act. I want to reinforce one point maybe before I respond to your question more in detail. The veto is fundamentally a non-democratic mechanism. You only have a situation when a decision is blocked by a veto if one of the veto powers opposes it, but otherwise, at least nine other council members have supported it. So, it prevents a decision that would otherwise be taken by a large majority of votes. There is a very interesting line in your report that stood out to me when I read through it, and that is that the increase of vetoes could possibly lead to less use of the veto because vetoes are only cost and core interests of those who wield the veto power.

(3:09:28) I think I look at that very, very differently. When you look at the history of the veto and how it has evolved over time, there is very, very few issues that the Security Council can actually still deal with because none of the veto powers considers it a core issue or a core element of their national interests. So, I think the veto has a way of sort of proliferating the interests of those who wield the power into really everything that's before the council. I think that's something that you would probably have to expect if you increase the number of vetoes in the future, but now you mentioned the role of the Security Council as the guardian of peace and security, and that's certainly very important, but I think it's also important to be very specific about that Security Council has per charter the primary role and responsibility on peace and security, not the exclusive or the only role.

(3:10:28) The General Assembly has a universal mandate. It has universal membership, but it has also universal mandate to deal with all issues before it. The veto initiative has established a mechanism for automatic discussion in the General Assembly whenever a veto is cast, and that mechanism has now been tested more times than we probably would like to see because we've seen so many vetoes, but what we've seen is that there is actually very high interest in the General Assembly membership to address matters of peace and security. That's something that we did expect when we created the initiative. We were very happy to see that materialized so strongly. Now, should the General Assembly also react more on substance, meaning with decisions, with recommendations, with referrals back to the Security Council? By all means, and I think the strength of the General Assembly lies both in its universality but also in the variable geometry that it brings to initiatives so that different groups of countries can unite to promote an issue.

(3:11:42) I think that's also the way that you probably go when you look at tools that the General Assembly has in response to a veto in the Security Council. I know that you propose in your report what is, I think, called a drafting group or working group tasked with drafting, and I thought it was a very interesting idea. I think the specifics will be important of who can participate in that group because as I said, in my time at the UN, the strongest dynamics, the best initiatives always came out of really bottom-up efforts where everybody was included that wanted to be a part of an exercise. I would be quite hesitant to create in the General Assembly another exclusive group to deal with certain tasks that could even devolve in a mini Security Council side of the General Assembly. I think that's what probably everybody wants to avoid, but we have a more available toolbox for use immediately by the membership when the need comes up. I think that's a very legitimate concern and I think discussions are actually going on in the UN to that effect.

Zachary Paikin 3:12:59

Gotcha. Now, we have seen the veto used quite a bit as of late, and that's obviously not a very good thing, but Minister Pandor, let me ask you, if we take a different perspective on it, the United States uses its veto almost exclusively for the purpose of protecting Israel and for almost nothing else besides that. China, for its part, only casts a veto alongside Russia, never uses its veto alone. So, when we take that broader perspective, are the concerns that many countries have about veto abuse somewhat exaggerated? Do we have in fact less of a crisis today than we are often led to believe?

Naledi Pandor 3:13:33

Well, these are big elephants, aren't they? Where they tread, a lot of grass is crushed, so it's not insignificant to have them veto consistently. As we see today, it leads to a great deal of global strife. So, I think the matter of the veto needs to be considered extremely carefully. I think the veto is extremely undemocratic. It has not led to peace. The reason for the existence of the United Nations is to unite the globe on common purpose. It's not to divide and have one country

or two able to direct a global issue on their own. It's absolutely unreasonable, undemocratic, and it makes really quite a nonsense of participating in the UN system.

(3:14:35) So, I do think there has to be a very, very serious look taken at this matter of veto and how it can be exercised. It may be that the General Assembly has a real decision-making role at the moment, merely considers the matter that was vetoed, but it doesn't determine action on it. So, even that current exercise, the innovation that was introduced, to pretend that something dramatic is being done, it has no impact on action. What you want to see is decision-making that leads to action and agreement by the broader membership of the United Nations on those matters. So, I really think the relationship between the Security Council and the General Assembly, an actual force and effect has to be part of the reform consideration.

Zachary Paikin 3:15:49

If I may ask a somewhat provocative question, we are living in an era now where the veto is being used increasingly because relations between the great powers aren't going so well and presumably, finding ways for the great powers to agree to limit their veto use in the first place or to agree to their veto privilege being altered in some fundamental way, which would require charter reform most likely, requires an improvement of relations between the great powers.

(3:16:16) Yet South Africa, for example, through its involvement in BRICS, might be playing to some of the anxieties of the United States, that there is a great power competition going on right now between the West and the rest to some extent, and that there are these competing visions of international order that are out there between these different blocks. Is this something that South Africa needs to think about in terms of its foreign policy priorities? There are advantages, of course, for global governance reform of being a part of the BRICS, but if it comes at the cost to some extent of a deepening competition of norms and visions of international order, does that not potentially undermine efforts at producing successful reform?

Naledi Pandor 3:16:55

Well, I think South Africa is a country that has tried very hard since it became free to uphold international law and norms. I think by attaching its foreign policy to respect for human rights and international human rights law, this has been a very progressive foreign policy attitude of South Africa. So, being in BRICS doesn't mean we change our foreign policy. We align with a number of countries that we believe can advance a set of new ideas and in BRICS, we agree on UN reform and have even discussed at the Johannesburg Summit this difficult matter of a veto and what is done with it. There is agreement that all of this will have to be looked at, but of course, if countries are the most powerful in the world, they might have a particularly influential role, but they have to be able to use it through persuasion and not through an undemocratic hammer called a veto.

(3:18:07) So, I do think it's up to the members of the United Nations to actually determine what should happen as we move into the future. I think the report that you have prepared through the Quincy Institute involving over a hundred people and a number of institutions is a very useful

basis for discussion because up to this point, the reform deliberations haven't given us anything concrete to work on. So, at least here there are proposals that the member states can consider and on which they can express a view opposing or supporting particular proposals. I think that will be very helpful in formulating a set of issues that enjoy broad support through the General Assembly, I would think. Then we could go to a much more deliberate process of actually agreeing what is taken for decision into the body.

Zachary Paikin 3:19:23

Gotcha. Thank you. Ambassador Sparber, what's your view on the role of BRICS in reforming global governance? This is an opportunity... If I could paraphrase to some extent what Minister Pandor just said, BRICS offers a forum for countries like South Africa and Russia to sit down and even though they might have very different views on questions such as the future of the veto, nuclear disarmament, etc, nonetheless, this provides a forum for them to sit together and perhaps to iron out some of those differences. Does Liechtenstein, do other European countries in your view, see some of the value of having a forum like BRICS, in terms of its contribution to reforming global governance?

Georg Sparber 3:20:02

Well, look, I think we would look at it the following way. For Liechtenstein, there is no question that the UN is at the center and should be at the center of global governance. We have traditionally always been open to any good suggestion that comes out of any group of countries that have aligned themselves with a view to improve the governance of the UN. I think the important part here is... Let me say this. It is understandable for every nation to coordinate its interest with others. The important path is that once you have a joint position that you want to bring to the table, that you bring it back to the United Nations. We have made that point, for example, very consistently when it comes to global economic governance among the G20. We welcome the potential that certain groupings have to advance policy matters on a global stage, but those should be brought back to the UN where they are shared with the entire membership and can be endorsed by the entire membership. I think there is where the crucial step for my country would be.

Zachary Paikin 3:21:11

Gotcha. Let me bring it back home in these final few minutes that we have here to some of the conceptual discussion that we had a little bit earlier on, and start with Minister Pandor. In the post-Cold War era, we've seen many countries violate international law, and the question is, what do you do about that? There's a more legalistic approach in response to that in which we hold country's feet to the fire, we call a spade a spade, we chastise them for failing to live up to the commitments that they've made, but then there's a more realist approach in which we acknowledge that there are disagreements, that there's a need for compromise, there's a need to adjust international institutions to an evolving balance of power. In your view, do you think that the United Nations needs to find a balance between these two approaches in order to remain relevant in a changing world? Are there limits, as it were, to the lawyerization of foreign policy?

Naledi Pandor 3:22:07

Well, I suspect that the approach to the legal institutions only occurs when you have a dire situation, and the dire situation arises when the United Nations is unable to act in terms of the charter. When charter provisions are breached, who is there to act for the innocent, to act for those who are vulnerable and harmed? If there's no one, then I think member states have a duty to approach the relevant institutions to speak on behalf of those who have no one acting for them and ensuring they don't die. It is dismal to have a situation where our body, which is the premier multilateral institution, the United Nations, is unable through either neglect or intention of its most powerful members to act to protect those who cannot protect themselves.

(3:23:18) So, in such a situation, I think there is a honor bound objective that all members of the UN should uphold, and that is to approach our own structures and mechanisms and use our agreed international treaties as a route to call out member states and actually say, "Your action is in breach of the key elements of the United Nations Charter." Otherwise, we all sit on our hands and do nothing. Let me just conclude by saying that BRICS regards the United Nations as the most important multilateral body and has always affirmed this in all its summit declarations.

Zachary Paikin 3:24:15

Thank you very much. Let me turn back to Ambassador Sparber and ask a similar question, and perhaps legalistic is the wrong term, but politically normative. We heard an answer just now from the minister that it's important to hold other countries' feet to the fire, to cite the book at them as it were, when they're not living up to their international legal obligations. Obviously, there's a time and a place for that, but if you end up with a situation where all sides are constantly citing their rules, their principles, their grievances, et cetera, it leads to a situation where countries are talking past each other, in effect. This seems to have led already in the past several years to a growing risk of bifurcation of the international order and a proliferation of different visions of what constitutes a legitimate international order. Does there come a time where there's a need for compromises, a need to invigorate an international order with new norms, with new mechanisms, in your view?

Georg Sparber 3:25:11

I think there's always potential for new norms and new mechanisms, but let me be very clear on one thing. From our perspective, peace and justice have never been opposing ends. We have never accepted the dichotomy between those two concepts. If you look at the history of the UN, the international community has neither because it has been the promotion of international law that has added to stability in the world and has become the essential added value that the UN has brought to the international community. It has led many, many important processes, political security processes, human rights, the minister mentioned it.

(3:25:55) So, I do really believe that it is a very dangerous path to go to divide peace and justice from each other. Now, we find ourselves at a point in time in the world where we certainly see a

very concerning increase in violations of international law, and that is, let me be very clear, violations of norms that each state has voluntarily accepted for itself to be bound to. The only way forward that I believe we can take as an international community is to strengthen the reinforcement of the law as a reaction to that. Otherwise, we contribute ourselves to the weakening of the very system that we rely on for our own security and for our own safety in the future.

Zachary Paikin 3:26:43

Gotcha. We have time for one more question for each of you, and let me begin with Ambassador Sparber and then give the last word to Minister Pandor. Ambassador, please just leave our audience with some food for thought here. If we don't manage to reform the Security Council in any appreciable fashion in the next 5 to 10 or 15 years... I'm thinking here about more than just working methods reforms. I'm talking a more significant structural reform. In your view, what will be the consequences for the international order? The Security Council is already ineffective in many ways. It's already unrepresentative, as we've discussed today, so can its legitimacy really sink all that much further?

Georg Sparber 3:27:27

I'm afraid there's always more negative developments that can happen. If you limit the concept of reform to the charter amendments, yes, then of course that is going to be and continue to be a very, very difficult exercise, but around that effort, many initiatives are taking place that in fact improve the working of the Security Council. If the council continues to be as divided as it is or even gets worse, I do believe what we will see is a stronger ownership in the General Assembly to take matters in its own hands, and that is, in itself, something that strengthens the United Nations as a whole. If you look at the membership at large in the UN, we are very, very far from disinterest in what the United Nations aspires to do and what it should do. I think as long as we have that, and that political engagement, and that political will across the international community, that will will find its way to express itself in political decisions, be it in the Security Council or be it not in the Security Council.

Zachary Paikin 3:28:42

Got it. Minister, the corollary to the question that I just asked is, will a frozen global multilateral landscape cause great powers, rising middle powers, and smaller countries alike to feel enough pain to get them to place the good of the international community ahead of their own narrow interests? What is it going to take, in effect, for everyone to realize, okay, we've been at this competition. We've been having these disagreements and citing our respective positions at each other that have remained static for decades, for long enough. Now's the time for compromise. What's it going to take?

Naledi Pandor 3:29:17

I sincerely hope we don't reach that position, because I think it would be a situation in which there would be total chaos and a breakdown in the possibility of building greater respect for

international law. So, I think we need to act with speed, and I believe we should persuade our leaders in the global system that they need to become used to speaking to each other much more often and to be more concerned about peace, security, and development. The world is in very dire straits. The statistics that were mentioned in the Summit of the Future on the number of hungry in the world should make us all afraid. So, I think the world is at crisis point, in fact, poly crises point, and we now need leaders who have the maturity to draw the world together and to ensure that we strengthen the UN body so that it plays its full role. I believe the United Nations has really made a contribution to world peace since its establishment in 1948, but we are slowly diminishing its authority and its impact, and the world needs to really look at ensuring that we support the UN, we strengthen it, because that's all we have for global peace and security. Thus far, it didn't do too badly, but some of us have messed it up and we need to turn the situation around and be serious about having a body that can play a significant role in advancing global peace, security, and development. I link the three.

Zachary Paikin 3:31:23

Excellent. Well, thank you so much, Minister and Ambassador, both of you for joining us today. This has been a fascinating and enlightening conversation. I hope we can host you again on QI's platform in the future before long, and thank you as well to our audience for joining today's conference. If you'd like to learn more about QI's work in convening global leaders and experts to think through how to build a better international order, you can visit betterorderproject.org and see our three categories, seven variables, and 20 policy proposals that were developed over the course of the past year plus.

(3:31:57) Before you go, I'd also like to invite you to join the Quincy Institute for our next webinar, which will be taking place on the 6th of December at 10:00 AM Eastern time when we will be discussing President Biden's forthcoming travel to Angola. Make sure to visit us at Quincyinst.org as well as Responsiblestatecraft.org to subscribe to the Quincy Institute's newsletter to be the first to know about future QI webinars and in-person events as well. Thank you again to all of you for joining us today. This has been a pleasure co-hosting the launch of the Better Order Project. Hope to see you again soon.