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Towards a Global Sharing of Sovereignty

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A Definition of Federalism

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Introduction

This essay aims to contribute to the discussion about global governance and the new forms that it might take.

A recent flurry of articles in the media on this subject has been generated in part at least by Republican presidential candidate John McCain's championing of a so-called 'League of Democracies'¹. Such ideas are not, of course, the exclusive preserve of the political right, as demonstrated by the alternative proposal of a 'Concert of Democracies'². The language is often vague in discussions about forms of global governance, but interest in the subject is intense, and is only growing thanks to the acknowledgement of urgent global problems such as climate change.

This essay proposes a Global Union in which the sharing of sovereignty is practised within specific areas. Proposing a new solution when many other prospective organisations already compete for favour might seem foolhardy, so it is necessary first to make clear exactly what is being proposed here, and why.

The proposal discussed here may bring to mind the kind of arrangement practised by the EU. It is true that the European Union can be seen as the model for a projected Global Union. For all the disappointments and setbacks in the history of that organisation, not least in the context of its present malaise over the future of the Treaty of Lisbon, it is still possible to agree with Martin Ortega when he writes:

Tel est en effet le paradoxe européen: l'Union européenne est en crise, mais le modèle européen est un modèle d'avenir.³

(Such is the European paradox: The European Union is in crisis, but the European model is a model whose time has yet to come.)

However, this idea of the European Union as an example for others has to be treated very carefully. This essay argues that, although the European Union provides the model - in that it alone among regional unions has made significant progress with the sharing of sovereignty - this is in no way an argument for an ever-expanding EU or indeed for a global union dominated by Europe. This essay is not based upon any assumption of European superiority, not least because Europe arrived at its present structure only after centuries of bloody conflict culminating in what became two explosive world wars. It is the limited sharing of sovereignty that is the key to a successful global union, and it is only the European Union in which the sharing of sovereignty has so far - hesitatingly and with difficulty, but nevertheless effectively - been put into practice.

One implication of calling for a global sharing of sovereignty is that it can only apply to those nations that are willing and able to be involved in it. Some countries - including, initially, the most powerful ones - will say 'no'. The international grouping proposed here will not therefore, require everyone to be 'around the table' from the beginning. This is perhaps the most controversial aspect of the 'Global Union' proposed here. It raises questions of acceptability (with all the dangers of bias involved, as in McCain's 'league of democracies' that looks suspiciously like the 'friends of America') and of effectiveness (what can a global union do if not everyone is part of it?). The force of these arguments should not be denied, but it should be appreciated that such ineffectiveness also dogs those international groupings that bring everybody together from the start, only to then discover that there is very little that can be achieved.

The need for global governance

There is a well-known memorial in Central London to Edith Cavell, the English nurse who was working in Brussels when the First World War broke out. In violation of military law she helped wounded allied soldiers to escape from German-occupied Belgium to the neutral Netherlands. The Germans arrested her and on October 12th, 1915 she was executed by firing squad. The inscription on the plinth beneath repeats her famous words to the Anglican Chaplain who was allowed to give her Holy Communion on the night before she was killed: Patriotism Is Not Enough.

The inscription does not say that patriotism is wrong or undesirable. But in noting that it is 'not enough', it implies that patriotism needs management. It needs a context. Otherwise it can lead to outbreaks of nationalist fervour that can easily produce violence and even mass killing.

It may seem common sense that 200 nations would require some sort of effective ordering of their relations with one another, just as 200 people would. (Naturally, specific contemporary problems, such as climate change, only reinforce this rationale). Most people agree with the idea of a voluntary limitation of individual rights in order to receive some sort of protection and security in a community – the 'social contract' that attracted many of the readers of Hobbes' *Leviathan*. However, those readers also knew that Hobbes' work was partly a rationalisation of why the strong leadership of Oliver Cromwell was preferable to that of an executed King who, according to others, had been placed on the throne by 'divine right'. Contemporary readers who think that the anarchic behaviour of nations needs to be controlled, just as the anarchic behaviour of individual citizens needs to be, might not be too keen on the idea of a 'global *Leviathan*' – let alone a global Cromwell!

For this reason it is extremely difficult to translate common sense into practical policy where the relationship between nations is concerned.

A natural patriotism means that people feel genuinely attached to the states they live in and worry about sharing powers with other such states within international organisations. Although they may agree with Edith Cavell that, while desirable, 'patriotism is not enough', the idea of 'world government' or a 'world assembly' often seems hopelessly idealistic and impractical. Moreover, were it to become practical, they might well grow suspicious of it.

This is why it is appropriate to explore the possibility of some alternative form of 'global governance'; some alternative kind of global government or global institutional oversight.

Europe's experience

At the end of the First World War, with the dead and wounded running into millions, there was much talk of it as a 'war to end all wars'. The war had been blundered into almost inadvertently. It wouldn't happen again. A new institution, the League of Nations, would keep the peace. Yet within twenty years Europe was back at war again, and this time even more were killed and the rest of the world was dragged into the fighting. It was a war that those who resisted Hitler rightly felt justified in waging, but it was still a reflection of the failure of the Treaty of Versailles to provide a framework for European peace.

Europeans learned in the first half of the twentieth century that they lived in a violent part of the world where a large number of nations, closely bunched together geographically but in other respects prone to fall apart, brought their own continent close to destruction. After 1945, it became clear that something had to be done about it.

In the sixty years since the Second World War many Europeans have lost sight of their own destructive tendencies.⁴ They have come to equate being 'European' with being civilized, and to suppose that bitter ethnic and national conflicts happen 'somewhere else'. If Africans are 'tribal', Europeans respect 'diversity'. The conflict in the former Yugoslavia in

the 1990s showed such perceptions to be untrue. Europe was itself perfectly capable of playing host to bitter 'tribal' conflicts. Indeed Europe in the 1990s was to some extent reverting to type. The unusual period had been the relatively peaceful half century after the Second World War.

A sober reassessment of so-called 'European values' along these lines would have the advantage of enabling Europeans to value the institutions and political forces which enabled them to remain at peace with one another after two world wars. The less one sees Europeans as being innately civilized, the more one values the institutions which prevent their killing each other and the less potential there is for patriotism to spill over into violent conflict.

In practical terms, the sharing of sovereignty means that member nations agree to vest authority in a 'higher authority' of some kind - a body that is not themselves. This authority then takes the decisions in those areas where the pooling of sovereignty has been agreed upon. The decisions of this higher authority are then binding - legally binding - upon the nations concerned. Thus when the higher authority set up in 1951 decided upon a particular arrangement concerning coal and steel, France, Germany, Italy and the Benelux countries were each individually obliged to implement it. The law of the six (now EU law) overrode national law in these particular areas.

Clearly, an arrangement such as this required the establishment of new institutions (which would come in time to be known to some as the 'Brussels bureaucracy', though not all of the EU's institutions are located in Brussels). First there would be the higher authority, ie. the European Commission. Then there would be a Court of Justice to ensure that the legally binding decisions of the higher authority were adhered to. Further, once the higher authority was created, it was inevitable that there would be questions about monitoring and overseeing its work. Some would argue that this monitoring and oversight should be the responsibility of a powerful intergovernmental body, like the Council of Ministers, representing the individual member states. Others would

favour some kind of assembly or parliament, which might be made up of delegates from national parliaments or might be popularly elected. Both these bodies, in one form or another, were to emerge over time. They would not only monitor the activity of the Higher Authority but also one another, in a complicated system of checks and balances. Yet it is not unreasonable to say that all were implicit in the initial decision to pool sovereignty.

The 'institutional architecture' which has emerged in the European Union has enabled it to distinguish itself from two other forms of international co-operation. The first of these is a treaty or agreement between states, or a forum for discussion between individual sovereign states like the Council of Europe or the General Assembly of the United Nations. The second system is one in which the member nations are parts (perhaps regions) of a single nation-state, sometimes called a 'superstate'. This essay agrees with Robert Cooper, in *The Breaking of Nations*⁵, that it made absolutely no sense for the EU to create a 'superstate' when it came into being in order to tame the nation state (to find a way of preventing German economic recovery endangering European security). The more one understands the origins of the EU, the less plausible such a scenario appears. Why create an even more dangerous version of what was in the first place trying to be controlled?

An EU-style mechanism allows sufficient sharing of sovereignty to make sure that individual nations avoid conflict with one another, together with sufficient national autonomy to enable people to remain attached to particular nations. It represents a 'binding' rather than an 'obliterating' of nations. It does not prevent nations leaving the group or breaking agreements, but the institutional architecture ensures that there is a practical cost of doing so. This is the appropriate way of saying that patriotism is not enough rather than saying that it is a bad thing. It is patriotism and more. It may be a 'messy' arrangement, and it may also be bureaucratic in the sense of requiring a lot of bureaucracy. But it works. It is the tidy alternatives that don't work.

Europe's limits

It is fair to say that enlargement of the European Union has been successful in overcoming conflict within Europe itself. It has absorbed former dictatorships like Greece, Spain and Portugal, and has helped many of the countries formerly on the Eastern side of the Iron Curtain towards democracy and the free market. It has absorbed members who often had between themselves bitter disputes arising out of the presence of national minorities in neighbouring states (Hungarians in Slovakia and the Transylvanian region of Rumania, for instance). It has a good chance of integrating those members of the former Yugoslavia who were at war with one another in the 1990s (one of them, Slovenia, is already a member, has adopted the euro and held the presidency of the EU in the first half of 2008). Certainly a continent which only sixty years ago lay devastated by war, and only thirty years ago was divided by the Cold War, looks a lot healthier now, and much of this is due to the formation, development and expansion of the European Union. As later sections of this essay will stress, however, it is important to recognise that the EU expanded gradually over time, and absorbed new members only when they were able and willing to accept the conditions of membership.

Despite the prospect of further enlargement, the geographical expansion of the European Union is bound at some point to reach its outer limits, even though the current debate over Turkish membership of the EU shows that there are arguments about where those limits should be. No one would suggest that China, Japan or Brazil are in Europe. The EU has in the past refused membership on grounds of geography alone. Morocco applied for EU membership in 1987, but the European Council rejected the application on the grounds that it was not considered a European country. Geographical limits matter, even if there is an argument about where they lie. The EU cannot become a 'world model' by slowly swallowing up the rest of the planet in some kind of 'Greater Europe'. Despite the claims of Mark Leonard's provocatively titled *Why Europe will run the 21st Century*, the ripple effect of what he calls the 'transformative power' of the EU beyond its borders must come to an eventual halt.⁶

Other regional unions

If the institutional arrangements of the European Union are to be proposed as a model for a yet-to-be-defined 'Global Union', it is clearly worth comparing them with other important regional groupings. To what extent can the European Union be differentiated from unions or partnerships between nations that have grown up in other parts of the world?

1. The African Union

On the face of it the African Union can lay claim to being a very different creature from its predecessor, the Organisation for African Unity. Its institutions show a certain similarity to those of the EU. There is a pan-African Parliament based in Midrand, South Africa, and an African Union Commission based in Addis Ababa, Ethiopia, with ten commissioners and a number of support staff. The Assembly of the African Union is akin to the European Council. It is composed of heads of state, meets annually and requires a two-thirds majority for its decisions to be binding. It is considering transferring some of its powers to the Parliament, a trend that could be broadly compared to the EU, where the Parliament has been acquiring more powers at the expense both of the Commission and the European Council.

The inaugural meeting of the pan-African Parliament was held only in March 2004, when it was decided that it would be a consultative and advisory body for the first five years of its existence, receiving full legislative powers in 2009. At present the 265 members of the African Parliament are not directly elected, but are chosen by the legislatures of the 53 states. This bears a certain parallel to the EU, where the first direct elections to the European Parliament were in 1979, before which MEPs were delegates from the various national parliaments.

The African Union's 'equivalent' of the Council of Ministers is the Executive Council, composed of ministers from the various African states, and it has a Permanent Representatives Committee (the equivalent of

the EU's COREPER), which, as with the EU, consists of nominated permanent representatives of the member states, and prepares the work of the Executive Council. There is also a plan for an African Court of Justice, which might in some ways be comparable to the European Court of Justice.

The African Union has been developing its structures in response to the problem of conflicts between African states, another parallel between its and the European Union's development. And, as the EU has been attempting to develop a Common Foreign and Security Policy, so the African Union, following a proposal at Lusaka in 2001, created a Peace and Security Council responsible for monitoring and intervening in conflicts, which has an African force at its disposal. It is frequently pointed out that the force has had little success so far in Darfur. At the same time, it should be borne in mind that the EU's own efforts to put together a common foreign and security policy stemmed from its failure to prevent the Balkans descending into bloody conflict in the 1990s - a conflict which was stopped neither by the UN nor by the European Union but by NATO.

Is the African Union really on the same path as the EU, with similar structures, a similar process of transition to something more democratic (seeking to increase the power of the Pan-African Parliament) and a similar difficulty in developing sovereignty-sharing in sensitive areas like foreign and security policy, in particular where armed intervention in member states is involved? Can we conclude that the 53 states of the African Union (all African countries except Morocco are members) are on a similar trajectory to the 27 members of the European Union?

Probably not. Part of the explanation lies in the historical background. Europe's emergence after World War Two was a result of its finally managing to develop a mechanism which could lessen the chances of internal conflict, that is to say further wars between European states. If one examines the Franco-German 'engine' of the EU, and its origins in the Coal and Steel Community of 1951, one sees that sharing sovereignty, the key move in its formation, was a European answer to

a French problem, that of controlling the resurgent Germany - something essential for economic recovery. A long history of wars between European states was the background to the Schuman Plan. Europeans did not have a strong sense of an external threat (though they were to develop one as the Cold War intensified after 1948), but they had a very strong sense of the ruinous consequences of their own internal squabbles.

In the case of Africa, despite the civil wars between states that have obviously afflicted the continent in the last century, there has been less of a sense that there is an urgent need to control the activities of 'rogue states', in the way that Europe has had to control its 'rogue states'. For Europe's problem was that one power (Germany in the twentieth century) might come to dominate (at the least) the whole continent. Africa had no 'German problem' after World War Two: instead, it had a problem dictated from outside its borders through its long history of colonial occupation. For this reason the rhetoric about a united Africa, and even a United States of Africa, doesn't translate into a determination to implement strong practical measures to share sovereignty between nations, or to build up the necessary associated institutions.

The history of the African Union reveals a combination of, on the one hand, longing after African unity and a pan-African approach to solving problems on the continent, and on the other, the jealous guarding of (hard-won) rights to sovereignty as independent nations. African Union summits therefore proceed in a curious manner. Their calls for ever-increasing union would rarely be heard in Europe and would shock the most 'Europhile' of sensitivities (imagine anyone in France or Britain echoing President Gaddafi's declaration, in advance of the forthcoming African Union summit in Accra, Ghana, that 'our micro-states have no future'.) Yet at the same time there is a reluctance to share sovereignty in particular areas, a reluctance which in Europe has been largely overcome, even in countries like the UK.

However, whatever the historical background, there are clear practical and administrative reasons for doubting whether the sharing of

sovereignty might develop within the AU in the near future. Its achievements to date in this regard are modest to say the least. The sort of practical successes it can point to are limited to measures such as the harmonisation of technical standards, the construction of roads across national frontiers or the agreement to common tariffs on certain imports. Beyond such measures, and whatever the achievements of the AU in setting up its various institutions, it is not clear what it has done to support the broader interests of Africa.

The problems that undermined the Organisation of African Unity threaten to be equally damaging to its successor. A key condition of the successful sharing of sovereignty is that the administrations of member countries be up to the task of fully participating in the higher organisation (the African equivalent of the 'high authority' proposed for the European Coal and Steel Community, precursor of the European Commission). Many of the states in Africa lack an administration which can make a reasonable financial contribution to the organisation's budget or participate fully in the technical subject matters of the various committees that draft proposed legislation. Without full participation, these countries' leaders will be reluctant to agree to such proposals if they have not participated fully in their formulation.

Countries without such administrative competence (in common parlance, 'failed states') are, however, already part of the AU, rather than being drawn into the organisation once they have succeeded in demonstrating their viability through an equivalent of the EU's Copenhagen criteria. Unlike the EU, which expanded gradually over decades and required of its applicants a process of careful preparation through acceptance of all points of the 'acquis communautaire' (though there are certainly arguments about whether these requirements have always been enforced sufficiently strictly), the AU has simply started with everyone (bar Morocco) and is trying to build administrative structures around dozens of members, many - if not most - of whom are simply unable to manage the requirements of a supranational system.

The EU steadily increased its number of member states in response to the preparedness of states to develop the political, social and economic competences that would satisfy the demands of the 'acquis'. It only grew, in other words, after right-wing dictatorships and communist regimes had collapsed and their successor states had demonstrated their willingness to adapt to a new system of governance. If they were not willing to do so they could not have joined, whatever their geographical status as European.

The African Union has not been willing to impose such demands upon its own member states and therefore, despite the appearance of EU-type institutions, it is extremely unlikely that it will be able to operate with any kind of comparable effectiveness in the medium-term.

2. ASEAN

ASEAN (The Association of South-East Asian Nations) was the first major regional body with which the EU had significant discussions. The important year in 'group-to-group' developments is 1978, when the first ministerial conference took place between the then EC and ASEAN. EU-ASEAN contacts have been maintained ever since, with foreign ministers' conferences every other year, regular meetings of senior officials to prepare conference agendas, and EU representation on the ASEAN Regional Forum. However, tensions have arisen in the relationship between the two groupings, for much the same reason as they have arisen between the EU and other regional groupings such as the African Union. Difficulties have appeared in the area of human rights (specifically in relation to Burma/Myanmar, but also Vietnam, Laos and Cambodia), just as they have with the African Union over countries like Zimbabwe.⁷ Imperial legacies colour relationships with ASEAN as they do with the African Union. Myanmar, formerly part of 'British India', is not likely to welcome criticism of its human rights by an EU which includes its former colonial ruler. At the same time a group of states that have won their independence within the last fifty years will be deeply uneasy with any attempt to limit their sovereignty, even when it is 'between friends'.

Yet this historical perspective cannot in itself explain the failure to establish the mechanisms necessary for progress towards the sharing of sovereignty. As in the case of Africa, there are some states which simply do not have the administrative means to participate in a 'higher organisation'. The gradual acceptance of states which conform to the principles of a higher organisation – the approach of the EU – has again been replaced by the 'everyone round the table first' approach. Hence the wholesale appearance of a group of states that have widely differing levels of wealth, ranging from rich Singapore to poverty-stricken Laos, and no equivalent of the common EU budget or programmes of regional development which recognise that there must be a narrowing of differences between rich and poor members of the union for it to work.

In November 2005 a declaration was made on the establishment of an 'ASEAN Charter', which talked of making ASEAN a 'rules-based organisation', but when the ASEAN Charter was adopted in November 2007 it became clear that these 'rules' did not include any equivalent of EU law, whereby states would be required to show they were capable of conforming with the regulations of a higher organisation before they became members. Though ASEAN did achieve a legal personality, it remains an 'inter-governmental organisation'. The sharing of sovereignty is not on the agenda.

Philippine President Gloria Arroyo pointed out in 2007 that 'historically the European Union has shown how a region beset by conflict can become a force for peace, security and prosperity. So too, in our region that has faced many of the same historic divisions'. But she was disappointed in the Charter signed at the end of 2007 and suggested that the Philippines might not be prepared to ratify it in 2008.

Arroyo's positive assessment of the EU illustrates how it is often regarded more highly outside its borders than within them. This essay argues that unless there is a real sharing of sovereignty, as has taken place in the EU, no region can become an effective 'force for peace, security

and prosperity', as Arroyo puts it. A union must be willing to adopt the institutional means of ensuring that those values these realised within its own borders. So far the countries of ASEAN have not been willing to do so.

3. UNASUR - Union of South American Nations

The South American continent has a different history to that of much of Asia and all of Africa, in the sense that it has – at least formally – been independent for nearly two centuries. Inspired by the principles of the French Revolution and Napoleon's invasion of Spain in 1808, an initial effort to throw off Spanish colonial rule was followed by a more successful liberation movement after the Spanish Revolution of 1820. By 1822 Spanish South America was free and Brazil was 'quietly separating' from Portugal.⁸

However, despite comprising a score of separate nation-states by the end of the nineteenth century, South America was not the subject of further colonisation.

In 1823 the US proclaimed the Monroe doctrine, which resisted any political intervention by European powers in the Western hemisphere. The Americas were the only part of the globe where there was no serious rivalry between European powers in the nineteenth century, and therefore no 'carve-up' of territory on the African model.

Whereas in the post-war generation after 1945 it was from European powers that nations in Africa and Asia were winning their independence, in Latin America the revolutionary movements looked to escape from what they saw as indirect control through military governments supported by the US. This meant that there was a degree of opportunity for European powers to play a mediating role in the region when difficulties arose between different Latin American states. The historical background of colonial rule, which has been stressed in the context of the African Union and ASEAN, does not apply to the same extent to South America.

However, this does not mean that South America has been able to make progress towards the sharing of sovereignty in a way that these other regional unions have not. One complicating factor particular to South America is that the formation of a South/Central American union requires the unpicking of various overlapping groupings that have risen and fallen over the last thirty years.

The most interesting recent developments that might begin to bring about the realisation of Simon Bolivar's dream of regional integration are those relating to further integration through a Union of South American Nations. In principle there is much that could facilitate such a development in a continent that is in many ways remarkably culturally homogeneous (95% of the continent is Catholic, and speaks either Spanish and Portuguese, two mutually intelligible languages).

The idea for this 'Union' was launched at Cuzco in Peru in December 2004 as a further development of the existing Community (Comunidad) of American Nations. Specifically it would bring together the countries of both Mercosur (Argentina, Brazil, Paraguay and Uruguay) and the Andean Community of Nations (Bolivia, Colombia, Ecuador and Peru) On the agenda in 2004 were a common currency, a South American bank, the free movement of labour between South American countries and a number of ambitious infrastructure projects. Ambitions were high. Peruvian president Alejandro Toledo talked about moving towards a single passport, and a single currency and parliament for the continent.

As with the African Union and ASEAN, however, reality fell short of expectations. Agreement about annual meetings of heads of state, biannual meetings of foreign ministers and a permanent secretariat based at the headquarters of the Union in Quito, Ecuador, was realised, but plans to develop further institutions on the 'EU model' were rejected. Instead, the existing institutional framework of Mercosur and the Andean Community, two smaller groupings of South American states, would be used to produce a constitutional treaty.

Once again the administrative framework for facilitating integration was lacking. Once again the system was not one of gradually absorbing states who showed a willingness to conform to the requirements of the sharing of sovereignty, but a coming together of all the states in a particular region followed by an examination of what common arrangements they could arrive at – which turned out to be relatively few.

Steps have been taken towards interstate cooperation in energy and transport infrastructure, but the tendency of states to sign bipartisan trade deals with the United States has not helped the development of economic integration. Arguably the US makes these deals with precisely this intention, but even without such tactics the lack of a South American equivalent of the 'acquis communautaire' would have made progress extremely difficult.

A formal launch of the Union of South American Nations (UNASUR) is set for later in 2008. A number of commentators remain optimistic. The distinguished Brazilian political scientist Moniz Bandeira declared that 'we will get our own Maastricht Treaty and very soon'. Nevertheless, the Union of South American Nations, like the African Union and ASEAN, is likely to fall short of the degree of sovereignty-sharing which the member states of the European Union enjoy.

It is necessary to stress the need to have political, social and economic mechanisms in place, based on an acceptance of the principles of a sharing of sovereignty, before any states are admitted to the Union. Lumping all the states in a particular area together, whatever their relative levels of political stability or economic development, and then seeing 'what they can do together', is not the way forward.

It is clear that, to a greater or lesser extent, the EU has been a model for other regional unions. However, closer examination of three other major regional unions shows that nothing like the sharing of sovereignty, which is the cornerstone of the EU, has been achieved. Organisations like ASEAN, the OAU (predecessor of the African Union) and some of

the South American organisations have been around for well over a generation, but have still not yet begun to develop along such lines.

For this reason, those who, like Mark Leonard, advance the idea of a union of regional blocs, need to bear in mind that no other regional bloc has advanced as far as the EU. However much it may serve as a model for at least some of the members of other regional unions, these other unions have not yet moved towards a system of shared sovereignty sufficiently deep to act as a springboard for any true union of these regional blocs. In this respect the EU is still (so far as large regional unions are concerned) *sui generis* - one of a kind.

Moreover, trying to build a global union out of five or six powerful, pre-existing regional blocs may not be as desirable as it seems. It is easy to appreciate the benefits of the regional integration process and look towards inter-regional cooperation as the model for future development. Such an approach chimes in with the notion of 'multipolarity' or global 'strategic poles'. It suggests a world with various centres of power rather than one, and therefore attracts those who are concerned about U.S. dominance in particular, and who feel themselves to be 'face à l'hyperpuissance'. After the 'bipolarity' of the Cold War years and the 'unipolarity' of post-Cold-War U.S. hegemony, the world is supposed to be moving towards 'multipolarity', a situation which, it is hoped, will be more likely to keep the world at peace.

However, there is no reason to presume that this will be so. Why should a 'multipolar' world be more stable than a 'bipolar' or 'unipolar' one? Why should it not be more like Orwell's 1984, when three great power blocs starve their populations in order to engage in constant warfare? Why should it not produce an equivalent of the late nineteenth century scramble for power among the European nation-states of the time?

It would be disastrous if the method of sharing sovereignty should lead to the formation of another superpower seeking to challenge the existing superpower(s) in the traditional 'balance of power' game. This essay has argued that such an idea would run counter to the very purpose

which led to the formation of what became the EU. The EU does not seek to become a powerful military bloc alongside others in a world of half a dozen giant powers. The significance of the EU is not that it can grow into a jumbo state, but that it shows how, by sharing sovereignty, nations that have wasted time, money and lives at war with one another can begin to live in peace. It can and should encourage other regions to develop along the same lines, but it should not in doing so seek to create regional superpowers that would effectively undermine the principles of its own formation.

Towards a Global Union

The question addressed by this essay is: what is the best mechanism for spreading the model of shared sovereignty? Is it by building up other regional organisations, or is it by some other system? There are reasons on grounds of both practicality and principle to reject the former route. In practical terms, it is not clear that other regional organisations are yet willing to embrace the necessary sharing of sovereignty, though it has at least been proposed (controversially) in some of them. In terms of principle, this article has claimed that the 'multipolar' system is unlikely to produce peace or security. It could instead lead to an Orwellian nightmare of competing blocs.

Is there another route which might be taken? Another approach is based on John McClintock's *The Uniting of Nations: an Essay in Global Governance*.⁹ He proposes setting up, in a series of careful stages, a Global Union, the members of which would share sovereignty in specific, key areas.

There are several important aspects to the McClintock proposals that need to be made clear. In the first place, he foresees that the Global Union will eventually consist of regional unions rather than individual countries. As yet, however, there is only one regional union that exists in which there is genuine sharing of sovereignty – the EU. McClintock therefore suggests that in the initial phase the members of the Global

Union would be the EU (which would be a single member) and individual countries. There would be no domination of the Global Union by the EU during this initial period; the EU would be just one member of this Global Union, as would each of the countries from elsewhere which chose to join.

Let us say for the sake of argument that the second member of the Global Union besides the EU is Chile. Then let us suppose that a third member joins, say South Africa. Then Canada as a fourth. But the fifth to join, let us hypothesise, is Peru. At this point we have two members from one region, Latin America, and, according to McClintock, the two countries from this region would between themselves combine to form a Latin American Union, within which they shared sovereignty. Individual countries from the same region would form themselves into regional unions when more than one country from the same region wished to join the Global Union. They would therefore participate in the Global Union as members of the Latin American Union, just as France and Germany participated in it as members of the European Union.

It is unlikely that the countries would see reason to refuse to form these regional unions, since they will only be sharing with each other what they are prepared to share anyway with countries from other regions in the Global Union. But the advantage of McClintock's proposal is that it allows the regional unions to emerge at the same time as the Global Union. It does not require the world to wait until the regional unions are operational before embarking upon the development of a global union. Moreover, since the regional unions and the Global Union emerge together, there is no danger of conflict between national blocs being replaced by conflicts between regional blocs. This is a useful precautionary move against the sort of 'multipolar' world that might be as unstable as the 'unipolar' world of a single 'top dog'. According to McClintock's proposal, the nightmare of Orwell's 1984 is avoided, because the world organization develops hand in hand with the regional organizations.

A further point to mention is McClintock's emphasis upon sharing sovereignty 'in key areas'. Clearly states will not be willing to share sovereignty right across the board – the EU itself doesn't. The best approach is to start in specific areas, as did the EU when it began with coal and steel. McClintock proposes that global poverty and climate change should be the two areas in which the members of a global union would pool their sovereignty. It is true that these are less easily defined than coal and steel, the two industries which were chosen for supranational management through a higher authority when the European Coal and Steel Community was founded. It would be necessary to start by defining just what came under these two headings. Just what specific parts of the economies of the participating states might be shared in order to tackle global warming and global poverty?

The second edition of McClintock's book, published in 2008, goes into more detail. So far as climate change is concerned, he suggests that the members of the Global Union should negotiate limits on the greenhouse gases emissions that would be binding upon each member. The manner in which individual members of the Union (e.g. EU, Canada and Chile) went about reducing their emissions could be left to them to decide (e.g. by taxes on carbon, personal allowances, cap-and-trade etc.). As is frequently the case in the EU, how to go about achieving a particular target could be a domestic decision, whilst the target itself would remain a community decision binding on each member state.

Since some members would be very rich and others very poor, McClintock argues that it will be necessary to provide money to poor countries to adopt the technologies and measures required to reduce emissions. Hence, the Global Union would set up a fund for the management of the world's climate. Its members would negotiate contributions due to the fund and withdrawals from it, in order to ensure that poverty would not become a brake upon the cutting of emissions.

Where the alleviation of global poverty itself is concerned, (the two issues of global poverty and climate change are clearly interconnected), the members of the Global Union could set up a regional development fund for social and infrastructural development in the poorer regions

of the Union (again this is something that is established in the EU through structural and cohesion funds, which now constitute a higher proportion of the EU budget than the Common Agricultural Policy). It could also implement a system of managed trade, whereby poorer members undertook to export, and rich members undertook to import, a given quantity of goods at a given price for a given period (say 25 years). This would guarantee to poor members a place in the markets of the rich members for a certain quantity of goods, for which the rich members would pay a reasonable price. In this way, the poor members would be in a position to earn their way out of poverty, (rather than to be mere recipients of charity, as at the present time).

These examples are clearly based upon approaches already operative within the EU – a common budget, regional funding, a common agricultural policy and requirements that are binding upon members (though the ways in which they implement those requirements may not be). McClintock shows how much can be achieved by operating within a world where binding directives operate, laws apply and there are real sanctions for non-compliance.

These are areas in which, by common consent, people already talk of a 'multilateral approach' and 'common solutions'. Climate change and global poverty are already central subjects of discussion at meetings of international bodies like the World Bank, the G8 and the UN. Indeed, there have already been attempts to bring countries together around specific proposals, such as the Kyoto Protocol of the UN Framework Convention on Climate Change or the Millennium Development Goals agreed in 2000 for reducing global poverty.

Not much success has been achieved in these two areas so far. World Bank figures count three billion people as being in poverty and one billion in 'extreme poverty', while goals and targets to deal with climate change are far more readily set than achieved. Nevertheless, it is at least clear that these are two areas where the sharing of sovereignty might prove acceptable. Should states be willing to accept a sharing of sovereignty in order to deal with them, then according to the argument of this essay there is a real chance of effective action.

As with the EU, so with the Global Union there would be questions of conditions of membership (a global equivalent of the 'Copenhagen criteria'). When McClintock talks about a 'Global Union of Democracies', he does not do so in order to commend a particular 'western' value-judgment about the right sort of political organisation. A state which is a member of the Global Union does not have to be a democracy modelled on Western democracies (which are in any case not modelled upon each other and might not even consider each other to be democracies), but it has to be able to secure the consent of its people to the sharing of sovereignty; the key to its identity as a supranational body. The point is simply that the sharing of sovereignty will not work unless people within a nation feel that they themselves agree to the sharing, rather than that some dictator is imposing it against their wishes. The emphasis must, as far as possible, be upon the right conditions for a real sharing of sovereignty, fully supported by each member state, rather than upon a particular value-judgement concerning the merits of one political system over another. This is an area fraught with difficulty, and it can be argued that value-judgements are implicit in any form of selectivity between nations, something of which commentators might rightly be suspicious. Listening to Senator McCain talk about his projected 'League of Democracies' might well lead to a suspicion that a 'missionary of American democracy' is trying to impose his will on others. A whole range of very difficult issues has to be faced in a careful and rational manner here.

The Global Union will require the formation of appropriate global bodies (such as a World Commission, World Court of Justice and World Parliament), and there will be initial resistance to joining on the part of bigger states (the equivalent of Britain's reluctance to share sovereignty in the EU). Many will feel that however effective a small initial group might be in implementing proposals among its own members, it is inevitable that many states, including most probably the most powerful, will be left outside the group. Surely it would be better to concentrate upon an organisation like the UN which is at least genuinely all-inclusive, even though there may be a question mark over its effectiveness.

Why not the UN?

McClintock's book views the United Nations, an essentially inter-governmental body, as possessing all the limitations of the Council of Europe when it comes to the sharing of sovereignty. He therefore remains critical both of its record and of its prospects for the future.

Nobody knew the limitations of institutions based solely on intergovernmental cooperation better than Robert Schuman himself. On 16th May, 1949, just 11 days after the signing of the statutes of the Council of Europe in St. James's Palace, London, Schuman made a speech in the Festival Hall, Strasbourg. He confessed that the Council of Europe was characterised by 'a timorousness that many people will find disappointing'. States, he noted, 'have not yet consented to renouncing any part of their sovereignty'. The debates of the new assembly set up by the Council could have a moral and psychological effect, he claimed, and he hoped that they would. But that was all. 'They can influence governments and parliaments,' he went on to say, 'but they can create by themselves neither rights nor obligations'. He remained absolutely determined, even just a few days after what was supposed to be the momentous signing into existence of the Council of Europe, to pursue a supranational alternative.

Those who, like Schuman and Monnet, believed that only through the sharing of sovereignty could Europe's problems be overcome, understood the limited value of the Council of Europe and sought to create a different body which did involve a real sharing of sovereignty, even if it was limited in the way that the Coal and Steel Community was. In a similar way, those who believe in the McClintock form of global governance think that it will in time come to surpass the UN in importance, much as the EU has come to dwarf the Council of Europe. This is not a case of institutions competing for the sake of it. It is a case of the belief that when there is a sharing of sovereignty – even in limited areas – such institutions can be of much greater practical significance.

It is often forgotten just how much pressure there was, in the aftermath of World War Two, to develop an effective form of global governance. Groups like the 'World Movement for World Government', or manifestoes like the 'Preliminary Draft of a World Constitution' produced in Chicago in 1946-8¹⁰, may now appear quaint, but at the time they reflected a determination to create a world body with 'teeth'. In June 1949 64 Democrats and 27 Republicans in the US House of Representatives declared that the US wished to see the UN develop into a world federation open to all nations, and they specifically called for a body that was 'adequate to preserve peace and prevent aggression through the enactment, interpretation and enforcement of world law'. Across the Atlantic a British Labour MP, R.W.G.Mackay, emphasised that the UN should become a 'real world government'. These were not isolated or eccentric voices; they represented a very strong current of opinion after the horrors of the Second World War.

Of course it would be an over-simplification simply to dismiss the UN as ineffective. There is no doubt that the UN had and has 'teeth' in a way that its predecessor the League of Nations did not. The Charter of the United Nations gives the UN Security Council authority to take collective action to maintain international peace and security. Chapter Seven gives it the power to use armed force in order to deal with acts of aggression, and its decisions become binding on UN members, overriding any other treaty obligations they might have. There is therefore a mechanism for enforcement which can be effective in ways that those of the League of Nations could not be.

However, it must be noted that the power to take collective action is vested in the Security Council, not in the General Assembly. This means vesting it in a group of just 15 nations (out of 192, less than 10%). A Security Council resolution is passed if 9 of the 15 members back it, but 5 of the 15 (China, France, Russia, the UK and the US) are permanent members with veto powers, meaning that nothing can be done against the will of any one of them. This point is hugely significant, since the veto power extends to such matters as reforming the Charter or selecting the Secretary-General. Moreover, veto power does not

simply apply to a failure to obtain UN authorisation. It effectively means being able to ensure that certain matters are not dealt with at all by the Security Council – which passed no resolutions, for instance, on the Soviet invasion of Czechoslovakia or the Vietnam War.

While collective action taken by the UN may sometimes be effective, the UN faces the serious problem of how to credit that action with legitimacy. By way of comparison, it is hard to see how the EU could maintain legitimacy were it to set up some small ‘Executive Council’ of three or four nations to take decisions that were binding on all 27 members. Indeed there are frequent protests among the smaller EU members against the prospect of precisely some such ‘big four or five’ emerging and trying to dictate policy to the others.

It is true that the UN possesses the ‘Uniting for Peace’ procedure. However, even though such special emergency sessions of the UN are called when the Security Council fails to deliver on a particular crisis, the procedure does not allow the General Assembly to override it. Emergency Special Sessions have been convened ten times since 1950, the most recent being over Israel and Palestine. The resolution which was passed (overwhelmingly) was vetoed by the United States and the crisis over Palestine came no nearer to a solution. This is not to prejudge the rights and wrongs of that particular issue; it is simply to say that ‘emergency special sessions’ do not allow any effective bypassing of Security Council disagreements. The conclusion is that UN actions lack legitimacy when they are effective (because they are essentially decisions of the Security Council alone) and lack effectiveness when they are legitimate (decisions of the General Assembly are not translated into effective action).

However, it would be foolish not to recognise the factors that led to the formation of the UN and the important role which that body still plays. The search for global governance faces an apparently impossible dilemma. On the one hand it can opt for a system which includes everyone. This, essentially, is the approach of the UN (as of the Council of Europe, whose 50-odd members include, for instance, Russia and

Armenia, taking in everyone with any 'geographical claim'). One could point to a practical advantage of doing so, too. What, it might be asked, is the point of a 'global union' which (initially at any rate) contains just a small percentage of the world's countries, when global problems like climate change require discussions with countries like Russia and China that might not qualify for, or wish to join, a 'League' or 'Concert' or 'Global Union' of so-called democracies? All of these groups depend upon certain definitions of 'democracy' that are open to question as being culturally biased or politically one-sided. Any proposal limited to a few countries could therefore be seen as both impractical (because important emitters of greenhouse gases, for instance, are excluded) and as ideologically prejudiced and culturally loaded, seeking to impose 'western' ideas of democracy on the rest of the world.

On the other hand - the other side of the 'impossible dilemma' - the Global Union does have one clear advantage. Because it entails a real sharing of sovereignty and penalties for non-compliance, it has a chance of being effective, at least among its own members. Its member states are likely to abide by its rules, as by and large do the member states of the European Union. The dilemma is made clear where crucial contemporary issues like climate change are concerned. On the one hand, it can be argued that the UN is capable of achieving a comprehensive settlement. The United Nations Framework Convention on Climate Change (UNFCCC) was an international treaty signed by 189 out of 192 states - practically everyone in the world - in 1992 at the 'Earth Summit' in Rio. States agreed to stabilise emissions to a level that did not damage the world's climate. However, they did not achieve the targets they set themselves, for reasons that have to do with all the limitations of what are essentially non-binding agreements. A Global Union would at least permit the achievement of agreements that were binding and enforceable - at first on nothing like 189 states, and probably on very few of the 'worst emitters', but with some prospect of being able to enlarge over time after success has been demonstrated.

Conclusion

The strength of the European Union lies in the fact that in those areas where sovereignty is shared regulations can be enforced by the Commission and the European Court of Justice, backed up if necessary by penalties. The European Union has the instruments to make its decisions effective. It is true that its rules can be flouted and even that a member state can leave it. But there are practical costs to doing so which would make even the most recalcitrant of states think twice. Former French President Charles de Gaulle once remarked that treaties, like maidens and roses, 'have their day'. What an organisation like the EU does is to bind nations together in such a way that leaving is much more difficult than 'abandoning a maiden'. The duties and responsibilities of something akin to the marriage contract have been put in place, and, whilst divorce is possible, it is always costly. Accession to the EU demands much more of a commitment than agreeing to a treaty. In this respect the EU remains a marvellous example of how to entice the unwilling, make the recalcitrant comply and maintain the support of the disillusioned.

The essay argues that it is the sharing of sovereignty which is the key to the EU's success, and it is this, not the EU as such, which is the 'model for export'. Suggesting otherwise risks the accusation that something European is being exported to the rest of the world. The idea that Europe might run the twenty-first century is doubtless unattractive to those parts of the world which have been subject to European rule in the past.

Leonard's prescription for world governance envisages a coming together of regional unions leading to a worldwide union. This essay argues that this is the wrong approach. In the regional unions which have developed so far, the sharing of sovereignty is not a principle widely accepted, even within a limited range of policies. Their members are all countries which treasure their national independence and are loath to see it infringed in any way.

Waiting for the establishment of regional unions will cause undue delay in the formation of a body which after all has to address some urgent problems. The beginnings of a global union should precede the perfection of regional unions.

Instead of proposing a form of world governance which emerges from ready-made regional unions, this article drew on the arguments of John McClintock. This writer sees a global union and regional unions emerging in parallel. He suggests the formation of a global union which would agree to share sovereignty in certain agreed areas – as the EU did. McClintock specifically mentions tackling world poverty and climate change. These would then become the equivalent of coal and steel, the areas in which the six nations who eventually signed the Treaty of Rome first agreed to share sovereignty in 1951 with the creation of the European Coal and Steel Community.

The essay has argued that a mechanism involving the sharing of sovereignty would allow measures to be taken that were enforceable, while at the same time providing assistance to states that were in difficulty. A World Commission, World Assembly, World Court of Justice and other appropriate institutions would arise out of the need to create and to oversee a ‘high authority’ to administer the two areas in which nations had agreed to share sovereignty. In other areas, of course – as with the EU – they would retain full independent sovereign control. Hence, at least initially, it would be foolhardy to expect a common world currency, and a ‘world army’ or police force would be even less likely. The EU took nearly half a century to create a common currency and is still struggling to develop its Rapid Reaction Force and Common Foreign and Security Policy. But the fact that there are some areas in which most states wish to retain sovereignty does not mean that there aren’t others in which they would be prepared to share it. The lesson of the EU is that it pays to start small and work up.

This essay argues that sensible institutions alone will control a natural human tendency to aggression and prevent it leading to violence. For this nation states must come to practical arrangements enabling them

to share sovereignty in certain areas to their mutual advantage. This essay shares the cynicism of a Hobbes, desperate to release human beings from their 'nasty, brutish and short' lives and allow them instead to form a social contract with one another. What Hobbes saw individuals doing, this essay would see nations doing. The nineteenth and twentieth centuries have shown just how nasty and brutish life can be where nationalism reigns.

Without the sharing of sovereignty, regional or global unions are of very limited value. Only sovereignty-sharing can provide the appropriate structures for 'effective multilateralism'.¹¹ This essay therefore sees the United Nations much as Attlee saw the Council of Europe; as a talking shop. Its poor record speaks for itself.

In one important way the UN has taken the same route as the African Union, ASEAN and South America. The presumption has been that to be effective everybody must take their seat about the table from the organisation's inception. The EU evolved in a different manner, moving from 6 members to 27 and requiring that certain conditions be met before each stage of expansion, conditions eventually defined after a summit in Copenhagen in 1993 as the 'Copenhagen criteria'. The EU has the disadvantage that it cannot (unlike the Council of Europe) speak for the 'whole of Europe'. However, it has the advantage that it can speak in a way that is binding upon its member states.

The UN is effective in that at least everyone is round the table, but ineffective in the sense that it cannot enforce its decisions. A Global Union will be effective in that it will have a means of ensuring that its members conform to its rules, but ineffective in that it will not - at least at first - include many of the world's countries, including the biggest. The UN does not have to worry about criteria for membership, except insofar as there might be a question of whether a particular country is really an independent nation-state (such as Taiwan). The projected Global Union does have to concern itself with this, and is therefore bound to encounter difficult questions of cultural and political relativity.

Arguably, both organisations are needed. Certainly there are merits to both approaches, so there is no suggestion that a Global Union should replace the UN. But a body with powers of regulation and enforcement is surely needed as a complement to the UN.

Perhaps over time it will be the Global Union which emerges as the most important world body, just as the European Union came eventually to eclipse (but not replace) the Council of Europe in significance. Such a prediction may now appear unlikely to be realised, but there are stirrings of recognition from a number of different quarters that a new world body is needed. A recent flurry of articles in *The Economist* and the *Financial Times* may just be a topic for the journalistic silly season, or it may just be the beginning of something important. Given problems like global warming, one can say that such developments would not come a moment too soon.

Footnotes:

¹ Robert Kagan began touting the idea of a 'League of Democracies' in *The Return of History and the End of Dreams*, (Random House, 2008) but it was McCain's interest in the project later in the year that popularised the idea.

² The 'Concert of Democracies' is proposed by the Princeton Project on National Security report and was discussed in an article by John Ikenberry and Anne-Marie Slaughter in *The Guardian*, Friday, July 11th, 2008.

³ See Martin Ortega's *Building the Future: The EU's Contribution to Global Governance*, p. 69. The book is Chaillot Paper No. 100, published in April 2007 as one of a series of monographs on topical questions published in Paris by the *Institute for Security Studies* on the European Union. Similarly, Richard Rosecrance, in his 'Paradoxes of European Foreign Policy' (EUI Working Papers, RSC 97/64) comments that 'it is perhaps a paradox that the continent which once ruled the

world through the physical imposition of imperialism is now coming to set world standards in normative terms'. Fraser Cameron, in *An Introduction to European Foreign Policy* (Routledge, London, 2007, pp 215-6), claims that the EU bears up very well as a model when compared to organisations like the Andean Pact, ASEAN or the African Union, and that in its own way it has made a contribution to their development. This essay will examine such claims in more detail.

⁴ See Tony Judt's *Postwar: A History of Europe since 1945* (Penguin, 2005), pp. 13-41: 'The Legacy of War'.

⁵ Robert Cooper, *The Breaking of Nations: Order and Chaos in the 21st Century* (Atlantic Monthly Press, 2003).

⁶ Leonard, Mark *Why Europe will Run the 21st Century* (Fourth Estate, London, 2005). Given Europe's colonial past, this is not perhaps the wisest of titles.

⁷ Note that 'Robert Gabriel Mugabe', on the African Union website, is still referred to as 'Comrade', while Thabo Mbeki, the President of South Africa, is known as 'His Excellency'. This sheds some light on the often-discussed unwillingness to criticise Robert Mugabe, who played a key part in an earlier campaign against apartheid.

⁸ See Hobsbawm, Eric *Age of Revolution* (Abacus, 1977), p. 139.

⁹ McClintock, John *The Uniting of Nations: An Essay On Global Governance* (Peter Lang Press, Brussels, 2008). Second edition. See www.the-uniting-of-nations.com for a summary of McClintock's ideas.

¹⁰ The points in this paragraph are taken from the fascinating article by Thomas Lane, 'Regionalism and the conditions for a new Internationalism', European essay no. 42, published by *The Federal Trust* in February 2008. See www.fedtrust.co.uk

¹¹ Often incessantly. See 'The UN and the EU: Partners in Multilateralism' by Jan Wouters. EU Diplomacy Paper (4/2007) produced by the Department of EU International Relations and Diplomacy Studies at the College of Europe, Bruges. The problem is that there is no clear understanding of the institutional conditions for 'effective multilateralism'.

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