

**Multilateralism Under Challenge?
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Multilateralism Under Challenge?

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In November 2003, UN Secretary-General Kofi Annan observed that 'the past year has shaken the foundations of collective security and undermined confidence in the possibility of collective responses to our common problems and challenges. It has also brought to the fore deep divergences of opinion on the range and nature of the challenges we face, and are likely to face in the future'.

The evidence of problems across a range of international norms and institutions is certainly ample. The United States and its allies undertook a war in Iraq in 2003 without the explicit authority of the UN Security Council, which came on the heels of similarly unauthorised NATO military action in Kosovo in 1999. Some observers have interpreted this and other developments as a shift among some major powers towards an ad hoc 'coalition' model of military action. Some states openly question whether the established rules governing the use of military force (in national self-defence, collective self-defence, or under the authority of Chapter 7 of the UN Charter) remain valid in all circumstances, suggesting that preventive force outside the UN framework may be necessary in response to latent or non-imminent threats. And in particular, it is questionable whether existing international organisations have the confidence of major powers for dealing with new security scenarios, particularly in regard to the threat of weapons of mass destruction (WMD) in the hands of terrorist groups. If the major powers are not going to be restrained by existing norms, laws and institutions in their use of force overseas, then the other states in turn will lose confidence in norms, laws, and institutions as instruments for protecting their security.

The lack of support extends to other policy areas. The United States, China, India, Russia, and many other countries do not support the International Criminal Court and thus render its jurisdiction very limited. According to a 2004 high-level panel report endorsed by the UN secretary-general, the main global multilateral regime responsible for promoting and protecting human rights 'suffers from a legitimacy deficit that casts doubts on the overall reputation of the United Nations'. The Kyoto Protocol to regulate climate change is jeopardised by key abstentions. A range of multilateral arms-control treaties and conventions are being eroded, including the Anti-Ballistic Missile Treaty and the Non-Proliferation Treaty. Others, such as the International Convention to Ban Anti-Personnel Landmines, are not supported by key states. In their decision-making procedures and their representation, many international organisations do not meet contemporary standards and expectations of legitimacy based on accountability and democracy. In addition, the future of multilateralism has been entwined with a transatlantic split and competing visions of world order. Notably, many of the challenges confronting multilateral institutions have been associated with US military and economic preeminence in a unipolar world and an attendant pattern of US unilateralism. Are the values and institutions of multilateralism under challenge, or even in crisis?

Challenges of Multilateralism

Multilateralism refers to collective, cooperative action by states – when necessary, in concert with nonstate actors – to deal with common challenges and problems when these are best managed collectively at the international level. Areas such as maintaining and promoting international peace and security, economic development and international trade, human rights, functional and technical cooperation, and the protection of the environment require joint action to reduce costs and to bring order and regularity to international relations. Such common problems cannot be addressed unilaterally with optimum effectiveness. This rationale persists because all states, as well as some nonstate actors, face mutual vulnerabilities arising from intensifying interdependence. They all will benefit from, and thus are required to support, public goods. Even the most powerful states cannot achieve security, environmental safety, and economic prosperity as effectively in isolation or unilaterally. We have seen this demonstrated time and again, and so the international system rests upon a network of regimes, treaties, international organisations and shared practices that embody common expectations, reciprocity, and equivalence of benefits.

In an interdependent, globalising world, multilateralism will continue to be a key aspect of international relations. Limitations do and always will exist, and the utility and effectiveness of formal multilateral institutions are inevitably conditioned and constrained by the exigencies of power. Powerful states may work through formal institutions at their pleasure and selectively. Some issues may defy multilateral approaches. Moreover, changing normative expectations may cast doubt upon the constitutive values of specific international institutions. But the theoretical rationale of institutionalism is broadly intact.

However, the values and institutions of formalised multilateralism as currently constituted are not optimally effective, legitimate, or normatively satisfactory.

Structural or Systemic Challenges

Classic models of multilateralism are constituted upon regular and stable relations among viable sovereign states, akin to a 'Westphalian' model of international relations. Within this model, states are the principal actors, and the preservation of independence and territorial integrity, along with the prevention of aggression, are the primary objectives. However, this construct has conceptual and practical limitations. States are not necessarily all viable; state weakness and failure characterise a number of regions in the developing world. State incapacity is an underlying source of a wide range of pressing problems. Many threats to national and international security today are rooted, not in conquering states in the Westphalian paradigm, but in failing states from the pre-Westphalian world.

In terms of one of the main objectives of international organisations – the maintenance of international peace and security – most instances of armed conflict are clearly domestic rather than inter-state. The traditional security problématique is still very much relevant, but most violent conflicts occur outside the classic inter-state paradigm. While not legally precluded from being involved in civil war, international organisations have had difficulty finding a consensus or norm about the international community's role and responsibility in civil war.

In a more general and less explicit sense, sovereignty is arguably itself under challenge, with implications for multilateralism. Sovereign statehood remains the defining attribute of the international system. However, the legalist model of international politics – premised on the primacy of sovereign autonomy and equality, non-interference, and the irrelevance of domestic forms of government – is demonstrably out of touch with reality in a number of respects. International norms regarding human rights have developed an importance that significantly conditions state sovereignty and goes beyond the voluntary nature of international human rights instruments. This has given rise to a solidarist norm of ‘individual sovereignty’, whereby the legitimacy of state sovereignty rests not only on control of territory and international recognition but also upon fulfilling certain standards of human rights and welfare for citizens. As a corollary, the sovereignty of states that are unwilling or unable to fulfil certain basic standards may be in question. Sovereignty and respect for its legitimacy rests in part upon the recognition of other states, but the prerogative of exclusive territorial inviolability is arguably now premised on a broader set of criteria, including human rights. However, existing international organisations rest upon the basis of state sovereignty and prioritise sovereignty and non-interference above human rights.

The evolution of sovereignty goes beyond human rights. Upholding the idea of sovereignty in cases where states are unwilling or unable to uphold even the most basic foundations of the institution of sovereignty – especially when they can have serious negative repercussions across borders – is becoming increasingly difficult. This problem is represented in a number of forms. When viable public authority and control cease to exist, the rights and needs of citizens cannot be met and relations with other international entities cannot be meaningfully pursued. Moreover, a lack of control over territory, cross-border movements of illegal activities, and forced displacement affects other states. In addition, the association of certain countries with terrorism, weapons of mass destruction, and other ‘errant’ behaviour has further challenged the Westphalian order.

The reality is that in many ways and for different reasons, the challenge to the state as the foundation of multilateralism represents a challenge to formal institutionalised multilateralism. At the beginning of the 21st century, acknowledging a controversial and perhaps uncomfortable reality is necessary: the concept of equality of state legitimacy – that all states are endowed with equal rights to legal respect, sovereign prerogatives, and inviolable territorial integrity – is not universally accepted.

A further problem with the state-centric nature of international organisations is that many challenges and problems are transnational and involve nonstate actors. In the most extreme illustration of this problem, the idea of multilateralism – or even international order – as constituted by states is being challenged by terrorist nonstate actors. Thus on 9 September 2001, a small band of fanatic terrorists managed to inflict on the US a scale of casualties that had been beyond the capacity of any state since Pearl Harbor 60 years earlier. With respect to influencing policy and awareness in the area of human rights, it is difficult to deny that major NGOs and civil society actors such as Amnesty International, Human Rights Watch, the International Committee of the Red Cross, Greenpeace, and Transparency International have proven worthy competitors – in terms of their legitimacy and perhaps also performance – to the UN’s human rights mechanisms.

Hegemonic Challenges

Through its economic and military preeminence, the US is in a position to exercise a certain amount of discretion in terms of its support for international organisations. Recent initiatives such as the Proliferation Security Initiative (which deals with illicit transfers of WMD-sensitive material) illustrate a more flexible model for cooperation among allies.

The so-called pattern of US unilateralism has been correctly associated with the malaise of multilateralism, but it is only a partial explanation. US preeminence and unipolarity does not necessarily result in US unilateralism (and unilateralism does not necessarily result in a general decline of multilateralism). Indeed, many of the key institutions of international order established after the Second World War – including the UN and the Bretton Woods institutions – were established through US leadership at a time of US preeminence. In addition, according to hegemonic stability theory, it was declining US preponderance in the 1970s that brought multilateral institutions into question. This suggests that purely structural explanations are inadequate for identifying the relationship between power, leadership, and the maintenance of multilateralism institutions.

The elimination of countervailing power to check the untrammelled exercise of US power did not just produce a unipolar world; it also ushered in a quasi-imperial order. Imperialism is not a foreign policy designed to promote, project, and globalise the values and virtues of the dominant centre, but a form of international governance based on an unequal hierarchy of power.¹ The reality of inequality structures the relationship between the imperial centre and all others. This is not a matter of malevolence on the part of a particular administration in Washington, but an artefact of the reality of a unipolar world that will shape the foreign relations of any administration.

Having observed all of this, the position of the US has brought the issue to a head and raised legitimate concerns: Rigid multilateral institutions cannot hope to be respected indefinitely when their constitutive principles and performance do not meet expectations in terms of legitimacy and effectiveness. The result is that powerful states can afford to circumvent established international organisations in matters related to critical national interests (which is not a new phenomenon) and also form alternative and sometimes ad hoc coalitions for taking action.

Normative Challenges

Normative challenges to multilateralism concern the way that decisions are made and implemented. Two dimensions exist to this. First, established multilateral organisations arguably do not meet standards of accountability and transparency that are considered legitimate in the 21st century, at least among democratic societies. This is a problem because international organisations are playing an increasingly prominent role in peoples' lives. A range of public practices and policy decisions have been transferred to the international level, and this trend raises a number of pressing normative issues that did not apply to the more narrow Westphalian origins of multilateralism. The state

¹ 'We treat UN Security Council members like ingrates who offend our princely dignity by lifting their heads from the carpet'; Senator Robert C. Byrd, 'The Arrogance of Power', 19 March 2003, available at <http://byrd.senate.gov>.

sovereignty basis of legitimacy is no longer sufficient in an era of popular sovereignty and democracy.

Traditionally, ideas of political legitimacy are bounded in the state. Legitimacy in governance is usually conceived in the nature of the relationship between the government and the governed. Political legitimacy bestows the right to govern and defines the loss of this right in the context of the value system and norms of a particular political community. Values and standards vary across the world but by most definitions of political legitimacy, certain foundational criteria must be met: consent, accountability, and the rule of law. In the domestic context, these are embraced by the practices of democracy, and the 'collective good' is defined and upheld through this process within a given political community.

Many problems arise in applying ideas of political legitimacy to the international arena. The bases of political community, within which legitimacy must be constituted, are difficult to conceive at the international level. A far greater diversity of value systems is found, so the roots of political legitimacy are elusive. Yet with the salience of international organisations increasing in peoples' lives, there is a pressing need to apply ideas of legitimacy to the normative goals underpinning many international organisations. At a time when aspirations of leadership and governance demand legitimacy within states and democracy is expanding across the world, international organisations must embrace the spirit of this movement.

This includes the matter of choosing the chief executives of international organisations. While the most recent manifestation of the problem was the crisis over Paul Wolfowitz at the World Bank, where the translation of a leakage of legitimacy of the leader into ineffectiveness of performance of the institution became obvious, the UNSG is not immune from the same pathology. After many indicative rounds of voting in the Security Council, two things became clear. The five unelected members, also known as the P5, effectively determine the short list for the post. And the choice between Ban Ki-moon and Shashi Tharoor was effectively made by Washington which indicated a likely veto of Tharoor. Ban's selection was then ratified by the General Assembly by acclamation. Having had neither voice nor vote in the choice of the SG, why should the 'international community' of states and peoples accept him as 'their' leader? He is the legally elected SG, but begins with question marks over the legitimacy of the process and therefore the outcome.

Traditionally, the concept of legitimacy did not extend beyond the domestic arena and a different set of norms governed international relationships. This tradition has evolved into a democratic deficit in many organisations. Even in the case of those organisations that can wield enormous leverage upon the domestic policies of some states and exert a significant impact upon the lives of many millions of people, there is little transparency or public input into their policy and decision making, or at least this is the perception. Why should international organisations be exempt from democratic accountability, transparency, public participation, and judgments of legitimacy? In the absence of satisfactory answers to these questions, criticisms of unelected, unaccountable, and inefficient international bureaucracies persist. In the field, the United Nations is also facing stiff competition from NGOs, many – although not all – of which are seen as more flexible and in touch with local needs, and less steeped in political and bureaucratic constraints.

On a related level, the consensus and majoritarian basis of decision making of some international organisations have also been questioned by issues of legitimacy. It cannot be taken as a given that all governments in international organisations represent their people. Why then should a democratic country or a group of democratic countries be obliged to act – or be constrained from acting – on critical issues according to the rules of an international organisation in which non-democratic states have a vote? According to the existing rules of many multilateral organisations, the status quo – or inactivity – is acceptable if agreement to act through consensus or majority according to the rules of procedure cannot be achieved, even in situations of emergency. This situation is no longer acceptable in the face of genocide or with the risk of terrorism combined with weapons of mass destruction. In the eyes of many contemporary observers, if international organisations cannot act in response to the most pressing global problems, then their legitimacy is questioned, even if they are following their own rules of procedure. That is, their procedural legitimacy may be contributing to an erosion of their performance legitimacy. It has often been accepted that formal multilateral organisations, as imperfect as they are, were legitimate relative to the feasible alternatives. This is no longer a given.

A further normative challenge relates to the constitutive values upon which international organisations, for historical reasons, are based. Many contemporary forms of institutionalised multilateralism – exemplified in the Bretton Woods organisations – reflect a particular normative heritage based upon liberal values such as the nation-state, liberal democracy, liberal human rights, and above all, market economics and the integration of societies into free trade. However, this liberal outlook is problematic. Democracy (in terms of liberal democracy, or ‘polyarchy’), human rights (especially when emphasising principally civil and political rights), market values, the integration of societies into globalisation, and the idea of the state and citizenship are not necessarily universal values.

Sometimes, these values are not necessarily appropriate for post-conflict or divided societies. Indeed, democracy and the market are arguably adversarial or even conflictual forces – appropriate in stable Western societies, but not universal. In some circumstances, some liberal values may be at odds with the attainment of sustainable peace – for example, when they promote a neo-liberal economic agenda that may exacerbate social/economic tensions, or where democracy promotion exacerbates political conflict and sectarian divisions. Some aspects of contemporary conflict management associated with the liberal peace – including the role of international financial institutions, NGO work, and some aspects of humanitarianism – may in fact be contributing to certain types of conflict, especially when conflicts are driven by a ‘war economy’.

There is, therefore, resistance to the values on which established forms of multilateralism are based. As international politics increasingly intrudes into societies, international organisations have demonstrated that multilateralism is not value-free. Multilateralism has become entwined with fundamental social and political choices regarding the balance between the market and welfare, human rights, governance, and democracy. Inevitably, this complexity has been controversial.

In summary, we see the challenge to the values and institutions of multilateralism not only as a result of a particular distribution of power, but also systemic factors: the nature of power, the nature of security and of threats to international security, the actors that have an impact upon international peace and security, the international norms that regulate the behaviour of actors in the international arena, and the nature of

the state. All countries depend upon multilateralism and the maintenance of regularity and public goods in the international system, but the international system remains basically anarchical. States vary in power and political outlook. International organisations are a reflection of the dynamics and processes of international power. This does not mean that they cannot be effective, but it does mean that they reflect the will of the states that control them and the conflicts that exist within the broader international system. In terms of norms, the reality is that the world is diverse; not all the values that 'universal' multilateral organisations project and promote are in reality accepted as truly universal.

The Future of Multilateralism: Beyond Westphalia

If they are to remain viable, multilateral values and institutions must be constituted in line with 21st-century principles of governance and legitimacy, and they must be capable of addressing contemporary challenges effectively. This involves moving beyond the Westphalian roots of multilateral institutions, reassessing the values on which multilateralism is based and promoted, and recognising that contemporary challenges demand greater flexibility and proactive solutions.

In terms of critical issues of human survival, states must recognise that sovereignty is conditional upon meeting certain standards of human welfare and human rights. A responsibility exists to protect human life. If states are unable or unwilling to meet this responsibility, the international community – through multilateral organisations – is mandated and should be enabled to take over this responsibility.

In terms of international peace and security, and especially weapons of mass destruction and terrorism, certain principles related to the presumption of sovereignty, non-interference, and the use of force may need to be reexamined. The established rules governing the use of military force under the UN Charter have been questioned in some circumstances, especially when we are faced with the hypothetical combination of terrorism and weapons of mass destruction. Clearly the idea of preventive force in response to latent or non-imminent threats is something that has appealed to some policy analysts. When this idea has arisen, the presumption has been that such preventive force would necessarily be outside the UN framework because of the UN Charter's emphasis upon the non-use of force except in self-defence or in response to cases of aggression. The secretary-general offered a rebuttal to this presumption in his report, 'In Larger Freedom', by observing that, in fact, 'where threats are not imminent but latent, the Charter gives full authority to the Security Council to use military force, including preventively, to preserve international peace and security'.

Nevertheless, on the basis of the Security Council's performance in the past, even in response to clear cases of large-scale aggression, it is difficult to accept that the UN at present is so constituted as to authorise preventive force in response to latent threats. It will therefore not have the full confidence of some key countries on critical issues related to international security unless it undergoes radical transformation in its rules of procedure and its definition of 'threats to international peace and security'. For example, even though the doctrine of the responsibility to protect has gained rapid international purchase normatively, it is yet to be translated into action operationally. The rhetoric-action gap is not due to an absence of fit cases crying out for urgent international response.

Multilateral institutions must recognise and involve nonstate actors on the basis of criteria that ensure their legitimacy and effectiveness. Particularly in the areas of social and economic welfare and humanitarianism, nonstate actors are an essential component of multilateralism that must be embraced centrally. In this sense, the multilateralism of the 21st century must not be confined to relationships among states; it must reflect the plurality of international relations and the key role of nonstate actors. By the same token, NGOs themselves must begin to acknowledge, and act on the recognition, that they are now oftentimes actors and participants in the global policy process. With influence on decisions must come responsibility for the consequences and distributional outcomes of the decisions.

In the social and economic realm – in light of the significant impact of multilateral decisions and institutions upon human lives, especially in developing countries – greater transparency and accountability is necessary. We must be realistic about what the UN and global organisations in general can and cannot do, and recognise that many multilateral processes will work most effectively at the regional level, based on shared values, identity, and regional leadership.

In the past, according to the Westphalian model of multilateralism that emphasised consensus and sovereignty, ineffectiveness and status quo were tolerated according to the lowest common denominator. This practice resulted in perverse outcomes: The international community failed to respond to genocide and other widespread abuses of human rights, and this was legally sound according to the rules of procedure of international organisations. (Indeed, ad hoc or unilateral initiatives – even in such circumstances – could be considered illegal or illegitimate.) This cannot remain the constitutive principle of multilateralism in the 21st century. A responsibility exists to act in response to pressing global problems, and this should be the starting point for multilateralism. Among other things, this means that the principle of multilateralism must move beyond the idea of consensus.