

Sovereignty, Dignity and Regionalism in the New International Order*

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Dr. C. Vijay Prashad

Director ejecutivo de Tricontinental: Instituto para la Investigación Social.



It is a deep honour to be participating in the 7th Conference on Strategic Studies hosted by the Centre for International Policy Research (CIPI) with the CLACSO, the Latin American Council on Social Scientists. I am grateful to my friend José Ramón Cabañas for inviting me to make these remarks about the current state of the world and the absolute necessity for a new system. In May 2021, the head of UN Women—Phumzile Mlambo Ngcuka— and the head of the UN Office for Disarmament Affairs—Izume Nakamitsu— wrote an article urging governments to cut excessive military spending in favour of spending on social and economic development. Their wise words were not heard at all. To cut money for war and to increase money for social development, they wrote, is *'not a utopian ideal, but an achievable necessity'*. That phrase is essential—not a utopian ideal, but an achievable necessity, a phrase which describes the project of socialism almost perfectly.

Since the US illegal war on Iraq of 2003 and the Global Financial Crisis of 2007, the United States has been in a state of great fragility. It has sought to assert its hegemonic power through using all its means—from diplomatic to military, but this assertion has not been without its own contradictions. In this context of the fragility of US power, regional entities have attempted to assert themselves— whether those in Latin America (such as ALBA) or those in Asia (such as the Shanghai Cooperation Organization). Sometimes US power, still not weakened, is able to undermine these attempts, but in other cases,

these regional formations have been able to withstand the pressure. The emergence of these regional formations has put on the table the idea of 'multipolarity', as if we will now be in a world of several poles rather than in a unipolar system. This is a reasonable assumption, but is also flawed. Instead of this architecture of the world order, what is more likely to occur is the emergence of greater regionalism and this regionalism will be the foundation of a new kind of internationalism. We are not going to enter a period of global Balkhanisation, but to create a new kind of internationalism based on mutual respect that is built on the strength of regional trade regimes and regional security and political formations. The tussle now between the US-driven 'rules-based international order' and an order that seeks to recover the United Nations Charter has now become central to international relations. This presentation will go over these two visions of the international order and suggest that the actual movement of history is to return to the UN Charter and try and build a robust regionalism and internationalism rather than continue the instability and confrontation of the US-driven 'rules-based international order'.

Over the course of the past decade, the United States government has described the system that it has organised and controlled for the past half century by using the phrase 'rules based international order'. This 'rules based international order', the US government claims, is superior to any other potential international system. The term 'rules based' is curious. The 'rules' that are being referred to are not those enshrined in the UN Charter (1945), which is the document that has the greatest consensus on the planet (each of the member states of the UN is a signatory to the Charter, which means every recognised country—all

193 of them—are bound by the UN Charter). If the US government does not use the term 'rules based' to refer to the UN Charter, then what does the US government refer to?

To understand this question, it might be best to explore one particular aspect of the 'rules based international order' that the US government seeks to establish. The US government routinely designates countries as being in violation of this 'rules based' order, but never really explains by what basis this designation is being made. The entire unilateral sanctions policy, for instance, is an arbitrary exercise of power by the US government based on its grip on international flows of finance and commerce as well as its use of diplomatic and military force to command other countries to bend to its will. In other words, what the US government says are the 'rules' in the 'rules-based order', and that these are defined not in legal ways but in a customary way—the custom being that the US government formulates its order based on the particular needs and interests of the United States elites at any particular time. To sanction Cuba, for instance, the US government does not turn to the UN Charter and indeed it ignores the immense majority of the world's peoples and world's governments who oppose the US unilateral blockade against Cuba (evidence for the governments is found in the annual vote at the United Nations that condemns the blockade). Neither popular opinion nor the views of most of the governments of the world matter. What matters is that the US government requires this unilateral policy to continue, and that this requirement becomes the basis for the 'rules' that define the international order.

While the US government arbitrarily define the rules for the maintenance of order, it uses the actual rules—developed after democratic

discussion in the UN and other forums—to police those whom it treats as being outside the ‘rules based international order’. For instance, the US government has signed the UN Convention on the Law of the Sea (which went into force in 1994), however the US Senate has not ratified this treaty. Therefore, the US government is not a party to the treaty. Yet, it is based on this treaty that the US government conducts its ‘freedom of navigation’ exercises against countries that have signed and ratified the treaty, such as the People’s Republic of China. So, the PRC, a legitimate member of the Treaty, is being policed about its sovereign waters in the South China Sea by a country that has not ratified the Treaty but uses it. Again, the US is not a State Party to the Rome Statue that established the International Criminal Court, and yet it is the United States that aggressively uses the Court and war crimes laws (such as the Geneva Conventions) to prosecute those that the United States defines as its enemies.

There is a list of key international treaties that the United States has not ratified, over thirty of them sitting in the Senate chamber with little expectation of a vote. Amongst these treaties are some central parts of the international arms control regime, such as the Ottawa Mine Ban Treaty (1997), the Convention on Cluster Munitions (2010), and the Arms Trade Treaty (2014) as well as central parts of the human rights regime, such as the Convention on the Elimination of All Forms of Discrimination Against Women (1981), the Convention on the Rights of the Child (1990), and the Optional Protocol to the Convention against Torture (2002). These—as far as the United States government is concerned—are not part of its ‘rules-based international order’. In other words, it is important to establish

that the United States government does not accept many internationally negotiated treaties as a core part of its ‘rules-based international order’.

It is important to note that even when the US does sign and ratify treaties, it leaves a door wide open for it not to abide by the protocols. When the US accepted the jurisdiction of the International Court of Justice in 1946, Washington made it clear that any proceeding established by the Court would require the US government to accept the jurisdiction of the court or of any treaty. Reservations made to the treaties and the denial of jurisdiction allows the US to sign and ratify some treaties as an empty gesture towards international law. As Dean Acheson told the American Society of International Law in 1962, there is no legal challenge to the United States when it responds to investigations that threaten its ‘power, position, and prestige’. Furthermore, if any of the internationally-mandated agencies open an investigation of US actions, the agencies and their officials are threatened by the US government. For instance, when the International Criminal Court opened an investigated into war crimes in Afghanistan by all parties, the US government denied the lead prosecutor Fatou Bensouda with a visa so that she was not able to come testify at the United Nations office in New York; US officials also said that her family would not be able to get a visa to enter the US.

Why the US rejects international law

Why does the United States not accept the writ of international law? What is the purpose of the masquerade called the ‘rules-based international order’, which clearly

is not based on the UN Charter or any of the other frameworks set up by international negotiation and consensus?

The plain fact is that the 'rules-based international order' imposed by the United States is intended to protect the advantages secured by global multinational corporations, global financiers, and wealthy bond holders against the attempt by popular movements and people's governments to establish their territorial sovereignty and to develop a dignified social process within their countries.

The US order is premised on the fact that owners of property (capitalists) must have the right to exploit labour and nature, that these capitalists —organised into large and powerful firms— must have no limits to their desires. That means that these firms should be allowed to go anywhere and do anything, including create the conditions for annihilation of the Earth System (the obscurity of hunger is a sign of that in terms of labour and the climate catastrophe is a sign of that in terms of nature). Any country that tries to put barriers on the licence given to capitalist firms is then under danger and its government is likely to be sanctioned or overthrown. The capitalist order as designed over the past few hundred years has violated the sovereignty of most of the world, first through colonialism and then through the creation of a neo-colonial set of structures that punishes independent countries that try to exercise their sovereignty. This neo-colonial system allows capitalist firms to extract social wealth from parts of the world that would otherwise have used that wealth to improve the general conditions of life for the public and to properly relate to the natural surroundings. Any modern government must be required to conduct itself

along two lines: to improve the general conditions of life for the public and to properly relate to the natural surroundings. These norms —in a narrow way— have already entered international institutions and the public consciousness. For instance, the obligation of a modern government to improve the conditions of life is rooted in the UN Charter, but also in the various treaties whose aspirations were recently summarised in the Sustainable Development Goals. These include such elementary things as ending hunger and homelessness, establishing public education and public transportation, and developing processes for social equality and cultural enrichment.

UN Charter

However, many countries in the grip of neo-colonial structures do not have control over their resources —in other words, are not sovereign— and so cannot raise the social funds necessary to establish these aspirations (end hunger, end illiteracy) —in other words, to create a dignified world. So, the 'rules-based' order of the United States is not an order to promote democracy, but to maintain a neo-colonial structure of exploitation of both labour and nature, of human beings and of the Earth System. Is there an alternative to this 'rules-based international order' of the United States government?

In March 2021, sixteen UN member states came together to establish the Group of Friends in Defence of the Charter of the United Nations. This body includes several countries that have been under unilateral, illegal US sanctions—countries such as Algeria, China, Cuba, Eritrea, Nicaragua, Russia, and Venezuela. The focus of the Group

of Friends is to champion the foundation of the UN system, namely multilateralism and diplomacy against unilateralism and militarism. Two important points need to be considered about the emergence of the Group of Friends:

1. First, the admission that there is no need to create a new world system but merely to allow the original post-World War II and post-colonial world order to be allowed to function. This order was built by the post-war consensus around the horrors of World War II (including both Nazism and the use of atomic weapons), and by the post-colonial consensus in the Third World for the establishment of state sovereignty. This system is rooted in the UN Charter, but also in the Final Document of the founding conference of the Non-Aligned Movement in 1961. It is key to recognise that the Final Document of the original NAM establishes sovereignty and dignity as its main concepts (section 13, a and b). An important attempt to realise these concepts came about through the NAM-initiated New International Economic Order (NIEO), passed by the UN General Assembly in 1974 and then rejected by the United States and its allies who championed a neo-liberal world order instead.

2. Second, the understanding that unilateral action by one or a group of countries against others is simply not to be tolerated in this emerging period. There continues to be a debate about what this new post-unilateralist era will look like. One school of thought argues that we will enter into a multipolar world order, where different poles will be established. Evidence for this school is not so clear, since none of the major powers other than the United States would like to exercise extra-territorial power and constitute itself as a pole (this

is clearly indicated by the 20th Congress of the Chinese Communist Party, for example). A multipolar world is not an antidote to militarism, since multipolarity could intensify rivalries and therefore warfare. A second school of thought, with which I agree, makes the case that the actual movement of history is tending to favour the creation of regional blocs that nonetheless would like to integrate in a mutually beneficial fashion with other regional blocs and other countries. Evidence for this emergence is plentiful, such as the creation—in Latin America—of the Bolivarian Alliance for the Peoples of Our Americas (ALBA) in 2004 and of the Community of Latin American and Caribbean States (CELAC) in 2010, and—in Asia—of the Shanghai Cooperative Organisation (2001). Chapter VIII of the UN Charter endorses the growth of 'Regional Arrangements' in the 'maintenance of international peace and security'. These are not exclusive power blocs that are designed to intensify conflict, but arrangements to improve regional trade and to manage regional conflicts as well as develop cross-regional programmes to build schemes for mutual benefit.

Three concepts then are at the heart of a potentially restored world order that was developed by the UN Charter and the NAM Final Declaration: sovereignty, dignity, and regionalism. These three words will anchor the new internationalism that must be built. We need more cooperation and less confrontation, more diplomacy and less warfare. Richer countries cannot hide from the calamities that colonialism and the neo-colonial system have brought to the planet. When the waters rise, they will rise everywhere. We must work together to build a shared future. We cannot afford another path.