

# COUNCIL *on* FOREIGN RELATIONS

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## Summary: Symposium on the United States and the Future of Global Governance

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Over the last twenty years, the world has seen a dramatic shift in the distribution of power and the emergence of influential non-state actors. It has also seen the rise of a new global and transnational agenda, which now includes the worst economic crisis since the Great Depression, the threat of a nuclear proliferation cascade, the specter of global warming, and the harrowing persistence of mass atrocities. The United States and the world community are faced with an array of global challenges requiring robust cooperation, and current multilateral arrangements may not be up to the task. How are these on-going shifts in power, interests, and new global threats affecting prospects for international cooperation? How can the United States help bring international institutions into the 21<sup>st</sup> century? Does the world need to create new frameworks of cooperation to replace existing structures? These questions were the focus of a symposium on the United States and the Future of Global Governance sponsored by the International Institutions and Global Governance Program, held at the Council's New York headquarters on May 7 and 8, 2009.

The day and a half event featured separate thematic panels on nuclear proliferation, the global financial crisis, climate change, international law, and global public health. These sessions drove home inadequacies in current multilateral architecture for dealing with challenges that are both transnational (i.e. climate change) and interdependent (i.e. migrant labor movements and the spread of swine flu). Effective collective action to address these new threats will require incorporating rising powers such as China and India into formal institutions, as well as experimenting with new, more flexible partnerships and coalitions of the willing.

As Council President **Richard N. Haass** remarked in his opening address, "a lot of what we have has not kept pace with the world... it would be counterintuitive if institutions that were created in one geopolitical era more than half a century ago were exactly adequate and appropriate for the challenges of a very different time." CFR Senior Fellow and Director of the International Institutions and Global Governance program **Stewart Patrick** noted that there are increasing numbers of "twitching corpses" in the form of outdated multilateral institutions and coalitions that find themselves unable to address "many of today's challenges, ranging from financial instability, to nuclear proliferation, to climate change, or to pandemic disease." **Nicholas Burns**, former Undersecretary of State for Political Affairs, maintained that the G7 is an artifact of a "vanished world. When we want to get things done in the world, we need

China on Darfur, on Burma, on Iran. We need Brazil on Haiti and Venezuela. It may have been the right vehicle in the 1970s, but it is not now.” **Laurie Garrett**, Senior Fellow for Global Health at the Council, echoed this sentiment when commenting on the need to fix the WHO’s warning system. A clear lesson of the international response to the H1NI virus, she said, was that the global infectious disease and pandemic response system must be strengthened and made “more relevant to real problems.” A similar critique can be made of today’s non-proliferation regime, noted Charles Ferguson, the Council’s Senior Fellow for Science and Technology. In his words, “the Conference on Disarmament in Geneva is now moribund.”

Fortunately, in the view of many conference participants, prospects for overhauling international institutions are better than they have been since the end of the Cold War. . After all, it is often during times of crisis—like the aftermath of World War II—when bold new thinking takes place about the role and mandate of international organizations. Although it is impossible to “wipe the slate clean” entirely, the current economic crisis offers some opportunities to adjust the global governance structures we have inherited to new circumstances. According to **David Gordon**, Former Director at the State Department’s Office of Policy Planning, said, “one of the important outcomes of the global financial crisis,” has been the “upgrading of the G20” as a major steering group for the global economy, one that more accurately reflects the international distribution of economic power and influence than the G7 (or G8). At the same time, **Steven Dunaway**, Adjunct Senior Fellow for International Economics at the Council, predicts that the G7 will still have “some uses. Don’t think about it as an international organization—which, by the way, technically, it is not. It is just an important grouping. So think of it as an interest group and a bloc within another bloc that is the G20.

Perhaps the most glaring need for global governance reform, speakers noted, was updating the obsolete membership of the United Nations Security Council, which as **Burns** noted is less reflective of today’s world powers and international security concerns than of “Chian Kai-shek’s China, Stalin’s Russia, de Gaulle’s France, Churchill’s Britain, and FDR’s United States.”. **Ellen Laipson**, President of the Henry L. Stimson Center, noted that despite the obvious hurdles to Council reform—including resistance by current permanent members to cede power and the objections of regional rivals to the major aspirants of permanent membership—the time “may be coming” to reform the Security Council to allow for more accurate representation of global power and influence.

Reforming institutions like the UN Security Council is a necessary but insufficient step toward improving global governance. As **Laipson** pointed out, that today’s foreign policy challenges are simply too complicated and fluid to be left simply to standing multilateral agencies like the United Nations and the International Monetary Fund. Rather, the world must embrace “variable geometry”—recognizing that different challenges call for different groupings of countries. Often regional bodies such as NATO or the African Union are the most appropriate forum or platform for addressing a particular issue. In other instances, informal or more loosely organized arrangements—like the Proliferation Security Initiative or the increasingly important G20—may hold more promise. Another option still is to create entirely new standing multilateral bodies to fill current voids. A case in point is global energy security. In **Ferguson**’s view, what is needed is not just a “conference solely focused on nuclear energy; we need a world energy institution.” As **Burns** said, the plethora of options creates more opportunity for sustained and successful cooperation: “We don't have to choose between a la carte multilateralism and ‘the mission determines the coalition’ and NATO. We have to have both.”

Central in this discussion was how and to what degree the United States should promote and take seriously multilateral cooperation and reform. While the speakers offered differing prescriptions on whether or not (and how quickly) U.S. power may recede with the rise of emerging powers such as China, India, Russia, and Brazil, all agreed that for the time being the United States remained the most powerful nation in the world and the only one with at least a chance of rallying the world. One lesson of the global financial crisis, **Dunaway** maintained, is that for all the “talk about how the world has changed economically, it is still a G-1 world after all.”

Participants generally agreed that the Obama administration has a tremendous opportunity to reverse the often unilateral thrust of the previous administration's policies and signal a commitment to collective action on global challenges. Doing so will sometimes require working within multilateral bodies that are admittedly flawed, such as the Human Rights Council, in the hopes of stimulating reform from within. Adopting a more multilateral course will require some psychological adjustments on the part of the United States to a new global configuration of power and influence. As **Burns** maintained: "it isn't sustainable for the United States to continue to think that we can essentially dominate the international landscape the way we certainly did during the unipolar moments during the Cold War and 9/11. We need other countries to resolve nearly every issue on our top agenda. We just can't exist alone anymore. This is a reflection of reality. It is smart politics, but it is also a reflection that we have to govern and lead in a more consensual way." **Paula Dobriansky**, former Undersecretary of State, for Democracy and Global Affairs, underscored that the United States must lead in the fight against climate change, but that other countries would also need to do their share. The United States will "move forward and act" but will also need to have "a treaty and an agreement that others will move forward as well and make commitments. Because if you only have a certain percentage of countries globally, you're not going to be effectively reducing greenhouse gases."

While the symposium sessions generally agreed that much could be done to reform and strengthen instruments geared toward multilateral cooperation, an undercurrent of caution remained. A central challenge for the Obama administration would be overcoming domestic political constraints in Congress. Historically, **Stewart Patrick** stated, Congress has been "ambivalent about the degree of U.S. engagement in multilateral cooperation," as it has felt much "more enthusiastic about being a maker of rules than necessarily a taker of rules." Even under a new, Democratically-controlled Congress, ambivalence remains on a host of issues. This is particularly true in the current global financial crisis, where legislators tend to be inward-looking and susceptible to protectionist pressures, making it difficult to come up with a properly coordinated global response. **Daniel Drezner**, Professor of International Politics at the Fletcher School of Law and Diplomacy, maintained that "when it comes to finance and economics, the fact is that these are the bread and butter of domestic politics. ..There has been no movement on trade. And the reason is because to make any movement on trade you need the support of your domestic legislatures, and that requires a lot of domestic political capital," which many world leaders lack. Likewise on international law-related issues, **John Bellinger III**, a Council Adjunct Senior Fellow and former Legal Advisor to the State Department, lamented, "sadly, a strand of liberal Republican internationalism seems to have been sort of stamped out, particularly in the Senate. There is all across the country this suspicion of international law, of international institutions."

While the domestic pressures may be difficult to overcome, symposium participants generally agreed that President Obama may have sufficient political capital in his first few years in office to work with Congress to push a handful of international agenda items forward. **David Scheffer**, Professor of Law at Northwestern University, singled out as some of the most important and achievable items ratification of touchstone treaties like the "Law of the Sea Convention, CEDAW, and the Comprehensive Nuclear Test Ban Treaty."

In the final analysis, **Gordon** cautioned, "we must have modest assumptions" about what organizations like the G20, NATO, the IAEA, WHO, the UN and the IMF can do on their own. On some of the most intractable global problems, a strengthened multilateral approach can bolster international norms and build global consensus. But such multilateral agreement will have little actual impact without "national- level governmental decisions." Climate change is a case in point. As **Michael Levi**, Senior Fellow at the Council, pointedly stated, international negotiation and norm setting is vital in tackling seemingly intractable issues like global warming, but "fundamentally, action is going to come from the domestic processes in the countries."

Other findings from the thematic sessions include:

## Session 2: Strengthening the Nonproliferation Regime

- No one international body can address the needs of the regime. Instead, tackling nonproliferation will take the concerted efforts of the International Atomic Energy Agency, the Nuclear Suppliers Group, the UN Security Council, and the Proliferation Security Initiative, for example. Additionally, the United States must work much more closely with its allies like the European Union. Paul Lettow, a Council Adjunct Senior Fellow, remarked that the United States and its allies should push China and Russia to take more of a lead in acting as responsible, “global stakeholders.”
- One of the major gaps in the nonproliferation regime today centers around the loophole that is the right to peaceful nuclear energy and the difficulty in ascertaining who exactly is a proliferation risk. Lettow said that we are now seeing this loophole being manipulated in full force with Iran, “a country that is a non-nuclear weapons signatory to the Non Proliferation Treaty who looks to be by all accounts developing a weapons capability under the guise of a civilian program.” Christopher Ford, Director at the Hudson Institute, elaborated by explaining that Article IV of the NPT explicitly states that “specific technology issues” can be shared if it does not pose an “undue proliferation risk.” The challenge going forward will be to figure out how to update and close these loopholes so that those who have a justifiably “peaceful” right to nuclear energy are not excluded, while reducing proliferation risks.
- Ferguson pointed out that one way of determining who has a justifiable right to nuclear technology could be by looking at the nuclear fuel market. In doing so, there are two possible avenues to strengthen the regime: market-based regulation, and economic rationalization: “there really are only a handful of companies that are doing uranium enrichment in the world on a commercial basis,” and all but one are government owned, which says that governments may have “leverage” in establishing stronger rules. Additionally, these handful of countries has the ability to “drive out of business any upstarts...so then what legs do Iran and Brazil have left to stand on?”
- Ferguson made the case for creating a world energy agency to fill a void by doing better systems analysis of the entire global energy picture and the needs of developed and developing countries alike to create new nuclear plants and in the development and sharing of nuclear technology. Ford chimed in by stating that, “there is virtually no nuclear technology that is entirely harmless.”
- One of the most troubling aspects of the nonproliferation regime is the lack of proper monitoring and enforcement mechanisms. Ford made the case that the international community has a “miserable track record of late,” with Iranian enrichment continuing, Pakistan’s nuclear arsenal growing, and North Korea showing defiance over its nuclear intentions. Ford summed it up by saying that, “the international community cannot afford to have a fifty percent track record in fighting nuclear weapons proliferation. That’s not acceptable.”
- The panelists were at odds over what the goal of the regime should be. Ford maintained that the “animating force” was nonproliferation, while Ferguson countered that, “there are three equal legs here: nonproliferation, pursuit of nuclear disarmament, and complete disarmament.”
- The panelists also disagreed over the US-India deal, which allowed India access to control nuclear goods despite the fact that it never signed the NPT, and despite the fact that Article 1 says that weapons states are not “supposed to help any country that didn’t have a nuclear weapon by 1967 get more bombs or get any bombs,” explained Henry Sokolksi. Ferguson in particular felt that the deal undermined Article I. Ford disagreed, but noted that it had an unfortunate “demonstration effect”
- Interestingly, the panelists felt that the climate discussion was not a major driver toward nuclear energy. Lettow remarked that “nuclear energy can potentially play a very important role in mitigating climate change, but it is not a silver bullet.”

## Session 3: The Financial Crisis and Global Financial and Monetary Cooperation

- Despite the severity of the current economic crisis, the world today is very different from the one we faced in 1945, when “great power rivalry” led to the creation of entirely new institutional structures, Dunaway maintained.

Instead, he noted, we are likely to see much more “incremental, pragmatic tweaking” of the existing global economic architecture. This is partly due to that fact that institutional reform is complicated because we do not have a clean slate but an “unclean” one, as Drezner said. It is also because, as Dunaway pointed out, “existing institutions are impossible to kill,” and thus are difficult to eliminate or even transform, given the vested interests of stakeholders in current institutions (for example in maintaining member voting shares).

- Still, Sebastian Mallaby, Senior Fellow at the Council, argued that there are opportunities to make small but crucial changes, like “fixing the International Monetary Fund at the margin.” In particular, the Fund could focus on reforming its technical components, like strengthening its surveillance and early warning system. Drezner disagreed with the prospect that the Fund could ever actually be reformed in a “depoliticized” fashion.
- The most likely scenario for international cooperation will be one of institutional pluralism, utilizing a combination of bodies such as the G20, the G7, the Financial Stability Board, and the rejuvenated International Monetary Fund, which has gotten a new lease on life after presumed irrelevance. The question here is how to ensure coherence among these bodies.
- Mallaby claimed that the “G20 is the future in the economic realm,” while Drezner remained skeptical: “with the widening of power comes widening of interests,” and thus the less chance there may be in the G20 to get consensus-level decision-making.
- In the economic realm, the United States is “still the first among equals,” Drezner argued. However, the United States must understand and become comfortable with the idea that it is not the only rule-maker. Conversely, China must accept greater responsibilities and embrace more directly its role as a responsible stakeholder. This means that China must begin spending more and be “less Protestant than they are now,” explained Mallaby.
- Mallaby pointed out that the financial crisis has taught us that the agenda is no longer just what the rich world can do for the poor world, but of the interconnected nature of the global economy. Going forward, the advanced economies must work together with the emerging market economies to cooperate in managing the global economy. At the same time, states should be focusing more on overseas development assistance to the developing world. Mallaby explained that, “stimulus will work when people spend money. Poor people will spend money because they have to,” which will help boost the global economy.
- Finally, all panelists agreed that while international cooperation and norm setting was important in turning the financial crisis around, true implementation would most likely take place at the domestic or national level.

#### Session 4: Tackling Climate Change

- Jessica Mathews, President of the Carnegie Endowment for International Peace, began the session by laying out the uniqueness of the climate change challenge: “past contributions are almost entirely a result of one set of countries and the future contributions is almost entirely the set of another set of countries.” Additionally, “this is a very rare kind of global issue, which is absolutely global in its consequences,” and yet “75 percent of it is due to eight political actors.”
- In devising strategies for combating climate change, the panelists agreed that no single forum would be sufficient alone. Levi stated that there is an “existing global process through the U.N. Framework Convention on Climate Change, the Major Economies Forum, the G7 and the G8, and the World Bank.” The challenge is going to be ensuring that these efforts do not undermine one another.
- In terms of getting actual international action, the panelists felt that Major Economies Forum yielded the best opportunity for progress, but Mathews cautioned that, “moving the primary locus of decision-making into a small group of countries [may] undermine the universal aspect of this and, in particular, the prospect of getting eventual cooperation from 186 countries.” At Copenhagen, Levi said, the world should clearly articulate what success should look like, and he thought that it should be focused on reaching consensus on “long term goals and basic parameters,” versus “commitment either to specific emission controls in the developed world or to really ambitious policies and measures in the developing world plus a whole suite of financial and technical support.”

- Additionally, the panelists agreed that the United States was going to have to take an active leadership role in pushing the process forward, and that it would likely need to make gestures toward reducing emissions in order to get other major players like China to move as well. The panelists differed, however, on how the United States should specifically act. William Antholis, Managing Director at The Brookings Institution, believed that “weak but clear legislated action in the United States is vastly preferable to ambitious hortatory action in the United States,” while Dobriansky countered that Congress is looking at the broader picture: “the broader picture meaning we will move forward, we will act, but we also believe for the end result, having a treaty and an agreement, that others have to move forward as well and make commitments.”
- On United States-China relations, the panelists were of the same opinion that reaching agreement in the lead up to Copenhagen was going to be critical for success. However, Dobriansky and Antholis warned that bilateral arrangements with China should not come at the expense of international movement. Dobriansky mentioned that the world must have “a global agreement. And you have to have all the players undertake responsibility and commitment, and China is part of that.” This does not necessarily mean that bilateral negotiations should not take place in the lead up to Copenhagen. Rather, bilateral arrangements should not supplant the Copenhagen process.
- The role of the market, and the incentives that might exist to reduce carbon emissions both at the global and national level, remains an issue. In particular, Antholis urged countries not to race to set the prices before enough thought had gone into its implications.
- Finally, a large gap often exists between commitments made and the actual implementation of programs to reduce emissions, and more thought must be given on how to ensure proper enforcement.

#### Session 5: The Use of Force and Accountability in International Law - A U.S. Perspective

- The panelists all agreed that in President Obama’s first few months in office, there has been a significant change in the U.S. tone toward respect for international law and international organizations. The Bush administration often gave the impression, particularly in its first term, that it regarded international legal constraints as coming at the expense of US power. It attempted a course correct in the second term, working with Congress to “push through more treaties—90 treaties through the Senate—than at any point in American history,” said Bellinger.
- Bellinger noted that the new administration may “have quite a difficult time working through some of these [international law] issues” in Congress, as representatives remain skeptical about ceding power and endangering the American tradition of exceptionalism. Council Adjunct Senior Fellow for Law and Foreign Policy Matthew Waxman agreed, and noted that expectations are going to be “extremely high” in reaching international law agreement with other states on the issues of the “climate, the International Criminal Court, and terrorism with respect to issues like detention.”
- David Scheffer, Professor of Law at Northwestern University, agreed that expectations are high but thought the most promising steps would be Congressional movement to ratify the Law of the Sea Convention, CEDAW, and the Comprehensive Nuclear Test Ban Treaty.
- Panelists debated at length issues surrounding the use of force, including what rules should govern its application in an age of new threats like nuclear proliferation, as well as what new norms should apply in responses to genocide and mass atrocities. Bellinger defended the application of the use of force and international law during the Bush administration by stating that, “the rules on use of force do need some modernization. The Bush administration pushed the envelope,” and attempted to redefine issues related to preemption and anticipatory self defense.
- Scheffer disagreed with this tactic, saying that the rules are “generally workable,” and that it was better to comply with law to the degree possible but to also “develop an approach to it such that if we are in non-compliance with that law, rather than trying to change it so that the law says you are in compliance now for doing X, Y, and Z, we have enough political capital internationally to be able to say to the rest of the world: 'Today we actually understand that your perspective is that we're not in compliance with international law. We may even agree with you on that point. But you know what we've done to get to this point. We had to do this, we think, to save the lives

of 30,000 people at risk in northern Sri Lanka, or wherever it might be. And we'll accept the risk politically of how you view our action today.” Waxman, in response, felt that the Obama administration is nonetheless going to be faced with issues where it must “reserve for itself the possibility of operating outside the system,” and on security issues like nuclear proliferation he felt that President Obama may carry out actions that “look a lot like the preemption doctrine that the Bush administration articulated.”

- The panelists were all in agreement that the United States should be favorably inclined to support the work of the International Criminal Court, if not fully coming on board to join the Court. The ICC debate is about whether the United States will accept the jurisdiction, in narrowly defined circumstances, of an outside court, said Waxman.
- Waxman further expressed the view that international criminal law is “on the rise,” meaning that national courts’ use of universal jurisdiction over certain types of criminal activity may pose a greater threat to the United States, in terms of its domestic legal sovereignty, than the ICC.

#### Session 6: H1N1 - The Global Response to the Swine Influenza

- Laurie Garrett described the H1N1 virus as having the ability to “truly cause something like the 1918 influenza which killed 100 million people,” because of its ability to “swap and exchange genetic information” that it has received from infecting birds, humans, pigs and other species. Garrett cautioned that “the majority of identified infections, hospitalizations and deaths have all been people under 35 years of age. This is worrying because that is what was indeed seen with the 1918 flu and it was seen with SARS.”
- While governments have not come out and directly stated it, “migrant workers are a transmission belt for these kinds of outbreaks,” James Traub, Contributing Writer for the New York Times Magazine and presider of this session, explained.
- One of the potential points of concern discussed was that of “viral sovereignty,” whereby one country refuses to share their flu samples with others for fear that those other countries will turn around and say “for a bunch of money maybe we’ll let you have a vaccine for your own people made from something that circulated in your country,” Garrett maintained.
- In terms of appropriate international and national-level response, Mexico basically “paralyzed their own economy,” by shutting down schools and shops, but they did so to prevent what they thought at the time could be an international catastrophe. However, one of the major aspects missing is rapid diagnostics and mass screening technology
- Garrett specifically called on the WHO to strengthen its assessment, rating system, and coordination capabilities. For instance, currently “the criteria for bumping up from one rating level to another has nothing to do with the severity or danger of the microbe. It is only about geographic spread,” Garrett argued.
- Compared to the other topics discussed at the symposium, the global health architecture is “under-institutionalized,” Traub and Garrett agreed, with poor coordination and little if any central decision-making apparatus. But strengthening coordination of the various public health organizations is not enough, Garrett argued. The architecture must “better integrate the veterinary side, the animal and wildlife side, of our surveillance, investigation, and monitoring.”