



# The Federalist Debate

Papers on Federalism  
in Europe and the World

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# The Fall of the Afghan Government and Its Significance for the World

*Lucio Levi*

Afghanistan has the reputation of being the 'graveyard of empires'. This formula underlines the historical tendency that foreign powers – for example the Macedonian Empire of Alexander the Great, more recently the British Empire and the Soviet Union and now the United States and its allies – failed in the task of pacifying Afghanistan. Owing to the tribal composition of its population made of ethnic groups mutually hostile to each other and the nature of the territory, which represents a serious obstacle to military occupation and rule, Afghanistan is notoriously difficult to govern.

The hasty withdrawal of the American army from Afghanistan represents a new step of the US government toward its renunciation to play the role of world policeman. This happens twenty years after President Bush's campaign against the Taliban, considered to be a party to the destruction of the Twin Towers, and eighteen years after the invasion of Iraq, Saddam Hussein being suspected of possessing mass destruction weapons and protecting Islamic terrorism. What is impressive is the speed of the collapse of the Afghan government, the shameful escape of its head and the rapid Taliban's recapture of power. These events show that the American support for a corrupt and incompetent ruling class has widened the distance between government and population. The Afghan government, lacking consent, legitimacy and social rooting, fell like a card castle as soon as it lost the support of the American army, which shows how untimely was the total evacuation of the country.

The new brutal and oppressive Taliban regime is responsible for a long list of crimes, like the assassination of civilians and surrendered

soldiers, and violation of human rights such as freedom of expression, public flagellation, stoning, penalties for "inappropriate dress", denial of the right to education for girls, permission for women to leave their house only if accompanied by a male relative. But the Taliban's return to power will not be undisputed. A forewarning has already arrived in a message from the terrorist group ISIS-K, which has claimed responsibility for the deadly bombing attack outside Kabul airport which killed 13 US troops and 169 civilians. Apart from the conflicts between violent groups, it is clear that Taliban have not broken their links with international terrorism. This means that there is the danger that Afghanistan can become a safe haven for Islamist terrorism and host its resurgence in the region. Moreover, it is worth underlining that the political instability generated by the twenty years war has produced 3,5 million displaced people within Afghanistan's borders and 2,2 million refugees in the bordering countries.

The scandal of the current organization of power in the world lies in the fact that no agreement between the great powers to remove or at least to sanction the Taliban regime has been reached. The divisions that cross international relations prevent it. And yet, it can be said that the war against Bin Laden and al-Qaeda – the first phase of the war on terrorism – has been won by the US. The American monopolism allowed it. Therefore, the attack on the Twin Towers remains an isolated event. No other similar event occurred on the American ground afterwards, except for a few terrorist assaults waged by "solitary wolves". But security required the growth of an imposing police apparatus with

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the consequence that a portion of freedom has been sacrificed in exchange for more security.

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The US has recognized the failure of its intervention in Afghanistan, which has led to a change in its foreign policy objectives. Obama had already started the American disengagement from the Mediterranean. And the EU, owing to its political divisions and conflicts of interest, has been unable to fill the power vacuum left by the US, thus paving the way to the military intervention of Russia in Syria and Turkey in Libya. A premise is necessary. The main reasons for the US withdrawal – which is favored by a large majority of US public – is that military expenses have become unsustainable. According to the Watson Institute for International and Public Affairs, the war has cost the US \$2.3 trillion, 46,000 deaths in civilian population and 2,400 American soldiers. The military-industrial complex cannot continue to absorb the most advanced technological and human resources and consequently reduce the resources available for Post-COVID-19 recovery plan, which President Biden hopes will help strengthen support for his administration. Former National Security Adviser General H. R. McMaster declared that Afghanistan is a “humanity problem on a modern-day frontier between barbarism and civilization” and that the US lacks the will “to continue the effort in the interest of all humanity.”

The decision to interrupt the cycle of endless wars led to the acceleration of the shift of the centre of gravity of the American global strategy from the Atlantic to the Pacific. Now, Asia comes first and the competition with China has become the top priority. The new security alliance between the US, UK and Australia (AUKUS) is intended to stem China in the Indo-Pacific region. If it is true that both America and Europe need a mutual support to defend and promote democracy in the world, it cannot be ignored that there are significant areas of disagreement.

The recent tensions between France and the US on the sale of nuclear powered submarines to Australia, shows how deep is the gap between the two sides of the Atlantic. However, the Western alliance should do everything to avoid a return to the cold war, this time not only against Russia but also against China. There are global challenges, such as climate change and nuclear weapons threatening the continuation of life on our planet, and terrorism questioning the principle of the rule of law, which demand immediate action and require the adoption of the patient attitude to dialogue and the quest for mutual understanding between the protagonists of world politics.

The EU is potentially the vehicle of an initiative for the creation of a new world order based on cooperation. But it should behave as a real union. In the past, the leading European states split over the form of European security and defense. Britain wanted them subordinated to NATO, France wanted them fully independent of NATO, Germany sought to reconcile both views. The withdrawal of the US from Afghanistan has increased pressure on the EU to engage in crisis management in its own neighborhood. In the future, the EU will be obliged to enhance its commitment primarily in political stabilization, peacekeeping and peace enforcement. In her speech on the State of the European Union, delivered at the European Parliament in Strasburg on 15 September 2021, the President of the European Commission Ursula von der Leyen stated that Europe needs a “European Defense Union”. The concept of European defense should not be understood in terms of creation of a new superpower, but rather of promotion of multilateralism and a multipolar world system without hegemonies. The European strategic autonomy does not mean that the EU withdraws from NATO, but promotes the reshaping of its organization, contributes to build a European pillar within the alliance and transform it into an equal partnership.

# Looking into the Abyss of Evil\*

*Ursula von der Leyen*

It is particularly moving, for me, to be here today. It is moving, first of all, on a personal level, as a woman, as a human being. In a place like this, we are forced to face one of the great Unthinkables of human nature. The abyss of evil. The fact that human beings like us, 77 years ago, were capable of such cruelty. Primo Levi wrote that the first time he was beaten up by Nazi soldiers, here in Fossoli (Italy), his main feeling was not pain or sadness. He was astonished that another man was beating him in cold blood, without anger. The Nazi soldier's actions were not moved by anger. They were part of a scripted plan to eliminate millions of human beings, because of their ethnicity, because of their ideas, because of their religion, because of their sexual orientation. It was pure, senseless evil. I know that many of you here lost a loved one in the massacre of Cibeno or in death camps. I know that one of you was still in her mother's womb when her father got killed.

The victims of Cibeno were stolen from you because they chose to fight against Fascism and Nazism. They chose to fight for freedom and for democracy. So today, we do not just look into the abyss of evil. We also commemorate the courage of your parents and grandparents, partisans and dissidents. We remember their love for freedom, their belief in a better tomorrow. Europe is built on their sacrifice. They made us free. Their values are our values, too. The Resistance, their resistance, contributed to saving Italy and all of Europe, including my country, Germany. Today, it is particularly moving for me to be here also as a European of German nationality. It was a German soldier who ordered to kill your parents and grandparents.

This is a deep guilt in my country's history. A crime that we must always acknowledge and remember. Nazism and Fascism brought death and destruction upon all of Europe. The Resistance brought liberty back for all of us, Italians and Germans alike. I know that I owe my own freedom to people like your parents and your grandparents.

So today I want to honour the memory of all those who fought for our liberation. It is also thanks to their sacrifice that a peaceful and democratic Europe was finally born. Fossoli's prisoners never stopped dreaming of a better future. And the future's name was Europe. We know this from the testimonies of survivors. In their secret conversations, when their warders could not hear, some of them came up with the idea of a united continent. Because only a united Europe could be peaceful. They came from different stories and backgrounds. They belonged to different political parties. They were Christians and Jews. Believers and non-believers. But they all fought for the same cause: the liberation from Nazism and Fascism, and a peaceful future for Europe. They were united in diversity.

So the Mayor is right when he says that the idea of Europe was born here, too. And today, the European Union pays tribute to some of its most unknown founding fathers. The dream of a peaceful and united Europe has been achieved. War inside the European Union is today unthinkable. But there is more. Instead of fighting each other, as we did for centuries, we, Europeans, are now helping each other in the face of adversity.

The Italian government has put together a solid recovery plan, with investments and reforms, and Europe is now financing it with

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almost EUR 200 billion. The first funds, raised by the European Union, have reached Italy earlier this month. In the Union we have built we lift each other up in times of need. It is a Union of peace, it is a Union of solidarity. Yet, our Union is far from perfect. And every day we must ask ourselves: are we being true to Europe's founding values? And we must act if it is not the case.

As Europeans, we cannot accept that European Jews do not feel safe in their homes and synagogues. We cannot accept that free media and universities come under attack. We cannot accept discrimination against people of colour, against LGBTIQ people, or any sort of discrimination. If we want to be faithful to the values that inspired your parents and grandparents – the heroes of the Resistance – then we must make those values live in the present days. We must make human dignity,

freedom, democracy and equality true for all people in Europe, and beyond. This is Europe's promise. And it requires constant commitment from all of us. It calls for us to keep vigilant, so that it will not happen – never again.

Let me conclude with a word about this – our duty to keep vigilant. One month ago, an artist of Italian and German origins arrived here in Fossoli after walking all the way from Buchenwald. A march of 900 kilometres. All along the way, she wore a mask, whose eyes were closed. The message is clear. We must look our past in the eyes if we want to shape a better future and present. And today I can tell you: Europe's eyes are wide open. We remember. Because we owe it to our parents, your parents and grandparents. And we owe it to our children.

*Grazie e viva l'Europa.*

\* Speech given by Ursula von der Leyen, President of the European Commission, on the occasion of her visit to Fossoli to commemorate the 77<sup>th</sup> anniversary of the massacre of 67 prisoners detained in Fossoli's concentration camp, committed by the German occupation army on 11 July 1944.

# From Trump to Biden: How America and Europe Are Changing

*Joseph Preston Baratta*

America has suffered a defeat in Afghanistan as great as that in Vietnam, but President Biden pushes on with his domestic agenda. He shrewdly divided his infrastructure bill into a \$1 trillion traditional part (roads and bridges), which won enough Republican votes to pass in the Senate by simple majority, and a more contentious, progressive \$3.5 trillion part (health care, child care, family leave, public education), which passed 51-50 by the parliamentary maneuver known as “reconciliation,” in which Vice-President Harris cast the tie-breaking vote as every Republican voted no. The new social safety net will be paid for by long overdue higher taxes on wealthy people and corporations. There is much more to do to save democracy in America. The Green New Deal (real leadership to confront climate change) has been postponed.

The political situation in America is very ominous. If Biden is not able to pass and implement more of his legislative proposals designed to remedy the domestic crisis, the mid-term elections in 2022 will produce a “shellacking” by the Republicans, as in Obama’s midterm. Biden could lose even his 9 vote majority in the House and also the 50-50 split in the Senate. Hence in 2024, we could have a worse fight with the Trump faction, aided by the current state electoral reforms designed to suppress the popular vote that naturally would favor the Democrats. The progressives will leave the Democratic party, and the fascists in the Republican party may stoop to force to remake the U.S. government in their image. In foreign affairs, Biden promises mainly to

get back to the achievements of the Obama administration – the Paris accords on climate change, the Iran deal. The U.S. will rejoin the Conference of the Parties in Glasgow in late October, but with 191 parties things move very slowly. The Iran deal could not be renegotiated before the conservative Ebrahim Raisi took office as president; he is sometimes mentioned as a successor to the supreme leader, Ali Khamenei. Biden has proposed a Summit for Democracy in December, but with U.S.-Russian relations so low that some see a new Cold War in progress, and U.S.-China relations on the verge of a global contest over democracy and autocracy, little may be expected than further division of the world.

What is happening is a visible decline of American global leadership. This new historical fact, several decades in development since the end of the old Cold War and the dissolution of the Soviet Union, is the decline of American willingness and ability to lead in the building of a liberal, legal capitalist and democratic world order. There is almost no prospect of the perfection of international institutions left over from the Second World War and the Cold War. The Intermediate-range Nuclear Forces Treaty seems definitely dead. The Non-Proliferation Treaty is paralyzed at Article 6. The Anti-Ballistic Missile Treaty is practically irrelevant as decoys and MIRVs threaten to overwhelm any defense. The formation of the new U.S. Space Force threatens to obviate the Outer Space Treaty designed to prevent war in space. The Comprehensive Test Ban of 1996 is stuck as eight major nuclear powers refuse

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to join the 35 states (of 44 needed) to put the threat of nuclear war into the past. The Open Skies Treaty is defunct. The United Nations, reflecting great power alignments in 1945, seems beyond reform. The Security Council will not permit amendment on its membership, nor will the General Assembly be allowed to permit a degree of popular representation. The U.S. plans to rejoin the World Health Organization, but initiatives to strengthen it have come from France and Germany. The U.S. does plan to rejoin the U.N. Council on Human Rights, if, without courts to defend individuals, that will make a difference. The World Bank and International Monetary Fund are stuck in their old forms of weighted voting by capital contributions, and the World Trade Organization has abandoned its stuck Doha round of reforms. NATO is alive, just barely, but the Partnership for Peace process (1994-2004) has not survived the expansion of NATO into Eastern Europe and the Baltic states.<sup>1</sup>

Nothing could be more foolish than idle talk of a "new Cold War." Neither Russia nor China is openly belligerent, nor is the United States, which needs time to get its domestic house in order, but there is always danger of a 1914 event. What would happen if China should sink a U.S. aircraft carrier in the Taiwan Strait with its Dong Feng hypersonic precision guided missile? Or if Russia, feeling threatened by NATO, should reconquer the Baltic states, which the Russian army has boasted it could do in 60 hours? Or if the U.S.A., responding to a new terrorist attack, should launch a nuclear missile from its new space platform? Or if another U.S. president should use our vaunted military to shape small nations, for the same class of generals, officials, experts, and politicians who brought us the war in Afghanistan are still in power. We in America and Europe need to find a way to deflect current tensions. The place to start, in my opinion, is Russia. It is useful to

challenge hardened feelings about Russia if only to practice the new kind of interdependent statesmanship we need on many global problems. Germany has a new chancellor and France will have a new president in 2022. These states will be the ones to exercise new diplomatic leadership particularly toward Russia. It is not for us in the federalist movements to find the right initiatives, but we can help to form a supportive public opinion behind enlightened national leadership. As Abraham Lincoln once said, "Public sentiment is everything. With public sentiment nothing can fail; without public sentiment nothing can succeed. Consequently, he who molds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes or decisions possible or impossible to be executed" [Speech at Ottawa, 1858].

Where is Vladimir Putin taking Russia? He is not preparing for World War III, as used to be feared from the old Soviet Union. He is on record at aiming to reestablish a wider federation of Eurasian states, in order to restore Russia as a great power on a par with the Group of 7. This might be done by persuasion, as in Gorbachev's draft union treaty of 1991. The worst process would be use of force and civil war, as in 1917-24. Putin has shown the way with the establishment of his Eurasian Customs Union (now called Economic Union), which is a value-neutral, collective security and nonaggression pact (no democracy and human rights as in the Helsinki accords). It seems to be envisaged as an equal contender to the European Union. He speaks of it as a community "from Vancouver to Vladivostok." This is not too far from Mikhail Gorbachev's vision of a "Common European Home" (1987). It would be good to remember that vision, as Prof. Guido Montani, Dott. Domenico Moro, and I have been doing.

Yet the West sees every action by President Putin as an act of aggression. This goes back, of course, to his seizure of Crimea in 2014. To

be fair, Putin made it clear, in his address of 18 March 2014, that Ukrainian corruption and NATO expansion threatened Russian security. The Russian naval base at Sevastopol was at stake. Putin conducted a plebiscite in which 82 percent of the electorate (1.5 million Russians, 350,000 Ukrainians, plus Tartars) took part. The vote was 96 percent in favor of returning Crimea to Russia. (It had been donated to Ukraine by Khrushchev in 1954.) Putin claimed that the soldiers who fought to defend independent Crimea were drawn from the Russians living there. What he did, I contend, was within his rights as leader of a sovereign state with no recourse for settlement available at a higher international level. It was no worse than the seizure of Kosovo from Serbia by the U.S. and NATO in 1999 in defiance of the U.N. Charter, as Putin said.

This view, which Gorbachev (in his old age) confirmed,<sup>2</sup> has been treated by the West as sheer propaganda justifying aggression. Financial sanctions were immediately imposed by the U.S. Congress, most members of the European Union, and other states ranging from Norway to Japan. Russia was charged with invasion and seizure of territory like that of Iraq against Kuwait in 1990. Vice-President Biden at the time said, "These asymmetrical advances on another country cannot be tolerated. The international system will collapse if they are." Sanctions since 2014 have kept Russia's annual economic growth to 0.3 percent, while the global average has been 2.3 percent, and they have cost Western businesses over \$700 billion.<sup>3</sup> But the effect has not been to reverse the fate of Crimea.

How true is the charge of aggression? And is the West so innocent of comparable acts? Westerners find the comparison of Crimea with Kosovo strained, but Kosovo was an internal province of Slavic Serbia, not an independent state, and Russian fears of losing Ukraine, then notoriously corrupt, and Georgia, wracked by civil war, to NATO is understandable. We

forget how we took in all the former Warsaw Pact states and broke promises to Gorbachev that Germany, reunited, would not be added to NATO. It wasn't so long ago that the U.S. invaded a sovereign state, Iraq in 2003, in order to change its government, by our standards dictatorial. And before that, a long war in Vietnam, blockade and embargo of Cuba, invasion of the Dominican Republic and Granada, blockades and counter-insurgencies in Central America, and for that matter war with Mexico in 1846 to take all of her territory north of the Rio Grande. Historically, states change their borders hardly ever by peaceful agreement. We could have demanded that Russia give back Crimea to the Tartars, since it was Catherine the Great who took it from them in 1783!

President Putin is not taking an aggressive stance. It is said that Putin is seeking more "predictability and stability" in his relation to the West, more "respect for Russia" in the ranks of great powers. This can be seen in his April 21st address to Russia's Federal Assembly. Most of it is about meeting the pandemic, helping families and single mothers with direct payments, opening schools, reducing greenhouse gases, and uniting people in the federation. Only the last few pages are devoted to foreign policy, which is a resolute defense of Russia against "the practice of politically motivated, illegal economic sanctions and to certain actors' brutal attempts to impose their will on others by force." There is even a passage that seems to me to be an opening to something like the old "Common European Home" of regional security on Russia's borders. In the context of his Eurasian Economic Union, he says, "There are new, interesting projects here, such as the development of transport and logistics corridors. I am sure they will become a reliable infrastructure backbone for large-scale Eurasian partnership." This speech reads rather like President Biden's great speech of

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April 28 on a “blue collar blueprint to build America.”

How do we “restore respect” for Russia? We can recognize our own provocations and aggressions. We can make an effort to understand Russia. Its centralization of power has been a strategic necessity to defend itself, located on a vast Eurasian plain. We can see Russia as a partner rather than an adversary in Eastern Europe. We can ask for a “generous act” on the part of European leaders, like bringing Russia back into the Group of 8, rather than continuing to hurt her people by sanctions. We can take up Putin’s offer to find some way to cooperate with his Eurasian Economic Union.

In conclusion, I would not want it to be said that I have overlooked the larger context of global governance. Here, too, the E.U. will be a leader, even if the U.S.A. shrinks from this path so in accord with its revolutionary heritage. There are five books that show the way forward: Augusto Lopez-Claros and others’ *Global Governance and the Emergence of Global Institutions for the 21st Century*,<sup>4</sup> Jo Leinen and Andreas Bummel’s *A World Parliament*,<sup>5</sup> the Stimson Center’s *Beyond UN75: A Roadmap*,<sup>6</sup> Joseph Schwartzberg’s *Transforming the United Nations System*,<sup>7</sup> and my own history, *The*

*Politics of World Federation*.<sup>8</sup>

The revolutionary implications of democracy at the world level are sensed but approached very cautiously because of official fears of popular abuses. Traditions of state sovereignty (independence and non-intervention into domestic affairs) are very resistant to popular sovereignty at the international level. Most great powers – America, Russia, China – claim exceptionalism, which is the formula for continued international anarchy. Functionalism, as in the E.U., and two-thirds majority rule, as in the U.N., seem to be slowly preparing states and their peoples for the new fundamental principle, in place of sovereignty, of humanity. That means world citizenship, a readiness to see all persons as equals. It means a readiness to elect representatives to a world legislature, and to obey the common laws. It means majority rule of popular representatives in place of the anarchy of sovereign states.

It is customary in articles on intractable international problems to end on a note of what would be necessary to establish world democracy and perpetual peace, as if that is almost a joke. But I must tell you, that is not where I end. I *begin* with studies of global governance and world federalism. The first principles must change.

<sup>1</sup> Larsen, Henrik B.L. *NATO’s Democratic Retrenchment: Hegemony after the Return of History*. Oxon: Routledge, 2020. [https://www.google.com/books/edition/NATO\\_s\\_Democratic\\_Retrenchment/dTuhDwAAQBAJ?hl=en&gbpv=0](https://www.google.com/books/edition/NATO_s_Democratic_Retrenchment/dTuhDwAAQBAJ?hl=en&gbpv=0)  
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Special thanks to Dr. Tiziana Stella, Streit Council for a Union of Democracies, for these references.

<sup>2</sup> Mikhail Gorbachev, *The New Russia* (Cambridge: Polity, 2017), 377-80.

<sup>3</sup> Anders Aslund and Maria Snegovaya, “The Impact of Western Sanctions on Russia...” 3 May 2021. [www.atlanticcouncil.org/in-depth-research-reports](http://www.atlanticcouncil.org/in-depth-research-reports).

<sup>4</sup> Augusto Lopez-Claros, Arthur L. Dahl, and Maja Groff, *Global Governance and the Emergence of Global Institutions for the 21st Century* (Cambridge University Press, 2020). Free under Open Access at:

<https://www.cambridge.org/core/books/global-governance-and-the-emergence-of-global-institutions-for-the-21st-century/AFTD40B152C4CBEDB310EC5F40866A59>

<sup>5</sup> Jo Leinen and Andreas Bummel, trans. Ray Cunningham, *A World Parliament: Governance and Democracy in the 21st Century* (Berlin: Democracy without Borders, 2018).

<sup>6</sup> Maria Fernanda Espinosa and Danilo Türk, co-chairs, Commission on Global Security, Justice and Governance, Report, *Beyond UN75: A Roadmap for Inclusive, Networked and Effective Global Governance*, June 2021. <https://ggin.stimson.org/wp-content/uploads/2021/06/GGIN-Report-061721-1.pdf>

<sup>7</sup> Joseph E. Schwartzberg, *Transforming the United Nations System: Designs for a Workable World* (Tokyo: United Nations University Press, 2013).

<sup>8</sup> Joseph Preston Baratta, *The Politics of World Federation*, Vol. I: *United Nations, U.N. Reform, Atomic Control*; Vol. II: *From World Federalism to Global Governance* (Westport, CT: Praeger, 2004).

# Afghanistan: Disaster Unfolding

James W. Arputharaj

## *War on terror*

While we condemn the terrorist attack on the Twin Towers, we also condemn the disproportionate reaction to this by the US. The global war on terror saw calling countries as “Axis of Evil” and dividing the Islamic world for ever; although not a single Afghan was involved in the 9/11 attack. Even Osama Bin Laden was not in Afghanistan, and had left to Pakistan when the US occupied Afghanistan. It raises the question whether the US was required to stay 20 years in Afghanistan, as the war took the lives of nearly 2300 troops, an estimated 240,000 Afghans, and cost some 2 trillion dollars. The losers are the people of Afghanistan, and they see the Taliban as equally foreign forces. The Taliban were living in Pakistan, mostly in Quetta, for nearly 20 years, waging guerrilla type war in Afghanistan, killing innocent people and crossing the border to go back to Pakistan. The Al-Qaeda has grown significantly all over the world since 9/11. It’s a colossal failure of the US and NATO on the war on terror.

## *Who benefited from the Afghan war*

We also have to focus on who benefited from the Afghan war. US Presidents one after another listened to the Guns Lobby to continue the war without any clear military strategy. It is therefore the arms industries in the US who greatly profited from the war. The US economy is largely dependent on the sale of arms and ammunitions by these tycoons. The US and NATO forces did not have any clear military strategy in Afghanistan. Their intelligence gathering failed on many occasions as their drones killed innocent civilians. It

is interesting that some of the leaders in the current Taliban Government were formerly released from Guantanamo bay and Pakistan prisons. Interestingly, the US had a “peace” deal with the Taliban without involving the elected government in Afghanistan. They left abruptly without forcing the Taliban to accept a ceasefire and power sharing which could have avoided the disaster which is unfolding. It is said in some quarters that the US handed in Afghanistan to China, so that the latter will not interfere in Taiwan. The US and its allies already took minerals out of Afghanistan and what remains would be for Chinese interest. It was no secret that in the final hours of war for the capture of Kabul, thousands of Pakistanis were recruited through the Haqqani group, and in return the Haqqani group were given the charge of keeping law and order in Kabul and the Interior Ministry. The US intelligence had knowledge of these developments and they remained silent spectators, and their air force did not support the Afghan elected Government. It appears that the former President Ghani did not resign as requested by the US, otherwise the US would have facilitated an interim government with the Taliban as part of the deal.

The US all along supported Pakistan since the cold war days. The Taliban groups were a creation of the US to defeat the Soviet Union, and Afghanistan served as a battle ground for the US to settle scores. The US knew that arms were given to Taliban by Pakistan’s ISI (Intelligence outfit) even after the Soviet withdrawal from Afghanistan. The arms and ammunition used by the Taliban since 2001 were American-made, given by the Pakistan’s ISI. Perhaps this cycle helped the

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arms tycoons to continue to sell arms to the US for its continuous Afghan operations.

#### *Is a civil war likely?*

The Soviet invasion of Afghanistan saw half a million guns never reaching Afghanistan, and this Afghan pipeline was used by the neighboring countries, including Nepal, for their civil wars. The transit countries became the end users. The US or the UN did not undertake disarmament, demobilization and reintegration (DDR) prior to the takeover of the country by the Taliban. The arms that were distributed to non-state actors, the war-lords, are out in the open. As Afghanistan

does not implement any guns-license policy, these arms have already landed in the hands of criminal groups in Kabul. With the banks unable to disburse more than USD 200 a day, the people are suffering, and criminal groups are entering offices and taking away assets like laptops and vehicles.

The Stockholm International Peace Research Institute on September 4th released the following research report on arms transfers during the last two decades to Afghanistan. The terrorist group has access to all these weapons, which is likely to have regional ramifications in central Asia and in Kashmir in the months to come.

## **Transfers of Major Arms to Afghanistan Between 2001 and 2020**

*Siemon T. Wezeman and Alexandra Kuimova*

### **Introduction**

Twenty years of United States-led international military presence in Afghanistan ended on 30 August 2021, with the withdrawal of the last foreign forces. Since 2001, significant numbers of major arms had been delivered to bolster the Afghan military and security forces, in the expectation that they would eventually be able to maintain security and suppress the Taliban insurgency without international support.

This SIPRI topical backgrounder gives an overview of known international flows of major arms to the Afghan armed forces between 2001 and 2020. It discusses the supplier states, volumes, types and numbers of major arms deliveries. It does not cover deliveries of small arms and light weapons, which were also supplied to Afghanistan in large numbers.

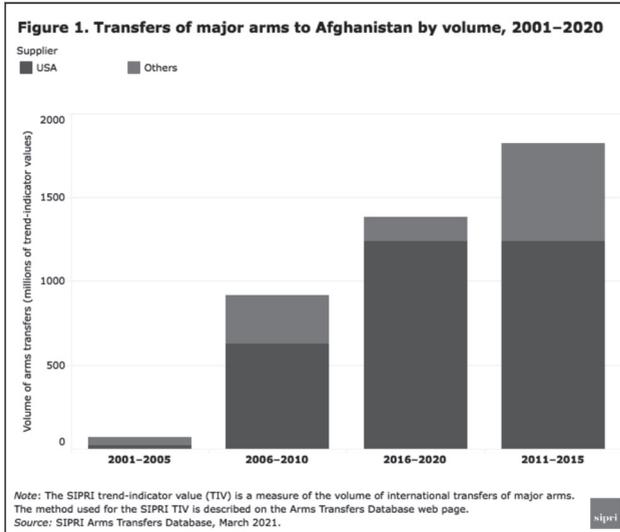
All data comes from the SIPRI Arms Transfers Database, which contains data on transfers of major arms (as defined by SIPRI) between 1950 and 2020. Volumes of arms deliveries are compared using SIPRI trend-indicator values.

### **Overview of transfers**

In terms of volume, Afghanistan was not a very large recipient of major arms; in 2016-2020 Afghanistan ranked as only the 25<sup>th</sup> largest recipient in the world, accounting for 1.0 per cent of the global total.

Slightly over three-quarters of the major arms delivered, by volume, were newly produced, while the rest were second-hand, but in some cases modified prior to delivery.

The volumes of major arms transfers to the Afghan armed forces grew significantly between 2001-2005 and 2011-2015 (see figure 1). However, volumes decreased by 24 per cent in 2016-2020. Sixteen states are known to have supplied major arms to Afghanistan in the period 2001-2020



(see figure 2). The major arms were overwhelmingly armoured land vehicles and aircraft (see figure 3).

### Transfers from the USA

The USA was the largest major arms supplier to Afghanistan in every consecutive five-year period after 2001-2005.

Between 2001 and 2020 the USA was the supplier for 74 per cent of Afghanistan’s imports of major arms by volume. The volume of US transfers to Afghanistan increased between 2001-2005 and 2011-2015. During 2016-2020, the volume of US exports was similar to the previous

five years, and it was twice as high as in 2006-2010 and around 65 times higher compared with 2001-2005. Also, by 2016-2020 imports from other states had fallen even more sharply, and the USA accounted for almost 90 per cent of Afghanistan’s imports of major arms by volume. Deliveries from the USA to Afghanistan from 2001 included an estimated 21 924 armoured vehicles (e.g. HMMWV-UA, ASV-150/M-1117), 66 MD-530F armed light helicopters, 34 Cessna-208B armed light transport aircraft, and 53 UH-60A transport helicopters. The USA also delivered 65 ScanEagle (unarmed) unmanned aerial vehicles and an estimated 250 Paveway guided bombs. Most of the arms were supplied to Afghanistan as aid.

### Transfers from Russia

Russia was the second largest supplier of major arms to the Afghan armed forces in the period, accounting for 14 per cent of imports, by volume. All of these deliveries took place between 2002 and 2014.

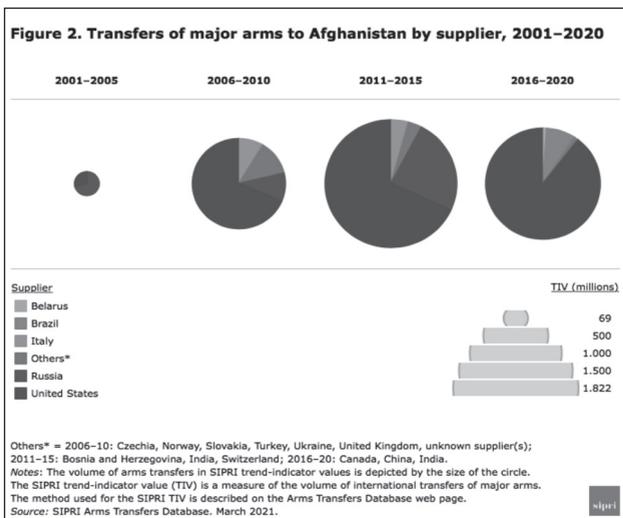
Deliveries from Russia mainly consisted of 90 second-hand and newly produced Mi-8MTV and Mi-17 transport helicopters between 2002 and 2014. Early deliveries (2002–2005) were in the form of aid, but most of the transport helicopters were bought via and financed by the USA in 2009–2014, and 10, which were delivered in 2010, were financed by the United Arab Emirates.

### Transfers from other suppliers

Several other states, mainly North Atlantic Treaty Organization (NATO) member states, delivered smaller volumes of major arms to Afghanistan directly or supplied major arms through US-run and US-funded programmes.

Italy accounted for 3.8 per cent of all deliveries of major arms to Afghanistan, by volume, in the period. These consisted of 16 second-hand G-222 transport aircraft in 2009-2012, financed by the USA. The aircraft were modernized in Italy before delivery.

Among other NATO member states and NATO partner states, Czechia supplied six Mi-24 combat helicopters and six Mi-17 transport helicopters in 2007-2009. All were second-hand but were modernized in Czechia before delivery, in a programme paid for by NATO. The United Kingdom



supplied two Mi-17 transport helicopters in 2010; Bosnia and Herzegovina, Slovakia and Turkey supplied a total of 128 second-hand artillery pieces between 2006 and 2013; and Norway supplied an estimated 159 TOW anti-tank missile in 2009. All these transfers came as direct aid or were financed by the USA.

Several non-NATO states also supplied major arms. Brazil was the fourth largest supplier, accounting for 2.7 per cent of all deliveries. These were 26 Super Tucano (A-29B) trainer/combat aircraft, delivered in 2016–2018. They were bought

through a US programme, financed by the USA and modified in the USA before delivery to Afghanistan. They became the main combat aircraft of the Afghan air force.

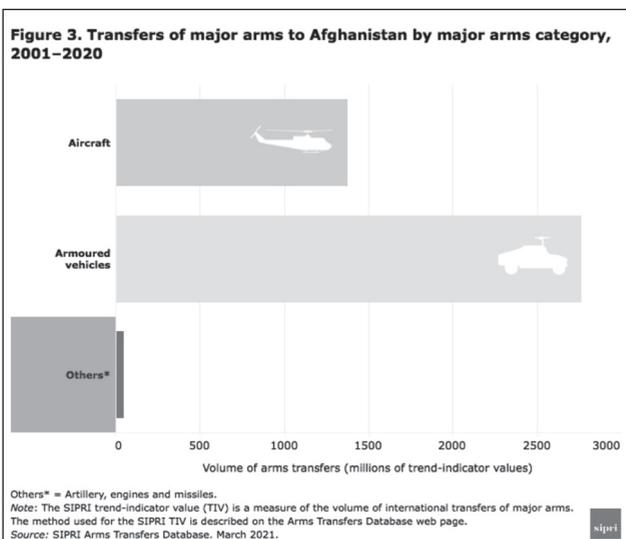
Switzerland supplied 18 PC-12 light transport aircraft in 2015. These reached Afghanistan via the USA and were probably modified in the USA for reconnaissance before final delivery.

India supplied three Cheetah light helicopters and four second-hand Mi-25 combat helicopters in 2015–2016. It also financed the supply of four second-hand Mi-24V combat helicopters from Belarus in 2019.

## Reflections

The Afghan military and security forces received a substantial number of major arms between 2001 and 2020, even if they were generally not very advanced systems. Despite this very substantial material investment, not to mention years of military training and combat support, the Taliban were able to seize most of Afghanistan from Afghan Government control in a matter of weeks, once NATO's Resolute Support Mission terminated on 12 July.

One question is the effect the presence of these weapons will have on security and stability, both within and beyond Afghanistan's borders. Some of the major arms listed were subsequently lost or scrapped and others - mainly aircraft - were apparently used by Afghan forces in August 2021 to flee Afghanistan.



## *Comments*

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However, a substantial number of the arms sent to bolster the Afghan armed forces have been captured by the Taliban. It is unclear how many of these are or can be made operational – many of the aircraft will need specialized maintenance and spare parts that are probably not easily available to the Taliban. Other, simpler to maintain, major arms such as the light armoured vehicles can easily be operated for many years.

All in all, it seems unlikely that the major arms captured by the Taliban would pose any serious threat to stability in Afghanistan's neighbours or further afield. However, the large numbers of small arms and light weapons and associated ammunition are potentially of much graver concern.

Note: This backgrounder is based on the SIPRI Arms Transfers Database, which is accessible on the SIPRI website. The database is the only public resource that provides consistent information, often estimates, on all international transfers of major arms (including sales, gifts and production under licence) to states, international organizations and non-state groups since 1950. The database aims to contribute to an understanding of the effects of arms flows on peace, stability and violent conflict.

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# Addressing Climate Change

Keith Best

We have a mass global movement, maybe somewhat disjointed, but nevertheless with a common purpose to save the planet. It is an example of where international cooperation can work – largely driven by civil society – but a symbiosis between governments and between government and general public that has seldom been seen in any other political enterprise. Yet there remains a massive lacuna of the absence of enforceable world law in respect to the environment. It touches on an issue which WFM/IGP has promoted as the International Coalition for the Responsibility to Protect – a doctrine first raised by Kofi Annan in 2005 which turned the traditional responsibility of the citizen to the state on its head by establishing the responsibility of the state towards its citizens in keeping them safe and secure.

Sir David Attenborough told the Group of Seven leaders on Sunday 13 June that tackling climate change was now as much a political challenge as it was a scientific one. He said that *“Tackling climate change is now as much a political and communications challenge as it is a scientific or technological one. We have the skills to address it in time, all we need is the global will to do so.”* The precedent of attempting globally to deal with the pandemic and supply of vaccines through Covax is a helpful reminder that nations can work collaboratively. The G7 committed to net zero carbon emissions no later than 2050 and to halve their collective emissions by 2030. There was also a commitment to conserve or protect at least 30% of land and oceans by 2030. Prime Minister Boris Johnson said that the G7 nations were clear that “action has to start with us”. Yet campaigners criticised a lack of action on climate finance to help

vulnerable communities and countries: without such cash, developing nations will be less inclined to cooperate at the COP-26 climate change summit in Glasgow later this year. That is when the crunch will come and whether meaningful and funded action will or will not be taken. Civil society must press for a global effective oversight of commitments given. It is a matter of accountability not just to national legislatures and citizens of individual states but to the global commons who are affected by such issues through regional and supranational mechanisms.

We have the Paris Climate Agreement goals. The recent Dutch court ruling that Shell would have to cut its CO2 emissions by 45% by 2030 compared with 2019 levels was the first time that a large company had been legally obliged to comply with the Paris Climate Agreement, which, arguably, now makes the commitments given as justiciable. We should be wary, however, on relying on judicial enforcement as there is now evidence that such large companies are using investor-state dispute settlements (ISDS) to claim compensation for the effects of political decisions on emissions. RWE, the large German energy supplier, is suing the Dutch Government for €1.4bn for its plans to phase out coal. Others are following suit. These ISDS agreements exist widely in investment treaties throughout the world, including the Energy Charter Treaty (ECT) which permits companies to sue any of the 53 signatory countries if they feel that they have received unfair treatment. They remain a prominent feature of new free trade agreements. They could undermine significantly the advance in emission control. Nevertheless, there is

some satisfaction to be derived from seeing oil giants such as Shell and BP (renamed Beyond Petroleum) falling over each other with ever greater commitments to reducing fossil fuel use and carbon emissions and concentrating more on renewables.

Jurisdictions vary but in most the negligent act of damaging the environment can lead to civil claims for damages, especially when groups are severely affected, and in some cases criminal sanctions against directors of the companies. Where there is evidence of deliberate targeting of groups this also can lead to criminal charges. But where are the sanctions against governments and those responsible for political decisions that deplete the environment? We have seen with the action by The Gambia against Myanmar in the International Court of Justice that rulings can be made for breaches of international treaties but this usually requires the consent to the jurisdiction by the involved parties (the UK refused any adjudication by the World Court on sovereignty of the Falklands/Malvinas).

The idea of an International Court for the Environment has been mooted which might be able to deliver declaratory judgements but, again, would likely be dependent on the consent to its jurisdiction. An alternative or a supplement (because the two are not mutually exclusive) which many people forget is that at the time of the signing of the Rome Statute in 1998 enshrining the international criminal offences of genocide, war crimes and crimes against humanity (now with the recently added fourth crime of aggression) ecocide as a crime was an idea that had been around for decades, introduced during the Vietnam war protesting the US military use of Agent Orange to destroy the foliage cover and crops of enemy troops: in 1972 Swedish prime minister, Olof Palme, addressing the UN Stockholm Conference on the Human Environment, called for an international crime of ecocide. It is true that ecocide can come specifically

within the existing definition of a war crime but, of course, only where a state of war exists. It had been intended to include ecocide in the Rome Statute: indeed it was proposed as the fifth crime against the peace and security of mankind when the International Criminal Court was to be established in The Hague in 1998 but opposition from the United States, the United Kingdom and the Netherlands led to ecocide being removed from the list of crimes in the draft statute. We now need to join with others to press for this to be added to the ICC Statute.

Advances are being made. In aviation, although alternative clean propulsion technologies are under development – such as electric-powered aircraft or cryogenic hydrogen fuel – these options are unlikely to be commercially ready before 2030. The last decade has seen considerable progress in developing Sustainable Aviation Fuels (SAFs) produced from bio-based feedstocks that have a lower carbon intensity and which consequently could play an important role in mitigating the environmental impact of aviation. The danger now is that there will not be enough to satisfy demand.

For many global issues the role of the individual citizen can be limited and frustrating but with climate change and our environment every citizen, town, city and country can be directly and personally involved. Ultra-low emission zones in cities, shareholder action and the prospect of a reduction in fossil fuels has stimulated multinationals like BP and Shell – driven also by widespread public interest in purchasing electric cars and home alternatives.

Innovative companies are chasing better lithium batteries (lithium is to be mined in Cornwall), there are prototypes of electric aircraft, a company is about to be publicly launched to store carbon emissions from anaerobic production under the North Sea plus many other initiatives.

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Governments have committed to ambitious targets of carbon emissions. It was interesting to see the backlash against BitCoin because of the large energy consumption in its mining (estimated by the Cambridge Centre for Alternative Finance to eat up as much electricity as the entire population of the Netherlands) – there now appears to be an answer to even this issue – springing up everywhere are secluded sites with banks of computers alongside farms fuelled by anaerobic digestion (basically converting cow manure to methane gas). Elon Musk himself has intimated that he might back Bitcoin again if they can be produced without using enormous amounts of energy from fossil fuels (mostly in China).

All these issues need global democratic regulation: despite commitments we cannot put all our faith in the goodwill and nation states. The impact of failing to take action is

not only to lose beneficial aspects of our globe that bring sustainability and delight but also affect nutrition, longevity, the very ability to survive, the rise of sea levels and loss of homes and habitat, increased flow of environmental refugees, jobs in so many industries including tourism – indeed the way of life as we know it. The protectionist and populist reaction could lead to massive unrest and insecurity. We must seek to ensure, however, that the reaction, instead, is one of global collectivity in mutual solution of these problems.

We are in the middle of an environmental revolution and on the cusp of significant improvements to the way in which we both respect and treat our environment – but, as Greta Thunberg constantly reminds us, we are in a race against time. Species and rainforests are disappearing before our very eyes. History will judge us on whether we acted on time or were too late.

# The IPCC Report and the New Commitments of the European Union

*Roberto Palea*

On August 9<sup>th</sup>, the IPCC Report (UN Intergovernmental Panel on Climate Change) was published. This report updated to 2020 is based on 14,000 studies carried out by experts from 195 countries. Within the 4,000-page report, the panel's scientists analytically illustrate the climatic consequences in different geographical areas of the world due to CO<sub>2</sub> and other greenhouse gases emitted into the atmosphere through human activity (which add to the stock of existing gases and will persist in the atmosphere for hundreds or thousands of years).

The IPCC then illustrates the different scenarios that could arise if the increase in the Earth's average temperature is not limited to 1.5°C, within 10 or 20 years as agreed in the 2015 Paris Agreement. The latter was ratified and entered into force by 196 States, including all the main polluters, namely, the European Union (EU), the United States, Russia, South Korea, India and China (which, however, managed to postpone from 2050 to 2060 the target of achieving net zero climate-altering emissions).

The IPCC warns that global warming is occurring much faster than in the past, with the global average temperature having already risen by 1.09°C compared to the pre-industrial era. The Report describes the consequences of this rise in temperature as far worse than those predicted in previous Reports: the areas subject to fire risk have increased by 75% since the year 2000; ice sheets are losing 8 billion tons of water a day, thus accelerating the sea level rise; in many countries the temperature has reached above 35°C and up

to 50°C, for example in Morocco and Canada, for prolonged periods; increasingly violent typhoons and hurricanes have hit not only the Northern Regions, but also those of the South and East of the world, often followed by severe droughts; and desertification is increasing in Africa and in some areas of Southeast Asia.

According to the Report, even if commitments to reduce emissions (Nationally Determined Contributions - NDC) were to be confirmed and implemented by all current governments, global warming would still be limited to 2.1°C by 2030/2040, thus causing increasingly prolonged periods of extreme heat, a further acceleration of both the melting of glaciers and the sea level rise and the frequency and intensity of 'extreme events', resulting in mass migrations. Hence the UN Secretary-General António Guterres is not wrong in stating that the new IPCC report is a "code red" for humanity.

Once again, the EU and its Commission must be acknowledged for continuing to honour the Agreements signed in Paris (through the European Green Deal and Next Generation EU), by increasing the EU's decarbonisation target from 40% to 55% by 2030, and making it an internationally recognised world leader in tackling global warming. An important agreement between the EU and the United States, represented by President Biden, was thus possible. This new-found transatlantic agreement has multilateral commitments and shared ESG (Environmental, Social, and Governance) objectives.

Linked to this agreement is Biden's executive order on the production and sale of electric,

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hydrogen or hybrid vehicles by 2030, with a USD 1000 billion investment, as well as the presentation to the Senate of a USD 3,500 billion anti-poverty plan to support social and environmental programmes, with cost increases and tax benefits.

The EU's driving force has targeted not only other states but also private companies, private and public foundations and independent NGOs, which have declared their willingness to commit to achieving climate neutrality by 2050.

After the new IPCC Report and its alarming statements about the fate of humanity, I believe that the EU's responsibilities to the world have increased considerably. Therefore, we should ask it to "raise the bar even further" in order to maintain its leading role in the fight against climate change.

We must demand that the European Union:

- apply consistent carbon pricing within the EU and in relations with the rest of the world;
- increase the production of renewable energies not only in Europe but also in Africa, with appropriate international agreements;
- establish an agreement with the African Union to produce green hydrogen through photovoltaic energy in the countries on the South-Eastern coast of Africa that would be transported to Europe using the existing gas pipelines between the two shores of the Mediterranean;
- speed up the implementation of decisive measures in areas where there is a significant

delay, such as transport and electric or hydrogen mobility (electric car, electric or hydrogen-powered public transport) and the green conversion of private and public real estate assets (insulation of buildings, use of roofs for photovoltaic production, electrification and digitalisation of all utilities).

Finally, the time has come to spend the EU's large credit and sign a new pact among the main polluting states – possibly involving private companies, private and public foundations as well as NGOs – to give life to that multilateral, supranational institution in the energy and environment sector, which federalists have been demanding for decades. The "World Organisation for Energy and the Environment", governed by an independent High Authority (based on the ECSC model in the European unification process), would operate under the control of the UN, with the task of managing the complex and constantly evolving climatic and environmental balances in the interest of humanity.

This new organisation should endow the already existing Green Fund with USD 100 billion and propose to generalise carbon pricing globally, at least among the countries that agree with it.

In short, the EU multilateral initiative must meet the challenge of the IPCC with the aim of stabilising global climate in the best way possible so that the planet will be livable for the human species.

# For an Effective European Strategy for COP26

*Alberto Majocchi*

On 14 July, the Commission presented its *Fit for 55* package of proposals to extend the scope of carbon pricing to sectors that are currently excluded, notably transport and domestic heating. A revision of the Emissions Trading System (ETS) will be part of a package of energy and climate laws, but the ETS will continue to be the main tool to achieve the goal of at least 55% emission reduction by 2030. This goal has been confirmed by the Climate Law, approved by the Council on 28 June, following a large majority in the European Parliament taking a favourable position on it on 24 June. As a result of this decision, the political commitment of the European Green Deal for climate neutrality by 2050 has been transformed into a binding obligation.

This transformation allowed Europe to go to COP26 – held in Glasgow on 31 October – 12 November 2021 and will be co-chaired by the UK and Italy – with an extension of the carbon pricing system to all sectors. In the Climate Law, the Commission proposes to extend the ETS to transport and heating, presumably with a model similar to that of Germany, with an upstream approach that places the obligation to buy emission permits on the importer or producer of the fossil fuel that will then be sold to households and businesses in the domestic market. This approach is equivalent to a carbon tax, even if the imposition of a price on carbon does not take place with the collection mechanism of excise duties, but with the purchase of emission permits. In any case, irrespective of the instrument adopted, the important thing is to charge a price in these sectors too. Moreover, a Commission

proposal on the LULUCF (Land Use, Land-Use Change and Forestry) regulation to curb greenhouse gas emissions and removals from land use, land use change and forestry is imminent, whereby all emissions would pay a price for carbon use. According to the Commission's proposal, at least 50% of the revenues generated by extending the ETS to transport and energy efficiency in buildings will have to be redistributed to households with lower incomes, bearing in mind that, alongside ecological transition, social equity also appears to be one of the priority objectives of the Green Deal.

The ETS reform also foresees the phasing out of free allocations of emission permits in sectors such as steel and power generation, which should be protected from future carbon duty levied at the EU border. The adoption of a border tax adjustment, which will also be presented on 14 July, is designed to put EU companies on an equal footing with their competitors, through preventing carbon leakage, as EU industries covered by the ETS risk becoming less competitive, thus incentivising the shift of part of European production abroad where it would be cheaper in the absence of a carbon price.

Europe should thus arrive at COP26 having adopted, in parallel to the application of a generalised carbon pricing, a border tax adjustment mechanism. With this mechanism, goods imported from countries that do not impose a price on fossil fuels commensurate with their carbon content would be charged a tax equivalent to the price paid by producers and consumers within the EU. The European

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policy proposal would have to be clear and explicit, but it may not be easy to implement. To combat climate change, economists agree that the most effective instrument is generalised carbon pricing. But this objective is difficult from several points of view, as the conditions of the countries participating in the COP are different both in terms of income levels and the energy mix adopted. Europe will therefore have to put in place a strategy based on reaching a multilateral agreement at the COP to introduce a minimum carbon price in all countries of the world (along the lines of the global minimum corporate tax proposed by Biden to reduce downward tax competition, the substance of which has been accepted by 130 countries within the OECD). Indeed, as a recent IMF paper suggests, achieving sufficient progress to stabilise the climate requires accelerated mitigation action in the short term, but doing so among 195 parties at once proves to be a difficult challenge. Accordingly, strengthening the Paris Agreement by establishing an International Carbon Price Floor (ICPF) could accelerate emission reductions through effective policy action, whilst curbing the growing pressure to introduce border tax adjustments. The ICPF should be based on two elements: (1) it should be negotiated among a small number of key countries with high emission levels, and (2) the agreement should include the minimum carbon price that each of these countries commits to implement. This proposal is realistic and could be based on an initiative of the European Union, which, as mentioned above, will be in a good position in Glasgow to demand similar carbon pricing behaviour from other high-emitting countries. On the other hand, if any country does not accept the proposal for an ICPF, it will be forced

to pay a compensatory duty at the EU border, with a double disadvantage: it will not be able to use the lower production costs guaranteed by the non-payment of a carbon price on the domestic market to achieve an increase in the export of its products to the European market and, moreover, it will provide an additional revenue linked to the imposition of a carbon price not to its own treasury, but to the EU budget through the proceeds of the Border Carbon Adjustment.

Finally, this global package of proposals from the European side will have to be completed with the activation of the 100-billion-fund for fair burden sharing in favour of the weakest countries, already promised by COP15 in 2009. This fund could be financed by adopting the Global Carbon Incentive proposed by Raghuram Rajan, which envisages a contribution to be imposed on countries that emit more than the world average (more than 5 tonnes per capita, in Rajan's proposal) and, with this revenue, to finance countries with below-average emissions. The poorest countries could then be helped to ensure a green transition that is not only effective, but also equitable from a distributional point of view, through incentives to invest in energy transition and support measures for the weakest classes.

With these proposals – generalised carbon pricing for all sectors, border tax adjustment for countries that do not adhere to a multilateral proposal for a minimum carbon price and, finally, the fund envisaged by Rajan for fair burden sharing – the EU will be able to come to COP26 with strong and realistic ideas. This position together with the new climate created by the Biden administration could favour an agreement, at least at the transatlantic level.

# The Ventotene Manifesto 2.0 \*

Nicola Vallinoto

A question that I have asked myself in view of this meeting on the Ventotene Manifesto is the following: if Altiero Spinelli and Ernesto Rossi had lived at the time of the pandemic, what would they have written that would be more than or different from the 1941 text? After all, to a certain extent, we are living through a similar period of severe limitations to our freedoms, and although there are no bombings we have an invisible enemy that is claiming millions of victims. In recent months we have experienced a sort of imprisonment with a curfew and a ban on gatherings and public demonstrations. Certainly nothing comparable to a war, but this situation has allowed us to reflect on the really important things in life.

Spinelli and Rossi are no longer with us and so we must ask ourselves, who are the heirs of the federalist ideas which were conceived of in Ventotene. Fortunately, not only those in the European Federalist Movement (MFE). As the sociologist Alessandro Cavalli has said, there are more federalists outside than inside the MFE. This is a sign of the times: he means that federalism, which until a few years ago was considered a taboo subject, has now become part of public discourse.

The answer that I give and that I will develop in this talk is that if we were to rewrite the "Ventotene Manifesto 2.0" today, this text would maintain the thesis of the 1941 Manifesto, namely the need to overcome the absolute sovereignty of nation States and to create a European federation, but it would have an additional chapter dedicated to the governance of globalisation.

## Globalisation

Globalisation has entered our lives forcefully.

Over 7 billion people who inhabit planet Earth are affected by a global process that generates an infinite number of economic and social relations. Thanks to the evolution of communications and transport and the means of production, we have now been living for several decades in a sort of global village. The representation of the world in closed spaces no longer makes sense. No country and no group can isolate itself from others. We are all interconnected for better or for worse. Globalisation is an irreversible process from which there is no going back and if we do not want to suffer from it, we have to govern it.

Globalisation means different players moving beyond the borders of nation States. We can think of multinational corporations, international organisations, mafias, terrorism and global civil society movements. Each of these players moves in the global arena following their own specific purposes and each with their own rules in the absence of a shared constitutional framework.

Globalisation is a process that can be seen in different ways and each has negative and positive aspects:

- **the globalisation of the economy and finance** moves goods and money all over the world: it is positive to have access to a market without barriers, while it is negative that there is no global taxation on financial transactions and that multinationals manage not to pay taxes and participate in the world welfare state;

- **the globalisation of information**: thanks to the internet, information travels in real time from one end of the planet to another: this helps the sharing of knowledge. Being able to get Covid19 vaccines in less than a

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year is a prime example. On the other hand, the few global operators of digital platforms extract the data we leave on the network, thus assuming extraordinary power. Digital data becomes a source of wealth and control;

- **the globalisation of work and production:** companies move production and services to countries where labour costs are lower. This allows for lower prices on the final product to the detriment of workers' rights, which are often not guaranteed where relocation takes place;

- **the globalisation of rights.** From the Rio 92 Earth Summit to the Fridays For Future demonstrations in 2019, thousands of global demonstrations crossed the planet to demand peace, disarmament, social and environmental justice. Millions of people fight daily to claim global rights for all citizens of the world regardless of nationality, religion or skin colour. A global citizenship is being created even though rights are not yet guaranteed globally.

As we have seen, almost everything has been globalised except democracy, which has remained at national level. There are examples of international democracy such as the European Union, which is the most advanced example in the world, but on a global level it is the economy that leads politics. Those who make global decisions about things that concern us do not respond to a democratic power.

### **Global civil society movements**

In 2021 it has been 20 years since the G8 in Genoa and next year it will be 30 years since the Rio de Janeiro Earth Summit in 1992. In this regard, I would like to briefly mention one of the players who move beyond the national borders that I spoke about earlier: global civil society movements - to see how they can play a role in democratising global spaces and jointly managing the common goods of humankind. In 1992, the **Earth Summit** organised and promoted by the United Nations was

held on the occasion of the second UN International Conference on Environment and Development. On that occasion, a Global forum (a counter-conference) was held with representatives of over 600 environmental associations from all over the world, who drafted an **Earth Charter** with over 40 treaties on planetary environmentalism that were an alternative to the less advanced proposals of governments.

From then on, the mobilisation of global civil society at world summits and meetings gradually increased and grew in importance.

In 1998, a vast coalition of human rights organisations and networks, coordinated by the World Federalist Movement, succeeded in putting pressure on the most progressive governments and obtaining the establishment of the **International Criminal Court**, which is considered a step forward in the construction of international democracy.

In December 1999, demonstrations in **Seattle** succeeded in bringing down the WTO Millennium Round.

Global movements demand democracy, and contest the concentration of power and wealth in the hands of a few private subjects. In Seattle, one of the banners displayed by the demonstrators said "*No globalisation without representation*".

They criticize the globalisation process that creates a global market without protection for the weakest and without globalising decisions. A void is created between those who decide and those who suffer the effects of these decisions.

The culmination of these counter-summits was in **Genoa** in 2001, where an alternative Global Forum was held in the week of the G8, and two huge demonstrations took place. The first on Thursday on the question of migrants with 50,000 people, and then one on Sunday with 300,000 participants. The police decided to suppress all forms of dissent by indiscriminately targeting the

participants, and the attack on the Diaz school and the way they treated demonstrators at the Bolzaneto Barracks were seen as a veritable slaughterhouse. Democracy in Genoa in the days of the G8 was suspended.

Genoa was the last major summit organized in the historic centre of a large, easily accessible city. The next summit was held in the mountains of Canada in a place that was difficult to reach.

In the same years, the alter-globalist movement (called “No global”) began to flourish, and an alternative narrative to that proposed by the global financial and political elites, who meet annually in **Davos**, a town in the middle of the Swiss Alps, began to emerge. In 2001, the **World Social Forum** was organised in Porto Alegre, in the same week as the World Economic Forum in Davos. Porto Alegre was chosen thanks to its experience with participatory budgets, which has been exported all over the world.

In **Porto Alegre** tens of thousands of participants gathered and organised hundreds of events (workshops, assemblies, debates), making proposals on all the global issues (environment, peace, rights, social justice, etc.). The World Social Forum became a real university where local experiences of movements from all parts of the planet are connected.

And in fact, the narrative of Porto Alegre managed to break through into the world news. At the same time as the Davos forum, newspapers devoted ample space to the proposals of the World Social Forum, demonstrating that Mrs Thatcher’s famous slogan “*There is no alternative*” (**TINA**) is absolutely not true, and that instead “*There are many alternatives*” (**TAMA**).

After Porto Alegre, the Forum was moved to other continents to expand and encourage the participation of movements from other regions of the world: in 2004 it was held in Mumbai and in 2007 in Nairobi, returning to Brazil in

2009, this time to Belem in the Amazon.

To summarise, in an attempt to describe the path taken by the global mobilisation, we can identify at least three phases: a **first phase of protest** with demonstrations at the summits (Seattle, Genoa), a **second phase of proposals** (with the World Social Forums) and a **third phase of planning**, which is the most difficult to carry out, in which the movements must find precise objectives towards which they can channel their forces and direct the available energies.

Only in this way is it possible to obtain concrete results, as happened in 1998 with the establishment of the International Criminal Court.

### Global crises

Going back to the question of globalisation, the planet is experiencing global crises that are putting the survival of life on Earth at risk. We are walking, to use the term used by Federico Fubini in his latest book, on the crest of a volcano, and we don’t know what the next shock that will hit us will be.

In recent years we have been hit by many global crises:

- the **financial crisis** of 2007, which started in the United States with subprime mortgages;
- the **migration crisis** with waves affecting Europe, but which is actually a global phenomenon involving hundreds of millions of people, which is destined to increase due to climate change;
- the **climate crisis**: glaciers are melting and forests are burning at ever higher rates;
- the **pandemic crisis**: the Sars Covid-19 pandemic has highlighted the limits of the big pharma free market; maintaining the patent on vaccines prevents widespread sharing of vaccines, especially in less developed areas of the world;
- the **social crisis**: social and economic inequalities are increasing. According to the 2020 Oxfam report, the richest 1% of the

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world's population owns more than double the wealth owned by 6.9 billion people. In other words, the poorest half of humanity does not even reach 1% of total wealth. The Oxfam 2021 report is significantly titled "*The inequality virus*". As we know, the pandemic has further deepened inequalities. The stocks of large pharmaceutical multinationals and technology platforms have dramatically increased their profits. The Oxfam report says Jeff Bezos could have paid a \$ 105,000 bonus to all of his 876,000 employees in September 2020, and still have the same wealth as before the pandemic began.

- the **democratic crisis**: as we have seen, we are experiencing many crises but the main, all-encompassing one is the democratic crisis. Who decides on matters that affect us directly? Where important decisions are made - at a global level - there are no democratic rules, while where democracy applies - at national level - decisions no longer count for anything. One of the main consequences of the globalisation process is the dismantling of national democracy, as States have progressively lost control over the major problems that concern them without having built a parallel international democracy.

### Care for the planet and the governance of globalisation

In order to adequately address these global crises, we need to take care of our planet. As citizens of the world, we must make our voices heard, as millions of Fridays for Future youngsters did in 2019 with climate strikes. Democracy must be implemented at all levels from the local to the global. If we do not want to suffer from globalisation, we must govern it. So we come to the **Ventotene Manifesto 2.0**; we can no longer limit ourselves to calling for a European federation. Together with this

demand we must work, immediately and at the same time, for a world federation. This does not mean having a world government straight away, but operating in steps, starting by equipping the United Nations with certain functions necessary to manage the common goods of mankind and the resources necessary for these functions.

For example, the **World Health Organisation** could manage pandemics in a different way, financing the development and dissemination of vaccines among the populations in developing areas, by collecting a small part of a global tax on the profits of large multinationals.

For example, a **global organisation for the environment** could manage the consequences of climate change or work to prevent them by collecting a small part of a global tax on CO2 emissions.

And then we need an **Earth Constitution**, that would set the reference framework for the rights and duties of all the citizens of the world with a distribution of the global functions necessary to manage the common planetary goods.

And in the future, we need to transform the General Assembly of the United Nations into a **Parliamentary Assembly**, so it can become a real Parliament.

And the Security Council must become the **Council of the great regions of the world**, in order to represent the populations of the whole planet.

All these objectives will be possible only with a great mobilisation of global civil society which, in alliance with the most innovative governments, will overcome the obstacles set by the governments most reluctant to change. And as the authors of the Ventotene Manifesto said: "*the road ahead is neither easy nor safe, but it must be travelled, and it will be*".

\* Speech given on the occasion of the conference "War, peace, environment and supranational federalism" organized by the Federalist meeting point on June 6, 2021. Translated by Anne Parry.

# Federalism, a Decisive Issue for Europeans.

## 1. Europe, a Unique but Imperfect Construction

*Michel Dévoluy*

The conference on the future of Europe, organized by the European Union (EU), has now been launched. It invites Europeans from the 27 Member States to reflect, via a multilingual digital platform, on their visions of the Europe to come. The conclusions of the discussions will be drawn in spring 2022. They will guide the development of the EU for the coming decade. It is up to citizens to use this forum to express themselves about Europe, in complete freedom.

The future of the EU hangs on the inescapable question of federalism. We need to discuss it in order to understand the ins and outs of a European federation, and to ask ourselves whether all states wish to move forward at the same pace in this direction. Hence the necessary debate on a multi-speed Europe.

The exchanges of views can focus on several themes: federalism and peace; the institutional framework of a federation; the unique dynamics of European integration; the brakes and resistance to the transition to a political Europe; the need for a federal Europe in the face of contemporary issues and challenges.

One thing is certain, the future is of concern to all of us, and political Europe is our future. But talking about the objectives and the reasons of a federal Europe is not enough. Otherwise, it would already be in place. Several obstacles have to be overcome. First, we shall free ourselves from stereotypical visions of how the world works. Then, we shall offer Europeans

credible and persuasive perspectives. Finally, we shall place Europe in the mental and emotional landscape of Europeans. The need for Europe is all the more urgent as undemocratic parties are now advocating identity and nationalist retreats. Old demons still roam around, feeding on frustrations and simplistic solutions. Let us be very vigilant and determined.

### *Federalism and peace*

Giants such as Emmanuel Kant, Victor Hugo, Albert Einstein and Albert Camus were convinced that only a federation of states would make peace stable. Noting that the juxtaposition of independent and sovereign countries was a systematic source of antagonism and conflict, it was necessary to change the approach. The signing of peace treaties and appeals to reason have never been enough. Moreover, wars are always started to defend causes deemed just by the protagonists. There is, depending on the case, to defend the security and honor of the citizens, or to obey the "reason of State". Getting out of these deadly gearboxes for good and making wars impossible calls for the creation of a federation of states.

Ideally, universal peace requires a world federation. While waiting for such a distant accord, let us salute two major advances. First, the creation of international organizations designed to defuse conflicts: the League of

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Nations (League of Nations) between 1919 and 1945 and then the UN . Later, the launch of the European construction, initiated on May 9, 1950, by the historic declaration by Robert Schuman. The stated objective was to make peace stable in Western Europe with the Franco-German reconciliation as the top priority. The first concrete achievement was the creation of the European Coal and Steel Community (ECSC) in 1951.

The search for an appeasement through the elimination of the reasons of war reveals the impossibility of definitively sealing the peace on the sole basis of goodwill, fine speeches or the signing of peace treaties. Longing, even earnestly, for peace is far from enough. Several conditions must be fulfilled to eliminate the reasons of conflict. States and their citizens must share values, have converging interests, accept forms of material solidarity, adhere to a unifying narrative and feel united and protected within clear and recognized borders. In short, states and their citizens must identify with a common political, economic and social space called a federation of states. Of course, pre-existing identities do not disappear, because each citizen continues to belong to his state. But a new, more encompassing identity is added to the previous ones.

At this point, two observations stand out. Building a world federation to achieve universal peace is not yet on the agenda. In contrast, the EU has come a long way. This victory of peace must be constantly remembered with gratitude towards all the craftsmen of Europe. Let us not play this achievement down.

#### *Federalism, a constitutional regime*

A federation of states is characterized by two levels of sovereignty: the member states and the federal state. Each Member State has its government and its clearly identified political space. The federal government presides over and coordinates the whole. The division of powers between the two levels follows

several guidelines: concern for common interests, solidarity between Member States, safeguarding of diverse identities and respect for democratic principles. In practice, the so-called “subsidiarity principle” offers a good method for transferring responsibilities between the two levels. The federal state performs the tasks of and takes over all areas that cannot be effectively carried out by the member states. According to this principle, it seems logical that the federal state should deal with supreme-sovereignty issues, especially foreign policy and the army.

Furthermore, no decision of a federal nature can be blocked by the veto of a Member State. Otherwise, we fall back into an inter-state approach where each state wishes to retain full control over its national sovereignty. In order to function well, a federation must also have a powerful Constitutional Court independent of political pressure. Its mission is to guarantee the constitution and to arbitrate conflicts between all the institutions of the federation.

Switzerland, Germany, Canada, Brazil, Australia and India are examples of federations. There are about 30 of them out of the 195 states sitting at the UN. For two and a half centuries, the United States of America (USA) has been the benchmark federation. It is therefore interesting to recall that the British colonies, which became independent in 1776, first associated themselves into thirteen autonomous republics. They all intended to preserve their sovereignty, especially in matters of foreign and fiscal policies. But this institutional arrangement quickly pushed these republics into noxious rivalries. They were also becoming incapable of standing up together in the face of external threats. A change was called for. After vigorous discussions to devise the best possible arrangement, the Philadelphia Convention of 1787 chose its constitution on behalf of the American people. The first federation in history was born.

So, it took about ten years for Americans to convince themselves of the advantages of a federation. Even if a comparison is not a reason for, Europeans must learn from this founding period, but also address the great failure of American integration.

The Civil War (1861-1865) is a reminder that a federation that does not share essential values and the same objectives remains fragile and can break up. But since that confrontation, the strength of the USA has been proven. The federated states are now looking in the same direction, agreeing to pay federal taxes, accepting mechanisms of solidarity and defending themselves under the same banner. The proof: all citizens of the 50 states are proud to be Americans.

Compared to a full-fledged federation, the EU is unique. Governed by treaties rather than by a constitution, it is essentially intergovernmental. But at the same time, the EU has got attributes of a federation. First, by having certain own competences. Then, by having a decidedly federal jurisdiction, the Court of Justice of the European Union (CJEU). Nevertheless, the absence of a government of the European people clearly identifiable by the citizens is enough to show that the EU is still far from being a complete federation. Moreover, European democracy remains weak and the perception of the EU by many Europeans remains vague.

Two noticeable features point to the intergovernmental nature of the EU: the key role of the European Council and the unanimity rule (each Member State can veto a decision). The broad political orientations of the EU are exclusively determined by the Heads of State and Government of the member states within the European Council. In other words, the decisive choices for Europe are made by the Member States. Here, the Commission is only responsible for transcribing these broad guidelines into legislative texts. Which will then be voted on by the European Parliament

and the Council of Ministers.

Treaties are very picky about the unanimity requirement of member states. Each of them can say no in order to protect its supposedly vital interests. The veto mechanism explicitly targets decisions in fiscal, budgetary and foreign policy matters. Thanks to the veto, the EU states also retain control over mechanisms of redistribution and social protection. In short, the veto is the symbol of the maintenance of national sovereignties. However, the EU has several federal dimensions. They are embodied in specific institutions and competences. The Commission, the European Parliament, the CJEU and the European Central Bank (ECB) are institutions of a federal nature. All of them act on behalf of the European people.

The management of the single market and the trade policy of the Union fall within the so-called "exclusive" competences of the EU. They are dealt with by the Commission. With regard to the euro zone, its monetary policy is ensured, in full sovereignty, by the ECB. There is a particular problem here, since only 19 States out of the 27 members have adopted the single currency.

The EU is therefore a very special institution. It is akin to a federation of states that share limited elements of their sovereignty. But the EU remains anchored into an intergovernmental logic. Each Member State intends to remain in control of traditionally-national matters, in particular finance, defense and foreign policy. The single currency therefore has a special place here, with a strong practical and symbolic significance.

Let's be clear, the current EU is based on treaties signed between sovereign states. The transition to a federal state will necessarily require a constitution written in the name of European citizens.

### *The unique dynamics of European integration*

For 70 years Europe has progressed according to an original dynamic. In the aftermath of a

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fratricidal war and centuries of internal rivalry, the Europeans were not ready to create a federation from scratch. People do not twist the course of history with a constitutional coup. The Fathers of Europe as a Community understood this. The method chosen to advance and consolidate the harmony between Europeans was that of small steps. It was necessary to get used to co-operate in certain areas in order, step by step, to widen the sphere of common interests. At the end of these ripple effects, a form of political federation would emerge. But when?

Initially (1951, ECSC Treaty), the six founding states chose to jointly manage the coal and steel production, which were then the sinews of the economy and of war. The second step (1957, EEC Treaty on the European Economic Community) was the construction of a customs union favoring the free movement of goods between the Member States. This founding treaty also launched the most significant European policies regarding agriculture and regional cohesion. The next big step (1986, the Single Act) created the European Union and established the single market, with the abolition of internal borders for workers and capital. Until the introduction (1993, Maastricht Treaty) of the single currency, with its actual creation in 1999. The Economic and Monetary Union (EMU) had been accomplished. But can we now do without a political union?

The EU now faces a mismatch. Political integration has not gone in parallel with the economic and monetary integration. The former stammers and hesitates, as the member states are clinging to their national sovereignties. While the EMU is completed. The negative consequences of this imbalance are considerable. Sharing a single market and, above all, a single currency implies a unified management of the economy. A federal-type government is imposing itself. Without this, either the construction will disintegrate quickly

for lack of coordination and common goals. Or the states concerned agree to adopt rigorous and binding co-ownership-regulations for their single currency, in order to bring all national policies into coherence. This is exactly what is written in the treaties signed by the member states.

But then, what a paradox! To preserve their political sovereignty, the States impose rules that alienate all of their monetary sovereignty and part of their economic and budgetary sovereignty.

In the euro zone, the monetary policy is one. Therefore, the states concerned necessarily align themselves following a unified monetary strategy. A consensus emerged, a sort of "political common denominator": to create an ECB independent of political powers, and give it as its main objective the maintenance of prices stability throughout the zone. So, in the absence of a political union, the room for maneuver of the single monetary policy is still limited.

As for national economic policies, they are subject to two types of constraints. On the one hand, a strict framework for public finances through the Stability and Growth Pact (SGP) and the Treaty on Stability, Coordination and Governance (TSCG, signed in 2012). On the other hand, multilateral surveillance of national economic policies carried out by the Commission by means of control procedures and incentives. In both cases, national sovereignties are in check.

Let's sum up. In order to maintain national sovereignty at all costs, the dynamics of European integration has focused on the economy and the currency. This process completed, Europe must choose. Either hold fast to national sovereignties, which amounts to undergoing a tight control of national economies. Or resolutely take the path of federalism, which seems wiser and more rational. The Europeans still need to be convinced.

Historically speaking, the EU is an ambitious and exemplary construction. But it remains unfinished. Its member states, laden with their own stories and always magnetized by the notion of national sovereignty, do not dare to

take the step of federalism. By remaining in the middle of the road, the EU is unable to fully deploy itself in the service of its citizens and its Member States. But in order to progress, it is necessary to identify the obstacles.

Ed. Note – The second part of this article will be published in the next issue.

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# Revisiting the Very Essence of Europarties

Pierre Jouvenat

## Key points

- The current review of the Regulation on Europarties must go beyond funding and procedural considerations to address the key issue of clarifying the nature and role of these parties.
- Over time, there has been a growing tendency to see Europarties as having a specific mission, as distinct from national parties, and that they should exist on their own (supranational approach). Alternatively, one can argue that the transnationalization of politics requires “multi-level” parties, whereby the Europeanization of national parties is just as important, if not more so, than the strengthening of Europarties (bottom-up approach).
- In view of the long-term objective of truly transnational parties, party legislation should foster synergies between existing national and European parties, and be shaped to foster a “mutualisation” of their mission.
- The specific issue of the recognition of new political movements with a European vocation, which may not yet meet all the conditions for acquiring full Europarty status, must be addressed, in particular to allow them to stand in European elections.

Considerable academic research has been undertaken on European political parties (hereafter Europarties), their relevance, the context in which they operate, their mission and functioning in comparison with national parties, etc. Despite this, since the need has emerged to regulate the functioning of the so-called “political parties at European level”

(in treaty terminology), AFCO’s work from the Tsatsos report in 1996 to the Giannakou report in 2011 has not really succeeded in clarifying conceptual issues such as the nature, role and positioning of Europarties within the European political space. Therefore, the existing Regulation<sup>1</sup> remains largely focused on conditions to access European funds. The European Parliament’s recent evaluation of its application confirmed this shortcoming, with the few references to the essence of these parties revealing strong divergencies of opinion on this issue. It is now up to the Commission to address the issue and make proposals for legislative amendments which, we hope, will go beyond mere operational considerations.

## The current trend

In view of the absence of Europarties from the political scene, a consensus was formed on the need to “strengthen” them. This consensus is built on two assumptions. Firstly, with reference to the Treaties, which stipulate that “*political parties at European level shall contribute to forming European political awareness and to expressing the will of the citizens of the Union*”, it is assumed that Europarties have a specific mission that is different from the one of national parties. It is then generally advocated that Europarties should provide direct links with European civil society; connect EU-level democracy with Union citizens; stimulate citizen mobilisation on European issues; and more generally contribute to the making of a demos.

Secondly, and consequently, it is believed

that Europarties should evolve towards full-functioning organisations to become true laboratories of ideas and militant forces. To this end, they should emancipate from their institutional members, the national parties, and broaden their base, notably by encouraging the direct membership of “individual members”. Europarties should exist on their own. This makes a clear distinction between two categories of parties – Europarties vs. national parties – and even opposes them against each other. Illustrative of this evolution is the change in terminology from “political parties at European level” (Treaties) to “European political parties” (Regulation 1141/2014).

### A better route

Taking full account of contradictory academic debates, this paper builds on several premises: (1) An “ever closer Union”; (2) the differing contexts in which national and European parties operate, resulting in different functions (representative, governing, ...), will fade over time; (3) citizens’ ownership of European integration requires a bottom-up approach where the territorial roots of political parties are essential.

In federal states such as the United States, Germany or Switzerland, a limited number of parties interact with institutions at all levels of the federation, from local to federal, with the same identification. In the EU, given the diversity of national political systems and the resulting high ideological dilution, as well as the many non-concordant cleavages that characterize European politics, such a level of homogeneity is inconceivable in the foreseeable future.

Nevertheless, the EU integration process implies a change of scale and a transnationalization of political parties’ activities. All parties, particularly national parties, must adapt their *modus operandi* accordingly. Hence the spontaneous creation in the 1970s, in anticipation of direct elections to the European

Parliament, of transnational party federations. Not only do the decision-making level and party action level go hand in hand, but it is also a question of determining which level is the most appropriate for creating a European *demos*. For instance, without contradicting the Treaties, the mission of “forming European political awareness” is not exclusive to, nor even should be the preferential role of, Europarties. National parties have a territorial base and are therefore best placed to provide European integration with a local foundation citizenry participation. It is therefore as important, if not more so, to europeanise the national parties as to empower the Europarties.

Consequently, instead of separating national parties and Europarties, one should bring them together with the ultimate objective of creating genuine transnational political families and favoring the emergence of a transnational party system. Parties of the same political family must become “multi-level” parties that operate at all levels, from municipal to European. To this end, and given the *sui generis* nature of European integration, the right strategy is to reinforce synergies between existing national parties and Europarties, as a first step.

### Legal incentives

Given that a single European law or a uniformization of national laws on such sensitive issues are not conceivable, it is necessary to build on the existing Regulation on the statute of Europarties towards a kind of “mutualisation” of the missions of European and national parties. This is not an easy task, as the EU Council is likely to oppose coercive measures. In particular, care must be taken not to violate the often constitutionally guaranteed freedom of association. Symptomatic of the resistance to party transnationalisation is the recent failure of the European Commission to introduce into the Regulation a provision requiring a Europarty seeking funding to provide evidence that its national member

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parties publish the political programme and logo of the Europarty on their websites. The final text added “as a rule”, but that is not very binding in this respect (Regulation 2018/673, new Art.18(2a)). The European Parliament has faced similar difficulties in its attempts to push for the double logo on campaign materials and ballot papers in European elections.

Nevertheless, some of the current provisions are in line with the trans-nationalisation of parties as envisaged in this paper. Two examples: (1) Now that Europarties have been endowed with European legal personality, they “... shall enjoy legal recognition and capacity in all Member States” (Art. 13). A provision which has not yet achieved full understanding in Member States! (2) As from the recent amendment (2018/673, new Art.3(1b)), only political parties, and no longer individuals, may sponsor the registration of a Europarty. However, we need to be more ambitious.

However, the fact remains that the new double logo provision proves to be insignificant. Pursuing this path alone leads to a dead end. Other avenues must be explored to ensure that national parties take their European affiliation seriously, beyond the current occasional alliances of circumstance which have no effect on public debate, and that Europarties are no longer mere conglomerations of national parties but become supranational organs of transnational parties, dealing with supranational issues. The double logo will thus become naturally and voluntarily visible.

The most promising way forward is to encourage parties of the same political family to undertake joint activities, thereby enhancing synergies, both vertically and horizontally. Joint campaigning in European elections could be a good starting point and one should therefore consider introducing in the European electoral law the two-dimensional system (so far called “double-proportionality” and recently renamed “Tandem Electoral System”) whereby votes are cast for

Europarties, thus making them more visible. Similar avenues must be pursued through incentives in the Regulation on Europarties that would encourage transnational debates on European issues, joint campaigning in referendums with a European scope, and various forms of interaction between national and Europarties, and between sister national parties, particularly for the formulation of common policies.

Such an approach implies banning the exclusion of Europarties from national campaigning and referendums, as well as the interdiction to use European funds to finance national parties. On the contrary, European financial support should be formally extended to national parties for any action that contributes to their Europeanisation.

If legal incentives for the convergence of national parties and Europarties are considered as being too coercive and therefore difficult to get accepted, it is at the very least necessary to avoid further disincentives through a European legislation that would perpetuate the prevailing misconception that Europarties are a separate category of parties having a specific mission.

### **A subsidiary issue**

Denouncing the opportunist alliances of national parties without a coherent agenda for Europe and arguing that it is inappropriate to transpose to the European level what does not work at the national level, new political parties, such as Volt, which claim to be “transnational”, have been created *ex-nihilo* with the sole aim of talking more about Europe, or doing it differently, emphasizing their ideological and programmatic cohesion. These movements have the merit of providing a stimulus for politics to take a transnational dimension, even if only the transformation of the major traditional political families will enable the creation of a European civil society that is not merely marginal. Recent AFCO’s debates illustrate the difficulty of precisely defining

these parties, which are finding it difficult to establish their position in relation to the recognised Europarties.

Consequently, the Regulation should clarify the situation and grant formal recognition to such parties with a European vocation, which are still in their infancy and therefore might not yet have elected members in their national chapters. A streamlined political space should not mean a close space. In particular, the Regulation must distinguish between the conditions for accessing European funds and

the minimum requirements for standing in European elections.

### **Conclusion**

Debates on political parties' legislation must take a conceptual dimension in order to devise incentives for the creation of a European political space animated by multi-level parties, ultimately forming a transnational party system, where each component plays the role that suits it best for both citizens' mobilisation and partisan confrontation on European issues.

<sup>1</sup> Regulation 1141/2014 on the statute and funding of European political parties and European political foundations, as modified by Regulation 2018/673 of 3 May 2018 and Regulation 2019/493 of 25 March 2019. Article 38 of the Regulation foresees an evaluation of its application by the European Parliament by the end of 2021, to be followed by a report by the Commission proposing, if appropriate, legislative amendments. At the time of printing this article, the AFCO proposal for EP resolution was made available here: [https://www.europarl.europa.eu/doceo/document/A-9-2021-0294\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2021-0294_EN.html)

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# Accession of the Balkans to the EU: the Federal Way

*Alfonso Iozzo and Domenico Moro*

The (six-month) Slovenian presidency of the Council of the European Union brought to the forefront once again the problem of EU enlargement to the Western Balkans and, consequently, that of the compatibility between the values professed in general by the Eastern European countries and those of the EU. Some commentators argue that in the absence of a firm adherence to the values of the EU, the latter should refuse to accept these countries (S. Fabbrini, *La UE accolga solo Stati con gli stessi valori democratici*, *Il Sole 24 Ore*, 25 July 2021). If it is true that the problem exists and therefore needs to be addressed, it does not seem so obvious that the answer should be their exclusion, for a number of reasons.

The first of these – and assuming that history teaches us anything – is that there is often a long delay between the proclamation of principles and their actual realisation. Approximately 200 years would have to pass before the political and civil rights of the Black population were recognised in the United States following the American Declaration of Independence, wherein Thomas Jefferson, along with others, wrote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”. This may be an extreme case, but one must acknowledge that this was a very long time.

Some time ago, at a conference organised by the European Movement, Emma Bonino recalled that without enlargement to include Central and Eastern Europe, anything could have happened in those countries, and what

happened following the collapse of the former Yugoslavia seems to demonstrate this. Certainly, Poland and Hungary seem to be violating the rule of law, but are we sure that without their entry into the EU, their political situation would have been better? Was the agricultural Italy of the 1950s and the founding country very different from the Poland of today?

We cannot forget that the inclusive policy provided by the prospect of EU enlargement has, in its time, enabled the establishment of democracy in Spain, Greece and Portugal. In essence, the alternative is between resorting (unsuccessfully) to the law of force (as happened in Iraq, Afghanistan and Libya), or to the force of law, introduced with patience and appropriate policies. In the words of the then President of the European Commission, Romano Prodi, before the European Parliament (13 October 2004): “negotiation and dialogue, though at times difficult, complicated and painstaking, are the only democratic way to export democracy and stability”.

In concrete terms, how can we proceed today with the demand from the Western Balkan countries for EU membership? First of all, it must be acknowledged that the EU, despite its still too weak foreign and security policy powers, has made “foreign policy” through its enlargement policy, in that it has stabilised the entire area of the countries that have joined. Secondly, it should be recognised that the problem of stabilisation today concerns the Balkans, which is the scene of increasingly evident geostrategic interests on the part of China, Russia and Turkey.

One possible solution being studied by the

*Centro Studi sul Federalismo* in Turin is that there could be a transitional phase between the current situation and that of subsequent full membership of the EU and the rights and obligations that this entails. This would be a prospect that in some respects is inspired by situations found in current federations, such as the Canadian and American ones.

The Canadian federation is made up of ten provinces and three territories. The latter, although they represent 0.3% of the Canadian population, make up almost 40% of the federation's surface area. The Territories have fewer powers than the Provinces, but they are over-represented relative to their population, both in the House and the Senate (around 3% of MPs and senators). In addition, the federal budget policy transfers more fiscal resources to the Territories than it receives. As far as the American federal experience is concerned, the example of Puerto Rico can be mentioned. Since 1917, the inhabitants of Puerto Rico have been American citizens and have been able to move freely within American territory. Although Puerto Rico has its own governor, the Head of State of Puerto Rico is the US President and Puerto Rican citizens participate

in the primaries to choose the US President, but not in the presidential elections. They do not participate in the election of representatives to Congress but can send one of their non-voting delegates to the House of Representatives. Puerto Rico's budget is financed by its own taxes, but Puerto Ricans also pay some US federal taxes and benefit, at least in part, from some US social policies, such as Social Security and Medicare.

By referring to these precedents we want to draw attention to the fact that federations allow for flexible solutions that make it possible to reconcile inclusion, albeit not full, with a minimum of common policies. In the specific case of the Balkans, it will be a matter of finding a transitional solution to full membership of the EU, which may take the form of an "enhanced" association or other arrangements provided for in the Treaties, and in any case accompanied by a commitment from the acceding states to respect the rule of law. In the transitional phase, the association could provide, for example, for the Western Balkan countries to appoint their own representatives to the European Parliament and the Council of Ministers, without voting rights.

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# The “Twilight” of European Law?

Jean-Guy Giraud

A recent judgment of the Constitutional Court of Germany appeared to call into question the principle of the primacy of European law over national law, as well as the primacy of the interpretation of this law by the European Court of Justice (ECJ).<sup>1</sup>

The seriousness of this challenge has led the Commission – guardian of the Treaties – to initiate infringement proceedings for violation of Community law against Germany.

On the other hand, the European Parliament has taken up this matter and handed it over to its Committee on Constitutional Affairs (AFCO). At the request of the latter, an in-depth study<sup>2</sup> of the question of the respect of the principle of primacy was carried out; the considerations presented below are based on that study.

Beyond the German case, the recent attitude of certain governments or national Supreme Courts<sup>3</sup> in terms of respect of European law, but also of the principle of primacy, raise concerns which justify the opening of a debate on these questions.

The main issue here is the relationship between European law and the highest standards – ie constitutional – in force in the various Member States.

## *The principle of the primacy of European law (and case law)*

This principle – which did not appear in the very body of the treaties – has been clearly established by the case law of the ECJ since the famous *van Gend en Loos* (1963) and *Costa v. Enel* (1964). Since then, it has often been confirmed by the Court and has served as the basis for many judgments.

The draft European Constitution of 2003 was providing a confirmation of this principle by

formally inscribing it in the constitutional text in the following form: “*The Constitution and the law adopted by the Institutions of the Union (in the exercise of their powers) take precedence on the law of member states*” (Art.1-6).

Following the opposition of some governments (notably of the UK), this article was not included in the Treaty of Lisbon - but was the subject of a “Declaration” (No. 17) annexed to the Treaty, which recalls that, according to constant case law of the ECJ, “*the treaties and the law adopted by the Union (on the basis of the treaties) take precedence over the law of the Member States (according to the conditions defined by said case law)*”<sup>4</sup>.

This declaration is supplemented by an extract from an opinion of the Legal Service of the Council which specifies that “*the law born of the Treaty could not be judicially opposed to any internal text whatsoever (...) without calling into question the basis of the Community itself*”.

All in all, the fact remains that the intrinsic legal basis of this fundamental principle – whatever its functional logic – is of jurisprudential and not constitutional origin. And that it was “invented” by the very body responsible for ensuring compliance. It is a pity that the opportunity was thus missed to formalize it in the texts on which the Union is founded.

## *Respect for this principle by States*

In general, the primacy of European law is still recognized and applied by states and national courts. Beyond the question of principle, it is very widely accepted that the very functioning of the Union depends on the respect of the treaties and secondary law by the States, and that their uniform interpretation can only be guaranteed by a single and superior judicial

source, in this case the ECJ.

However, reluctance or even conflicts can appear when European law seems incompatible (contrary or innovative) with respect to national constitutional law. Some constitutions explicitly recognize the primacy of European law and thereby limit the risk of conflict. For others, a proven incompatibility can only be resolved by a hypothetical modification of the constitutional provisions concerned.

In fact, such cases arise only exceptionally, in particular because the ECJ – aware of the gravity of such possible conflicts – endeavors to take as much account as possible of the “*fundamental constitutional principles*” of the various states.

### *The German case*

The recent German case is the most worrying, according to the aforementioned study. By its judgment of May 5, 2020, relating to the monetary policy of the European Central Bank, the Court of Karlsruhe ruled – on its own initiative – that certain decisions of the ECB were contrary to the Treaties, but also that the judgment of the ECJ legitimizing these decisions was invalid (for lack of sufficient justifications). We can clearly see the seriousness of these two assertions contrary to the principle of primacy, and the risk they pose to the very foundations of the entire European system. This Court ruling has shocked political and judicial circles to such an extent that it was possible to speak of “*the twilight of the principle of primacy*” (see the title of the study: “*Primacy twilight?*”).

It is for this reason that the Commission had – very exceptionally – to intervene in the legal debate by initiating a so-called “failure to act” procedure against Germany, on the basis of Art. 258 TFEU – a procedure provided for in the event that “*a member state fails to fulfill one of its obligations under the treaties.*” In this case, the breach is not the act of the German “State” in the meaning of “Government” – but of a jurisdiction of that State. However, in its

relations with the Member States, the EU only recognizes the overall responsibility of the latter and not of their political, administrative or judicial bodies.

The fact that the German Constitution recognizes the absolute independence of its judicial organs and in particular of its Supreme Court obviously adds to the complexity of the case.

However, the procedure of Article 258 provides for stages and intermediate deadlines – in particular exchanges of “observations” – which most often allow these cases to be settled before the ECJ has to decide. It remains to be seen how this delicate dispute can be settled without coming to a frontal opposition between the two Courts, and – above all – without the principle of primacy being openly called into question.

Such a precedent would indeed be particularly formidable for the European legal order – especially since certain other national Supreme Courts also seem inclined to challenge this principle.

### *A risk of contagion?*

Indeed, according to the above-mentioned study, respect for the primacy of Community law (in particular in relation to national constitutional rights) is ill-assured in several other states. The cases of Belgium, the Netherlands, and Denmark are cited<sup>5</sup>, but the authors consider that the risks are limited due to the rather technical nature of the problems of possible incompatibility, and the availability of the Supreme Courts concerned to maintain a “constructive dialogue” with the ECJ on these issues.

On the other hand, the cases of three new member states are presented as more worrying: they are the Czech Republic, Hungary and Poland. In the Czech case, it would be mainly an internal problem of inter-jurisdictional conflict, while, in the other two, the more direct challenge to the principle of primacy would be linked to the influence of political power on the Supreme Courts. Power currently anxious to protect a competing principle – in

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this case that of the preservation of national sovereignty vis-à-vis the European institutions and in particular the ECJ, inclined on several occasions to condemn certain decisions of the Governments concerned.

Moreover, in these three cases – as in some others – the situation is complicated by the deficiencies observed in the rule of law, among which the independence of the courts poses a central problem.

### *Twilight?*

In conclusion, it seems a bit exaggerated to speak of “*twilight of the primacy of community law*” over the entire European landscape, even if a few clouds may appear threatening.

Paradoxically, it was the case of Germany that provoked this legal alert, when this state and its successive governments have always stood out as the most attached to the European system and the most respectful of its legal order. It is likely that, as indicated above, an in-depth dialogue between the national and the European protagonists will make it possible to find a solution that avoids an open and frontal conflict between the political and judicial bodies of the two parties – as was indeed the case in several occasions in the recent past.

The fact remains that the principle of primacy can, by its nature, be confronted with other principles such as those of sovereignty and the independence of the judiciary. On the other hand, the accelerated extension of the Union’s intervention in new areas such as the climate, health, fiscal policy, etc. raises new risks of conflicts of jurisdiction.

But it is perhaps “societal issues” – viewed through the lens of the protection of individual rights – which may presently create new difficulties. The recent media-led and political effervescence about the non-discrimination of people on the grounds of the sexual orientations of various minorities (LGBTIQ) is undoubtedly the best example of this. This area has hitherto been very far from the scope of the Union, whose powers in this area remain relatively limited. Having, however, decided to get involved – in particular under the pressure from Parliament –, the Institutions will have to face a resolute opposition from certain Member States<sup>6</sup>. Questions of European competence and Sovereignty (and therefore primacy) may arise with particular acuity due to the sensitivity of the subject – and degenerate into conflicts of a political nature.

The logic of the system would tell that – at least on the question of the competences of the Union – the ECJ should be brought to clarify the debate. In this case – as in many others recently – the “hot potato” would therefore be sent back to Luxembourg<sup>7</sup>, where the ECJ will have to show a lot of legal diplomacy (inventiveness?) in trying to appease and reconcile, while fully and objectively respecting the law.

According to the dictionary, “*twilight is the diffuse light that precedes sunrise or after sunset*”. After the debates of the Constitutional Convention in Philadelphia (1787), Benjamin Franklin wondered whether the premonitory twilight painting that adorned the Hall room was that of a sunrise or a sunset. History has ruled in favor of the first hypothesis.

<sup>1</sup>This is the judgment of May 5, 2020 in the so-called PPPE case calling into question the legality of the measures taken in 2015 by the ECB as part of its new monetary policy of indirect purchases of government securities.

<sup>2</sup>[https://www.europarl.europa.eu/RegData/etudes/STUD/2021/692276/IPOL\\_STU\(2021\)692276\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/692276/IPOL_STU(2021)692276_EN.pdf)

<sup>3</sup>In particular Poland, Hungary, Czech Republic, ...

<sup>4</sup>In the same way, the Treaty of Lisbon deleted the article of the draft Constitution relating to the symbols of the Union (Art. 1-8), which was included in a “Declaration” signed by a majority of member states.

<sup>5</sup>In the case of France, the authors note that - despite serious disputes that have arisen in the past - the recent case law of the Constitutional Council, the Council of State and the Court of Cassation no longer raises serious problems in terms of primacy.

<sup>6</sup>See <https://www.lesamisdutraitedelisbonne.com/post/la-hongrie-1-ue-et-le-droit>

<sup>7</sup>See <https://www.lesamisdutraitedelisbonne.com/post/la-bce-et-la-danse-des-cours> and <https://www.lesamisdutraitedelisbonne.com/post/la-bce-et-la-danse-des-cours-suite-1>

# Latin America: European and Latin American Federalism and Antifascism (1930s and 1940s) \*

Jean-Francis Billion

Anti-fascist emigration to Latin America does not date from the beginning of the Second World War but from 1922 (Italy), 1933 (Germany), 1939 (Spain)... and accelerates with the Nazi offensive for France and the other countries of continental Europe.

Several intellectuals took a stand on Europe and federalism. Georges Bernanos or the German Paul Zech<sup>1</sup>, many Spaniards and Italians. Some, such as Victor Serge or Stefan Zweig, collaborated with the local anti-fascist press<sup>2</sup>. Bernanos, a monarchist earlier close to Charles Maurras for a time, collaborated with Free France (FF), published a "Letter to the English" on a Europe that had to repudiate nationalism and return to the tradition of unity<sup>3</sup>, while the jurist André Gros expressed his skepticism about the upcoming unification of Europe<sup>4</sup>. Paul Rivet, ethnologist, collaborated with FF, founded the French Institute of Latin America and was in contact with the Spanish Republicans and the group Socialismo y Libertad (SyL, see below)<sup>5</sup>. In Argentina, Roger Caillois created a review, *Les Lettres françaises*, publishing Jean Malaquais or Victor Serge (from SyL) and Europeanists (Julien Benda, Jacques Maritain, Jules Romains, Denis de Rougemont...)<sup>6</sup>. Erich Koch-Weser, ex-president of the German Democratic Party of the Weimar Republic, wrote on the reorganization of Europe (1942-44) and published in Chile in the *Deutsche Blätter* founded by Zech<sup>7</sup>...

Federalist movements existed in Latin America, about which I have already published. It is

impossible to go back over them here. I merely mention them and indicate in notes some sources.

## *Union Federal (UF, Argentina)!*

Contacts with both Federal Union (UK and USA), forbidden after a military *coup d'État* (06-43)<sup>8</sup>; founded by two British emigrants, UF was relaunched at the end of 1944 in particular by Curio Chiaravidio, president of Italia Libera (IL)<sup>9</sup>, and participated in Montevideo in the creation of a Latin Republican Union for the Federation of Democracies (04-45).

## *Asociación pacifista argentina (APA)*

Two French conscientious objectors, Pierre Hovelacque and Jacques Savary, founded the APA and its magazine *Pacifismo* with the Professor Juan Lazarte later of the Movimiento pro federación americana (MPFA, Bogota 1948)<sup>10</sup>. The APA participated in Montreux in the founding of the World Movement for World Federal Government (08-47) and wanted a "Latin American federation, (...) first step towards the foundation of a pan-American federation, and later a world federation"<sup>11</sup>.

## *Partido unionista centro-americano (PUCA) and Unión democrática centro-americana (UDC)*

Salvador Mendieta created the PUCA (1902) to rebuild the Federación de Centroamerica, dissolved in 1848. In its wake, the UDC was born in Mexico City (1943) and published *Centro-América Libre*; its members confronted

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the Axis supporters and the PUCA organized a very anti-fascist convention. The unionists wrote to Roosevelt supporting the anti-fascist struggle, but denouncing the duplicity of the USA supporting dictators who refused the Federación de Centro-América<sup>12</sup>.

## European exiles in Latin America

### *Germany*

Before the war, most activists interested in a federal and democratic Europe were active in the socialist left (Sozialistische Arbeiterpartei, SAP; Neue Beginnen; Internationaler Sozialistischer Kampfbund, ISK) or among liberals and Christians; the leadership of the Social Democratic Party (SPD) was not interested in this before 1943 (nor were the communists or dissident national socialists followers of Otto Strasser)<sup>13</sup>.

August Siemsen, a former SPD member of parliament, joined the SAP before going into exile in Argentina, where he founded Das Andere Deutschland (DAD, 1938), which spread to Latin America, published *Das andere Deutschland-La Otra Alemania* and took a position in favour of a European Federation even before the Montevideo congress of German anti-Nazis in Latin America (01-43), which adopted the «Politisches Manifest der Deutschen Antifascisten Sudamerikas»<sup>14</sup>. Siemsen stayed in contact with Willy Eichler (ISK) in London and his sister Anna in Switzerland, close to Hanna Bertholet who participated in the meetings in Geneva organized by Spinelli / Rossi and the Delegation of the French Resistance in Switzerland<sup>15</sup>.

### *Spain*

Former President of the Cortes, Diego Martínez Barrio launched an appeal from Mexico City to the Western democracies to contribute to the departure of Franco because “without a free Spain, a free Europe will not be possible” (1941)<sup>16</sup>. The Republicans were not united:

Acción republicana española (ARE), Unión democrática española (UDE) and when the Junta española de liberación (JEL) was founded, the communists and others shunned it.

José A. Aguirre, of the Partido Nacional Vasco (PNV, Christian Democrat), demanded self-determination for the Basque Region and supported European unity<sup>17</sup>; Josep Irla, former Vice-President of the Catalan parliament, demanded independence in an Iberian confederation. In Mexico, the journals *España* (JEL), *Adelante!* and *El Socialista* (Partido socialista obrero español, PSOE) published on Europe, Federalism, Latin Union and Separatism<sup>18</sup>. Multiple branches of Centro republicano español (CRE) existed and at the end of 1943 the one in Montevideo contacted IL (BA), other “Republicanos” and then in New York Count Carlo Sforza, future Italian Minister of Foreign Affairs, leading to the Montevideo Conference for the Latin Republican Union in early 1945. The Uruguayan Carlos Zubillaga quotes the Declaration of the CRE’s organizing committee<sup>19</sup>, while *Federal News* (London) summarizes the organization’s objectives: «in America, a democratic pan-Americanism; in Europe, a federation of free peoples; in the world, peace in equality, freedom and independence for all nations”<sup>20</sup>.

### *France*

French exiles often affiliated with Gaullist networks that “showed considerable reserve, if not hostility, towards the idea of unifying Europe by limiting national sovereignty.”<sup>21</sup> There was no local French press developing federalist views and the weekly *La France nouvelle* founded in Buenos Aires by local FF leader Albert Guérin did not publish federalist positions of the Resistance until after his arrival at the provisional Consultative Assembly in Algiers<sup>22</sup>. No trace, either, of Europeanist positions taken during the meetings of the FF committees of Latin America in Montevideo and then Santiago

at the end of 1943 and 1944<sup>23</sup>.

Without forgetting Rivet, we must mention Marceau Pivert and Julien Coffinet, linked to SyL of which Pivert was one of the founders (03-43). A former leader of the left wing of the French Socialist Party (SFIO), he arrived in Mexico (summer 1940) and kept in contact in Lyon with the *L'Insurgé* group. Coffinet, a former member of the Democratic Communist Circle and then of the SFIO, emigrated to Uruguay, contacted SyL and wrote in the magazine *Análisis* of Mexico. With the Italian Anarchist Luce Fabbri and the Republicans Fernando and Pilar de Cárdenas of the CRE, he took care of the local review *Socialismo y Libertad*<sup>24</sup>. Fabbri's testimony is interesting: "Around 1943 a very interesting experience was born, that of working with people from different tendencies: socialists, anarchists and republicans. The idea was that in each country the European refugees should get together with the objective of a united Europe. (...) We published a magazine (...) in which each of us wrote from his own position"<sup>25</sup>.

### Italy

The vast majority of Italian anti-fascists approached post-war Europe from the point of view of European integration, denouncing the Nazi plan of continental unification through conquest and opposing it with the will to build a free, democratic and federal Europe<sup>26</sup>.

The priest Don Luigi Sturzo founded the Partito Popolare Italiano, emigrated to London and created the international Catholic anti-fascist *People and Freedom Group* (1936-44), then from New York co-wrote the manifesto *Facing the World Crisis* (1942). He wanted regional federations for Europe, then a federation including Great Britain and the USSR. His Argentine supporters published *Tiempos nuevos* and apparently disbanded after an international Christian Democratic meeting in Montevideo (1943)<sup>27</sup>.

Beyond that, the emigration was divided

between the Mazzini Society (MS) and the Alianza internazionale Giuseppe Garibaldi (AIGG). The MS was founded in the United States (1939-43) by people close to Giustizia e libertà (GL), including Gaetano Salvemini, who left it because of his disagreement over the communists, and the writer Antonio Borgese (1942)<sup>28</sup>. The MS wanted to raise awareness among Italian-Americans and influence Anglo-Saxon politics, Carlo Sforza tried to make it the equivalent of the FF and to head a government in exile<sup>29</sup>. The disappointing results led him to rely on IL and to organize the Montevideo Congress<sup>30</sup>. IL, founded in Argentina (1940), spread throughout the subcontinent and linked up with the MS; its groups took federalist positions<sup>31</sup>. The AIGG was founded in Mexico City (1942) by Francesco Frola, a former socialist parliamentarian who had emigrated to Brazil where he directed the anti-fascist newspaper *La Difesa* before creating *La Giustizia* and *Il Risorgimento* in Buenos Aires, and then settling in Mexico (1938)<sup>32</sup>; its co-founders were communists, Mario Montagnana and Vittorio Vidali, and the AIGG called for anti-fascist unity following the invasion of the USSR by the Nazis. It became international and called on "free men of France, Spain and Italy, both within and outside their national borders, to form an Association of European Peoples; (...) this, however, is not our ultimate goal with regard to the future organization of the world"<sup>33</sup>.

The Montevideo Congress was attended by the American ambassador, British representatives, the FF, European governments in exile, Latin American politicians and about hundred IL delegates. It is the main manifestation of the Italian exile in the Americas.

It should be noted that the three Montevideo meetings organized by the MS and IL (08-42), DAD (01-43) and the JEL (early 1945) took positions in favor of international federal institutions (American, Atlantic or European) in a global perspective.

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*The international group Socialismo y Libertad (1940-45)*<sup>34</sup>

Created in Mexico City by socialist and «libertaires» refugees, some of whom knew each other before founding the Centro marxista revolucionario internacional (1940, Spanish Partido obrero de unificación marxista [POUM], British Independent Labour Party, Pivert's Socialist Workers' and Peasants' Party, SAP, Italian Socialist Maximalist Party...). Anti-Stalinists, but critical of Trotsky despite their respect and the shock of his assassination, they could not conceive of socialism without freedom and refused the national path to socialism. SyL included Latin Americans and extended to Latin America and the islands, corresponded with ILP, SAP, ISK, Italian Socialist Party, GyL, IL/MS, IAGG, L'Insurgé Group, the Insurgent, the Bund (Jewish socialist organization) or Polonia popular...

Two magazines, *Análisis - Revista de hechos y ideas* and *Mundo - Socialismo y Libertad*<sup>35</sup> were created and a Declaration of Principles was published<sup>36</sup>. Among the main initiators: Julián Gorkin and Enrique Gironella (POUM)<sup>37</sup>, Pivert, Victor Serge, «libertaire» and former leader of the Trotskyite opposition in the USSR, the former German communist Gustav Regler, Leo Valiani (Pierre Chevalier), a former communist and prison companion of Spinelli, later responsible for his meeting in Lyon with André Ferrat (1945), communist and then responsible for the anti-Stalinist Marxist magazine *Que faire?* (1934), founder of the French Committee for the European Federation (CFFE, 1944)<sup>38</sup>.

Serge, Gorkin, Pivert and Chevalier published *Los problemas del socialismo en nuestro tiempo*<sup>39</sup>, considered the Manifesto of the group, and numerous articles in *Análisis* or *Mundo* on Europe and Federalism. *Mundo* reported on

underground Resistance groups in Europe (Libérer et fédérer, GyL, Franc-Tireur, L'Insurgé...) or exile (UK, Switzerland or the Americas), and in its latest issues published information on two important federalist meetings in Europe.

«¡Hacia una Federación europea!» pointed out, without naming it, the Federalist Declaration of European Resistances drafted in Geneva from March to July 1944 on the initiative of Spinelli, Rossi and the delegation in Switzerland of the French Resistance; *Mundo* also published the laudatory comments of the National Liberation Movement of Lyons, but reserved its position and questioned its readers about the “confused and insufficient aspect of transforming the economic and social order of the current capitalist regime»<sup>40</sup>.

“Por una federación europea”, in the last issue of *Mundo*, without any reservations, published an account of the Paris Federalist Conference of spring 1945 organized by Spinelli and Ursula Hirschmann, with the help of Albert Camus and the MLN, at which Pivert's close friend Michel Collinet spoke. The CFFE is mentioned as well as the personalities present or invited in addition to extracts from the reports of Ferrat and Antonelli (Spinelli)<sup>41</sup>.

On the last page of the same issue, the unsigned article “Socialismo y Libertad debe ser organizado en Europa” (Socialism and Freedom must be organized in Europe), gives a glimpse of the decision of Gironella, Gorkin and Pivert to return to Europe and to continue their struggles there<sup>42</sup>; they will have an important role in the creation, in particular, of the Socialist Movement for the United States of Europe, together with Henri Frenay, the founder of the Combat movement and one of the main leaders of the UEF<sup>43</sup>.

\* Excerpts from “Europe and federalism as seen by European antifascists in Latin America (1930s and 1940s)”, to be published by Peter Lang, Brussels, in Proceedings of the Colloquium “Visions of Europe in the Resistance”, University of Genoa, March 2019

<sup>1</sup> See Berlin, *Exile and Resistance*, cat. 16, German Resistance Memorial Center, 2015.

<sup>2</sup> Andres Bisso, «Argentina libre y Antinazi: dos revistas en torno de una propuesta político-cultural sobre el antifascismo argentino 1940-1946», in *Temas de nuestra América*, San José (Costa Rica), Vol. 25, n° 47, 2009.

<sup>3</sup> *Lettre aux Anglais*, 3<sup>e</sup> éd., Rio de Janeiro, Atlántica editoria, 1943, in Walter Liggins (WL) et Wilfried Loth (WLo), *Documents on the History of European Integration, Plans for European Union in Great Britain and in Exile. 1939-1945*, Berlin, New York, De Gruyter, Vol. 2, 1986.

<sup>4</sup> «The Unifying forces of Europe», in *Les problèmes politiques de l'Europe. Réflexions sur la paix future*, Rdl, Atlántica editora, 1942, in WL et WLo, *op. cit.*

<sup>5</sup> Nicole Racine, «Paul Rivet, Vichy et la France libre 1940-44 », Cairn.info.

<sup>6</sup> <https://www.revues-littéraires.com/articles.php?lng=fr1pg=2876>.

<sup>7</sup> Karl Voigt, «Erich Koch-Weser», in WL, WLo, *Documents...*, *op. cit.*

<sup>8</sup> J.-F. Billion (JFB), New York and Ventotene, *World Federalism, European Federalism and International Democracy*, WFM-IGP and Altiero Spinelli Institute for Federalist Studies, 2001.

<sup>9</sup> Ariane Landuyt, «Ideas of Italian Exiles on the Postwar Order in Europe», in WL, WLo, *op. cit.*

<sup>10</sup> JFB *ibid.* et «Il Movimento pro federación americana», in *Il Federalista*, Pavia, Vol. 35, n° 2 1993.

<sup>11</sup> Jfb, *World Federalism...*, *op. cit.*

<sup>12</sup> JFB, «Il Federalismo in America Centrale – XIX e XX secolo», in, *Storia e percorsi del federalismo. L'eredità di Carlo Cattaneo*, Daniela Preda et Cinzia Rognoni Vercelli (eds.), Bologna, Il Mulino, 2005, Vol. 2.

<sup>13</sup> G. Friedmann, *Alemanes antinazis en la Argentina*, BA, Siglo veintiuno editores, 2010; Christian Bailey, *Between Yesterday and Tomorrow. Germans Visions of Europe, 1926-1950*, NY et Londres, Berghahn, 2013.

<sup>14</sup> *Ibid.*; WL and WLo, *Documents...*, «Political Manifesto of the German Anti-Fascists in South America », 31.01.43.

<sup>15</sup> C. Bailey, «The Internationaler Sozialistischer Kampfbund: From World Revolution to European Federalism», in *Between...*, *op. cit.*; Francesca Lacaita, *Anna Siemsen. Per una nuova Europa*, Milan, Franco Angeli, 2010; JFB, « Il Comité français pour la Fédération européenne : le radici, la fondazione i contatti », in C. Rognoni Vercelli, Paolo G. Fontana et D. Preda (eds.), *Altiero Spinelli, il federalismo e la Resistenza*, Bologna, Il Mulino, 2012.

<sup>16</sup> Heine Harmut, *La oposición política al franquismo. De 1939 a 1952*, Barcelona, Critica, 1983.

<sup>17</sup> J.-A. Aguirre, *Cinco conferencias pronunciadas en un viaje por América*, BA, Editorial vasca Ekin, 1944.

<sup>18</sup> See [www.cervantesvirtual.com](http://www.cervantesvirtual.com), Fundación Pablo Iglesias (PSOE).

<sup>19</sup> C. Zubillaga, «El Centro republicano español de Montevideo : entre la solidaridad y la realpolitik », in *Migraciones y exilios*, 9<sup>e</sup> année, n° 9, 2008 and « Acta de Asamblea n° 8, 15.01.44 », in Libro de sesiones de Asamblea (CRE, Montevideo), 1941-47.

<sup>20</sup> «Federal Union in the Argentine», in *Federal News*, Londres, n° 138, 09.46, in JFB, *World Federalism...*, *op. cit.*

<sup>21</sup> Pierre Guillen, «Plans by exiles from France. Introduction», in WL et WLo, *Documents...*, *op. cit.*

<sup>22</sup> V. Fernandez Anca, «El totalitarismo entre las dos guerras. Notas de introducción », in L. Fabbri, *La libertad entre la historia y la utópia. Tres ensayos y otros textos del siglo XX*, Antonia Fontanillas Borrás et Sonya Torres (dir.), Barcelona, Medusa SCP, 1998; *La France nouvelle*, BNF, [www.retronews.fr](http://www.retronews.fr).

<sup>23</sup> Robert Belot, « Les comités de la France libre en Amérique latine pendant la guerre : enjeu symbolique, politique et diplomatique », in Rennes, *De Gaulle et l'Amérique latine*, PUR, <http://books.edition.org/pur.42525>.

<sup>24</sup> Charles Jacquier, « L'exil de Julien Coffinet ou un marxiste hétérologue à Montevideo », in *Dissidences. Bulletin de liaison des études sur le mouvement révolutionnaire*, 5<sup>e</sup> année, n° 12-13, 10.12-01.13.

<sup>25</sup> Margareth Rago, Sao Paulo, *Entre a história e a liberdade. Luce Fabbri e o anarquismo contemporaneo*, Editora Unesp, 2001.

<sup>26</sup> A. Landuyt, «Ideas...», *op. cit.*

<sup>27</sup> L. Sturzo, in A. Landuyt, *ibid.*; Diego Mauro, « Católicos antifascistas en Argentina (1936-43). Luigi Sturzo las tramas locales de People and Freedom Group », in *Itinerantes. Revista de historia y religión*, Tucumán, Ar., n° 7, 2017.

<sup>28</sup> Years later, to be one of the members of the Committee to frame a World Constitution and of the Editorial Board of the Review *Common Cause* in Chicago (1950).

<sup>29</sup> C. Sforza, cf. A. Landuyt, «Ideas...», *op. cit.*

<sup>30</sup> Nicola Oddati, «L'antifascismo e il Congresso di Montevideo », in *Latinoamerica, analisi testi dibattiti*, Vol. 12, n°42-43, 05.91.

<sup>31</sup> Cf. A. Landuyt, «Ideas...», *op. cit.*

<sup>32</sup> João Fábio Bettonha, « Um antifascista controverso : Francesco Frola », in *História social*, Campinas, SP, n° 7, 2000.

<sup>33</sup> In A. Landuyt, in «Ideas...», *op. cit.*

<sup>34</sup> Claudio Albertani, « Le groupe Socialismo y libertad. L'exil anti-autoritaire d'Europe au Mexique et la lutte contre le stalinisme (1940-1950) », in *Agone*, Marseille, n° 43, 2010; Willy Buschak, « Sozialismus und Freiheit. Wie eine kleine Gruppe im mexikanischem Exil der 1940er Jahre zu einem neuen Verständnis von Revolution kam und welche Folgen das für Europa hatte », in Bonn, *Archiv für Sozialgeschichte*, Friedrich-Ebert-Stiftung, Vol. 59, 2019, Verlag J. H. W. Dietz Nachf.

<sup>35</sup> *Mundo*, <http://ddd.uab.cat/record/56854>, Universidad autonoma de Barcelona (except Issue n° 2).

<sup>36</sup> « Propositiones para una declaración de principios », in *Mundo*, Mexico, n° 1, 1943.

<sup>37</sup> Lluís Maria de Puig, Madrid, *Gironella, la izquierda europea*, Cuadernos de la Fundación Españoles en el mundo, n° 21, 1999.

<sup>38</sup> Letter L. (Valiani) to Pantagruel (Spinelli), 02.01.44, in Spinelli Archives, EU Historical Archives (Firenze), file AS, 3, in Edmondo Paolini, *Altiero Spinelli. Della lotta antifascista alla battaglia per la Federazione europea. 1920-48*, Bologna, Il Mulino, 1996.

<sup>39</sup> Mexico, ediciones Iberoamericanas, 1944.

<sup>40</sup> *Mundo*, n° 11-12, 03.45.

<sup>41</sup> *Mundo*, n° 11-12, 03.45.

<sup>42</sup> *Ibid.*, p. 32.

<sup>43</sup> R. Belot, *Résistance et conscience européenne. Henri Frenay, de Gaulle et les communistes*, Lyon, Presse fédéraliste, 2021.

# The Latin American Criminal Court: an Approach for Regional Integration Against Transnational Organized Crime

*Fernando A. Iglesias*

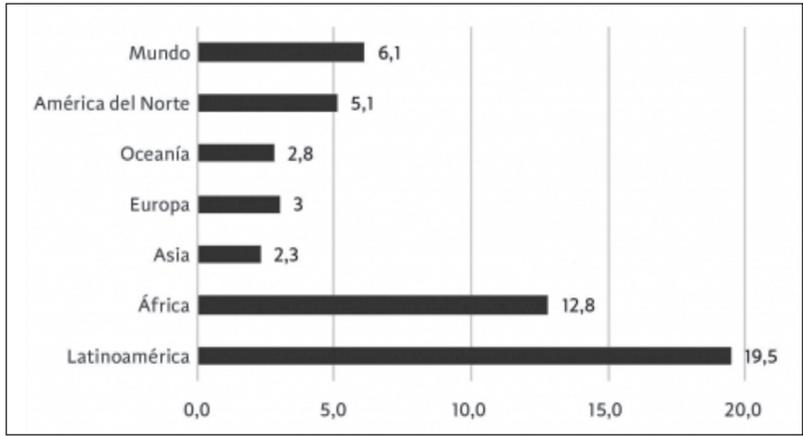
Among the negative aspects of globalization, we can highlight the appearance of large criminal networks whose structure and activities easily transcend national boundaries. These networks operate by the same logic as any multinational company, but dedicated to illicit activities. Drug trafficking is their main source of income, but not the only one. By the same channels and through the same organizational network by which drugs circulate, all kinds of goods and services are exchanged today: from people reduced to slavery for sex trafficking or clandestine employment, to weapons of all types and calibres, to objects of cultural or archaeological value, stolen works of art, and exotic animals illegally trapped.

The need for a solution is as acute as it is global, although some regions are more heavily impacted than others. Money laundering, one of the best indicators of the existence of criminal activities, already represents an important part of the world GDP. When presenting the interim report of the Panel on Accountability, Transparency and International Financial Integrity (FACTI), the former President of Lithuania Dalia Grybauskaitė reported in this regard: "About 1.6 trillion dollars, 2.7% of world GDP, is lost due to money laundering by criminals, which includes drug traffickers and organized crime." Other statistics from the same FACTI report indicate that between \$20 and \$40 billion dollars are allocated annually to bribes to public officials, and that governments lose between US \$500 and \$650 billion a year due to money laundering and the transfer of

profits from multinational companies to other countries, mainly tax havens. This article – the first in a series of two – examines the concentrated effects of organized crime in Latin America, showing that the problem is a transnational one that requires a regional solution.

The worldwide growth of these phenomena shows that transnational organized crime is part of a global process that impacts the whole world, although it does so unevenly. Since criminal activities necessarily imply a dispute for control of the territory and of enough ties with clients and suppliers, the homicide rate per inhabitant is an excellent indicator of the presence of mafia organizations in the territory. Such data is by nature difficult to tamper with and thus is fairly reliable. Notably, the homicide rates registered by the United Nations Office on Drugs and Crime (UNODC) denote an irregular spread, with Africa and Latin America – the two poorest and most unequal continents on the planet – clearly above the world average. According to the latest data collected by the UNODC, Africa has, with 12.8 homicides per 100,000 inhabitants, more than double the value of 6.1 homicides per 100,000 inhabitants that is the world average. Meanwhile, Latin America's ratio of 19.5 homicides per 100,000 inhabitants is triple the average. We are talking about values four and six times higher than those of Oceania (2.8 / 100000), Europe (3/100000) and Asia (2.3 / 100000), the continents with the best performance in this area.<sup>1</sup>

**Organized Crime's Impact on Homicide Rates by Continent**



Footnote: For Africa the last homicides rate available was used (2015).  
 Source: Own elaboration from data obtained from UNODC (2019a).

widely leading the statistics. Jamaica (46.5 annual homicides per 100,000 inhabitants) is the most violent country in the most violent continent on the planet, followed closely by Venezuela (45.6 / 1,000,000), and then by Honduras (37.6), Trinidad-Tobago (28.2), Mexico (27), Colombia (24.3), Belize (24.3), El Salvador (19.7), Brazil (19.3) and Puerto Rico

At the national level, Latin America also presents enormous inequalities, with the countries of Central America and the Caribbean

(16.5), which complete the regional top-ten.<sup>2</sup> To describe the seriousness of the situation, it is enough to point out that Mexico and

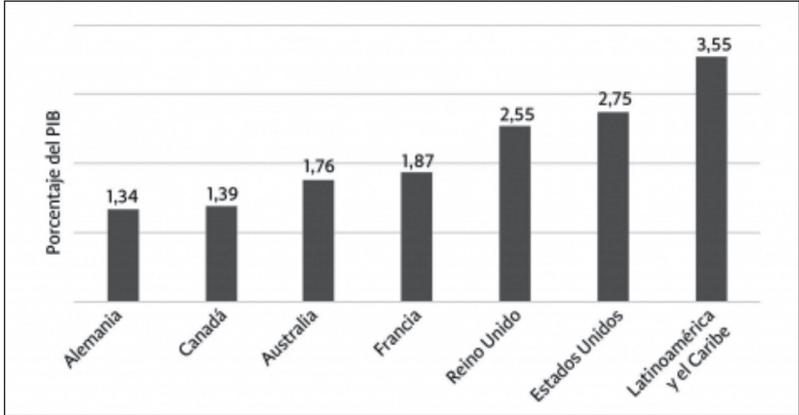


Brazil, which represent approximately half of the GDPs, population and surface area in the Central and South American regions respectively, are overrun by mafia networks whose criminal activities control part of their territories, have a huge corrupting impact on their political classes and destroy the lives of tens of thousands of citizens. During 2020 alone, Brazil registered over 40 thousand murders<sup>3</sup>, most of which the Brazilian authorities attributed to homicides committed in relation to crimes such as drug trafficking and human trafficking at the hands of the two largest criminal organizations in the country: the Comando Vermelho and the Comando Primeiro da Capital. For its part, according to data from the Executive Secretariat of the National Public Security System (SNSP), Mexico totaled 35,484 violent deaths, with a decrease of less than one percent in the homicide rate compared to 2019, despite the pandemic.

The simple arithmetic sum of the annual homicides registered in Mexico and Brazil records more than 75,000 deaths per year, exactly halfway between the most optimistic (60,000 deaths) and the most pessimistic (90,000 deaths) estimates of the deaths caused by the greatest humanitarian tragedy of recent decades: the Syrian civil war.

The impact on the Latin American economy is also devastating. In addition to its traditional problems of lack of investment, capital flight and brain drain, largely caused by the high levels of financial instability, legal insecurity and political corruption associated with organized crime, Latin America suffers from an incessant drain of resources for the same reason. Estimates reveal that organized crime costs Latin American countries about 3% of overall GDP (at least 2.41% and perhaps as much as 3.55%), varying widely in accordance with heterogeneous levels of crime within the region.

**COSTS OF ORGANIZED CRIME AS A PERCENTAGE OF GDP**



Nota: datos correspondientes a 2014 o al año disponible más reciente. Fuente: Jaitman et al. (2017).

regional cost reaches US \$236 billion per year measured at purchasing power parity (PPP), or an average US \$165 billion at constant 2014 value. These figures are equivalent to about US \$300 per capita on average. These costs are composed as follows: 42 percent corresponds to additional public

In some Central American nations, the costs of crime are twice the regional average, while in others (such as the “Southern Cone” of Uruguay, Argentina and Chile) these costs are less than half the regional average. The total

spending needed to combat crime (directed, above all, to police services), 37 percent to increased private spending and 21 percent to the social costs of crime<sup>4</sup>. These are resources that are subtracted from investment in



Fuente: Estimaciones propias en base a las fuentes citadas en el anexo de la Parte I.

education, health and infrastructure, and that condemn to underdevelopment the countries that are forced to disburse them.<sup>5</sup>

### A Problem with Multidirectional Effects

Organized crime is a problem with many dimensions and whose effects are multidirectional. On the one hand, multiple concomitant factors generate and feed it, from economic underdevelopment, social inequality and the insufficient development of civil society and political institutions, to the long traditions of authoritarianism and corruption registered in Latin American political systems. On the other hand, its effects can be seen in many directions. With few exceptions, human rights violations in Latin America today do not correspond to the repressive actions of dictatorships; instead, they may be traced to the criminal activities of mafia

organizations spread throughout the region. Concrete threats to the lives of Latin American citizens – especially the poorest and most vulnerable – come from the drug cartels and human trafficking that have become masters of the region.

Having said all of the above, due to its nature, transnational organized crime represents a big challenge to national law enforcement and criminal prosecution. It has become a key issue for the national legal systems of Latin American countries, because they have proven incapable of solving the problem by their own, independent means. Therefore, the second article of this series will propose the establishment of a Latin American and Caribbean Criminal Court against Transnational Organized Crime to complement national judicial systems.

<sup>1</sup> Data obtained from UNODC referring to 2019. For Africa the last homicides rate available was used (2015).

<sup>2</sup> Data obtained from Insight Crime for the year 2020. Link: <https://es.insightcrime.org/noticias/analisis/balance-insight-crime-homicidios-2020/>

<sup>3</sup> Source: <https://www.americasquarterly.org/article/the-self-defeating-politics-behind-bolsonaros-pro-gun-agenda/>

<sup>4</sup> Such as medical and psychological treatment, absenteeism, incapacities, anticipated pensions, and so on.

<sup>5</sup> Check Laura Jaitman (2017), *Los costos del crimen y de la violencia: nueva evidencia y hallazgos en América Latina y el Caribe*, available in: <https://publications.iadb.org/publications/spanish/document/Los-costos-del-crimen-y-de-la-violencia-Nueva-evidencia-y-hallazgos-en-Am%C3%A9rica-Latina-y-el-Caribe.pdf>

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# Genocide and Ethnocide on the Agenda of the Bolsonaro Government in the Context of the Covid19 Pandemic

*Carlos Kleber Saraiva de Sousa*

After Brazil's return to democracy with the promulgation of the 1988 Constitution and the first direct election of the president in 1989, following 21 years of military dictatorship (1964-85) and 5 years of political transition (1985-89), the country made progress for indigenous populations, whether it be the demarcation and protection of their traditional territories and their cultural organizations, the implementation of differentiated health care, or also the establishment of a specific and intercultural higher education, among other achievements.

With the election of Jair Bolsonaro as President of Brazil in October 2018 and the start of his term on January 1, 2019, public policies in favor of the original Brazilian populations have changed course, to the detriment of indigenous peoples. This development, however, surprised only unsuspecting or naive voters, given that long before Bolsonaro thought of being elected president of Brazil, he was already showing his contempt for the country's indigenous peoples, be it their socio-cultural organization, their traditional territories or even their existence as human beings.

To get the idea, on April 12, 1998, he went so far as to declare that it was "a pity that the Brazilian cavalry is not as effective as the American, which exterminated the Indians". On another occasion, on April 3, 2017, he declared: "You can be sure that if I succeed [at the Presidency of the Republic], there will not be one centimeter set aside for an indigenous reserve or for a *quilombola*"<sup>1</sup>". On January 21,

2016, he again declared: "In 2019, we are going to write off [the indigenous reserve] Raposa Serra do Sol<sup>2</sup>. We will give guns and weapons to all the *fazendeiros*"<sup>3</sup>".

Since his assumption of the most important post of the Brazilian executive power, Bolsonaro began to implement numerous projects and political actions aimed at limiting the territories and destroying indigenous cultures, whether by acts preventing the delimitation of the traditional areas of habitat of these populations, or by the dismantling of the National Indian Foundation (FUNAI ) or by attempted agreements within the federal legislative power allowing mining on the lands of indigenous Brazilian peoples.

In light of these elements, and in the bleak context of the Covid19 pandemic, which affects millions of human beings around the world and in Brazil (an estimated 501,918 people have lost their lives in this country as of July 20, 2021), the President of the Federative Republic of Brazil, Jair Messias Bolsonaro, is being prosecuted before the Federal Supreme Court (STF), as per criminal complaint no. 9020, for having committed the crime of genocide and ethnocide against indigenous peoples.

This could happen because the Brazilian National Congress approved Law 14021/2020, guaranteeing indigenous peoples the right to adequate sanitary, food, technological and hospital conditions to face the Covid19 pandemic. Nevertheless, the conscious crime was allegedly carried out by Jair Bolsonaro on July 7, 2020, when he sent to the Federal Senate

his message 3784, prohibiting the natives from accessing a series of health, food, hospital and technological projects, as a measure to counter the Covid19. Among these projects, I list the following:

- universal access to drinking water,
- free distribution of hygienic, cleaning and surface-disinfection products,
- emergency supply of hospital beds and beds in intensive care units,
- acquisition or availability of fans and machines to oxygenate the blood,
- inclusion of severely ill patients in the emergency health plans of the municipal and state organizations,
- provision of internet points to avoid travel to urban centers,
- distribution of basic food baskets, seeds and agricultural tools.

It is important to note that on December 11, 1948, the General Assembly of the United Nations recognized genocide as a crime against international law and against all humanity. For its part, Brazil has become a signatory to this UN convention, proclaimed by Decree No. 30822 of May 6, 1952, and has qualified genocide as a crime in Brazil by Law 2889 of October 1, 1956. As stated in this Brazilian legal norm, genocide is identified when:

“Art. 1 – Anyone who, with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group:

- kills the members of the group,
- causes serious injury to the physical or mental integrity of the group members,
- intentionally inflicts living conditions on the group aimed to cause its total or partial physical destruction,
- adopts measures designed to prevent births within the group,
- carries out the forcible transfer of children from the group to another group.”

In these terms, Jair Bolsonaro is denounced

before the highest Brazilian judicial body for having encouraged the extermination of indigenous populations and, in fact, of their cultures (ethnocide), for having opposed his veto to provide the minimum conditions necessary for these populations to be better protected from contamination, disease and death resulting from the pandemic of the new coronavirus and its strains. However, this complaint has not yet been judged by the Supreme Court. Its president, Judge Luiz Fux, has to face accusations from academic organizations, social sectors, sections of the legislative and judicial powers, in order for him to urgently put the issue on the agenda and proceed with the trial of the aforementioned 9020 complaint denouncing President Jair Messias Bolsonaro for genocide.

According to data from the National Committee for Indigenous Life and Memory, created by the Articulation of Indigenous Peoples of Brazil (APIB), the country currently has 163 ethnic groups affected by the virus; more than 50,468 indigenous people have been contaminated and more than 1,000 individuals of these indigenous peoples lost their lives. Of the five Brazilian regions, the Amazon is the most contaminated and the indigenous populations Xavante, Kokama and Terena are the most affected by Covid19. The death of these people causes great pain in their loved ones, but also takes away, forever, a significant part of the collective memory of the population, especially when the native deceased is an elder, an “old trunk”, someone who was conserving a lot of knowledge on the history of its people, its language, its customs, its spirituality, its medicinal practices, its relationship with the forest and its culture in the broad sense of the term.

A little encouragement in the relationship between the indigenous populations and the Covid19 confrontation could be felt with the decision of the Supreme Court of Brazil (Direct action of unconstitutionality 6341 of April 15,

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2020), which unanimously recognized the shared competence between the Federation, the States, the Municipalities and the Federal District, to take normative and administrative decisions on important health and hospital measures to face the pandemic. However, the lack of national coordination, especially from the Ministry of Health, has limited and hampered the adoption of important measures in this area, given that the country counts, according to the Brazilian Institute of Geography and Statistics (IBGE), 26 states, 5,570 municipalities and one federal district. In fact, the measures can be very different depending on the local governance model. Unfortunately, Brazil elected as president an

individual lacking in public spirit, ignorant of the basics of organizational management, the various national issues and problems, and, above all, totally lacking empathy for human life in every sense of the word, especially with regard to the indigenous populations of Brazil. Jair Messias Bolsonaro has proven himself to be a denier, opposer of science, advocate and promoter of crowds of people, of the non-use of masks, of non-vaccination and, surprisingly, of the so-called “herd immunity.” I hope that all those who aspire to a socially just world, with economic development respecting the environment and human life, understand that Bolsonaro is an example not to be followed, for the good of Brazil and of humanity.

<sup>1</sup>A *quilombola* or a *quilombo* is, today, a territory populated by descendants of Afro-Brazilian maroon slaves (having escaped from the plantations).

<sup>2</sup>Indigenous reserve located in the northeast of the Brazilian state of Roraima on the border with Venezuela.

<sup>3</sup>Means “farmer”. These are owners of large agricultural estates in Brazil.

### **Toward the Recognition of a New Human Right: the Right to Know**

On May 15, the Committee on Culture, Science, Education and Media of the Parliamentary Assembly of the Council of Europe elected Senator Roberto Rampi as general rapporteur on the Report on “Freedom of Media, Public Trust and the People’s Right to Know”. The draft resolution, which will be redacted and examined within the Committee, will then be brought before the Strasbourg Plenary Assembly of 47 European countries for final approval. Senator Rampi was appointed during a remote meeting of the Committee, which was the first to use technology allowing its members to participate, intervene and vote remotely.

In accepting the appointment, Roberto Rampi stated: “The right to know is a long-standing issue that goes to the heart of the meaning of our Parliamentary Assembly, because democracy is only possible if we have the tools to understand, the tools to know and to critically discern. In these most difficult times, we understand how the citizen’s right to know is essential also for the health of citizens, as understanding what is happening is crucial in determining our behaviour. Those who had the tools to understand had more chances than others of saving their lives.” The right to know is thus taken up in a supranational institution whose main purpose is to protect and to promote the values underlying democracy, the rule of law and human rights.

It is an intermediate milestone on the long road towards its recognition on which the Nonviolent Radical Party, Transnational and Transparty (NRPTT) and the Global Committee for the Rule of Law “Marco Pannella” have been engaged. This result pushes us to continue our campaign for this democratic goal through parliamentary and institutional action, precisely at a time when the fragility of many Parliaments has emerged. This step has been made possible by those who have tenaciously continued to promote this theme, that has not yet made it to the forefront of the international political agenda, but which will be decisive for the change we want to see. A few days ahead of the fourth anniversary of Marco Pannella’s passing, we are happy to be able to announce that his, our, “last battle” continues. (r.r.)

# Sandro Gozi Comments a Far-Right Parties' Declaration on the Future of Europe

*Josie Le Blond*

In an interview with EURACTIV, Sandro Gozi dismissed as “hilarious” the calls by the European conservative and far-right parties for a deep reform of the EU, in view of the debate on the future of Europe, saying the demands reflect the institution as it already exists.

Gozi was referring to a joint statement issued on 2 July by far-right parties from 16 EU countries, including France's Rassemblement National, Poland's PiS, Hungary's Fidesz, and Italy's Lega, with the declared objective of making their voice heard in the context of the debate on the future of Europe.

According to Gozi, the declaration, which he described as “pure communication action,” was strongly pushed by Le Pen and Orbán, who are both facing tough national elections next year. Emphasizing that these political actors want to preserve the decision-making procedure based on consensus, he said “they want a Europe of the status quo.” “So we don't understand why they are so against Europe, they should be thrilled with the Europe we have,” he added.

Instead, Gozi said that federalists have to build a different alliance within the conference, where he's “sure we are a large majority.” He said that the current global crisis increased awareness of what “the disappearance of Europe” means in practice, with border closures and export controls directly affecting the citizens.

He said it's the “perfect moment” for federalist solutions. In his view, Europeans' complaints about the EU come not because they are seeking less integration but because the institution lacks muscle. “They'll be complaining because

Europe didn't do enough, didn't have enough power, didn't go far enough,” he said.

Offering the health crisis as an example, where the EU had little legal competence, the former Italian under-secretary for European affairs said: “It is clear that a sovereign and democratic Europe, a Europe which is able to take back control on the transnational issues, which go beyond the capacity of action of nation states [...], is a good answer to many of these questions.”

The president of the coalition uniting 23 national federally-minded organizations said the only issue of the movement is “semantic”, as people confuse federalism with a centralised super-state, which absorbs power and identities.

“This is exactly the opposite of federalism. Federalism is a protection of national identity, protection of minorities, in an effort to always find the best level of government,” be it local, regional, national or European, the liberal MEP from the Renew group in the European Parliament said.

“It is a very balanced and democratic distribution of power and competences, where we do together only what we really have to do together to be more effective,” he explained.

“I think these are all elements which blow the wind towards the right direction. It is clear that as a navigator it is not enough that there is a good wind, you need to have your sail, and you have to catch the wind,” he said.

To achieve this, the federalists' proposals include the creation of a stronger European budget, getting rid of the unanimity requirement in

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migration, security and defence issues, and granting the European Parliament the right to propose legislation, currently an exclusive privilege of the European Commission.

"If we have to call it the Europe of Mickey Mouse, let's call it the Europe of Mickey Mouse, what is important is that it be able to act," Gozi said, seemingly in reference to former UK Prime Minister Margaret Thatcher's alleged comments dismissing the European Parliament as a "Mickey Mouse" institution.

Europeans' trust in European projects has risen in recent years, with latest data showing 49% percent of people tending towards trusting the

EU. Nevertheless, trust remains well below pre-2008 financial crisis levels, at 57% in 2007. Gozi sees this "distance, disaffection, fatigue of the citizens towards politics" as due to politics being ineffective, adding that a Europe of concrete, effective solutions "can help to regain the confidence and the trust of the citizens."

He added that the current debate on the future of EU is also an opportunity to "catch the attention" of citizens who do not understand how Brussels functions. If the federalist movement "wins the battle" against nationalists, it will also bolster support for Europe, he added.

# The Longest Armed Conflict in American History

Adriana Castagnoli

**Carter Malkasian**

*The American War in Afghanistan: A History*  
Oxford University Press, Oxford, 2021

In this book the historian Carter Malkasian makes a voyage of existential search through the longest war in American history, posing the crucial question why the United States remained in Afghanistan for twenty years. Malkasian has been political advisor and aide to American commanders in Afghanistan, a role that allowed him to visit the different regions of that country and meet the Afghan leaders; and also to participate in the peace talks in Qatar in 2018-2019.

He saw the war getting worse, up to thinking that ending it was unrealistic. Until, in February 2020, a USA-Taliban peace accord was reached. In November, Donald Trump, despite announcements and U-turns about a complete withdrawal, once his reelection to the White House was lost left 2500 troops in Afghanistan. So, Trump passed on to his successor Joseph Biden the poisoned fruit of the unenviable choice to either follow up on his agenda of integral demobilization of the US troops within May 1<sup>st</sup>, or get embroiled in an endless war. In April 2021, President Biden stated that the US troops withdrawal will be completed before September 11, 2021, as in fact happened. But *The Wall Street Journal* already at the end of 2019 had anticipated that the worst scenario would be produced if the American withdrawal

had triggered the collapse of the Afghan government and a humanitarian tragedy. In addition, the resurgence of terrorism and the comeback of ISIS – according to *The Economist* – would cancel the good results of the struggle against the Islamic State obtained in Syria.

The wider meaning of this war is to be retraced back in the 1970s decade, when the Cold War ideologies came in contact with Islamic fundamentalism. In December 1979, soon after the birth of the Islamic Republic and the imposition of *sharia* in Iran, the Soviets invaded Afghanistan, with the aim of supporting the communist government threatened by the *mujaheddin*. In those circumstances, the American President Jimmy Carter initiated a secret program with the CIA to help the *mujaheddin*. After 1983, President Ronald Reagan intensified those operations with the aim of turning Afghanistan into Moscow's Vietnam. That strategy required that the USA "maintain good relations with Pakistan", although it was an anti-democratic military regime. In turn, Saudi Arabia, Pakistan and some Western countries strengthened the *mujaheddin*, providing them with arms and money.

After the Soviet withdrawal and the USSR implosion, at the beginning of the 1990s, the USA showed little interest for Afghanistan: it ignored crucial investments for its reconstruction, economic development and democratic institutions, ending up with creating a void in which the conditions were set for the rise of Al-Qaida.

Following the attack to the Twin Towers in September 2001, President George W. Bush announced the "war on terror", that will change America and the world. Disorder and violence brought about by the Soviet-Afghan war, civil war and the Taliban regime produced the favorable conditions for the Islamic extremism to take roots. Errors of judgment and lack of vision have in the course of time marked the decisions of many US Presidents, focused more on matters of domestic policy than on

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the sensitive balances of foreign politics. In Malkasian's opinion, excluding the Taliban from the negotiations for a peace accord after the American invasion has been George W. Bush's missed opportunity; in turn, President Obama decided in 2009 a new strategy of military tactical escalation in the region, "the surge", which proved to be counter-productive, also because he had no chance to implement it as required, thus ending up in pushing the Americans towards a withdrawal.

The Covid-19 pandemic hit the USA, Afghanistan and the entire world a few days after the signing of the agreement with the Taliban, changing people's mindset and attitude towards that war. The American economy entered the worst crisis since the Great Depression in the 1930s, worse than the recession of 2008-2009 that Obama dealt with. To rescue the economy, Trump and the Congress passed aid measures for billions of dollars.

Malkasian concedes that during the US presence in Afghanistan significant improvements have been obtained for its civil society, first of all in defending women rights which, in his opinion, constituted a strong and bipartisan motivation for the American presence.

Life expectancy increased by 10 years from 2001 to 2018. Urbanization introduced the biggest changes, favoring the formation of a generation of educated youngsters. Afghanistan saw the start of a process of parliamentary democracy although with many limits. In a country still divided between harshly competing factions, there has been a lack of power sharing aimed to combat corruption and tribalism. This produced a weak democracy in the cities, while in the rural areas the system remained Islamic. In such a scenario, the Taliban, as fighters for the resistance against foreign occupation and for Islam, values deeply rooted in the Afghan identity, ended up exercising a strong attraction over a growing number of youngsters.

War went on transforming the USA too. The idea of exporting the democratic model and

of changing regimes, according to Malkasian, faded away with Obama and Trump, who were leaning toward a more and more isolationist foreign policy. In the meantime, Russia and China, when America was absorbed by its war on terror, were becoming threatening and assertive. So Afghanistan in fact caused significant resources to be diverted, whereas they could have been used in the competition with those great powers.

And yet the majority of Americans paid little attention to this war. Afghanistan has not been the Vietnam, did not arouse demonstrations or counterculture or a significant political opposition. Washington fulfilled its goal by eliminating Osama Bin Laden and preventing terrorist attacks on American soil. But the USA has failed to prevail over the Taliban, remaining engaged in a long and costly war which caused enormous suffering in the population, and was concluded with peace and withdrawal practices hurried by domestic policy motives, which risk now to reopen the sanctuary of terrorism.

## From the Nation-State to the Civilizational State

*Adriana Castagnoli*

**Christopher Coker**

*The Rise of the Civilizational State*

Polity Press, Cambridge, Oxford, Boston, New York, 2019

The concept of civilization has returned to the forefront of global policy debates. Leaders of emerging or returning great powers such

as Russia, China, India, and Turkey have emphasized the identity of their civilizations in communicating their policy proposals both domestically and internationally. The emphasis on identity has also been evident in US President Trump's foreign policy.

In his article published in *Foreign Policy*, Stephen Walt writes that Trump and his advisors have operated within a conceptual framework that is essentially that of the "clash of civilizations". As a result, analysts wonder whether the 21<sup>st</sup> century will be the century of "civilizational states" as the nation-state had dominated in the recent past. Zhang Weiwei was one of the first to throw a pebble in the pond when, in 2012, he presented the rise of China in *The China Wave: Rise of a Civilizational State*, questioning many of the Western assumptions about democracy or good governance, and human rights. The following year, Vladimir Putin declared for the first time that Russia was a civilizational state and, since then, he has missed no opportunity to proclaim the end of the liberal international order.

Are, therefore, the rise of civilizational states and the decline of liberal democracy inevitable? Are we moving towards the clash of civilizations as partly predicted by Samuel Huntington? Or will we accept a greater pluralism, without falling into relativism, in the international order?

The clash of civilizational states represents an unconventional contribution to the debate on our future. Christopher Coker, professor at the London School of Economics and author of *The Rise of the Civilizational State* (2019), writes: "This book is concerned with how non-Western governments and movements are using the currency of civilization for their policy ends. Nevertheless, it is also about why the Western world is facing its moment of crisis: about how Western students learn at increasingly left-leaning universities, obsessed with identity politics and no-platforming speakers they

dislike, that there are no civilizational values, and, as the push back against liberal civilization reveals, that there is no widely accepted universal value-system to which everyone subscribes. On the right, on the other hand, there is a despairing denial of the obvious: that the West is not quite as exceptional as it once liked to think. The old civilizational values, lurking below the level of consciousness in the rest of the world, continue to retain their appeal. At the level of consciousness, political regimes are quite cynically tapping into more primal identities. Global citizenship, the great dream of liberal internationalists, is losing traction, as is the dream of the liberal civilization itself."

In the age of decolonization, the concept of civilization was considered too cumbersome. In the mid-1960s, the historian Fernand Braudel had to defend the idea that although civilization had always had a complex relationship with the short period in history, it was 'still useful' to denote social-cultural life, with its distinctive rhythms and its cycles of growth.

Then, in 1995, Samuel Huntington's book *The Clash of Civilizations* was widely challenged, mainly by criticism based on the development of crises and conflicts within the same civilization, precisely as it happened in the 16<sup>th</sup> century between Catholics and Protestants. Civilizations are indeed constantly changing works in progress. With references to Paul Veyne, Coker states that no civilization has precise historical roots: "Its character, insofar as it has one, is largely heterogeneous, contradictory, polymorphous." So, Christianity and democracy are only components of western civilization, not its matrix. As Coker writes: "Ultimately, I think that one has to accept that civilization lends itself to myth-making; it feeds off another very human tendency – to go down to the essence of life, to strip it down to its core, to reveal the eternal behind the commonplace."

Mythopoeia took place both in the West

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and in the East. Two opposing forces, cosmopolitanism and nativism, now confront each other, revealing how the imagination can shape identities in bizarre ways and how *“intellectuals in cahoots with a political class can hoodwink both themselves and others.”*

Coker continues: *“The civilizational state is an eclectic concept: it is largely a device to legitimize the power of a particular regime and to help it shape the political landscape in its interests. Nevertheless, if it has one overarching theme, it is this: the total rejection of universalism, the great dream of Western writers.”*

While Western exceptionalism is losing traction, civilizational states like Russia and China are encouraging their citizens to think of their civilization as something exceptional, at times *“immemorial”* or *“eternal,”* with the sole purpose of preserving the interest of a particular regime. Nevertheless, as Coker confirms: *“even if the liberal experiment fails to take roots elsewhere in the world, that is no reason to give up on liberalism.”*

## The Construction of a Just World Order

Marjolijn Snippe

Alfred de Zayas  
*Building a Just World Order*  
Clarity Press, Atlanta, 2021

In August 2021, Alfred de Zayas – Cuban-born American lawyer, professor, writer, historian, and expert in the field of human rights and

international law – published his new book *Building a Just World Order* (480 pages). Most of us will know Alfred de Zayas as the first United Nations Independent Expert on the Promotion of a Democratic and Equitable International Order (2012-2018), in which role he relentlessly stressed the need for an enforceable rules-based international order that is aimed at sustainable development, respect for human rights and the welfare of future generations.

The book, which I would like to describe as *“an ethical roadmap towards the universal application of the rule of law in the service of human dignity”*, compiles the fourteen reports and notes (including his report on Venezuela), that Alfred de Zayas submitted to the Human Rights Council and the United Nations General Assembly during his mandate (2012-2018), as well as twenty-five principles of international order. In the blurb, Maria Fernanda Espinosa writes *“The 25 Zayas’ Principles of International Order are a modern Magna Charta”*.

Alfred de Zayas meticulously dissects the present system of international relations, and he exposes the malpractices that till now have prevented the realisation of the democratic and equitable international order he envisages. Although the United Nations Charter – which he calls a moral compass – promotes peace, development and human rights, these noble principles have not been reached. One of the causes for this is that the Westphalian sovereign equality principle is overruled by the overwhelming economic power of some countries. He unveils the lobbies and special interests that have gradually hijacked human rights with the weaponization of human rights for geopolitical purposes and the systematic double-standards applied both by governments and non-governmental organizations. The, what he calls, *“human rights industry”* focuses too much on individual cases and not on the collective rights of peoples. He asks the question what is left of the, at the time,

adopted idea that human rights are universal, interrelated and interdependent, and he denounces the selective indignation that primarily serves geopolitical interests. Both economic and social rights, and political rights must be observed simultaneously. Universal human rights constitute a holistic system in which the dignity of all human beings stands central.

Alfred de Zayas makes too many good observations on why the world is presently lacking a genuine international order, to recite them all in this concise book review. But I will name a few: the centralisation of financial control by few, tax havens, the democratic character of democracies in which the democratic will of the people is manipulated by misinformation, gigantic military expenditures, the free trade agreements with their investor vs. state dispute-settlement recourses (that undermine the rule of law because they circumvent public courts), and the doctrine of the Responsibility to Protect (R2P). About the latter he writes: *“responsibility to protect, an Orwellian scam to circumvent the UN Charter, in particular to legitimize military intervention without Security Council approval, in contravention of Article 2(4) of the Charter. It is advocated by states that have a geopolitical interest in interfering in the affairs of other states and want to place a mantle of “legitimacy” over it.”* About intervention in the name of democracy Alfred de Zayas writes: *“The bottom line is that “democracy” cannot be exported and imposed by force, that human rights are not the result of a vertical, top-down enforcement, but rather require a horizontal recognition of the dignity of every human being, and that the exercise of human rights depends on education, mutual respect and solidarity.”*

The book holds a treasure of recommendations to states, international organizations and civil society, how to do better. Among others he proposes (I name just a few): reform of the United Nations, in particular of the

veto privilege of five of the members of the Security Council, with reference to Joseph Schwartzberg's book *“Transforming the United Nations System”*, and also to the United Nations Parliamentary Assembly Campaign (UNPA); to make ecocide a crime under the ICC Rome Statute; to criminalise war-profiteers and pandemic vultures; not to impose economic sanctions that affect innocent people, and to protect whistle-blowers.

The overall message of the book is that international law is not something that can be picked from à la carte, selectively, with double standards, and arbitrariness in the application of international law. International law must be applied universally and holistically.

*Building a Just World Order* is a must-read for all those who are truly seeking a genuine world federation.

<sup>1</sup> Alfred de Zayas' next book *“The Human Rights Industry”* is forthcoming.

## Questions to Dominique Rousseau

Jurist, Professor of Constitutional Law in the School of Law of La Sorbonne - Paris 1; Former member of the Superior Council of the Judiciary; President of the Scientific Council of the French Association of Constitutionalists; member of the Scientific Council of the International Academy of Constitutional Law.

**Question 1.** In the introduction to your article *For a democratic world governance*, you quote Ernesto Rossi and Altiero Spinelli, who were in fact great federalist activists. Do you think that federalist thought could inspire the “new principle of political organization” that you advocate, in response to globalization, to manage the common goods?

**Question 2.** You conceive of the world legal order as a non-hierarchical tangle of rights, a “star” where several levels of normative production interact, without any of these levels being subordinate to another. What is, in your opinion, the relationship between this constitutional vision and the federalist approach, where the different levels of power, although coordinated, are independent of each other, their relationship not being of a hierarchical nature? In fact, federal laws are supreme in areas of federal jurisdiction, the laws of the federated states remaining supreme only in areas that remain within their sphere of competence.

**Question 3.** You plan to build a global constitution based on shared constitutional “standards”. Is this point of view compatible with federalism, which aims to preserve the diversity of the components of the federation?

*The federalist approach as I understand it, and the constitutional approach as I understand it have in common, I believe, a critique of the principle of state sovereignty as a principle of the political organization of societies. This is not a dogmatic*

*critique, but a pragmatic critique drawn from contemporary concrete political experience. In this sense, I feel close to Spinelli’s assertion when he wrote in 1941: “the ideology of national sovereignty has been a powerful leaven of progress; it has made it possible to overcome many differences based on parochialism with a view to greater solidarity against the oppression of foreign rulers. However, it carried within itself the seeds of capitalist imperialism. The absolute sovereignty of the nation states has led to the desire for domination of each of them, since each feels threatened by the power of the others and considers as its ‘vital space’ increasingly vast territories, to allow it to move freely and to secure its means of subsistence without depending on anyone. As a result of this, from guarantor of citizens’ freedom, the state has transformed itself into the patron of subjects held in its service. The problem that must first be solved – or else any further progress will be frustrated – is the final abolition of the division of Europe into sovereign national states.”*

*What was in 1941 an objectively correct analysis is today also felt just subjectively by the peoples who, through daily experience, realize that none of their “problems” – employment, health, migratory flows, the climate, ... – can be thought out and treated either behind the false security of the borders of the States or by the affirmation of the sovereignty of each people. The historical moment is not that of building walls between peoples isolating themselves from one another, but of bridges between peoples to let them come together in the development of shared policies.*

*The question where the debate takes place is that of “levels of power”. In the federalist approach, each level has its own sphere of competence, and practice often leads to “raising” the most important powers to the federal level, the federated level having residual powers which are also sometimes aspirated by the federal level. In the vision of the*

constitutional network, the different “levels” of power contribute equally to the formation of the norms which are diffused in the world community; and these norms disseminated in the world community feed back into the different “levels” of power to start again in a continuous movement of formalization.

This is precisely how the world constitutional standards emerge, through the patient development of an agreement of the peoples on the values of their living together. Reading international conventions, reading the constitutions of different states, gender equality is or will become a shared principle, a standard, and if it is not respected by a level of power, whatever that level, this level should be sanctioned. Recognizing the diversity of the “levels” of power as producers of the principles which will become standards, this is the philosophy of the relations among peoples. The philosophy of the federation is recognizing the diversity of the federation’s components, with the risk to allow this or that component not to respect the common constitutional standard.

**Question 4.** What is the relationship between political institutions and society? How do you judge the integral federalism, which is not centered only on the institutions but relates to the organization of the society itself?

**Question 5.** Contrary to the ordinary notion of the people author of the constitution, it is, you say, the constitutive gesture which will crystallize a process of integration of individuals and communities, initially strangers to each other, from which will result the historical global Being and the world people. Can we draw a parallel with the “constitutional patriotism” dear to Jürgen Habermas, who also asserts that the process which led to the formation of nation-states can be reproduced on a larger scale? Can we thus distinguish the “political people” from the “cultural people”?

*Here is another possible point of convergence between my constitutional vision and the*

*federalist vision. First of all by the inspirational reference to Habermas, because, of course, the idea of “constitutional patriotism” feeds my idea of a “constitutional patrimony common to the peoples of the world”, which, in producing itself, makes up the historical global Being. And in a certain way, to resume the previous debate, cultural people and political people are dialectically linked: the cultural people produce the values which will become constitutive standards of the political people, and this political people thus constituted will retroact back towards the cultural people, who will produce new values modifying the constitution of the political people, and so on, continuously.*

*Secondly, because the object of the constitution is not the state, but society. Article 16 of the Declaration of 1789 says: “any society in which the guarantee of rights is not assured and the separation of powers is not established, has no constitution”; it does not say “any state” but “any society”. Therefore the constitution does not stop at state powers, but “touches” all spheres of society. Democracy is not a form of state, it is a form of society, and that form is given to it by the constitution.*

**Question 6.** How do you see, in concrete terms, the process of a world constitution that you are calling for? Federalists, notably within the WFM, see global federalism as the product of political innovations establishing ever higher forms of political organization. Thus, the World Federation would complete several concomitant regional integration processes, the European Union being the main laboratory. Or, to use your image of the “star”, the world constitution could be the legal order represented by a star comprising as many branches as there will be regional constitutional identities, the regional federations. What do you think?

**Question 7.** If you take into consideration that the greatest success of the action of the world federalists was the creation of the International Criminal Court, and starting from your theory of world constitutionalism, what is the priority

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that in your opinion the global federalist Movement should pursue?

*The process of drawing up a world constitution will be long and slow, because it has before it, if not against it, the States which always want to ensure their sovereignty and revive among "their" people a feeling of sovereignty in order to maintain*

*themselves. It will depend on the acceleration and deepening of the social contradictions which will make people aware of the need for a world political organization, and on the initiatives that civil society organizations from all continents will take to imagine a constituent assembly having the mission of writing a draft world constitution, that would make its architecture visible.*

## Contributors

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JAMES W. ARPUTHARAJ

President of South Asian Federalists; Former EC member of WFM; Coordinator for India for the Campaign for UN Parliamentary Assembly; Senior Fellow, Institute of Social Sciences, New Delhi

JOSEPH PRESTON BARATTA

Professor of World History and International Relations at the Worcester State College, MA, USA

KEITH BEST

Executive Chair World Federalist Movement/ Institute for Global Policy (WFM/IGP)

JEAN-FRANCIS BILLION

Vice-President of UEF France, Editor of *Pour le fédéralisme – Fédéchoses*

ADRIANA CASTAGNOLI

Historian of Economy, Editorialist of the daily *Il Sole-24 Ore*, former Professor in Contemporary and Economic History at the University of Torino, member of the European Business History Association and Business History Conference (USA)

MICHEL DÉVOLUY

Professor Emeritus in economics, holder of the Jean Monnet Chair at the University of Strasbourg

JEAN-GUY GIRAUD

Former officer of the European Court of Justice, Former Director of the European Parliament, Former President of the UEF-France

FERNANDO IGLESIAS

Co-President of the World Federalist Movement, Director of the Spinelli Chair in Buenos Aires, Member of the Argentinian Parliament and of the Friendship with Italy Group in the Chamber of Deputies

ALFONSO IOZZO

President of the Centre for Studies on Federalism and Vice President of Robert Triffin International, former Chairman of Cassa Depositi e Prestiti

PIERRE JOUVENAT

Former WTO/UNCTAD senior official and European federalist activist (UEF)

CARLOS KLEBER SARAIVA DE SOUSA

Professor of anthropology, University of Ceará, Fortaleza, Brazil

JOSIE LE BLOND

Freelance journalist

LUCIO LEVI

Member of UEF Federal Committee, former President of UEF Italy

ALBERTO MAJOCCHI

Emeritus Professor of Finance at the University of Pavia and Vice President of the Centre for Studies on Federalism

DOMENICO MORO

Member of the CSF Board of Directors and Coordinator of the Security and Defence Research Area

ROBERTO PALEA

Former President of the Centro Studi sul Federalismo (CSF) and a member of European Association of Environmental and Resources Economists

DOMINIQUE ROUSSEAU

Professor of Constitutional Law

MARJOLIJN SNIPPE

Member of the WFM Executive Committee

NICOLA VALLINOTO

Computer scientist and international democracy activist