



The Federalist Debate

Papers on Federalism
in Europe and the World

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Technological Oligarchies vs. Democracies Even in Space

Nicola Vallinoto

2025 begins with a decisive battle for Europe and for the whole world: not only for technological sovereignty, but for the very survival of democracy. The stakes could not be higher. Under the guise of defending free speech, an alliance of tech oligarchs and populist leaders is attempting to dismantle democratic institutions and undermine the rule of law¹.

In his farewell address to the nation, Joe Biden warned American citizens of the rise of *“an oligarchy of extreme wealth, power, and influence ... that threatens our democracy, fundamental rights, and freedoms.”*

Biden’s warning also applies to citizens around the world. The concentration of political, technological and financial power in the hands of a very few people is symbolized by the union between Elon Musk and Donald Trump and supported by the main players in American technological capitalism who quickly aligned themselves with the new power. Mark Zuckerberg announced the abandonment of the fact-checking system by Facebook, Instagram and WhatsApp in open defiance of the European Union’s Digital Services Act (DSA). After this announcement, Google also reiterated that it does not intend to integrate fact-checking systems into content published on Search and YouTube, as required by the European Commission’s rules of conduct on disinformation.

The technological, political and financial oligarchy is a threat to democracies on every continent. Elon Musk intervenes frequently in various European countries through his social network X, which he claims to use as a

tool of political influence, despite it being run at a loss. His support for the neo-Nazi party Alternative für Deutschland, which supports Germany leaving the EU, is just one example of the clear encroachment in European politics by the richest person in the world.

Musk financed Donald Trump’s election campaign for the US elections with large sums of money, receiving in return a top-level governmental role, which would be perceived and prosecuted as corruption elsewhere.

Trump and Musk’s European agenda is based on the principle of *“divide and conquer”*, dealing with individual countries instead of the EU to obtain the best possible result, given their weakness. It is understandable why the leaders of nationalist parties were invited to Trump’s inauguration ceremony, but not the representatives of European institutions. In this scenario, a “government of the few” is advancing, one that does not love democracy and its rules and that places itself above and against the “government of the many”, or the “people”. Opposing the “power of the few”, today as in the past, is the best way to protect democracy.

It seems difficult to oppose the excessive power of multi-billionaire technological elites.

In fact, nation states have allowed them to grow undisturbed without being able to set any serious limits. Only now has this been done by European Union legislation, against which they are therefore lashing out, also trying to use the power of the USA.

In this context, the new frontier of space and communications control plays a strategic

role, and Musk is likely to try to use it to his advantage, starting in Italy, which is at the center of this crisis in which the agenda promoted by the Trump-Musk duo seeks to weaken democratic institutions and undermine the rule of law while masking itself behind the pretext of defending freedom of speech.

The whirlwind trip in early January 2025 of the Italian Prime Minister Giorgia Meloni to Mar-a-Lago, to Donald Trump's private residence, officially to discuss the release of journalist Cecilia Sala, sparked a series of controversies following the news published by the Bloomberg news agency about the agreement being negotiated with Elon Musk for an investment of one and a half billion euros by the Italian government in his telecommunications company SpaceX for the supply of the encrypted satellite communications service Starlink. A note from Palazzo Chigi, published shortly after the news, denied that a contract had been signed, but not that negotiations were underway. If the Italian government were to decide to adopt Starlink for its secure satellite communications, it would risk entrusting an American multinational with control over critical national infrastructures.

The President of the Italian Republic, Sergio Mattarella, has also highlighted the risks of such a choice on more than one occasion. In his end of year 2023 speech to senior institutional figures, Mattarella warned against *"oligarchs from different backgrounds"* who *"challenge each other in underwater exploration, in new space missions, in the development of very expensive satellite systems (with military implications) and in the control of social communication platforms, acting, more and more often, as real counterpowers"*. And at the end of 2024, in his traditional speech to the ambassadors, Mattarella once again highlighted the risks to

democracy associated with the increasingly invasive activity of *"international operators free from any homeland, whose financial power today exceeds that of medium-sized states, and whose management of essential services often borders on a monopolistic condition"*.

"An agreement with Starlink would be a serious strategic error for Italy, which would thus renounce its sovereignty, weakening and diluting its leadership role in IRIS², the European satellite program alternative to that of Elon Musk," said MEP Christophe Grudler, Rapporteur and negotiator for the European Parliament of IRIS², who pointed out: *"Entrusting critical defense communications to a private non-European actor undermines sovereignty and security. Italy risks becoming dependent on someone outside the EU's jurisdiction, whose decisions may not be in line with Italian interests."*²

In conclusion, we return to the words of Christophe Grudler: *"Space must be a sector in which Europe does not depend on anyone else, so that it can have its destiny in our hands. We made the mistake with GAFAM twenty years ago, letting others impose technologies on us, and today we depend on them for internet access. It was the same debate with GPS and Galileo, but today the European system is the most precise in the world!"*³

The future of the EU depends on the choices made today. These are choices that must be made collectively with all European partners, because there are no national ways out. For this reason, Europeans must decide whether they want to be protagonists in the construction of European sovereignty, with the creation of a capacity for political governance at the EU level also in the digital field (and in the space sector), or whether they want to become passive spectators in a world dominated by others.

¹ Francesca Bria, Domani, 12 Jan. 2025. Techno-populism versus democracy: wake-up call for Europe in 2025.

² Paolo Anastasio, Luigi Garofalo, 'Ecco perché è un errore per l'Italia affidarsi a Starlink. Sì agli Eurobond per lo Spazio'. Interview with Christophe Grudler, the man of IRIS² of the EU Parliament, key4biz.

³ Interview with Christophe Grudler, rapporteur of the European IRIS² constellation, Air&Cosmos International.

Trump Is Back

Joseph Preston Baratta

In 2024, some 80 national states held elections and a few international organizations held summits, demonstrating a global drift in politics back to nationalism, authoritarianism, and conservatism – away from liberalism, globalism, environmentalism, and social democracy.

In Italy by January, Georgia Meloni survived attempts by Matteo Renzi to amend the constitution to prevent coalition governments like hers. In practice, she has proved far from imitating Mussolini, as her fascist roots might suggest, and has become a leader for stability in the European Union.

Taiwan held its presidential election in January, when Tsai Ing-wen of the Democratic Progressive Party had to step down due to term limits. She had long maintained the delicate balance between silence on Taiwanese sovereignty and threats of Chinese invasion of the Qing dynasty province (1885).

Russia held presidential elections in March. Vladimir Putin easily won with 88 per cent of the vote in a kind of rally-around-the-flag moment of the war in Ukraine.

Turkish local elections in March were a setback for Justice and Development Party's strongman Recep Tayyip Erdoğan. The rival Republican People's Party made gains to 38 per cent of the vote. Nevertheless, Erdoğan's rule continues to 2028.

French presidential elections in April resulted in Marine Le Pen's National Rally very nearly defeating President Emmanuel Macron's République en Marche, 41 to 58 percent in the second round.

India conducted elections to the Lok Sabha (lower house) in April. The Bharatiya Janata Party (BJP) still won a majority despite many opposition parties, which means that Prime Minister Narendra Modi will pursue what some call his fascist Hindu politics.

Poland in April held local elections for all 16 regional assemblies. The nationalist Law and Justice Party of Jarosław Kaczyński remained the strongest, followed by the leftist Civic Coalition of Donald Tusk.

South Africa voted in May. The African National Congress (ANC) lost its majority for the first time since Nelson Mandela's first anti-apartheid government.

Mexico in June elected its first woman (and Jewish) president, Claudia Sheinbaum, closely tied to controversial populist López Obrador.

Thailand elected its senate in June, after years when the military appointed senators. Elections to the house of representatives are tentatively scheduled for 2027.

European Union Parliamentary elections took place in June. Despite growth of nationalist and eurosceptic forces in member states, democratic forces preserved the coalition of pro-EU centrist, liberal, social democratic, and environmental parties against the anti-EU right-wing populist parties like the Europe of Sovereign Nations. Ursula von der Leyen remained president of the Commission.

Colombia in June held a run-off election won by President Gustavo Petro, facing a multi-party Congress of conservatives. The election

was seen as a decision on Colombia's future, when internal security is still an issue going back to the 2016 peace accord (FARC).

UK Parliamentary elections in July brought down the Rishi Sunak Conservative government to bring Keir Starmer of Labour to power. Starmer does not promise a second referendum on Brexit but will focus on immigration policy.

Also in July, in the Netherlands a right-wing Dutch government under Dick Schoof came to power after Geert Wilders' far-right Freedom party won prior elections. Wilders seeks leadership in the E.U.

In September, the United Nations held a Summit for the Future, which was much heralded by NGOs and young people of good will. Despite the grandiose titles, it was quite ignored even by developing states that had much to gain by U.N reform. A typical escape clause in the final document was, "We will increase our efforts to revitalize the work of the General Assembly."

Japan's Liberal Democratic Party in September agreed to revise the 1947 constitution to mention the Special Defense Forces alongside the famous Article 9 renouncing the belligerency of the state. Shigeru Ishiba, who advocates the change, was nominated for president and was elected.

Brazil in October held municipal elections in which the Centraro (a coalition of centrist, center-right, and right-wing parties) made gains in the politicking for a successor for leftist Luiz Inácio Lula da Silva in the presidential election of 2026. Neither former president Jair Bolsonaro nor Lula can run.

In Germany, Chancellor Olaf Scholz's three-party government fell in November. AfD candidate Alice Weidel has already proposed to send thousands of migrants to their "safe country of origin."

Hungary in polling by December was gearing up for elections in 2026. Victor Orban's populist and illiberal Fidesz Party was pressed by upstart Péter Magyar's center-right Tisza party.

Syria's repressive Assad regime collapsed in December. Rebel forces of Hay'at Tahir al-Sham – linked to al Qaeda (after splitting in 2017) – took Damascus by force. A new government under Abu Mohammad al-Jolani ended 60 years of socialist Ba'athist rule.

Israel had no elections in 2024, but negotiations led by the Biden administration since May produced a cease-fire in Gaza just before the inauguration of Donald Trump. The Netanyahu government remains dominated by extreme conservatives while Hamas escaped total defeat.

This international context helps to explain the return of Donald Trump to power in the United States. Trump is not solely to blame for what is happening; the whole world is returning to the values of nationalism. One should appreciate how massive was his popular victory: 77.3 million (49.6 per cent) to 75.0 (48.3 per cent); Electoral College vote: 312 (270 needed) to 226. Analyses of what went wrong range all the way from the Democratic Party's favoritism to the highly educated (David Brooks) to loss of its focus from the time of Franklin Roosevelt on the working class and small business class (Thomas Piketty). Some now say, "Trump didn't win. The Democrats lost!" The Republicans, too, the party of conservatives and big business, are only beginning to make themselves over as a party of the working class. The prize of future electoral success is surely going to require reshaping the political parties.

Trump did not campaign on foreign affairs. He focused entirely on domestic affairs. When he talks of "making America great again" (MAGA), he is perceived not as referring to U.S. military power, as in the claimed "victory in the Cold War," but to American "greatness" in the 1945-

80 period, when U.S. GDP was one half the world's, when the U.S. led the West in foreign policy (even though that was to establish a "rule of law world order" – something ordinary people often forget), when American manufacturing was thriving, and families were secure. Trump has been compared to Hitler, among fascists, but the comparison would be closer to Mussolini, who tried to build up the corporate state. Most voters, in interviews, were not so concerned about the "threat to democracy." They expressed concerns for everyday worries, like inflation in the grocery stores, immigrants crashing the borders, and children being set up for gender-reversing surgery. It is a mistake to think that such a large majority of the American people were persuaded by Trump's rhetoric or are as vicious as he sounds. Generally, their view is, "Don't listen to what he says: look at what he does." That's a good rule for our friends overseas.

What seems to be happening is that the working and small business classes' resent being treated as second-class citizens by the liberal elite (the ten percent), going back to the Reagan administration after 1980 and its subsequent policies of neoliberalism (Milton Friedman). They let American jobs go abroad and society to be flooded with "woke" (minority liberal) social experiments. When asked, people in the MAGA movement say, "Trump gets us. He fights for us." (He will reform and reduce the government.) When asked about his vicious remarks about minorities, they say, "Oh, that's just the way he talks. It doesn't matter." Or about his conviction for fraud and three more legal cases, one going back to the attempted coup d'état in the Capital on January 6, 2021, "Oh, that's just political. The Democrats are using the law against him, and he in turn will use the law against them." The majority fail to see how the rule of law is being eroded by delays of justice and defiance. People are so broken down by daily hardship that they fall for his simplistic promises, like reducing inflation by imposing tariffs on other countries, which even a non-economist can

see will increase prices. Trump basically has escaped the supremacy of the law. The greatest challenge before us is to make the rule of law, in complex, interdependent democracies, fair to all and truly the standard of justice. Even presidents must obey the law.

In foreign policy, we will have to await what he does, not what he says. About the EU, I do not hear that he has any understanding of what is meant by a union to end wars. About NATO, however, it is different. Trump has complained about "free riders" (allies that do not pay their obligatory two per cent of GDP), then he threatens take the U.S.A. out of the alliance. He will shake things up everywhere, but does he not understand the reasons for U.S. leadership? Consider the war in Ukraine, which Europeans fear could lead to World War III. Perhaps he will end it with his well known skills in a day as a deal maker! Sometimes Trump is described as a "neo-isolationist," but until he withdraws from NATO that is untrue. He may go only as far as laying down general tariffs on China, but have we reached the point in history where we do not see the mutual advantage of free trade? We have some fixing to do in world economics, apart from thrusting our thumbs into the dike of global migrations.

Something of Trump's mind is revealed by nationalist expressions in his inaugural address. He promises to "put America first," hearkening back to isolationism before WWII. "Sovereignty" will be reclaimed. His top priority will be "to create a nation." "America will soon be greater" than ever before. The "world" exists only to witness the momentum of the U.S.A. His business is "to defend American borders." He has found religion: "I was saved by God to make America great again." He interprets his election as showing that "the entire nation is rapidly unifying behind our agenda." He does not use the rhetoric of war and conquest, but he also does not admit any limitations: "If we work together, there's nothing we cannot do." He claims, against any international or world

law, American “exceptionalism.”

Trump then outlines his proposed actions starting on the first day of his presidency, which at time of writing are being enacted in rapid fire. These are all executive orders – constitutionally, presidential actions to see that the laws are faithfully executed. But they look like dictates, not executions of law. The laws, especially on immigration, have come too late, even not at all, as when candidate Trump killed the last bill in early 2024. President Biden used such orders too, to nullify Trump’s policies in his first term. The usage of executive orders, which has become increasingly common in successive presidencies, is one of those excesses in American government that leads some people like former Senator Russ Feingold to see the need for Constitutional reform. I suspect that, as abuses mount in the Trump presidency, we may see calls for a Constitutional convention – first to secure us from dictatorship, then to set our domestic and international house aright.

Using executive orders, Trump will declare a national emergency at the U.S. southern border. He will begin the process of returning illegal immigrants (potentially 11 million) to their home countries. He will send 10,000 American soldiers to the border and treat Mexico as an accomplice in the invasion of the U.S. (In the campaign, he went so far as to warn of Army special forces crossing the border to find and destroy the Mexican cartels.) He will concentrate on foreign gangs and criminal networks in the U.S. He will defeat inflation by stopping overspending and energy conversion, as in Biden’s industrial policy. He will free the oil and gas companies to drill without limit. He will make America a manufacturing nation again and export energy (fossil fuels) around the world. He will revoke the Green New Deal (apparently the Biden policy to address global warming). He will end the electric vehicle mandate and increase conventional car and truck production to benefit the automakers who voted for him. He will tariff and tax foreign countries to enrich

Americans. He will oppose diversity, equity, and inclusion (DEI) programs in the colleges and universities and bring back “free speech.” He will stop policies of trying to socially engineer race and gender innovations in American life. Government will recognize only two genders – male and female. Thus we will forge a society that is color blind and merit based. He will restore “fair, equal and impartial justice under the constitutional rule of law.” He will free the armed forces from social experiments and focus on their mission to defend the country against America’s enemies. He will end America’s involvement in wars abroad. He aims to leave a legacy as a peace builder and unifier. He will take back the Panama Canal and pursue our manifest destiny to plant the flag on Mars.

All this is a nationalist program of capitalist expansion. Some of it might actually help heal the divisions in the U.S.A. But the greatest danger, in my judgment, is of crises leading by small steps to general war, like, say, an Israeli nuclear strike on Iran’s underground nuclear facilities at Fordow. Does Trump have the psychological strengths to resist escalation at a moment of supreme danger to the republic? There are also threats of war if China invades Taiwan. For people with historical memories (Sarajevo, Munich, Pearl Harbor), many signs point to coming world war. Donald Tusk (Poland, European Union) calls the present the “prewar era.” The treaties that ended the Cold war (INF, CFE, START) have all been allowed to lapse. The Comprehensive Test Ban (1996) has not drawn in the nine nuclear powers nor all the 44 potential nuclear weapons states necessary for its entry into force. The U.S. established a new Space Force in 2019 (in the first Trump term), defying the Outer Space Treaty (1967). The recent Treaty for the Prohibition of Nuclear Weapons (2017) is defunct. The United Nations is going the way of the League.

Such uncertainties seem most likely to plunge the second Trump administration into historic disaster.

Cooperation between Italy and Germany in Combating Climate Change*

Sergio Mattarella

Mr. Federal President, dear Frank-Walter, Representatives of the various institutions, Seminar participants,

I am very pleased to conclude this seminar on German-Italian cooperation on climate change and energy transition with President Steinmeier – whom I thank on behalf of us all for his interesting remarks just now.

I would like to thank the United Nations Campus in Bonn for hosting us and for their valuable cooperation.

Shortly before joining you in this room, I had the pleasure of meeting with a delegation of Italian officials working here and of seeing, once again, how much their competence and dedication contribute to the role of the United Nations.

My special thanks go to the Rapporteurs for so effectively summarizing the outcome of this morning of intensive work.

We have seen how all those attending the three sessions made an invaluable contribution in terms of ideas and projects which showed, once again, the convergence of the strategic interests of Germany and Italy.

This seminar reiterates the message that there is an urgent need for an energy transition that is tangible, pragmatic, sustainable, and efficient.

For too long we have addressed the issue of environmental protection and climate change inadequately, artificially setting the interests of the present against those of the future of our children and grandchildren.

The method we have used has been inadequate because we thought we could deal with the problem by proceeding haphazardly, looking back at discoveries of the past using run of the mill resources, and obsolete tools.

Instead, it is only through cooperation between states, adherence to the shared goals of the United Nations and the use of special resources that we can provide the much-needed acceleration in the fight against climate change, in order to embark on global energy transition.

There is, often, a contradiction between the effort made to identify goals on an international level and the policies then actually implemented nationally, in the field, even by the decision-makers themselves.

The consequences of our delays are there for all to see and are always disastrous

The increasing frequency of natural disasters is evident and affects every aspect of our lives, devastating entire territories, claiming victims.

In fact, the consequences of climate change, and our delay in mitigating it, deprive many

people of their most basic right to life, often forcing them to abandon the places they inhabit in search of survival.

If we want to leave future generations a planet where humanity can live and prosper in peace everywhere, in every place, in every continent, we will have to make, crucial progress, all together.

Germany and Italy together can provide a practical example of responsibility and cooperation.

Last year in Sicily – as President Steinmeier kindly reminded us – we saw together the consequences of the terrible fires that had devastated the island, but we also visited a major European project in Catania, Enel Green Power, known as the “Sun Factory,” a solar panel factory, an example of the ability to innovate and support the European supply chain in strategic sectors.

Our two countries have many examples of outstanding quality in multiple areas of industry and technology.

These sectors of the economy are characterized by high energy consumption.

Both are committed to abandoning fossil fuels, to achieving a sustainable energy system that combines an ambitious climate policy with safeguarding industrial supply chains, growth, and welfare.

While the Federal Republic of Germany continues to be Italy’s largest commercial partner, the deep-rooted integration of our manufacturing systems and the specific importance of our bilateral trade – large as it is – means we must press on even more with cooperating on our common goal of achieving the targets Europe has set itself with regards to climate neutrality. This will also create new opportunities for industrial Partnerships.

This represents a challenge for innovation in which our future is at stake, and it matters little that the European Union’s weight in the world’s global ecological equilibrium is less than that of other industrial giants which, instead, lag behind thereby contributing significantly to further pollution of the planet.

Their choices seem outdated, and Europe can be proud of setting its sights on the future.

It is in the interests of Germany and Italy, the top two manufacturing countries in the European Union, to co-operate politically, scientifically, and entrepreneurially in all areas pertaining to green, thereby continuing with the systemic integration of their energy infrastructure.

This is the way to achieve our shared political and strategic goal of being the leaders in cutting-edge technology, moving further towards de-carbonization of the economy and diversification of energy sources, while building greater resilience in the face of external shockwaves. This will bring significant benefits for the entire production system, once everything is up and running.

After all, it was Robert Schuman who envisaged a “Europe of small steps” approach, the idea being that, as he said, “Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.”

Everyone is called upon to cooperate.

The protagonists are, first and foremost, German and Italian companies, working together with national and supranational institutions, to accommodate and promote suitable solutions to accompany green transitions, while at the same time strengthening the industrial base of the two leading manufacturing economies in Europe.

Comments

Today, as we heard, representatives from large companies in our countries have been discussing topics such as hydrogen and green energy.

The fact that they were joined by representatives from the world of research and innovation confirms the relevance of a dialogue which aims to find win-win solutions for the major challenges posed by global transition, starting with the mitigation of, and adjustment to, the effects of climate change.

The European Union is called upon to make an extraordinary effort in this area.

The new Commission, which will take office shortly, has set out a timeline for a clean, fair and competitive transition.

This message is also found in the Draghi Report which President Steinmeier quoted earlier and which states clearly that to ensure Europe is able to be competitive, it needs, in the long term, to abandon fossil fuels and make the transition, thereby highlighting—as the Report does – the connection between decarbonization and competitiveness

It is worth remembering that the Report provides a useful warning about the risk of Europe failing unless there is a coherent commitment to the policies to be introduced. Simplistic recipes for complex problems such as those we face, are only for charlatans.

This is an ambitious project that we will only be able to achieve by agreeing to greater cooperation, enabling us to move toward an Energy Union, with a role similar to the one that the partnership on steel and coal was able to play after World War II in rebuilding and revitalizing the growth of European countries. That farsighted choice opened the path to integration.

The international situation is fraught with pitfalls and challenges. The wars, on our doorstep, are the most obvious example.

Climate and energy are issues, which, like that of defence, challenge our sovereignty, spurring us on even more towards cooperating on a more responsible and shared exercise of sovereignty.

Thank you for your work.

* Speech by President Sergio Mattarella at Seminar “Cooperation between Italy and Germany: a Valuable Resource in Combating Climate Change and for a Global Energy Transition”. Bonn, September 28th 2024.

Guns or Butter?

Moisés Naím

Last year, global military spending surged by nearly 7%, marking the largest increase since 2008, according to researchers at the Stockholm International Peace Research Institute. Collectively, governments expended over \$2.4 trillion on military personnel, equipment and weaponry. That is 2.4 million times a million dollars.

There are so many better uses for resources on this scale. Globally, nations spend nine times more on military endeavors than on combating hunger. Indeed, global military expenditures are approaching the \$2.5-\$3 trillion that the United Nations estimates would be necessary to achieve all of the Sustainable Development Goals. These goals include eradicating hunger and providing electricity, sanitation, health and education services to everyone worldwide. We might have achieved all that, but we didn't, because we spent the money on weapons instead.

The "peace dividend" so warmly welcomed in the 1990s following the end of the Cold War, with the collapse of the Soviet Union reducing the need for arms spending, seems a distant memory. Instead, following Russia's invasion of Ukraine and in response to a recalcitrant and irredentist China, global powers have redirected resources towards military efforts that could have improved the lives of hundreds of millions.

This trend is global. Each of the world's 10 major powers significantly increased their military budgets in 2023. Russia's military spending grew by 24%, totaling 13 times the budget of the U.N. World Food Programme, which assists those on the brink of famine. Ukraine, for its

part, boosted its military spending by 51% to \$65 billion, three times the budget that UNICEF allocates to the world's most deprived children.

It is no surprise that countries in the middle of a shooting war are ramping up their military budgets. However, the conflict between Russia and Ukraine has had global repercussions, prompting governments everywhere to also arm themselves. Meanwhile, the United States also increased its expenditure to an astonishing \$916 billion, accounting for 38% of the world's total military spending.

China's military spending, though still less than a third of America's at "just" \$296 billion – equivalent to 70 times the global expenditure on malaria control – is nonetheless increasing rapidly, at a rate of 6% per year compared to 2.4% in the U.S. The military gap between these two leading powers is narrowing annually. What might happen when it closes altogether, nobody can tell.

Many argue that this arms race became inevitable the day Vladimir Putin decided to destabilize Europe by invading Ukraine. French President Emmanuel Macron vigorously maintains that, given the Russian threat, Europe cannot continue to rely solely on a Washington increasingly pivoting to the Pacific in response to China's strong geopolitical ambitions.

Even modest military powers are increasing their military budgets. Spain, for example, increased its defense spending by \$2 billion last year – a sum similar to what the entire world has pledged to alleviate the humanitarian crisis caused by the Civil War in Sudan.

Comments

Countries that were forced into pacifism after losing World War II are now actively preparing for potential armed conflict. Japan, for instance, is rapidly increasing its military budget and is projected to become the third-largest military power by 2027. Germany has made a drastic shift in its military policy, purchasing an expensive fleet of F35 fighter jets and advanced digital command-and-control systems.

In a more dangerous world, it is natural for

governments to feel strong pressure to arm themselves, yet it remains a tragedy. One reason for the extraordinary economic and social success of Japan and Germany post-1945 is that these countries were barred from wasting scarce resources on their armed forces, allowing them to instead strengthen their economies and societies.

Justified or not, needed or not, this arms race makes us all poorer.

A Look into Human Rights on Federalism Perspective

Timothy Namitego

Federalism provides a fundamental framework for protecting human rights by guaranteeing a balance of power and a consistent approach to their protection. A strong federal government is required to preserve individual rights from state interference, serving as a central authority to prevent localized abuses or discriminatory practices. It encourages the universal implementation of human rights throughout all regions, ensuring that every individual receives equal protection regardless of their geographical location. Federalism prevents dictatorship and concentration of authority, which could lead to breaches of fundamental rights, by introducing separation of powers and checks and balances. Furthermore, it limits state power, preventing individual states from engaging in actions that violate or undermine human rights. In this approach, federalism not only brings disparate regions together, but it also serves as a safeguard against challenges to individual liberty and justice.

Federalism as a Mechanism for Human Rights Protection

Federalism is a decentralized structure that respects human rights by ensuring access, adaptation, and accountability. It brings governance closer to the people, allowing them to interact directly with authorities to address specific concerns. This proximity promotes empowerment and inclusivity, making human rights a reality. Federalism enables different policies that are suited to cultural, social, and economic situations, fostering equity and relevance. The system's checks and balances prevent power concentration, and numerous

layers of oversight are in place to prevent abuse. Federalism strengthens accountability and the structural integrity of human rights protections by spreading authority across the federal and state levels.

Treaty Implementation

International human rights instruments have been more prescriptive when considering the 'structures and processes that states should set up domestically in order to implement treaties'.¹ The 2006 Convention on the Rights of Persons with Disabilities (CRPD) constitutes a decisive development in this domestic institutionalisation.² Its Article 33(1) stipulates that State Parties shall establish focal points within the government to ensure the implementation of the Convention, and consider setting-up coordination mechanisms 'to facilitate related action in different sectors and at different levels'.³ While such guidance accommodates federal States by remaining sufficiently flexible, none of it has specifically analysed or issued recommendations tailored to the challenges of federal States.⁴ The internal organisation of the State cannot be used as a justification in the event of a disregard of international law obligations.⁵ For example Switzerland recognised this with respect to the Istanbul Convention, stating that the federal State is responsible for executing international law obligations – even those that fall within the competencies of the cantons.⁶ Human rights treaties' implementation is not a rigid one-way process. It has long been recognised that some rights, in particular economic, social, and cultural ones, are subjected to progressive

realisation.⁷ Risse, Ropp, and Sikkink have argued that domestic human rights compliance is more difficult to reach when it requires collaboration between several decentralised actors.⁸

Human rights treaties often involve a 'diversity of local implementation practices'.⁹

Diversity

One of the main benefits of federalism is that it provides a framework for the recognition of ethnic, religious, linguistic or other cultural communities, reflecting their desire to be recognized as a people with a distinct identity and particular interests. By guaranteeing substantial autonomy to such groups, federalism can allow them to exercise partial self-government through state, provincial or regional institutions while still sharing certain functions with other communities through federal or national institutions. By satisfying demands for autonomy and recognition, a federal constitution may protect minorities, prevent conflict, increase the legitimacy of democratic institutions and reduce pressure for secession.¹⁰

However, federalism (at least as it has traditionally been understood and practiced) is appropriate only where these communities are territorially concentrated; if ethnic, religious or linguistic communities are not concentrated in particular geographical areas, other ways of combining self-rule with shared rule might be preferable (see section 10 of this Primer on possible alternatives to federalism). Federalism is therefore 'suitable for some countries, but not all'.¹¹

Proponents of federal power-sharing usually work on the assumption that territorial autonomy allows actors of different tiers of government to better respect and protect human rights. They are convinced that federalism backs constitutionalism, democracy and good governance and see autonomy rights not as a hindrance to the fulfilment of individual rights

and freedoms but as a useful contribution to it. However, human rights organizations and advocates rarely respond positively to the advances made by federalists. As they associate collective autonomy with different human rights standards for citizens of the same state, proponents of human rights generally look skeptically at autonomy arrangements. The federal affection for human rights is thus unrequited. Federal scholars and international organizations promoting decentralisation and other forms of power-sharing keep praising federalism as a mechanism able to increase the state's legitimacy and efficiency, as well as to strengthen its capacity to implement minority and human rights. Human rights experts and international organizations mandated to support human rights implementation, however, are immune to such seduction and advocate for uniform approaches. They insist on the obligation to respect and protect all human beings equally, irrespective of their group affiliation or territory of residence.¹²

At first sight, it seems like there are structural limits regarding the compatibility of human rights and federalism as both are trying to promote different agendas.¹³ While international human rights bodies are dedicated to protecting and promoting universal human rights norms, the federal spirit embodies a desire to enhance subnational autonomy.¹⁴ At second glance, however, numerous commonalities and chances for cooperation appear.

First, human rights and federalism aim at compatible and mutually reinforcing objectives. Both intend to improve governance and to protect diversity. Insofar as federal arrangements constrain power by establishing vertical checks and balances, they contribute to preventing power abuses and thus, similar to human rights, serve to limit state power and to strengthen rights and freedoms.¹⁵ Constrained power is more likely to respect and protect

human rights in particular, civil and political rights than uncontrolled power.

Second, in states characterised by ethnic, religious or linguistic diversity, sharing power between groups and regions can be a requirement of international law. To recommend limiting or abandoning federal systems in such a context, therefore, makes no sense, either from a federal or from a human rights perspective. Given the generally negative approach of international human rights bodies towards federalism and the various reasons for misunderstandings and distrust, it seems appropriate to recall that the full implementation of human rights often requires domestic power-sharing arrangements. In such situations, federalism and human rights are clearly friends rather than foes.¹⁶

Conclusion

While federalism may create worries about state sovereignty and the possibility of inefficiencies in fulfilling human rights, these issues can be handled via careful balancing and good administration. The tension between federal power and state sovereignty can be reduced by explicitly defining responsibilities, allowing states to keep autonomy in specific areas while the federal government retains responsibility to guarantee fundamental rights. This

equilibrium allows for the preservation of local variety while adhering to global human rights principles. Concerns concerning inefficiencies in implementation can be addressed by coordination between the federal and state governments, streamlined systems, and strong supervision mechanisms. A federal structure that promotes cooperation and accountability can effectively implement human rights while respecting state sovereignty and avoiding bureaucratic barriers.

Federalism gives both an opportunity and a difficulty in the quest to advance human rights. It provides a framework for combining varied regional demands with the imperative to protect universal rights, allowing for innovation and localized solutions while upholding national norms of justice and equality. However, it necessitates careful maneuvering through complexity such as overlapping authorities, potential inefficiencies, and disputes between federal and state authority. To realize its full potential, officials, scholars, and citizens must collaborate to address these difficulties by encouraging dialogue, developing inclusive policies, and ensuring accountability at all levels of government. By accepting the promise of federalism and tackling its complexities, we can construct a system that not only protects but actively promotes the dignity and rights of all individuals.

¹ Jensen, Lagoutte and Lorion (n 2) 166.

² *ibid.*

³ Article 33 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD).

⁴ Sébastien Lorion, 'A Model for National Human Rights Systems? New Governance and the Convention on the Rights of Persons with Disabilities' (2019) 37 Nordic Journal of Human Rights 234, 243.

⁵ Article 27 of the 1969 Vienna Convention on the Law of Treaties.

⁶ BFEg, *Concept de mise en œuvre* (Bern, 2018) 11.

⁷ Governmental human rights focal points in federal contexts: The implementation of the Istanbul Convention in Switzerland as a case study, <https://journals.sagepub.com/doi/full/10.1177/09240519211016947#body-ref-fn12-09240519211016947>

⁸ Thomas Risse, Stephen C Ropp and Kathryn Sikkink, *The persistent power of human rights: From commitment to compliance* (CUP 2013).

⁹ Mikael Rask Madsen and Gert Verschraegen, 'Making Human Rights Intelligible: An Introduction to Sociology of Human Rights' in Mikael Rask Madsen and Gert Verschraegen (eds), *Making Human Rights Intelligible: Towards a Sociology of Human Rights* (Hart Publishing 2013) 3.

¹⁰ Federalism, International IDEA Constitution-Building Primer

¹¹ Anderson, G., *Creation of Constituent Units in Federal Systems*, Center for Constitutional Transitions Law Working Paper, 2014 –, *Federalism: An Introduction* (Oxford: Oxford University Press, 2008)

¹² Eva Maria Belser, *The Principle of Equality in Diverse States*, Chapter 3, Pgs. 62–98.

¹³ Cf. Wytenbach, *Umsetzung von Menschenrechtsübereinkommen in Bundesstaaten*, 250 et seq.

¹⁴ Steytler, 'The Constitutional Conversation Between the Federal Structure and a Bill of Rights', 3; cf. also Kincaid, 'Values and Value Tradeoffs in Federalism', who draws a similar line between individual and communitarian liberty, 250.

¹⁵ Wytenbach, *Umsetzung von Menschenrechtsübereinkommen in Bundesstaaten*, 250.

¹⁶ Eva Maria Belser, *The Principle of Equality in Diverse States*, Chapter 3, Pgs. 62–98

Tension Reduction on the India-China Himalayan Frontier

René Wadlow

On October 21, 2024, prior to the meeting of the Indian leader, Narendra Modi, and the Chinese leader, Xi Jinping, the Indian Minister of Foreign Affairs, Subrahmanyam Juishankar, announced that an accord had been reached between Indian and Chinese authorities for a reduction of tensions along the 3,500-kilometer frontier between the two countries.

In 2020, there had been exchanges of fire between Indian and Chinese forces in the Tibet-Ladakh frontier area. There then seemed to be real possibilities that the violence would escalate. Thus, the Association of World Citizens (AWC) had made an Urgent Appeal, posted in July 2020 on its website and sent widely to contacts that might be helpful in reducing tensions. Today, the AWC is pleased with the new agreement and re-publishes its original 2020 Appeal.

In a June 24, 2020 message to the Secretary General of the Shanghai Cooperation Organization, Mr. Vladimir Novov, the Association of World Citizens (AWC) expressed its active concern with the June 15 death of Indian and Chinese military in the Galwan River Valley in Ladakh on the India-China frontier and the possibility that the tensions will increase. While there have been brief discussions among Indian and Chinese authorities to prevent escalation, there have been no real negotiations. Negotiation is a basic political decision-making process, to facilitate compromise without loss of essential objectives.

The Indian Ministry of External Affairs said on June 25 that since early May, the Chinese have been amassing a large contingent of troops and arms along the Line of Actual Control (LAC). Also, within India, there has been a good deal of media attention, highly critical of China, given to the events. In addition, there have been calls for a boycott of Chinese goods, and some Chinese products have been removed from Indian shops. Both Indian and Chinese spokespersons have made references to the 1962 war during which some 2,000 persons were killed.

The AWC believes that there is a need for prompt measures as the India-China tensions add to existing tensions between the USA and China as well as boundary issues with Asian States in the South China Sea.

There may be a role for “Track II” nongovernmental efforts and exchanges. Track I is official government to government diplomacy among instructed representative of States, usually diplomats from the Foreign Ministry. However, governments have a range of officials on whom to call: intelligence agencies, the military, and “friends of the President” – trusted individuals within the executive entourage.

Track II efforts are organized through nongovernmental organizations and sometimes by academic institutions. Such efforts can entail informal, behind the scene communications that take place in the absence of formal communication channels. The term

"Track II" was coined by the U. S. diplomat Joseph Montville in *The Arrow and the Olive Branch: A Case for Track II Diplomacy*.

Track II efforts have grown as there is increasing recognition that there is a tragic disjunction between the United Nations tension-reduction mandate and its ability to intervene in conflicts when called upon. As Adam Curle, experienced in Quaker mediation efforts has written "In general governments achieve their results because they have power to influence events, including the ability to reward or to punish. Paradoxically, the strength of civilian peacemakers resides specifically in their lack of power. They are neither feared nor courted for what they can do. Instead, they are trusted and so may sometimes be enabled to play a part in peacemaking denied to most official diplomats."

Those involved in Track II efforts must, nevertheless, have ready access to governmental decision-makers and Track I diplomats. As the

World Citizen and Quaker economist Kenneth Boulding in a little verse writes,

*"When Track One will not do,
We have to travel on Track Two
But for results to be abiding,
The Tracks must meet upon some siding".*

In the China-India frontier tensions, both sides must be convinced that there is a considerable sentiment for peace among their own supporters. In this conflict, which could slip into greater violence, there is an understandable tendency to look for short term answers. Yet there is also a need for some involved in Track II efforts to have an over-all integrated perspective for both short as well as long-term transformation. Thus, there needs to be a "pool" of people with experience, skills and the ability to move fast when the need or the opportunity is there?

We are sure that there are groups in India and China which can rise to meet this challenge.

A Brief History of Federalist Ideas in Portugal

Adeline Morais Afonso

Portugal has traditionally been a centralised and bureaucratic state. Since the founding of the Portuguese nation in 1143, the State has been the agent of political and territorial definition. It is mainly for this reason that federalism is still seen as innovative thinking in Portugal. However, federalist ideas have been present in Portugal's contemporary political history since the emergence of the Portuguese republican movement in the second half of the 19th century. The first federalists defended the decentralisation of the State based on municipalism and regionalism. Some even advocated the creation of an Iberian federation. However, their ideas were abandoned in favour of unitarianism with the establishment of the First Republic (1910-1926). 'Federalist projects' for the Portuguese colonial empire also emerged but never came to fruition. It was not until the transition to democracy that Portugal questioned its membership of the European continent and envisaged European integration. From the early 90s onwards, Portugal adopted a Europeanist stance and subsequently distinguished itself as one of the great defenders of the contributions of the European Union.

A comprehensive study of the history of federalist ideas in Portugal has not yet been produced. Moreover, the subject has not been widely treated by the research community and does not seem to generate much interest in Portugal. The last major studies date back to the 90s and early 2000. Yet it is vital to highlight the emergence of federalist ideas in Portugal at

key moments in its political history, especially when a change of regime was required and the internal organisation and/or Iberian and European membership were called into question. A brief history of federalist ideas in Portugal helps to qualify and even refute the idea that the country was never susceptible to this current of political thought.

Portuguese republicanism: federalists versus unitarists

Federalist ideas emerged in Portugal during the constitutional monarchy (1820-1910) with the gradual emergence of the republican movement. José Félix Henriques Nogueira (1823-1858) was one of the central figures who stood out for his federalist ideas. In 1851, he published *Estudos sobre a Reforma de Portugal* ('Studies on the Reform of Portugal'), considered to be a doctrinal reference for the republican movement. Henriques Nogueira defended municipalism as the main form of administrative decentralisation. In his view, the basic and only unit for dividing up the territory should be the municipality, that is the only link between local government and central government. The latter, made up of representatives of the communities, would have the task of drafting laws and overseeing their implementation. Henriques Nogueira therefore considered the territorial division into provinces or districts to be 'absurd', as it would lead to a spendthrift state, where excessive public structures would be the cause of the country's backwardness and underdevelopment.¹

The influence of Henriques Nogueira's thinking on the republican ideal was profound and lasting. In 1869, the first federalist weekly, *A República Federal*, was created, and in 1873, federalist activists got together and founded the *Centro Republicano Federal* de Lisboa. They published the newspaper *O Rebate*, which served as the main instrument for disseminating their ideas. From the very first issue, they set out their programme, advocating universal suffrage for men and women over the age of 18 and sharing their desire to create a democratic and federal Portuguese Republic. Among its members was the writer Teófilo Braga (1843-1924), who later became President of the Portuguese Republic (1910-1911 and 1915).

The Portuguese republican movement formed a political party in 1876: the *Partido Republicano Português* (PRP), which subsequently experienced several internal splits due to disagreements between 'unitarists' and 'federalists'. The former feared that a federal republic based on municipalism would jeopardise national unity. The PRP's 1881 manifesto enabled a consensus to be reached between the two factions: the creation of a federation of municipalities and a federation of provinces. Nevertheless, when the Republic was established in 1910, federalist ideas were abandoned in favour of the 'parliamentary unitary republicanism' enshrined in the 1911 Constitution. The Constituent Assembly rejected the creation of an upper chamber based on representation of the municipalities on the grounds that the disproportion between the population and the territory – many localities did not have a significant economic life – would make it difficult to achieve a balanced administrative division of the country. Similarly, representation based on the provinces was not accepted because they had no political tradition and were merely a territorial expression, with no collective

conscience². The young Portuguese Republic was still too marked by a centralised political organisation, a legacy of the absolute monarchy of the ancient regime, despite almost a century of constitutional monarchy inspired by liberal ideas.

Iberian union and federalism

Iberian union has been a recurring political project in the history of the peninsula since the *Reconquista* period (8th-15th centuries). From the 15th century onwards, the Spanish monarchy made no secret of its desire to unite the two dynasties. This happened in 1580 following a dynastic crisis caused by the untimely death of the Portuguese king D. Sebastião I (1554-1578), whose heir was his uncle, Cardinal Henrique, who also had no legitimate descendants. In the end, it was his cousin D. Felipe II, King of Spain (1527-1598), who became King of Portugal. Despite a common sovereign, the two nations were distinct and had not merged. Portugal regained its independence in 1640, and in the 19th century the union of the two crowns could have been repeated to Portugal's advantage. During the *Sexenio Democrático* (1868-1874) in Spain, the Spanish crown was first offered to D. Ferdinand II, King Consort of Portugal (1816-1885) and father of D. Luis I, King of Portugal (1838-1889). But D. Ferdinand II refused the Spanish throne for fear of becoming involved in a troubled political situation.

Among the Portuguese federalist republicans of the 19th century, some defended an Iberian union based on republicanism and federalism. These included Henriques Nogueira and Teófilo Braga, as well as Count Casal Ribeiro (1825-1896) and Latino Coelho (1835-1891). The latter even translated into Portuguese the work *La Iberia: Memoria Sobre Las Ventajas de la Unión de Portugal Y España* (1853) by the Spanish diplomat D. Sinibaldo de Mas (1809-1868). Although the latter argued in favour of an Iberian national union within a monarchical

system, the work helped to spread the idea of Iberianism in Portugal and influenced many federalists. In his *Estudos sobre a Reforma de Portugal*, Henriques Nogueira explained that the republican federation would be the result of a union of various independent peoples into a national body. For this reason, Iberian federation could only be achieved with the dismantling of Spain. Castile had to stop imposing excessive centralisation on the Iberian peoples of Spain, and only then would Portugal be able to join them³.

Nevertheless, Henriques Nogueira's idea of a 'federation of nations' did not find a way to be implemented, as did his project for internal federalism based on municipalism. Indeed, the 'Spanish danger' threatened Portugal's independence and national unity when the First Republic was proclaimed. The incompatibility of the political regimes of Portugal and Spain represented a real threat. Many Portuguese monarchists went into exile in Spain and found support from the Spanish monarchy to organise military incursions into Portugal at the start of the republican regime. Portuguese-Spanish relations only stabilised when the dictators António de Oliveira Salazar (1889-1970) and Francisco Franco (1892-1975) signed the 'Iberian Pact' in 1939, following the Spanish Civil War. This peace and non-aggression treaty mutually recognised the independence and sovereignty of the two states.

After this period, Iberianism no longer enjoyed the same success in Portugal as it had during the period of Republican militancy. It was not until the second half of the twentieth century that a Portuguese writer, José Saramago, the only winner of the Nobel Prize for Literature (1998) from the Portuguese-speaking world, once again defended an Iberian union, notably in his book *A Jangada de Pedra* (in English, 'The Stone Raft'), published in 1986.

Federalist projects associated with the Portuguese colonial empire

In the history of the Portuguese colonial empire, several 'federalist projects' were proposed but never implemented as such. The first came at the beginning of the 19th century, when the Portuguese royal family moved to Brazil to escape the Napoleonic invasions (1801-1814). After becoming the United Kingdom of Portugal, Brazil and the Algarves in 1815, the revolts in Portugal, in 1820, enabled the Liberals to seize power and launch a constitutional process. The Constituent Assembly was made up of Portuguese and Brazilian representatives. A group of Brazilian deputies proposed a Luso-Brazilian federation in which each kingdom would have its own parliament and its own judicial, executive and administrative system. The Portuguese colonies would be able to choose to which of the two kingdoms of the federation they wished to be directly attached. Finally, the project presented provided for equal representation of the two kingdoms in an imperial parliament. The proposal was widely rejected because it was interpreted as a quasi-request for independence. In the end, independence was proclaimed by Brazil in 1822, and the new constitution voted on would only apply to Portugal⁴. Several decades later, the Portuguese republican activist José de Macedo (1976-1948) defended a second project for a colonial federation, this time with Angola. In his view, a federal link was the best way of maintaining lasting ties with the colonies.

'Federalist projects' for the Portuguese colonies were to reappear in the second half of the 20th century. The successor to the dictator Salazar, Marcelo Caetano (1906-1980), presented a paper in 1962 in which he advocated a federalist solution for the African colonies. From the 1960s onwards, the authoritarian regime's foreign policy was dominated by the colonial wars in Africa (1961-1974). Portugal was increasingly criticised by the international community and had been condemned several times by United

Nations resolutions for its categorical refusal to initiate a decolonisation process. As a result, Portugal found itself progressively isolated on the international stage. Marcelo Caetano's communication in 1962 had been strongly criticised and, as a result, many leading figures in the regime distrusted him when he came to power in 1969.

The protracted colonial wars in Africa and the gradual liberalisation of the regime under Marcelo Caetano prompted a number of political and military figures to express their views on potential solutions to put an end to the conflict that was gradually ruining the country. The most popular idea was based on colonial federalism. On 24 February 1974, General António de Spínola (1910-1996) signed the book *Portugal and the Future*, in which he described the aim of integrating the colonies into Portugal through the creation of a federation. This project was never to see the light of day, however, as two months later the Carnation Revolution broke out and the provisional government set up favoured decolonisation as the most acceptable solution in the circumstances. In the aftermath of the Revolution, a political party was created, the *Movimento federalista português* (MFP), to defend General Spínola's project, although after a few months he backed down and accepted the independence of the Portuguese colonies in Africa. The MFP changed its name to the Progress Party, which lost all federalist substance.

With the end of the Portuguese colonial empire, plans for Portuguese-speaking federalism did not reappear, even among the most nostalgic. The only remaining ambition is to safeguard the special links between the countries of the Portuguese-speaking world, notably through the creation in 1996 of an international organisation, the Community of Portuguese Language Countries (CPLP), or through the

initiative of civil society in creating cultural and civic associations such as the International Lusophone Movement (MIL), founded in 2010.

Portugal and European federalism

The transition to democracy (1974-1976) marked a major transformation in Portugal's relationship with Europe. For five centuries, the alliance with England had represented the only lasting and peaceful link with the old continent. It was the perpetual tensions with Spain that had limited contacts with other European countries, leading Portugal in particular to seek what was known as 'maritime compensation' with the colonial empire and to establish an alliance with the great maritime power.

From 1974 onwards, democratisation put an end to the country's colonial vocation and led to the pacification of relations with Spain. Gradually, relations with the European continent became a priority. In 1986, the country succeeded in joining the European Communities, with the main aim of catching up economically and socially and modernising the country. However, it was only during the first few years of membership, between 1986 and 1992, that Portugal's moderately sceptical stance towards the deepening of European integration evolved into an assertive Europeanism. Despite the fact that Portugal is still one of the most 'pro-European' Member States according to Eurobarometer results, this does not mean that Portuguese citizens are federalists. Portugal is still influenced by a long political history of centralisation, patrimonialism and bureaucracy. The authoritarian *Estado Novo* regime (1933-1974) further entrenched the culture of unitarianism in the collective mind. At present, no political or intellectual figure stands out in Portuguese public opinion in favour of European federalism. Only the political party *Volt Portugal* openly defends it, but it does not have a high profile in the media. The centrist party

Iniciativa Liberal advocates decentralisation and de-bureaucratisation, but never mentions the term ‘federalism’, even though some of its activists are convinced federalists. In the voluntary sector, there are the *Young European Federalists - Portugal* and the *Union of European Federalists - Portugal*. However, they are few in number and have even experienced periods of inactivity.

Federalist ideas in Portugal have met with great resistance as a result of a political tradition marked by unitarianism and reinforced by the country’s lack of regionalisation. Prior to 1986, Portugal did not have a coherent regional policy. As a result, there were difficulties in applying the first European structural funds allocated for regional development. The process of European integration has enabled a slow process of decentralisation

and de-bureaucratisation to begin, as well as the delimitation of regions. But this recent regionalisation does not allow for the recognition of a strong regional identity. Even today, Portuguese citizens identify themselves primarily with their nationality and/or their locality. As far as Iberianism is concerned, there are more thinkers today on the Spanish side than in Portugal. An Iberian union could make sense today if it were achieved within the framework of a European federation, and the question of the compatibility of political systems can be raised. Should Portugal adopt the monarchy or should Spain abdicate its own? Many questions remain to be resolved. Moreover, federalist political figures and organisations are still forgotten by history, which confirms the importance of the work to be done by historians and others interested in dealing with the gaps in historiography.

¹ Cavaco Monteiro, José Luís, *Federalismo, regionalismo e municipalismo em Portugal (1920-1922)*, Dissertação de mestrado, Universidade de Lisboa, 2009.

² Leal, Ernesto Castro, « A ideia federal no Republicanismo português (1910-1926) », *Revista de Historia das Ideias*, Vol. 27 (2006).

³ Catarino, Manuela, « Henriques Nogueira: defensor do Iberismo », *Jornal Badaladas, Bicentenário do nascimento de José Félix Henriques Nogueira (1823-2023)*, 2 junho 2023, p. 20.

⁴ Martins, Hermínio, « O federalismo no pensamento português », *Penélope*, 1998, p. 16-17.

Marc Bloch, a Great Frenchman, Because He Was a Good Man and a Great European

Robert Belot

On Saturday November 23, 2024, President Emmanuel Macron decided to transfer the ashes of historian Marc Bloch to the Pantheon, “for his work, his teaching and his courage”.

Eighty years ago, on March 8, 1944, Marc Bloch was arrested by the Gestapo. Tortured on the premises of the École de santé militaire, he was incarcerated in the Montluc prison. On June 16, 1944, he was extracted from this prison that had seen so many Resistance fighters pass through, including Jean Moulin. Along with 29 other prisoners, he was taken during the night to Saint-Didier-de-Formans, 30 km from Lyon. All were shot down by the Germans. One of the best historians of his generation, known the world over, disappears. Totalitarian ideologies condemn those they fear: intellectuals, men of knowledge and conviction.

Elements of Marc Bloch’s office furniture are now on display at the Centre d’histoire de la résistance et de la déportation (Lyon). A great Resistance fighter, Marc Bloch was also a great historian. He founded the *Annales d’histoire économique et sociale* in 1929 with his fellow traveler Lucien Febvre. It was a revolution in the way history was made.

But what is less well known, and not mentioned by the French president, is that he was also, in the words of Lucien Febvre, a “Great European”. Here’s how Febvre summed up their affinities: “We sometimes clashed, so close to each other and so different. We’d

throw our bad character back in each other’s faces; then we’d meet again, more united than ever in our shared hatred of bad history, of the bad French who were also bad Europeans.” Marc Bloch was one of the first historians to raise the question of France’s relationship with Europe and the existence of a “European identity”. Yet this dimension of his personality is generally overlooked. This is what I would like to highlight on this occasion.

Everything about him led him to this European commitment: his experience of war, his rejection of nationalism, his research as a historian. But who was he? Where did he come from? Marc Bloch was born in Lyon in 1886, into an Alsatian Jewish family. His father, Gustave Bloch, was a professor of history and Greco-Roman antiquities at Lyon’s Faculty of Letters. A brilliant student, he was admitted to the École Normale Supérieure in 1904 and passed the agrégation in history in 1908. He studied in Germany, in Berlin and Leipzig, to discover the country and its historians. He studied with Karl Bücher, Adolf von Harnack and Wilhelm Wundt. He opened up to new methods and research, and began to build up an international network.

Back in France, from 1912 to 1914, he taught history and geography at the lycées in Montpellier and Amiens. On July 17, 1914, he gave a prize-giving speech. He quotes Thucydides (460-400 BC), who sums up the historian’s struggle to find the truth: “Most men,

plutoth to seek the truth, which is indifferent to them, prefer to adopt the opinions which are bordered to them". In the age of post-truths, fake news and the so-called "social" networks that propagate them, this message takes on an enlightening topicality. It sums up the eternal tension between Knowledge and Opinion.

His wartime experience, alas, provided him with an opportunity to study the logic behind the production of "fake news" by public opinion. Mobilized on August 2, 1914 as an infantry sergeant, he ended the war as a captain. He was awarded the Croix de Guerre (4 commendations) and the Légion d'honneur. For Marc Bloch, it's the present that helps us understand the past, rather than the other way around. Without fear of paradox, he explained that France's defeat in 1940 was primarily due to the fact that "we were thinking late". Like his friend Lucien Febvre, he saw history as "the science of the present". He liked to quote a Chinese proverb: "Man is the son of his time as well as of his father." This is the revolution that both of them introduced into historical research. But this revolution is not only by an epistemological concern. It expresses an attention to the problems of the moment and an ethical and civic requirement. His commitment to the Resistance is rooted here.

From his experience of the war, he drew a reflection that still retains all its relevance. It is an article published in 1921 in the *Revue de synthèse historique*: "Réflexions d'un historien sur les fausses nouvelles de la guerre" ("Reflections of a historian on the false news of war"). To understand the mechanism of "false news", he turned to a new discipline: psychology: "Historians have followed with the keenest interest the progress made in recent years by the psychology of testimony. This science is still in its infancy. Marc Bloch formulates a few interpretative models: "Fake news is always born of collective

representations that pre-exist its birth; it is fortuitous only in appearance, or, more precisely, all that is fortuitous about it is the initial incident, absolutely unspecified, that triggers the work of the imaginations. "The key to understanding" collective psychology.

The "sovereignists" of yesterday and today are unaware of Marc Bloch's provocative theorem, which explains that all scales are interlocked and intertwined in historical reality: "There is no history of France. There is only a history of Europe. To complicate matters, he adds: "There is no history of Europe, there is a history of the world.

With regard to Europe, he is convinced that it stems from an "incontestable unity" that is the product of history: "The European world, as European, is a creation of the Middle Ages, which, almost at the same time, broke the unity (...) of Mediterranean civilization. (...) Then Europe was born, in the human sense of the word...". Europe was thus born as a result of the collapse of the Roman Empire and the rise of Islam, which "de-Mediterraneanized", so to speak, the countries north of the Mediterranean Sea. This was also the thesis of his Belgian colleague, Henri Pirenne. that can be summed up in a simple formula: "It's easy to believe what you need to believe". How can we better define the logic of the conspiracy theories that are invading our cyber environment today? Simplifying, unifying and mobilizing, like "national novels".

In 1919, he was appointed lecturer in medieval history at the University of Strasbourg, now French again, and from 1927 held the chair of medieval history. In 1936, he moved to Paris and the Sorbonne. In 20 years, he published 4 major works: in 1920, his doctoral thesis : *Rois et Serfs*; in 1924 *Les Rois thaumaturges*; in 1927 *Les Caractères originaux de l'histoire rurale française*; in 1939 *La société féodale*.

It was in Strasbourg that he met Lucien Febvre. In 1929, the two of them founded the “*Annales d’histoire économique et sociale*” (Annals of Economic and Social History), which had a threefold ambition: to move away from event-based and political history; to adopt an interdisciplinary approach in order to study the complexity of societies and “mentalities”; and not to confine itself to the national framework. In an article published in 1928, he made the following appeal: “In a word, let’s stop, if you please, talking eternally from national history to national history, without understanding each other. A dialogue of the deaf...”.

That same year, Marc Bloch applied to the Collège de France, where Lucien Febvre was already working. The title was quite a program: “*Pour une histoire comparée des sociétés européennes*” (“For a comparative history of European societies”). He wanted Europe to become a legitimate object of historical research, which was totally new for the time, and he wanted to show that there were “synchronous societies” in Europe, “stemming from one, or at least several, common sources”. So new that his application was rejected. He tried again in 1934, but failed again. Here’s how he presents the importance of his proposal: “By its very nature, and because there is as yet no equivalent (teaching) abroad, it would undoubtedly prove capable of extending its influence beyond our borders. Today, however, it cannot be conceived within the rigid confines of our universities. That’s why it seemed natural to me to propose its creation to a house that traditionally welcomes scientific innovation”.

But Marc Bloch liked to warn against what he called “the idol of origin”. Europe’s genetics are so complex that it is difficult to create a simplifying, unifying and mobilizing narrative, like the “national novels”. This is where the difficulty lies in making people understand that Europe, which is a historical being and a

social project, is nothing without the nations that make it up, and that nations do not exist outside this framework.

He was to experience the worst of Europe, the Nazi-fascist Europe that had denied the humanist heritage of its history. On August 23, 1939, he volunteered to take part in the evacuation of Dunkirk. After the defeat, it was the turn of the Vichy regime to deny France’s republican heritage. The status of the Jews (October 1940) excluded him from the Sorbonne.

The Germans looted his library and research notes, and requisitioned his Paris apartment: 17 rue de Sèvres. His books were sent to Germany in 1942, in accordance with a Rosenberg directive that applied to the property of non-Aryans.

Fortunately, in January 1941, he was “relieved of disqualification” for “exceptional scientific services rendered to the French State”. Marc Bloch resumed teaching in January 1941, at the Faculty of Letters of the University of Strasbourg, which had retreated to Clermont-Ferrand. He decided not to leave for the United States, although he had received an invitation from the *New School of Social Research*, a prestigious university founded in New York in 1919. Taking shelter in a time of extreme peril was not compatible with his moral universe.

Transferred to the Faculty of Letters in Montpellier, he was dismissed on March 15, 1943. Involved in the Combat movement, he joined the Franc-Tireur resistance movement after meeting Georges Altman. And we soon saw,” recounts G. Altman, the Sorbonne professor share with astonishing phlegm the exhausting life of ‘street dogs’ that was the underground Resistance in our cities”. A committed intellectual, he contributed to the debate on what France and Europe should be

like after the war through *Cahiers politiques* (created by Comité général d'Études, an organ of the Conseil national de la Résistance) and *La Revue libre*, published by Franc-Tireur. He writes a fundamental article: "Reforming the school".

In Lyon, he takes part in the national leadership of the MUR (Mouvements unis de Résistance), an attempt to reunite Resistance movements initiated by Henri Frenay. His mission was strategic: to set up regional Liberation Committees and prepare the "insurrection plan for the Lyon region". It was in this context that he was arrested by the Gestapo. His clandestine activities did not prevent him from writing. He wrote an *Apologie pour l'histoire or Métier d'historien*. He warns young historians against the myth of the single cause: "Let us beware, moreover: the superstition of the single cause, in history, is too often only the insidious form of the search for the person responsible: hence, of the value judgment. Whose fault, or whose merit? says the judge. The scholar "simply asks Why? and accepts that the answer is not simple".

He fought against both "cause monism" and "the idol of origins": both sources of what we would today call cognitive biases that stand in the way of knowledge.

Finally, against the prejudices that are the source of intolerance and dogmatism, he appealed for modesty: "A historian must not simply say: this

is how the things have happened. But: here's how and why I know; to what extent I don't know." Also during the war, he was both an actor and an "observer of his time". He wrote his best-known work: *L'Étrange défaite*. It was published posthumously in 1946 by Franc-Tireur. Marc Bloch denounced a weak regime that had led to catastrophe: "Our ministers and assemblies undoubtedly prepared us poorly for war. The high command, no doubt, did little to help them. But nothing, precisely, betrays a government's softness more bluntly than its capitulation to the technicians. This regime was therefore weak".

He does not hesitate to stigmatize outdated military strategists: The teaching of history by the military was totally inadequate, for "to the leaders of 1914, he persuaded that the war of 1914 would be that of Napoleon; to the leaders of 1939 that the war of 1939 would be that of 1914...". For him, "this teaching was not history. It was, in truth, the antithesis of the science it claimed to represent". Mentalities were not ready to accept that history is not the science of the past, but the "science of change".

He died leaving a draft *History of France in the context of European civilization*. As Lucien Febvre summed it up so well: "Marc Bloch, a great Frenchman, because good and a great European, thought with Michelet that it's not too much for the whole of Europe to write the history of France".

The European Union and the Challenge of National-Populists

Marc Lazar

The notion of national populism applies to parties that are both nationalist and populist. Their nationalism is defensive, rather than conquering as in the past. In each country, however, this translates into an exaltation of the nation's past, a defence of its present heritage and a call to make it prosperous in the future. Their populism consists of the more or less well-structured ideology which they invoke, according to which there is a fundamental opposition between a supposedly united, good and virtuous people and a homogeneous ruling class that dominates and constantly plots against them. For them, populism also manifests itself in the use of a demagogic, simplistic and disruptive political style which serve the political agenda of a strategy of conquest and the exercise of power. There are left-wing and right-wing national-populists, but the latter are the most prominent in Europe, which justifies taking a closer look at them.

For right-wing national-populists -such as Rassemblement National, Reconquête, Vox in Spain, Fratelli d'Italia, Lega, also in Italy, AfD in Germany, Fidesz in Hungary, Law and Justice in Poland, the Swedish Democrats, the Freedom Party in the Netherlands and the Freedom Party in Austria- the nation is fundamentally an ethno-cultural concept: we belong to the nation because we have blood ties through our line of descent and have a common heritage. As for the people, they are above all, in the words of these parties, "folk", "disenfranchised", "little people", "humble

people", full of "common sense" words which these parties intend to translate into politics and people whom they claim to embody and to whom they want to give a voice. For they claim to be the best of democrats, because they listen to the people and promote their sovereignty, which accepts no bounds.

What characterizes right-wing populism today is both its strength and its limitations. Its strength is obvious, as we saw at the last European elections: in total, they won 271 seats compared to 141 in 2019. They have made real progress even if it has been a little less strong than they themselves had hoped, with marked differences between Western Europe and the central-eastern part, where they have achieved good results. They are enjoying a favourable dynamic because they have succeeded in putting their policies at the heart of the political agenda, notably immigration, security, the denunciation of Islam, the rejection of the Green Pact and criticism of the European Union.

Of course, they have given up the idea of leaving the European Union and abandoning the single currency for operations in the Eurozone member states. However, they intend to influence the direction of European policy and change the EU from within. The European People's Party (EPP) in the European Parliament has already adopted some of their proposals. What is more, the ideas of these parties are spreading to a large part of public opinion. Their voters no longer vote for them

purely out of protest against the politicians they increasingly distrust, against the EU they accuse of all evils, or to express their deep and real social malaise, but out of conviction.

However, the rise of these parties is not irresistible. In fact, they are divided. In the European Parliament, they are split into three groups: the “Patriots”, dominated by the Rassemblement National and Viktor Orbán’s FIDES, among others, has 84 MEPs, while the “European Conservatives and Reformists” group, with Giorgia Meloni’s Fratelli d’Italia party, has 78 MEPs. Finally, the “Europe of Sovereign Nations” group, which includes the German AfD, is the third largest. They disagree on Russia and the war in Ukraine and are split between the pro-Russians, including Fidesz, and those who support Ukraine, such as Fratelli d’Italia. They all see Islam as a danger, but some, like Viktor Orbán and Giorgia Meloni, explain that it is all about defending Christian civilization, while Marine Le Pen sets herself up as a defender of the Republic and secularism. On economic matters they are divided between neoliberals and the parties more inclined to defend the welfare state, provided it is reserved for nationals of the various countries. Finally, as each party seeks to promote the interests of its own country, this is often an obstacle to their unity of action.

For example, Fratelli d’Italia is calling for a redistribution of migrants that Fidesz and the RN refuse to agree to.

Now a new phase has begun. Paris and Berlin are weakened, and Donald Trump will take office in the White House on January 20. Budapest and Rome are trying to take advantage of the situation, and here again, they converge and diverge at the same time. Viktor Orbán, a source of inspiration for American Republicans, would like to be the new administration’s main contact person, while blocking the progress of European political integration. Giorgia Meloni is still hesitant about whether to align herself with the Hungarian Prime Minister, to whom she is currently very close or to fully engage in a different direction that she has started to explore. Indeed, having forged excellent links with Ursula von der Leyen and Manfred Weber, president of the EPP, she could act to shift European politics to the right and become the preferred point of reference for Donald Trump and his great personal friend Elon Musk. In any case, Europe’s populist nationalists are on the offensive, and in part determine the future of the EU. It is therefore essential for genuinely pro-European parties not only to understand the extent of the challenge posed by these parties, but also do what is needed to embark upon a new dynamic for building Europe.

The Failure of International Law to Become Universal, and the Reasons for It

Monique Chemillier-Gendreau

Today's world, which has become a village thanks to the power of communications and trade, still lacks a common law that can be applied effectively. International law developed in the 20th century, and the institutions set up at that time, must today be considered a failure.

Neither the right to peace enshrined in the United Nations Charter, nor humanitarian law in the event of armed conflict enshrined in the Geneva Conventions of 1949 and many other complementary texts regulating the means of warfare, are respected. Similarly, the Universal Declaration, the International Covenants and the conventions against genocide, torture and apartheid are flouted in an increasingly open challenge to universalism.

I will analyze this disaffection with international law, distinguishing between the different forms it takes, and then show how this disaffection has its origins in an internal contradiction in the international system. Finally, I will consider possible ways out, and then return to federalist thinking, the subject of this meeting.

1- Today, there is a general disaffection with international law.

But there is disaffection that is declared, and disaffection that operates clandestinely.

Declared disaffection comes from that part of the world that did not contribute to the development of the standards now being contested. In this respect, I refer to the work of Laurence Burgorgue-Larsen, in particular her 2023 conference in Aix-en-Provence, where

she analyzes how the universalism of human rights is today being rejected in a growing number of societies.

These are mainly Asian societies, where community values are based on a profound deference to authority, with no regard for individual freedom. In other societies, in particular Muslim societies, rights and freedoms are dictated by religious precepts. Finally, in 2006, the Orthodox Church adopted a Declaration of Human Rights and Dignity as an alternative to the Universal Declaration.

But the universalism of international law is also being challenged by groups and movements in the West. This is particularly true of populations of Muslim origin who have arrived through post-colonial migratory flows. Deeply religious, these populations reject the secularization of the societies in which they find themselves. There are also European regimes, notably in Eastern Europe, that challenge the democratic systems and judicial controls that make up the rule of law. They cite Christianity as a justification for their authoritarian excesses, and claim a white Christian identity. And then there's the clandestine disaffection of Western governments themselves, who are the originators of this right and pride themselves on promoting it. Official discourse claims strict respect for this right, but practice belies it. Here are a few examples.

The founding texts of international law, the United Nations Charter in 1945 and the Universal Declaration of Human Rights in

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1948, were created by Western states. Africa, under colonial domination, had no voice at the time, nor did a large part of Asia and Oceania. The drafters of these texts were determined to achieve universalism and freedom for all, but their conception of freedom was their own.

They had proclaimed the right of peoples to self-determination, but remained colonizers, opposing through bloody wars the will of peoples to benefit from this right. France led the Indochina war, the Algerian war and the bloody repression in Madagascar, with massive violations of the norms of humanitarian law, such as the use of napalm and torture. The Netherlands, Portugal and the United Kingdom also practiced abuses contrary to the principles to which they had solemnly subscribed. From 1955 to 1975, the United States waged a war of aggression against Vietnam, using Agent Orange, the deadly effects of which are still being felt 5 decades later. The two wars waged against Iraq were waged in flagrant violation of international law, including the prohibition of torture, which was practised in the infamous Abu Graib prison.

As for Israel, this country, closely allied with the group of Western countries, flouts international law by refusing to recognize the Palestinian people's right to self-determination, by disregarding the prohibition of the use of force, human rights and non-discrimination treaties, the prohibition on apartheid and all humanitarian law in the event of armed conflict. Its allies, notably the United States, are complicit through their military and financial cooperation. The paralysis of the Security Council is due to this complicity. The European Union could activate Article 2 of its agreement with Israel and consider that the human rights violations committed by this state justify the suspension of the cooperation agreement, but it does nothing of the sort. The two advisory opinions issued by the International Court of

Justice in 2004, and most recently in February 2024, clearly qualify Israel's policies as illegal, but these opinions have gone unheeded.

In addition, the United States and France do not recognize the jurisdiction of the International Court of Justice, thus evading the application of international law, and France has not acceded to the United Nations Convention on the Law of Treaties. Their argument is that it does not accept the category of *jus cogens* or general imperative law. Yet to consider that there are intangible principles, precisely those of general imperative law, which cannot be derogated from, even by treaty, is a step in the direction of consolidating international law.

And the USA has not signed up to the Convention on the Law of the Sea (1982), the Convention on the Rights of the Child (1989), the Mine Ban Treaty (1997) or the Rome Statute of the International Criminal Court (1998), to name but a few. The same United States refused to bow to the decision of the International Court of Justice condemning it against Nicaragua in 1986, or to the 2004 decision of the International Court of Justice (ICJ) requiring it to stop executing foreign nationals who had not been granted consular rights. Despite this injunction, executions have continued in defiance of international law.

States that had been colonizers and were obliged by the peoples under their domination to give them back their freedom in the great movement triggered in the 60s, nevertheless tried pathetically to maintain colonial domination over certain territories. Thus, when Mauritius was decolonized in 1968, the United Kingdom detached certain islands, the Chagos, which were dependent on it. It took an advisory opinion from the International Court of Justice in 2019 for this to be denounced. And today, 5 years after this opinion was delivered, the United Kingdom has finally agreed to apply its

provisions, although not entirely, since one of the islets, Diego Garcia, remains under lease to the United States, which has made it its main military base in the Indian Ocean. And today, France is engaged in harsh repression against the Kanak people of New Caledonia, denying them the conditions for realizing their right to self-determination in accordance with international law.

2 - These violations of international law are made possible by a contradiction inherent in the law itself.

The situation I have outlined is extremely worrying. Indeed, a society in which the law can be manipulated or contested, and where its implementation is not controlled by a judge, is a society left to the balance of power, which encourages the domination of the strongest. But it is pointless to denounce this situation if we don't take the analysis further. In fact, it has only been able to develop because there was a destructive element in international law that has enabled states to escape the norms they were ostensibly promoting. Today, this situation is turning against them, but at the expense of the entire system, whose foundations have been shaken.

What are we talking about? The fact that the United Nations Charter displayed an unprecedented determination to impose on States rules for living together, notably the prohibition on the use of force, the right of peoples to self-determination, and all the international law whose development the Charter encourages. At the same time, however, the Charter guaranteed States respect for their sovereignty. Sovereignty is an originary power, above which there is nothing. Sovereigns recognize only those rules to which they agree to subscribe, and not those that are imposed against their will. Guaranteeing sovereignty meant admitting that sovereign States could evade the application of international law.

The project of an effective, enforced and if necessary sanctioned international law is not feasible without calling sovereignty into question. Right from the creation of the League of Nations in 1918, Georges Scelle, a professor of international law, devoted all his work to highlighting this contradiction. And today, I follow in this tradition, but in the same isolation¹. Following the evolution of this contradiction may shed some light on the reasons for this situation.

The Western states, the authors of the Charter, were anxious to ensure that there should be no possibility of domination in the circle of so-called advanced countries. This was a long-standing concern, as it had already been the subject of the Treaties of Westphalia that ended the Thirty Years' War in 1648, and of the Congress of Vienna after the Napoleonic Wars in 1815. Germany's hegemonic pretensions in the 19th and 20th centuries showed that political commitment was not enough, and that appropriate legal mechanisms were needed. Thus the prohibition of the use of force, a cardinal principle of the United Nations Charter.

But the states that took the initiative in this move towards building a world governed by law were not sincere. They used their sovereignty to consolidate positions of domination. The proof is that colonialism was not banned by the United Nations Charter. It was only later outlawed by the national liberation struggles of dominated peoples. And during the Algerian war, France objected to the United Nations' discussion of the war, claiming that it was a matter of exclusive national competence.

The enslaved peoples then seized on the Charter as a weapon of liberation, and based on the principle of the right of peoples to self-determination, they appealed to

international law to free themselves. But the contradiction between international law and state sovereignty had not yet been overcome. For them, the only way to achieve the right of peoples was to become sovereign states, as the colonizers had been. Going a step further, they demanded full sovereignty in the form of economic sovereignty, which they saw as the basis for a new international economic order. But this was to get bogged down in a few speeches at the United Nations General Assembly.

From then on, the countries that had recently joined the community of states played the game of the global market, taking refuge behind sovereignty to exert domination over their own peoples and engage in a race for dominance in the international arena, as exemplified by China's policy. The peoples of these countries were liberated from colonialism, but subjected to authoritarian and sometimes bloody regimes.

In the current phase, these countries are pushing their economies towards accelerated productivism, particularly in Asia. But then, international law is an obstacle. It claims to impose political, social, environmental and technical rules, all of which are obstacles to the domination of those in power.

It is easy for them to follow in the footsteps of those who founded international law, but reserved the right not to apply it. But the essential difference is that this rejection of international law is no longer clandestine, it has been formalised. And international law is discredited to its very foundations. The idea of universalism is being challenged. As a result, the West finds itself in a very weak position. Faced with stiff competition on the technological, industrial and commercial fronts, its values have been discredited because it has so often betrayed them.

3 - What are the paths that would enable us to return to a law that is common to global society as a whole?

To try to answer this difficult question, we must first ask ourselves what common values such a right could be built on. We can then examine the institutional and social conditions under which this project could be implemented.

Without going into detail here on the question of values that could be common to humanity as a whole, I will simply point out that the values promoted by the West to promote universal international law are not in themselves to be rejected. On the face of it, they embodied what all human beings aspire to: freedom from the domination of either foreign powers or domestic regimes that enslave their populations. And the regimes that challenge them, such as China, in the name of a respect for authority that would prohibit criticism of state policies, or theocratic regimes, such as the Iranian or Saudi Arabian regimes, that seek to impose religiously-based norms on society as a whole, experience internal opposition that is more or less muzzled, but which testifies to their peoples' aspirations to freedom.

We can conclude from this that aspirations to respect for individuals and their dignity, and to freedom of conscience, thought and association are shared by all human beings. This should make it possible to build a common foundation of standards protecting these aspirations. And all peoples, like all individuals, when the realization of their rights is challenged, wish to have at their disposal a judicial body capable of resolving the dispute objectively.

But if they are to regain their strength and universal scope, the values enshrined in the great texts of international law need to be challenged, debated and adopted anew in appropriate forums. Unfortunately, today, this seems a long way off. Two conditions are

lacking at the moment: a driving force that is prepared not to represent vested interests, and that necessarily comes from outside existing international organizations; and a world public opinion that supports the idea.

This renewal of universal rights cannot come from within the current system through a simple reform, because the system no longer has any international legitimacy. The principle of domination validated by the Charter, with the exceptional status granted to 5 member states, is guaranteed in perpetuity. Under Articles 108 and 109 of the Charter, any reform of the system can only take place with the agreement of the 5 permanent members. Yet it is they who are primarily responsible for the loss of credibility of international law, through their incessant violations.

So we have to face up to the difficulty, and if we are to try to build something else, we must necessarily look outside the current system, which is untenable. To do this, civil society movements the world over need to set up working groups to reflect together on how to equip the world with international laws and institutions to counter domination. To counter domination, we need to imagine an international society based on a non-hierarchical principle.

And the quest for a non-hierarchical society lies at the heart of federalist thinking. Federalist thinking must therefore be broadened, so that not only are national societies seen as associations of free men, but that world society is organized and guaranteed as an association of free peoples. And the institutions with which this world society will have to equip itself will

have to be devised in such a way as to impede any attempt by one of these peoples, or a group of them, to confiscate the place of the universal for the benefit of particular interests.

This presupposes, and this is undoubtedly the most difficult aspect, that world public opinion is convinced of the need for a new anti-hegemonic political project, both as a new conception of democracy and as the basis for a new universalism. To speak of this in the current context would appear to be out of touch with reality, given the fragmentation of public opinion and its preoccupation with particular interests. It is already difficult to construct objectives of national interest, so will we be able to develop movements of ideas that endorse the principle of a global society subject to law? Today, this seems utopian. But utopia is not what we dream of as inaccessible. Utopia means envisaging another world that has not yet arrived. It is up to us to make it a reality. And that means first of all evoking it.

Events will serve as an accelerator. Ongoing wars with no prospect of peace and no procedures to bring it about, the multiplication of human disturbances, violence, illicit trafficking, exploitation of the weakest, climate change and its dramatic consequences in terms of drought, cyclones, heatwaves and floods, are ahead of us. Are we going to allow all this to develop within a global system that has run out of steam? Or will we be able to convince ourselves that we need to get down to work and prepare a truly universal alternative to what has been tried and failed? Not to do so would be to allow the catastrophe to unfold with indifference.

* Union of European Federalists (UEF France) - October 12, 2024 symposium.

¹ See Monique Chemillier-Gendreau, *"En finir avec la souveraineté"*, Dalloz, Tiré à part, Paris, 2024.

Fighting Sovereignty *

Céline Spector

Faced with the rise of the far right in the last European elections in June 2024, we need to assess the relevance of the eurosceptic “no demos” thesis, which states that in the absence of a European people, a European democracy cannot arise – because democracy, it is stipulated, cannot be “without demos”. The *no demos* thesis, as you know, comes in several versions. The most common is as follows: if the Republic presupposes the sovereignty of the people, and if there is no European people, then European political integration is illegitimate; transfers of sovereignty to the Union are either an aberration or a betrayal. Democratic self-determination requires that the subjects of the law are also the authors of it, which is impossible if “Brussels” decides on the essentials.

Sovereignism must be taken seriously if it is to be refuted. In my view, six major objections constitute the theoretical framework of sovereignism, whatever its political affiliation¹. This is not to deny the profound differences between its past and present variants, but to identify what I would call a “hard core”. We need to give these theses a fair chance before we can detect the fallacies they conceal.

1. Democracy is impossible on the scale of a vast territory; it can only exist, for modern peoples, in nation-states. Sovereignists assert that the nation is not only historically associated with the birth of modern democracy; it is its *sine qua non*. In this vein, as in David Miller’s work, the importance of the nation is first and foremost reaffirmed in order to anchor personal identity, ethical duties and political self-determination².

Why this persistent defense of the nation? Because, according to David Miller, it meets one of our most fundamental needs in the modern world: to maintain mutual trust and solidarity among vast, anonymous populations. Only nationality, for Miller, is a source of consent to the sacrifices required for solidarity. It is precisely by virtue of its mythical and imaginary elements that it can play this role. For Pierre Manent, Marcel Gauchet and Vincent Descombes in France, Europe will always fail to form a political body. In the absence of a European nation or a European people, in the absence of a reflexive awareness of “us”, in the absence of a common sensibility on this scale, there is no cultural substratum to anchor European institutions. And human rights can do nothing to anchor them. This is what I call the “Rousseauist path” to sovereignty.

2. The second argument at the heart of the sovereignist argument is that a federation can only take root in Europe by destroying state sovereignty. While the European Union is a slightly less conventional international organization than others, a *sui generis* form, it is not an authentic federation and could only become one at an exorbitant price – the dissolution of nations through their amalgamation, the calling into question of sovereignties through their absorption into a despotic European sovereignty akin to a Leviathan state.
3. Sovereignty cannot be shared. In the gallery of great ancestors of this thesis, “monist” theories of Sovereignty have stipulated, since Bodin and Hobbes, that sovereignty,

defined as the power to legislate and decide in the last instance, does not tolerate sharing. Even more than Hobbes, contemporary sovereigntists often rely on Rousseau to reject the idea of parts of sovereignty. In their view, sovereignty must remain inseparable, as the author of the *Social Contract* stipulated: "Sovereign authority is simple and one, and cannot be divided without destroying it" (CS, III, 13). From then on, we find ourselves in the logic of *either/or*: either European sovereignty, or nation-state sovereignty. Any further transfer would be a dispossession and usurpation, accompanied by the risk of despotism, imperial Brussels hegemony and loss of political freedom.

4. There is no European citizenship beyond market citizenship. The political rights associated with citizenship in the Union are insignificant, which contributes to the dissociation between the passive enjoyment of rights and the active exercise of citizenship. The sovereigntist argument attacks the role of the CJEU, which has arrogated to itself the prerogatives of a federal court and defends economic freedoms as a priority. In particular, the role of the Court's jurisprudence is criticized: the praetorian approach produces the effects of de-democratization and democratic devitalization. The result is that the "market-jurisprudence system" has wiped out all citizenship worthy of the name.
5. From this point on, the European *demos* cannot be found. The general will presupposes the constitution of an indivisible totality, a "common self" endowed with a common sensibility. In the absence of such a European people, European democracy can never be achieved (this is the "no demos" thesis, classic in European studies, which gives my book its title). Europe's democratic deficit (the power of non-elected agencies and the crucial role of the ECB or the CJEU, the low

representativeness of the EP, the opacity of the technocracy in the Commission, etc.) is therefore not an accident of history, but a structural necessity inscribed in the "genes" of the Union.

6. Finally, on a slightly different note, "left-wing" sovereigntists have been proclaiming for at least thirty years that "Social Europe will not happen". The EU is neoliberalism's Trojan Horse. For the neo-Foucauldians, if democratic Europe is an "ultimate illusion", it's basically because corruption corrodes European politics, which is subject to *corporate power* and lobbying³. With this in mind, it's easy to see how the fierce blackmail of the Greeks in 2015 reveals the *true neoliberal face* of the European Union, under the dictatorship of financialized capital and its dubious *hedge funds*.

The question, then, is this: can national and popular sovereignty be defended at this price? My answer is no.

To sum up, two sophisms must be denounced here: 1) *post-national democracy is an illusion, because only the "nation" can be the ethical substratum of democracy*; 2) *the federal will cannot be a general will, because the European people is a myth*, the name of an aporia. In reality, a federal republic is not inconceivable in Europe. On the one hand, the democratic devitalization linked to the power of unelected agencies or cold technocracy can be countered, as in national democracies, by rebalancing institutions in favor of the EP, as I detail in my book; on the other hand, the *demos* does not pre-exist democracy, as its condition: it emerges from it, as its effect (see Balibar, who also judges the *no demos* thesis to be incantatory and contradictory). There is no reason to believe that the nation-state is the sole or even privileged foundation of democracy. The European people is not the

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product of a fixed cultural identity or a linear historical identity, nor of cold procedures; it appears in particular, beyond the diversity of the *demoi* that make it up, in times of crisis, but also from within, through cohesion and solidarity heightened by the feeling of vulnerability but also of attachment to common values – peace, freedom, tolerance, democracy, the rule of law.

In this spirit, it's no longer just a question of ensuring economic stability, or even just strategic autonomy, but of creating a European "We" based on the joint production

of "public goods" that can only be produced on a European scale, such as the energy and ecological transition. Only fiscal, social and environmental federalism can mitigate global geopolitical, economic and climate risks, and remedy the systemic injustices of the internal market. To make solidarity the new *telos* of the European Union is therefore to nurture the hope that, should circumstances become favorable, a more demanding model for the application of social and environmental rights could spread across Europe. More than an abstract restoration of popular sovereignty, it is this European New Deal that I am calling for.

* Intervention at Symposium of the Scientific Committee of UEF France at Pantin, Saturday 12 March 2024.

¹ I have attempted to develop them in my book *No demos? Souveraineté et démocratie à l'épreuve de l'Europe*, Paris, Seuil, "L'ordre philosophique", 2021.

² David Miller, "In Defense of Nationality", *Journal of Applied Philosophy*, Vol. 10, No. 1, 1993, pp. 3-16.

³ *Ibid.*, p. 189.

Thinking Through a Diplomatic End to the Ukraine Crisis

Chris Hamer

There is a possible basis for negotiations to end the war in Ukraine. This would involve a UN-supervised referendum for the residents in each of the disputed territories.

The war in Ukraine has now reached something of a stalemate, with no tangible end in sight. Russia mounted its invasion on 24 February 2022 with the aim of overthrowing the government of Ukraine. It expected to meet little resistance, but Ukraine inflicted a bloody repulse on the invading Russian forces. Vladimir Putin then lowered his sights to annexing the eastern territories of Donetsk, Luhansk, and Kherson, which Putin proclaimed Russian territories in late September. Since then, fierce fighting has seen Russian forces pushed out of Kherson city and back to the eastern side of the Dnieper River. For now, the battlefield has been reduced to trench warfare, with both sides reportedly running low on ammunition.

According to reports, Russia is desperate to end the war in Ukraine without losing face, but neither side is willing to negotiate except on its own terms. Russian soldiers have switched tactics, this time to raining missiles on the infrastructure of Ukraine, destroying power and water facilities, and hoping cold and hunger will force the Ukrainian people to sue for peace. On the other side, President Volodymyr Zelensky has stated that Ukraine is determined to regain all its territories, including Crimea. Neither side is willing to negotiate for now.

The damage has been horrific. Casualties and

deaths have numbered in the tens and even hundreds of thousands on both sides, and it is estimated that around US\$1 trillion will be required to repair the damage to buildings and the economy in Ukraine.

Is a diplomatic solution feasible?

Veteran statesman Henry Kissinger has called for negotiations to avert the possibility of a new world war. General Mark Milley, chairman of the US Joint Chiefs of Staff, has also called for negotiations to end the conflict. "The probability of Russia achieving its strategic objectives of conquering Ukraine...is close to zero," he said. But on the other hand, he added, "the probability of a Ukrainian military victory, defined as kicking the Russians out of all of Ukraine, to include what they claim is Crimea...is not high, militarily." Milley urged Kyiv and Moscow to find a "political solution" as the winter months continue, warning that the chance of a total military victory was "unlikely."

A possible resolution would begin with a ceasefire, followed by a legitimate, UN-supervised referendum in each of the disputed territories to see whether the residents would prefer to be citizens of Russia or Ukraine. Both sides would have to agree to withdraw their forces, and for the referendum to be supervised by UN peacekeeping forces. The voter rolls would have to include all the registered voters of each territory recorded before the Russian invasion. An important caveat here is that any referendum would need to be transparent to

be seen as legitimate – a clear distinction from the Russian-run referendum that took place last year.

These referenda would clearly demonstrate the will of the people themselves, which ought to be acceptable to both sides. Russia has asserted that the inhabitants would prefer to live as citizens of Russia, and to admit otherwise would destroy their whole justification for the war. And Ukraine has been loudly supporting and advocating for democratic rights, which would be severely compromised if they took back the disputed territories against the will of the people.

Difficulties

There are certainly enormous practical difficulties in achieving such a solution. Both sides would be reluctant to agree to it because it would mean drawing back from their proclaimed objectives. This is notwithstanding that many have died or that political and personal legacies are also at stake. Further, it would require the good offices of mediators, perhaps President Recep Tayyip Erdoğan from Turkey, to bring them to the negotiating table. And even if agreement was reached, Russia and possibly Ukraine are likely to distort the results of the referendum in their favour. Large contingents of peacekeepers and election supervisors would be required to prevent this.

Many people in the US and the EU would oppose any such solution on the grounds that it might reward Russian aggression. In such a case, punishment for Russia would have to be left for a later stage, either by action in an ad hoc criminal court or by the Russian people themselves. The major objective must be to call a halt to the enormous suffering of the Ukrainian people and prevent even worse disasters such as the outbreak of nuclear war.

Possible Outcomes

What would be the outcome of such a referendum? According to a census in 2001, a majority of people in Crimea and eastern Donetsk and Luhansk have ethnic and religious ties with Russia and may well opt for union with it – though such ties may have changed considerably since then. On the other hand, the residents of some or all disputed territories might opt to be reunited with Ukraine, which would achieve Ukraine's aims without any further fighting.

Either way, this could be a way of halting the enormous death and destruction presently occurring in the conflict, provided each side guarantees to abide by the results of the referenda, whatever the outcome. It would also provide a powerful reinforcement of the principle of democracy that the West has been fighting for so earnestly. Russia and Ukraine would do well to explore the possibility, at the very least.

The Orbán Question, a Weak Link in Europe

Andrea Bonanni

Hungarian Prime Minister Viktor Orbán stood in front of the European Parliament, which had just been elected by universal suffrage, and in front of the President of the Commission, just elected by the new Parliament, to say that they are getting everything wrong and destroying Europe.

The MEPs and Ursula von der Leyen told him in no uncertain words to go to the devil. Some sang *Bella ciao*, others accused him of betraying Europe for the autocracies that aim to destroy it. The hostile tones of the clash that took place yesterday in the parliamentary chamber were unprecedented. Not even when MEPs criticised Berlusconi 20 years ago, and he called them ‘tourists of democracy’, did things go so far. The problem is that Orbán has gained access to the Parliament because Hungary has been given the six-month rotating presidency of the EU. This is little more than a formal role, but one that obliges the government which is given this responsibility to uphold and defend the unitary policy directions decided in Brussels by the Parliament, the Council and the Commission.

Instead, the Hungarian leader spoke not as a statesman, but as the leader of an extreme right-wing European party against which Europe has built a solid cordon sanitaire. This is not just a matter of serious institutional rule breaking. This time Orbán was not at Pontida with his friend Salvini. Speaking before the representatives of the European people, he made it clear that he wants to use the rotating presidency of the Union ‘to catalyse the

necessary change in the EU’. How he intends to do this is shown by his grovelling visits to Putin, Trump and Xi Jinping, his vetoes of sanctions against Russia and aid for Ukraine. His gesture is a clear challenge to the rules of European democracy and its very essence. All in all, the reactions of Parliament and the Commission were quite moderate.

But the incident does not exhaust the scope of the “Orbán question,” which goes far beyond his overt contempt for liberal democracy, the corruption of his regime and even his attacks on the fundamental rights of Hungarians. Today, the Magyar leader has become the *longa manus* of Putin who, having failed to crush Europe by invading Ukraine, is trying to destroy it from within through the concerted action of the populist far-right, paradoxically self-designated “Patriots” party. As Putin’s emissary, Orbán is the political referent of the likes of Matteo Salvini, Marine Le Pen, the German neo-Nazis of the AfD, the Spanish Francoists of Vox, and the Dutch racists of Wilders. The Kremlin’s puppet master has succeeded in conjuring up the ghosts of Nazi-fascism and its various collaborators in every corner of Europe. It is a macabre dance of spectres gathering support in the name of hatred, fear and frustration in order to put them at the service of Russia’s neo-imperial ambitions involving the destruction of the EU. Orbán is the medium and director of this cynical third-party operation. In many ways he is reminiscent of the British fascist Oswald Mosley, who continued to cheer for Hitler and Mussolini after the war had already begun. If

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anyone is still under the illusion that the rise of the far right in Europe is a normal political phenomenon, they are belied by the divisions in the reactionary front. As far as their ideas go, there are no major differences between Meloni and Salvini or between Poland's Jaroslav Kaczynski and Viktor Orban. They would not be able to list them themselves. But the ultra-right gathered together in the group of conservatives led by Meloni is the descendant of British Tories and Polish clerics, who have always been hostile to Moscow. The so-called "Patriots," on the other hand, are working to destroy Europe on behalf of foreign powers such as Russia and China, who

feel threatened by our values of democracy and solidarity.

We Europeans often forget that the roots of the war in Ukraine lie in the demonstrations in Maidan Square, adorned with pro-EU blue flags. But Putin remembers this very well. And in Orban he has found the tool to turn Europe against itself. For years Brussels has looked the other way and pretended not to see.

But yesterday's confrontation in Parliament shows that the EU has finally become aware of the asymmetric warfare going on not only in the Donbass but within our own borders.

Stand up for Europe!

Michele Serra

The world is changing at an unexpected pace, history is galloping and allows no rest even for the laziest and most inattentive. Disorientation, and even an unusual level of fear, are widespread states of mind: we can all sense them in everyday conversations. You don't need a political scientist or a philosopher; all it takes is a friend at the bar to know that people are looking at the present with bewilderment, and at the future with apprehension.

Does the political and strategic concept of "the West" in which the latest generations of "Westerners" have grown up still exist? What will happen to Europe, which today feels like a clay pot squeezed between two iron pots filled with atomic bombs? Will the European *way of life* survive the pressure, which is challenging what we reductively call democracy, that is the separation of powers, equal rights and responsibilities for all, religious freedom and a secular state, equal dignity and equal serenity for those in government and those in opposition?

And if autocracies speak simply and clearly (and lie freely, thanks to the relentless technology-assisted distortion of reality), what language will Europe have to adopt in order for its voice to be not only audible, but also as loud, convincing, and seductive as the voice of its enemies?

I just answered these questions instinctively. Maybe even sentimentally – after all emotions do exist, and living without them is miserable. In my "L'amaca" (article in *La Repubblica*) a few days ago, entitled "Say Something European," and in my newsletter in *Il Post*, I wondered why we don't organize a big demonstration

of citizens for Europe, for European unity and freedom. With no party flags, just European flags. Something that says, as only slogans with their impelling shorthand can do, "here we build Europe or we die." Ideally on the same day at the same time in all European capitals. At home and easier to organise, in Rome and/or Milan, hoping it spreads to the rest of Europe.

In both cases, the number of emails and messages saying "I'm in, I'll be there, just tell me where and when" was amazing. Nothing like this had ever happened to me in decades of public writing. It was as if I looked out of the two little windows I have to see if there was anyone in the street below to chat with, and saw a square already full of demonstrators. Not summoned, not organized, but with a will to be there that is not just a desire: it is a necessity. And even though my media audience is limited, as I know better than anyone, I said to myself that maybe it's time to persist. To give it a try. Not least because to do nothing, at such a grave and feverish moment in history, would be unforgivable.

I have no idea how to organize a demonstration. It is not my job. Unlike the 'Sardines' I don't have the cultural and social dexterity to convene an event fast and widely. I can't even tell you what exactly the point of a demonstration of real-life people is in this new age: whether it is an out-of-date, pedestrian ritual in the face of the lightning-fast spread of gatherings arranged by algorithms; or a generous movement destined to fall apart when faced with the obvious political difficulties (unite Europe, but how? But when? And which of the hundred obstacles should we step over first without then stumbling on the second?).

But I think that a demonstration with only European flags, with the sole aim (no matter how far-reaching: the vision matters, the value matters) of the freedom and unity of European peoples, would be profoundly reassuring for those who take part, who would feel less alone and less powerless in the face of events. And it would not be an insignificant signal, it might even be an important signal, for those who hold the political agenda; they could not ignore that there is also a “bottom up” European identity in the field, an innovative

and revolutionary political project that does not look to the past, but speaks to tomorrow. It speaks to our children and grandchildren.

So I appeal to anyone who has any idea how to do it, be it the last among those who vote or the first of the members of parliament, the best known public figure or the most anonymous citizen. Associations, unions, parties, as long as they are willing then to disappear, one by one, into the monochrome blue of the pro-European square. I have thrown my pebble in the pond, let's hope it rains stones.

COP 16 on Biodiversity Has Fulfilled Its Promise to the World

On 27 February 2025 COP 16 concluded in Rome with the successful completion of its resumed session. The outcomes of the resumed session completed what the Parties achieved in Cali, Colombia, before COP 16 was suspended on 2 November 2024 for lack of quorum.

Parties to the Convention on Biological Diversity (CBD) reached agreements on biodiversity finance, the Planning, Monitoring, Reporting and Review (PMRR) mechanism, and the full set of indicators that will be used to measure global and national progress towards the implementation of the Kunming-Montreal Global Biodiversity Framework (KMGBF), which was adopted at COP 15 in 2022.

“These days of work in Rome have demonstrated the commitment of the Parties to advance the implementation of the Global Biodiversity Framework. The COP 16 presidency

recognises the collective effort to reach consensus of key issues that were left pending in Cali” said Susana Muhamad, COP 16 President. “We appreciate the willingness of all countries and the Secretariat of the Convention for their dedication to continue strengthening the global biodiversity agenda. Only by working together can we make Peace with Nature a reality.”

“The results of this meeting show that multilateralism works and is the vehicle to build the partnerships needed to protect biodiversity and move us towards Peace with Nature” said Astrid Schomaker, Executive Secretary of the Convention on Biological Diversity. “We now have a clear mandate to implement Article 21 and 39. As we do this and implement the other supporting elements for resource mobilization, the world will have given itself the means to close the biodiversity finance gap.”

Source: www.cbd.int

Budapest Declaration for Democracy

EMI

Budapest Declaration for Democracy

The next five years will be pivotal for democracy in the European Union (EU) and the rest of the world. The multifaceted threats our democratic systems are facing need immediate, sustainable responses that put people at the centre.

We, the member organisations of the European Movement International (EMI), put forward the following recommendations calling upon the new EU leadership to create a more inclusive, transparent, transnational, and participatory Union, capable of strengthening democracy and its fundamental values:

1. **Uphold Democratic Principles:** Defend and restore the rule of law in response to breaches in the EU's Member States, while advancing democracy and its values beyond the EU's borders.
2. **Defend Human Rights:** Protect human rights for all, ensure they are upheld and promote diversity, equity, and inclusion within society.
3. **Safeguard Judicial Independence:** Maintain the autonomy of the judiciary, capable of enforcing the rule of law without external interference or internal pressure.
4. **Promote Media Freedom:** Support media freedom and media pluralism, and protect investigative journalism to facilitate fact-based reporting to fulfil its watchdog role.
5. **Empower Civil Society:** Enable civil society organisations to operate freely, serving as a voice for citizens and providing checks and balances to governments.
6. **Combat Corruption:** Implement effective anti-corruption measures and integrity mechanisms to counteract nepotism and corruption.

7. **Fight the Triple Planetary Crisis:**

Implement the European Green Deal (EGD) and related initiatives to pave the way for a green and just transition and to create a healthier and more prosperous planet for all.

8. **Ensure Social Justice:** Pursue social justice and equality in Europe by implementing the European Pillar of Social Rights (EPSR).

9. **Strengthen Digital Rights:** Develop robust regulations that guarantee and protect citizens' digital rights, including privacy and data protection, amidst the development of disruptive technologies and the rapid advancements in AI, while promoting media literacy and boosting innovation.

10. **Counter the Assault on our Democracy:** Develop the alliances and effective instruments necessary to stand up to those powers that are actively trying to undermine legitimate governments in Europe.

Budapest Declaration for a Stronger Europe

The European Union (EU) finds itself at a critical juncture, confronting challenges, such as Russia's ongoing war of aggression against Ukraine, the climate crisis, the ongoing conflict in the Middle East, threats to our fundamental rights and our democracy, geopolitical tensions, security concerns and intensifying global economic competition. Donald Trump's second term as US President, paired with Putin's brutal regime in Russia and China's assertive foreign policy, adds to the complexity of these challenges.

In view of the above, the EU must pursue European solutions, putting citizens and European civil society at the centre of the decision-making process. We cannot continue

to sit on our hands and remain passive. With Brexit and the first Trump presidency, 2016 was a watershed moment for the EU and the process of integration. We need solid, long-term solutions and we can no longer afford to repeat the same mistakes.

To this end, we have put forward the following recommendations for the new EU leadership for the next 5 years:

Defend our democracy and rights:

- Protect human rights for all and promote diversity, equity, and inclusion in society;
- Increase the promotion and enhancement of culture and cultural heritage, fostering a sense of belonging and of togetherness in Europe;
- Defend and restore the rule of law and rigorously enforce the Article 7 mechanism;
- Strengthen media freedom and pluralism all over the EU by closely monitoring the implementation of the European Media Freedom Act (EMFA);
- Increase funding for civil society organisations (CSOs) and grant civil society a stronger role in policy-making as per Article 11 of the Treaty on European Union (TEU);
- Make European citizens' panels, as well as permanent citizens' conferences, a constant feature of EU policy-making to ensure that citizens' voices are heard and effectively fed into policy-making;
- Develop strong regulations that guarantee and protect citizens' digital rights, especially the right to privacy, data protection, freedom of expression, social rights, and non-discrimination;
- Revise current migration and asylum policies to achieve a comprehensive, humane and common approach to migration and asylum, with binding burden-sharing mechanisms.

Defence and security:

- Make proposals for meaningful political

integration with shared strategic objectives and efficient decision-making among Member States to create and implement the European Defence Union (EDU);

- Step up support for Ukraine's fight for independence and democracy in its unwavering path toward the EU;
- Leverage public and private resources in a Common Market for Security and Defence to drive EU industrial transformation, job creation, and enhanced security capabilities;
- Strengthen the EU's external borders to protect it from military and hybrid threats by creating a fully integrated, coordinated and accountable border protection system based on EU values and human rights.

Sustainable prosperity and competitiveness:

- Maintain the ambitious implementation of the European Green Deal (EGD) as a priority in the upcoming legislative term, channelling all necessary public and private resources;
- Establish a Savings and Investment Union to enhance financial support for green and digital transitions within the Single Market;
- Follow up on the Letta report with concrete actions to deepen the Single Market integration to enable the EU economy to respond to current and future challenges;
- Closely monitor the implementation of the Artificial Intelligence Act (AI Act) and propose further legislation focused on incentivising sustainable and ethical use of AI;
- Increase the share of the EU's own resources in the EU's budget to enhance flexibility and to strengthen the link between policy objectives and financial resources;
- Increase the EU budget to match the increased demands arising from the current major socio-economic challenges and for much-needed investment, as underlined by the Draghi report;
- Work with Member States to overcome their differences and reach a compromise that will

allow more joint debt issuance and increase the EU's borrowing capacity.

Social fairness:

- Enhance the social dimension of the Single Market to promote inclusive growth, social justice, and equal opportunities for all;
- Pursue social justice and equality in Europe by implementing the European Pillar of Social Rights (EPSR), empowering social dialogue and promoting collective bargaining;
- Implement La Hulpe Declaration, shaping the future of social Europe to establish a well-being economy, fair wealth distribution, and stronger, more resilient social protection amid disruptive socio-economic changes.

Strong in the world and delivering in Europe:

- Step up efforts to revise the EU's industrial strategy to counter disruptive practices introduced by other global powers;
- Diversify supply chains by fostering strategic partnerships and developing critical sectors to reduce dependency on non-EU actors while maintaining openness;
- Provide a credible enlargement perspective and clear timeline for the accession process

with interim goals;

- Reaffirm that candidate countries aspiring to join the EU must fully respect democracy, the rule of law, and human rights in the accession process.

Further to the above, the EU must prioritise the necessary institutional and governance reforms to build a more efficient and effective Union that is transparent and representative.

To that end, the Commission should respond, together with the European Council, to the European Parliament's call for a Convention to reform the EU Treaties.

Institutional reform is not a matter of choice, but a necessity to ensure that the EU can meet the evolving needs of its citizens, face unprecedented global challenges and successfully manage future enlargement.

The European Movement International will follow closely the first 100 days of the new College of Commissioners and make sure that the proposals and promises included in President von der Leyen's Political Guidelines turn into concrete, people-centred actions.

A UN Envoy for Future Generations

In September 2024, In March this year, WFM-IGP, the Climate Governance Commission and 28 cosponsoring organizations launched Mobilizing an Earth Governance Alliance (MEGA) to build cooperation and advocacy on global governance mechanisms to protect the planet.

One of the proposals included in the MEGA platform is for the Appointment of a UN Special Envoy for Future Generations and establishment of similar representatives for future generations at all governance levels.

This proposal received a huge boost on October 7 at the Hamburg Sustainability Conference when Guy Ryder, UN Under-Secretary-General for Policy, announced that the UN Secretary-General will indeed establish such a position.

The purpose of establishing a *UN Envoy for Future Generations and other Institutional Representatives of Future Generations at all levels of governance*, is to ensure that decision-making today takes into consideration the needs, well-being and rights of generations to come.

There are already examples of institutional representatives for future generations at local, national and regional levels, such as the Oxfordshire Future Generations Champion, Hungary Ombudsperson for Future Generations, Malta Guardian of Future Generations, Wales Future Generations Commissioner, Gibraltar Commissioner for Sustainable Development & Future Generations and. Until now, no such representative at a global, multilateral level has

been established.

In his 2021 *Our Common Agenda* report the UN Secretary-General proposed the establishment of a UN Special Envoy for Future Generations, drawing from work on this idea by organizations including World Future Council (WFC), and by interest expressed by UN member states at various forums including the 2012 Rio Earth Summit.

The 2024 Un Summit of the Future provided an opportunity to build traction for this proposal, undertaken through promotion to the Summit by the Earth Governance ImPACT Coalition and Future Generations ImPACT Coalition which were established at the 2024 UN Civil Society Conference in Nairobi, and others including the World Future Council, WFM-IGP, Future of Climate Cooperation and the Office of the Wales Future Generations Commissioner.

Education and advocacy events leading up to the Summit included submissions to the facilitators of the Pact for the Future (Germany and Namibia), lobbying like-minded governments, the global webinar Protecting the Rights and Wellbeing of Future Generations through Institutional Representatives organized by WFM-IGP, and the UN Summit of the Future Action Day event A Seat at the Table: Why Future Generations Need Institutional Representation organized by the World Future Council.

This advocacy helped build traction and ensure that the proposal was noted in the Declaration on Future Generations which was adopted at the Summit of the Future.

For a World Ocean Authority

Citoyens du Monde

Oceans, the lungs of the earth, produce half the oxygen in the atmosphere. They are the origin of life on earth. Today, the pursuit of uncontrolled human activities is leading to their irreversible degradation. Numerous associations, non-governmental organizations, oceanographic institutes, biologists and climatologists, are converging to remind us of the extreme urgency of the situation. But to no avail.

A Lawless Ocean

Indeed, we are all aware of the disproportionate power of companies operating on the high seas, sheltered from the borders drawn by states. With no governance in place, these human activities are transforming the seas into zones of lawlessness, pillage, poaching, ecocide and barbarism.

A multitude of organizations, international agencies and commissions are in charge

of World Ocean issues. They all agree to denounce the impact of these activities, but do not communicate with each other and are powerless to act. They do not benefit from any delegation of power on the part of States.

Since the oceans form a single ecosystem, a sector-by-sector approach, as it exists today, is doomed to failure.

For a Global Ocean Authority

The World Ocean is a common good of humanity. It must be protected and placed above nation-states, above the borders drawn by these states. It is urgent to protect the World Ocean through a single Authority, democratically controlled by the world's people and endowed with real powers of constraint.

Only a truly supranational authority will ensure the protection of the World Ocean.

Text unanimously adopted by those present by World Citizens at their meeting in Paris on October 26, 2024.

Hibakusha Receive Nobel Peace Prize

René Wadlow

On 11 Oct 2024, Jorgen Watne Frydnes, chairman of the Nobel Peace Prize Committee, announced that it had been awarded to the Japanese anti-nuclear arms organization Nikon Hidankyo (Japan Council of A and H Bomb Victims Organization) for its striving for a world without nuclear weapons. The Nikon Hidankyo is an organization largely of members who have survived the atomic bombing of Hiroshima and Nagasaki. These survivors are known in Japan as Hibakusha who in 1977 numbered 367,000.

There are various Japanese organizations actively opposed to A and H Bombs. Each has its own characteristics. Several are related to what in Japan are called “New Emerging Religions” such as the Universal Love and Brotherhood Association, Yokho International, and Konko Hyo. The two best known internationally having been active in United Nations related activities are Gensuikin (The Japan Congress Against A and H Bombs) and Gensuiko (The Japan Council Against A and H Bombs). The two organizations differ concerning the “peaceful use of nuclear energy”. There is little likelihood to unify the two organizations.

Throughout the years since the end of the Second World War, the anguish of the Hibakusha has not lessened. Rather, it has been intensified by the constant arms buildup which has made the Hibakusha feel that their appeals have not been heard and their experience has been in vain.

Within Japan, when it began to be rumored that the aftereffects of radiation might result in genetic damage, the Hibakusha found themselves subject to discrimination in marriage, while their susceptibility to disease and tendency to fatigue made it difficult for them to get and hold jobs.

At this time when there are no governmental negotiations on disarmament and when disarmament is no longer an active issue on the agenda of many non-governmental organizations, the Nobel Peace Prize may help to give a human face to disarmament issues. There is yet much to do, and the Peace Prize may be an important step forward.

UEF-France Appeal on Trump's Re-election

In the face of Donald Trump's reelection the EU must take its destiny into its own hands. Donald Trump's re-election is likely to upset three principles that are at the very foundation of Europe's way of life and prosperity: an economy largely based on transatlantic trade, security mainly dependent on NATO, and political systems founded on liberal democracy and a belief in the possibility of concord between peoples.

This is not a new observation. For years, various studies, articles and reports have been alerting European public opinion to this triple risk.

Firstly, that the European Union [EU] is falling behind China and the United States economically and technologically: the Draghi report recently reminded us that Europe has never recovered from the 2008 financial crisis, that it has missed the digital boat and that it no longer attracts investors.

Isolationism

Then there is the shadow cast over Europe's security by Russia's actions and the United States' retreat; the election campaign has shown that isolationism is in vogue among American citizens, who seem concerned only about their country's relations with China.

The third risk is that of a global challenge to the values of liberal democracy that underpin the political systems and institutions of the States of the Union; the violent diatribes that are now a daily feature of American political life show that these values are in a bad way, and that powerful forces are promoting a much more brutal conception of the public sphere.

Europe has its back to the wall, and must prepare for alarming developments. That of an openly protectionist US policy and a more or less virulent denial of the principles that have underpinned international trade since the Second World War. That of a more or less rapid and pronounced American disinvestment from global security mechanisms. And finally, a questioning of the virtues of liberal democracy.

In this critical context, European integration has run out of projects, budgets and leadership. In the member states, no political leader seems able or willing to move things forward on a European scale; with the election of Donald Trump, national *sauve-qui-peut* is to be feared.

Radical ideas have the wind in their sails

On the Commission side, Ursula von der Leyen's reappointment came at a time when many heads of state and government are in difficulty, and was accompanied by the departure of the strongest personalities within the College of Commissioners: it is likely that, in the name of her Atlanticist views, she will not want to take any initiative that might displease the American authorities.

In civil society, radical ideas are on the rise, and there is a strong temptation to fall back on protectionism and nationalism, as in the United States.

At a time when budget discussions are raging in France, it's also worth remembering that, while the US federal budget represents around of the country's gross domestic product (GDP), that of the European Union is limited to 1% of the GDP of the Twenty-Seven. With such a low budgetary

capacity, the EU cannot take any major action in terms of industrial policy, innovation, social action, ecological transition or defense.

Forthcoming budget debates will inevitably raise the question of a new distribution of available funding, with the risk of seeing essential sectors for the European Union, such as agriculture, regional policy or education and research, sacrificed.

Ambitious and uncomfortable decisions

It must accelerate economic and technological integration to give its companies the means to compete on a global scale, in a world where the rules of the game are changing rapidly.

It must also ensure its collective military security, in the face of the dual threat posed by Russian imperialism and the retreat of the United States.

Finally, it must vigorously defend its values, the attention it pays to social progress, freedoms and environmental protection, and fight effectively against foreign interference in its democratic life.

Such a leap forward could be embodied, without delay, in the establishment of a European defense framework. This is not an easy task, as it raises complex questions that will require courageous answers.

Should an increase in military spending be accompanied by a reduction in other investments or an increase in taxes? Is it possible to conceive of European defense without greater political integration and the creation of - possibly federal - institutions capable of taking decisions on behalf of the Union? How can we support the socio-economic changes brought about by massive investment in a common defense industrial policy?

To safeguard its future, the European Union has to take ambitious and uncomfortable decisions. The upheavals underway in both East and West are an urgent call for greater boldness, at a time when the smallest European initiative requires a wealth of diplomacy and endless negotiations. Only greater integration will enable us to combat imperial ambitions and ensure Europe's security after the end of the *pax americana*.

Signatories: **Arvind Ashta**, consultant/researcher, Building Humane Advances and Institutions/BHAI, Toulouse; **Robert Belot**, university professor (history), Saint-Etienne University; **Christine Bertrand**, lecturer in public law, Clermont-Auvergne University; **Frédérique Berrod**, university professor (law), Sciences Po Strasbourg; **Yann Moulier-Boutang**, university professor emeritus (economics), Compiègne University of Technology; **Christophe Chabrot**, lecturer (public law), Lumière-Lyon-II University; **Olivier Costa**, CNRS research director, Cevipof - Sciences Po; **Michel Devoluy**, honorary university professor (economics), University of Strasbourg; **Sophie Heine**, author and consultant, associate researcher at the Egmont Institute; **Jacques Fayette**, honorary university professor (management sciences), University of Lyon-III; **Marc Lazar**, professor emeritus of history and political sociology, Sciences Po; **Gaëlle Marti**, Professor of Public Law, Université Jean-Moulin-Lyon-III; **Alexandre Melnik**, Professor, ICN Business School Nancy-Metz; **Ghislaine Pellat**, Associate Professor (Management), Université Grenoble-Alpes; **Céline Spector**, Professor (Philosophy), Sorbonne Université.

All signatories are members of the scientific council of the Union of European Federalists (UEF).

Open Letter to Congress Regarding US Sanctions on the ICC

CGS

January 6, 2025

To Members of the 119th Congress and the incoming Presidential Administration of Donald J. Trump:

The undersigned organizations write to express grave concerns and to unequivocally oppose the use of the sanctions authority of the United States to attack the International Criminal Court (ICC), an independent judicial institution dedicated to combating impunity for the gravest crimes known to humanity.

The ICC performs a vital role in international affairs by investigating the worst international crimes that shock the collective conscience of humanity and investigating those accused of committing those crimes. It does so in a manner that protects the due process rights of the accused, the sovereignty of states, including the United States, and the rights of victims. As has been widely observed, supporting the work of the Court is in the interest of the United States, and sanctioning it, conversely, undermines important US interests. The positive role of the ICC has been recognized through previous bipartisan support for investigations into war crimes allegedly perpetrated by Russian officials in the Ukraine conflict (S.Res.531 and H.Res.963), attempts to bring justice for the victims of gross human rights violations in Myanmar, and as a pathway to accountability for perpetrators of atrocities in Sudan.

Many of the undersigned spoke out when the previous Trump administration subjected

two senior ICC officials to sanctions and travel restrictions. At that time, we cautioned that it was “uniquely dangerous, extreme, and unprecedented to utilize a mechanism designed to penalize criminals, their aiders, and abettors, against an independent judicial institution.” The previous sanctions against the Prosecutor and a member of her team raised serious concerns about the ICC’s ability to fulfill its mandate, including the Prosecutor’s obligation to report to the UN Security Council on the situations in Darfur and Libya, and to participate in the annual meetings of the Assembly of States Parties (ASP), the ICC’s oversight management and legislative body, where the US participates as an Observer.

In 2024, the House of Representatives passed the so-called “Illegitimate Court Counteraction Act.” Although the bill’s full scope was ambiguous, the legislative intent was to punish foreign persons who aid, materially assist, or provide financial support for efforts by the ICC to undertake certain investigations and prosecutions. The Biden administration strongly opposed the bill and the previous Senate did not vote on the legislation. As human rights, legal, and faith-based organizations, the foundations of civil society, as well as individuals who have dedicated their careers to these causes, we decry attempts to attack an independent judicial institution and urge the 119th Congress and incoming administration to reconsider this misguided position.

Asset freezes and entry restrictions are tools intended to combat individuals and entities

constituting a threat to US national security, such as kleptocrats committing grand corruption, gross human rights offenders, and perpetrators of war crimes and crimes against humanity. By applying these measures to a court that 125 countries – and on two occasions, the United Nations Security Council – have entrusted with providing accountability for atrocity crimes, the United States has brought upon itself the stigma of siding with impunity over justice. In fact, Russia sanctioned some of the court’s judges last year, and the United States should not similarly adopt such vindictive tools. Such actions jeopardize the ability of desperate victims across all the court’s investigations to access justice, weaken the credibility of sanction tools in other contexts, and place the United States at odds with its closest allies.

The ICC represents and constitutes part of a global system of international justice of which the United States was a chief architect at Nuremberg and beyond. Today, the ICC, alongside other tribunals, regional mechanisms, and national courts, is carrying forward these efforts through investigations and prosecutions that could help realize justice for atrocity victims from Sudan to Myanmar to Ukraine. As a court of last resort, the ICC only can intervene when and where a State has demonstrated unwillingness or inability to hold its nationals to account for crimes within the Court’s jurisdiction. The ICC therefore provides an essential backstop for victims who have no other recourse to justice. The use of sanctions has the potential for wide-reaching impact against this institution dedicated to advancing justice for victims.

The proposed sanctions were prompted by the arrest warrants issued on November 21, 2024, for Israeli Prime Minister Benjamin Netanyahu

and former Defense Minister Yoav Gallant. Practically, sanctioning the court or its officials would halt its work across all situations that are under its purview, including those critically important to the United States, such as the situation in Ukraine and in Sudan. US citizens who represent victims and survivors also could be implicated for their work to help achieve justice for perpetrators of atrocity crimes. The idea that justice can be selectively used to advance geopolitical concerns is a moral affront to all those who are in peril and an abrogation of the universality of human rights. An attack on the ICC in one situation is an attack on the rule of law itself.

At an historical moment when the global rule of law is under attack from multiple fronts, institutions like the International Criminal Court are needed more than ever to advance human rights protections and the universal goal of preventing future atrocities and advancing justice for victims. Instead, sanctions send a signal that could embolden authoritarian regimes and others with reason to fear accountability who seek to evade justice. It is essential that the United States answer any allegation of wrongdoing in a manner that does not betray the cause of global justice, abandon international cooperation, or compromise support for human dignity and rights.

It would be a terrible irony if a tool designed to penalize gross violators of human rights could instead contribute to their continued impunity. We urge other governments, Members of Congress, and advocates for victims everywhere to raise their voices to oppose attacks on the independence and autonomy of international judicial institutions like the ICC. We invite allies of justice to join us in standing against these destructive measures.

Contacts: Rebecca A. Shoot (rshoot@globalsolutions.org) and Elizabeth Evenson (eevenson@gmail.com), Co-Conveners of the Washington Working Group for the ICC.

Democratizing the World

Robert Simon

Olivier de Frouville, Dominique Rousseau (dir.)

Démocratiser l'espace monde

ISJPS collection, ed. Mare & Martin, Pris, 2024, 269 p., ISSN 2494-2626, € 32.

A fascinating book for those interested in democracy and global governance.

This book, edited by Olivier de Frouville and Dominique Rousseau, brings together 16 articles which analyse the democratisation of global governance from different angles.

Lucio Levi introduces the book by outlining the prerequisites for the right to participate in public affairs on an international level. For him, another world emerged when the nuclear bombs were dropped on Hiroshima and Nagasaki. As early as 1946, several intellectuals and scientists, including Einstein, published a book entitled "One World or None". In it, they set out the principle of an evolution in state sovereignty. Peace", says Lucio Levi, "is a priority objective, because the interests of humanity must be acknowledged as being superior to those of social classes and nations. Globalisation raises "challenges beyond our control". "Man has acquired the power to destroy the world, but not yet the power to govern it". And he affirms his belief that: "Kant's project of Perpetual Peace, thanks to the World Federation... becomes a concrete proposal which can offer an effective solution to the pressing problems afflicting mankind". As a defender of democracy, he notes that "democracy stops at the borders of the various

States, beyond which the balance of power between them prevails". "Expanding the dimensions of the state is politics' response to the need to control this process" of globalization. It is "a real process of civilization in the course of which human societies, through legislation and the state, eliminate violence from social relations and build ever larger political communities". Lucio Levi suggests a gradual approach to establishing democracy in international relations, and quotes the European Parliament as an example. He recaps the history of the World Federalist Movement since 1947, which has two different approaches: 1) a leap forward to create a world federation, or 2) reforming the UN. Clark and Sohn's 1961 book proposed amendments to the UN Charter.

Monique Chemillier-Gendreau continues the analysis by demonstrating the weakening of the principle of sovereignty. For her, "sovereignty" is "the main, and major, obstacle to the development and efficacy of international law, and consequently to the pacification of international relations". She quotes Jean Monnet, one of the founding fathers of the European Union which said: "there is no room for separate action by our old sovereign nations". They "are no longer the framework within which the problems of the present can be solved. And the Community itself is only a step towards the forms of organisation of tomorrow's world. She concludes by noting that "it is this pledge of living together -which forms the basis of democracy- that can translate into systems of participation in public affairs"

Xavier Philippe shows that the call for the right to participate in public affairs on an international level is a historic turning point towards globalisation. He analyses "the law of globalisation" and "the globalisation of law", and the importance of the alter-globalisation movement in challenging the methods of

globalisation. "The last decade has seen a growing awareness of global issues that depend neither on states nor on individuals. He shows how "the emergence of democracy on an international scale is running up against" the hostility of most states and economic actors.

Dominique Rousseau, in an article on the development of a comprehensive constitutional law, cites Article 16 of the 1789 Declaration of the Rights of Man and of the Citizen: "Any society in which no provision is made for guaranteeing rights or for the separation of powers, has no Constitution" This shows the bond which exists between the constitution and society, not between the constitution and the state. "States themselves acknowledge that their constitutional order cannot be the relevant decision-making framework for the major issues of the world of today: peace, the environment, migration, corruption...". He also reminds us that according to Habermas, contrary to Dieter Grimm, it is "the European constitution that... would shape the people of Europe". "It is the Declaration of 1789 which, in naming the French people, creates them". "It is in the words of the global constitution, in the vision created by the world constitution, that the citizen of the world will exist". Mr. Rousseau, quoting the Indian historian Sanjai Subrahmanyam, speaks of a connected constitution; he emphasizes the importance of international networks that promote "reciprocal knowledge, the circulation of practices and political and legal acculturation; in these networks peripheral, marginal groups should be the main focus of research. Dominique Rousseau proposes that "different skills, traditions and cultures should contribute on an equal footing to the understanding of global human society".

Olivier de Frouville takes this thought one step further by calling for a reappraisal of the

concept of constitution. "The globalisation of the economy, world conflicts and planetary risks have made it necessary, and indeed vital, to develop policies and laws on a global scale. "Human rights, including the right to participate in public affairs, have been proclaimed internationally since 1945, but we continue to find it normal that citizens have no say in international law and policy... Decisions are taken (on behalf of citizens) without those citizens even being consulted or informed of them. This emancipation of the people has become an illusion, since the structural, decisive, issues on which the fundamental trends of the economy, politics and ecology depend are debated and decided in international forums that "sovereign states" want to monopolise.

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"Held back in this state of political minority, national citizens are unable to think of themselves as citizens of the world". The United Nations Human Rights Council has recognized that this right to participate in public affairs shall also be applied internationally (Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs. 2018). " Before thinking about participation and democracy on a global scale it is necessary to create a model for an international constitution. In 1795 Kant, in his Perpetual Peace Project, had already expressed the need to move in this direction. Olivier de Frouville explains what cosmopolitical constitutional law is. He concludes by asserting that "an indispensable condition lies... in maintaining and strengthening a sufficiently strong supranational network of citizens who consider themselves to be citizens of the world".

Claire Callejon explains how all UN reports recognise that the contribution of civil society

on an international level is essential and that it is a right. She notes that the NGO committee at ECOSOC is not working, but that various international organizations make room for NGOs, as for example do UNAIDS, UNFPA, UN-Habitat. She acknowledges that citizens encounter many obstacles when they want to work with international organizations, but several organizations have adopted texts to resist intimidation or reprisals, or have mechanisms to support those who defend human rights (Council of Europe, OSCE, ACHPR). She notes, however, that there is “a discrepancy between positive developments on a legislative level and practice”.

Frédéric Mégret wonders whether global governance can be democratic. Some consider that international organizations would be democratic if each state had one vote and decisions were taken by consensus. But this is a “democracy of paralysis”. The democratization of the world could come from greater democracy on a national level, especially with greater control over foreign policy. Advocates of a “cosmopolitan democracy” call for the creation of a Parliamentary Assembly within the UN. Others support to be achieved step by step. “NGOs are an approximation of people’s participation”, they say, but they are changing the nature of global governance. “Associated with the establishment of standards, civil society is also increasingly involved in their implementation, and in checking the accountability of both States and international organizations. They could promote the emergence of “global administrative legislation” to make international actors accountable for their actions. Mr. Mégret draws attention to the risks posed to global democracy by large multinationals. He concludes by stressing that “a constitutional process is inherent in the organization of any democracy”, and that democratization must not be achieved at the

expense of minorities.

Claire La Hovary of the International Labor Organization shows how the ILO was the first international organization to integrate civil society into its decision-making process. Established by the Treaty of Versailles in 1919, the ILO is a tripartite organization, with a Governing Body made up of the following members

28 government delegates, 14 workers’ delegates and 14 employer delegates. The latter two groups have always opposed opening up more to civil society. Employers are hostile to the right to strike, and even to the principle of international labour legislation. Nevertheless, the ILO draws up “International Labour Standards”.

Nicole Maggi-Germain explains how the ILO contributes to the creation of a world order for labour, for the purpose helping bringing about peace. But the quest for consensus, the faculty States have of not applying certain standards and the lack of international labour jurisdiction limit the scope of the ILO’s action. Ms. Maggi-Germain raises the question of universality, or the Western illusion of cloning concepts. She believes that the challenge of “globalism” is to combine universality with the diversity of local cultures and realities.

Marta Torre-Schaub examines how the fight against climate change can strengthen democratic instruments. She shows how climate change is both a challenge and an opportunity for democracy.

Sophie Albert analyzes the participation of non-state actors in the governance of global health, both within the WHO and in the work of the G7 and G20.

Samantha Besson explores the issue of multiple democratic representation within the WHO. The World Health Assembly (WHA)

has legislative power; its decision-making is not hampered by the consensus rule. It adopted the "Framework of engagement with Non-State Actors" in 2016. The author recalls that democratic legitimacy rests on 4 policies: the policy of scrutiny the people, the policy of equality, the policy of deliberative dissent and the policy of the defence of human rights. She analyses the many causes of shortcomings in democracy in the various forms of representation and discusses the possibility of local authorities becoming "associate members" of the WHA. Cities can be associated through the WHO Healthy Cities Network and the proposed association of the World Parliament of Mayors with the WHA. She advocates a "system of multiple international representation", and suggests three areas for reform.

Chloé Geynet-Dussauze examines the proposal for a Global Citizens' Initiative, supported by 120 parliamentarians from 40 countries, along the lines of the European Citizens' Initiative introduced by the Lisbon Treaty and implemented in 2011. Noting how difficult it is to acknowledge a "global citizen", she shows the procedural difficulties inherent in this proposal.

Valéry Pratt draws Habermas to show why the right to participate in public affairs on a global level is essential. Showing the limitations of international dialogue conducted by diplomats, he makes the case for using a variety of actors. Habermas puts forward proposals "so that the voices of the world's citizens can carry weight".

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Asma Ghachem points out that "the concept of democracy refers both to a mode of government and to a certain idea of ethics". She shows the link between the notions of the rule

of law and democracy, and how constitutional law has become internationalized, based on two characteristics: flexibility and the pre-eminence of international constitutional law over domestic constitutional law. For the African Court on Human and Peoples' Rights, "a State cannot claim to place its constitution above its international obligations". The author expands on the idea of Moncef Marzouki, opponent of the Ben Ali dictatorship in Tunisia, to create an international constitutional court.

Bertrand Badie concludes the book by describing the evolution of international relations: to overcome feudal and imperial turmoil, Europe defined an international system based essentially on power and the principle of sovereignty. "Only force and cunning can resolve disputes... The international scene is traditionally "a-democratic", and only a balance of power confers stability on it". The idea of national interest" authorizes us to depart from democratic principles, when necessary to support "dictatorships" that may be "useful". The victory of 1945 "consecrated power as an eminently virtuous principle, since it had rid the world of the Nazi monstrosity and was preparing to protect it from Stalinist totalitarianism". "Neither the League of Nations nor the United Nations abolished, or even seriously reformed, the rule of power to make way for the idea of democracy. The Security Council, through the right of veto granted to the five permanent members, constitutes an unprecedented legalization of power, in practice exempting those who hold it from complying with the rulings of the majority". To cope with the arrival of new states at the UN, "with the creation of the G7 in 1975, the major powers reinstated an oligarchy that is reorganizing itself with the invention of 'minilateralism'. But NGOs are also creating innovative social dynamics, the first steps towards democratization. "Their active participation in the international arena

takes the form of information, demands and advocacy, as well as involvement in decision-making. The growing involvement of regional and local players in international life, which some call “glocalization”, is “another potential avenue for democratization of the world”.

“Nothing seems to be able to stop this social pressure on the international scene, which can seem to be a real precursor to a democratic surpassing of the power game.”

Conclusion

This book is a mine of inspiration and information for all those who dream of more effective and democratic global governance. I regret that the title of the book was not “Democratizing the UN” or “Democratizing

global governance”, as the concept of world space does not appeal to many people. When it is updated, we should add a few chapters analysing the attempt by the UN General Assembly and Antonio Guterres, its Secretary General, to reform the UN on the occasion of the Summit of the Future (September 2024). The global Civil Society Conference which the UN organized in Nairobi in May 2024 demonstrated the UN’s desire to democratize debates on UN reform.

The worldwide federalist movement needs to make this very important work its own, in order to promote political debates in all countries. And to that end, it deserves to be translated into many languages.

Interview with Chantal Meloni on Her Book Regarding the International Criminal Court

"I find myself closing this book, born under entirely different circumstances, at a dramatic moment, in the midst of two armed conflict, both characterized by the perpetration of atrocious crimes. Gaza and Ukraine have overwhelmingly brought the role of international (criminal) law back to the forefront and presented demands for justice with respect to which there is an urgent need for a response. The International Criminal Court has suddenly entered the common lexicon, and it is remarkable how much attention, even in the media coverage of the past two years, has been devoted to a subject otherwise considered niche."

More than two decades after the founding of the International Criminal Court, this book offers a balanced review of an institution that is still young and, in historical terms, taking its first steps. It does not dismiss the technical more legal aspects, but it does not get lost in detail: the background is the international context and the prose is accessible to non-specialists.

Professor, in your book you reconstruct the birth and reasons for the International Criminal Court to be: how was it born? When? Why?

The ICC is an international criminal court

that came into being thanks to a treaty signed in 1998 right in Italy, in Rome: the so-called "Rome Statute," which came into force in 2002. However, the path to its establishment is very long and starts as early as World War II, when it was decided that the atrocities witnessed during the war should and could not go unpunished. Two tribunals were then established for Nuremberg and Tokyo and work was begun on a permanent criminal court, work which, however, remained long blocked due to the climate created during the Cold War. It was only after the fall of the Berlin Wall that the project was concretely revived, also thanks to the impetus of the two ad hoc UN tribunals, for the former Yugoslavia and Rwanda, that the adoption of precisely the Rome Statute was finally achieved.

In the book you explain that the aspiration for universal justice rests on the Court and the idea of the universality of human rights, but equally on states and their ability to incorporate and facilitate international criminal law within their own systems.

Of course, it is the duty of every state not only to promote and defend human rights, but also to punish violations of those rights, which in the most serious cases represent real international crimes. The ICC was created around this idea: it's a complex architecture based on the pillars formed by national legal systems, as well as on international, covenant and customary law.

Within this framework, each state must do its part, first by adopting the necessary legislation on international crimes, and second by exercising its criminal jurisdiction. Indeed, the ICC is only complementary to states, that is, it intervenes only if the competent national judicial authorities in the exact situation are unable or unwilling to proceed.

Which major countries have not signed the charter? Among them is the United States:

what are the consequences of this fact?

There are 124 states that to date are members of the ICC, having ratified its founding treaty. Others, such as Ukraine, have accepted its jurisdiction, even if they have not yet ratified the Statute.

It should be emphasized that all the countries of the European Union are members of the Court and have been a core part of it for a long time, meaning as early as the drafting of the Statute (which like any international treaty was the result of negotiation between states).

Diplomatic delegations from virtually every country in the world were present in Rome at the time, some of which were very committed to the negotiations, such as the United States, which, however, later decided not to ratify the treaty. In addition to the United States and Israel, other large countries in terms of population numbers such as China, India, Pakistan, and Russia, are still outside the ICC, so that today about half of the world's population is in states that are not part of the ICC.

And yet it is necessary to look at this project from a long-term perspective. All in all, 20 years on this horizon is a long time but not a lot, and year after year the number of state parties has grown.

We come now to the decision issued on November 21st. What does it state? What does it imply? What is an international arrest warrant?

In the recent decision cited above, the judges of the Pre-Trial Chamber finally ruled affirmatively on the request for the issuance of an arrest warrant that had been made by the Chief Prosecutor's Office on May 20.

It took six months because the proceedings were very complex and the judges first had to overcome objections that had been raised,

particularly by the State of Israel, regarding the court's jurisdiction.

Therefore, the judges first had to clarify that the ICC has jurisdiction over Israeli nationals under the Rome Statute because, although Israel is not a state party to the Court, jurisdiction in such cases is based on a criterion of territoriality, given the alleged crimes have been committed on Palestinian territory.

Let's not forget that Palestine has been a state party to the Court since 2015. Having posited this, and clarified that Israel's acceptance of jurisdiction is not necessary, the Pre-Trial Chamber, chaired by a French judge and composed of three judges of different nationalities, found that there were "reasonable grounds to consider the commission of serious crimes," in terms of both war crimes and crimes against humanity, by the Israeli prime minister, the former defense minister, and a member of Hamas, as integrated.

The prosecutor had considered the responsibilities of two additional leaders, political and military, of Hamas and called for their arrest, but they have since been killed. Three arrest warrants were then issued on November 21.

For what reasons can this decision be called "historic"?

It is unprecedented because this is the first time we are witnessing the issuance of an arrest warrant by the ICC for a political leader of an allied and Western-backed country.

This situation is leading to reactions, in some cases even violent, from some governments. The reaction of Israel itself is not surprising, nor is that of the United States, both of which have an attitude of substantial opposition (with exceptions, as in the case of Putin) to the Court's work and are not members of it.

Nor is the reaction of Orban's Hungary too surprising, although I would note that it is isolated in Europe in its extremist stance, as evidenced by the recent vote in the UN General Assembly on the resolution declaring (once again) colonies on Palestinian land to be illegal.

It is essential, however, that our governments remain in positions of respect, not only formal but also substantive, to the decision taken by the ICC judges; I am speaking of Italy but in general of all European and non-European countries, Canada, Australia, and all those who strongly wanted the establishment of this court, which is a sign of civilization and which must at this time more than ever be supported and protected.

What is plausible to happen now? What consequences are there on the political level? What on the legal level?

It is really difficult to predict what will happen. On the one hand, I expect that the battle will also continue in the courts, in the sense that I

imagine the Israeli government will challenge the judges' decision and try to argue once again that the ICC does not have jurisdiction over Israeli citizens.

The issue has already been twice considered and finally rejected by the ICC judges, in two different compositions, but the procedure gives the state in question the opportunity to resubmit it at this stage, and I believe this will happen in the short term. On the other hand, the battle will continue outside the court proceedings, with undue political interference and pressure on the court in an attempt to delegitimize its work.

On this point, I reiterate, it will be necessary for our governments, particularly those in Europe, to keep the bar straight on the principles of law and the rules they themselves have chosen, and to make it unambiguously clear that the execution of an ICC arrest warrant is a real legal obligation to them and not a matter of political discretion, even when it concerns the leader of an allied country.

* Interview published on November 26, 2024 in *il Mulino's InMacina* newsletter.

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