

# THE CHALLENGES OF THE GLOBAL GOVERNANCE



# AND THE EUROPEAN UNION

an abstract to develop a practical methodology for new beginnings



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## PREFACE

Despite the presence of institutionalized international organizations, international law, nongovernmental international organizations and forums for informal discussions to foster closer cooperation and dialogue ([Trilateral Commission](#), [Council on Foreign Relations](#), [Bilderberg Group](#)), the world is a troubled place. There appear to be serious deficiencies inside the systems that are equipped to prevent major destructions and to preserve the balance between different interests. I.R. Iran enriches 'worrying quantities' of uranium and the Chinese leader and the Russian president support each other in their anti-Western stance, including the rejection of liberal values, which sound is also heard in large parts of Asia and Africa.

The free world, where democracy and capitalism or moderate socialism prevails, should no longer turn a deaf ear to threats and harsh words from autocratic leaders. We should give us cause for concern, force us to awake and to take appropriate action.

War(s), conflict, pollution, attacks on freedom and democracy, expensive and scarce food and energy, insecurity, weak institutions and limited access to justice remain a great threat to sustainable development. Moreover, one consequence is that the number of people fleeing war, persecution and conflict exceeded 100 million (UNHCR, May 2022).

But what are we doing about it? More and smart diplomacy and evidence-based solutions are needed to govern globally and to achieve more peace and justice.

Mechanisms of international cooperation, capable of acting on behalf of the interests of humanity and the planet, are due.

This project will seek to deepen the knowledge of the existing thematic research in the field of foreign and defence policy, and diplomacy from the perspective of the tools for the prevention of conflicts, as a consequence of contemporary challenges.

Based on existing research, objective is to develop a practical methodology and a toolkit that can help identify elements of the various EU foreign policy instruments that can effectively contribute to a greater collective capacity for a more integrated EU external action.



<- 'Moving Europe from darkness into light' during CEPS Ideas Lab 2023 (Europe and the US together): economic ties, energy, TTC, exchange on intelligence.

## INTRODUCTION

Global governance is a continuous process of balancing different interests and initiating cooperative action. It is not only the affairs of states and global governance institutions, but also includes many of the local institutions, agencies, and citizens doing the concrete work of global governance. Think the challenge of climate change and the fight against pandemic. Other challenges in this context are food security, state aggression, mass violence in fragile states, devastating cross-border economic shocks, international migration, physical scarcity of energy and cyber-attacks.

With the current dynamics in the world's economies, cultures, and populations (1) global governance is needed, no politics of the empty chair. We must fend off "the war of all against all".

Ideas are the seeds of our greatest creations, but they can also sow destruction. Fierce ideological differences, thoughts and adherence to territorial expansion and identity on the European continent, on the landmass of Asia (China, the Middle East) and the African continent, is driven by hard power and pulls us into darkness.

*"The world needs 'evidence based solutions to governing globally'. Mechanisms of international cooperation, capable of acting on behalf of the interests of humanity and the planet, are due", writes [Global Governance Forum](#).*

After WW-II, several international organizations (2) were founded and joint agreements were made to strive for peace and prosperity and to prevent a repetition of the disastrous consequences of war. And in 1997, Zbigniew Brzezinski, through "[The Grand Chessboard](#)", formulated a Eurasian geostrategy for the United States, so that no Eurasian challenger should emerge that can dominate Eurasia and thus also challenge U.S. global pre-eminence.

But given contemporary developments, there appear to be a serious deficiency inside the systems to prevent major destructions and to preserve the balance between different interests (3). Economic arguments automatically spill over into geopolitics and the world of free trade is gradually becoming a world of power blocs. Will a rules-based trading system become a block-based trading system?

February 24, 2022, a next battlefield has arisen on the European continent. But how to interpret the clash to avoid wrong implications? Defenders of the Enlightenment and of the Counter-Enlightenment? Democracy against autocracy? A fight between the past and the future? A war between the West and Russia? Or a war between Russia and Ukraine? (appendix III). [We can drive ourselves into a blind corner, writes Piotr Kaczyński](#).

This time, RF deemed it again necessary to invade its neighbouring country, despite the more than 350-year-old Westphalian concept of balancing inter-state aggression by a balance of power in which diplomacy (4) was assigned an important role, despite the 1948 [Charter of the UN](#) (5) and despite multiple IO's focused to safeguard freedom and security.

Why want a regime to conquer a sovereign state? Is the invasion of Ukraine by RF coming through a sum of mutual missed opportunities from the past? 'Not one inch' while doing slowly but surely expansion together with corresponding protection? For the balance of power? For economic interests and influence?

From the urge to achieve greatness again and therefore fighting a moral battle to reject the West? (as the [fourth political theory](#) claims). Or just for the lust of power, as may be explained from the ancient drive for violent expansion to destroy and colonize, reflected in the Russian national character and their centuries old zeitgeist? (6)

Liberal democracies are threatened and under attack and the beating heart of [the liberal world order](#) has slowed. Time to think and act. It is time to focus and prepare for intentions of countries ruled by autocratic leaders and for consequences that result from it. What awaits us? Should we have to take into account conventional and hybrid attacks? And for how long?

But even if you could have formulated the answer to those questions, right now [democracy, freedom and prosperity for the West are at stake](#). This is widely realized and the gravity of the situation forces Western governments to defend themselves against Russian military operations that seek to tear down a state's democracy and the rule of law, and that, moreover, disrupts trade, industries and investments, human migration, physical scarcity of energy and causes cyber-attacks.

Can the European Union play a role to mitigate the challenges? The European Union, a supranational organization of member states, was established as an antidote to the extreme nationalism and is aimed to be a political and economic union, promoting peace, offering freedom, security and justice without internal borders, and sustainable development.

The economic side worked very well: continued prosperity, huge progress and on levels never seen in history. But Europe threatens to fall short if it does not take action. To secure, Macron advocated 11 April 2023 during a lecture on "The Future of Europe" for economic sovereignty of our Europe:



*"This is our goal.*

*To achieve it, Europe has ceased to be naïve. It can now defend its interests, its values and its independence.*

*→ Europe's strength is its single market. By innovating, reforming, strengthening our education and training systems, mobilizing capital more effectively, we are continuing our efforts to bring out strong players who embody our sovereignty.*

*→ Advancing European industrial policy means better protecting our companies. This is the thrust of our strategy to combat distortions of competition, reduce our strategic dependencies, and protect our intellectual property.*

*→ The [Net Zero Industry Act](#) by simplifying our rules and procedures will allow us to accelerate the development of our industries that contribute to the climate transition.*

*→ A sector so essential for our industries, our economies and our societies, Europe had to invest in the semiconductors of the future. With the [Chips Act](#), we stay in the race.*

*In France, we are going to double our production capacities by 2030. More than 5,000 jobs will be created!*

→ *With the mirror measures, we will ensure that, in order to access the European market, producers from third countries are subject to the same production rules as those of our Union.*

*This is essential, both to protect European consumers through strong standards that we already impose on ourselves, and for our businesses in the face of unfair competition.*

→ *In each trade negotiation, we must integrate sustainability criteria such as compliance with the Paris Agreement and the preservation of biodiversity, equity, balance, compatibility with our strategic interests.*

*This is consistent with our climate goals and we will benefit from it mutually.*

*We work for fair conditions of competition for our companies, for compliance by third countries with ambitious standards and universal values.*

*A Europe that defends its interests and its values, remains in control of its destiny, creates jobs, successfully completes its climate transition, this is what we are building."*

The political side never reached the status of a central government, internationally recognized as a single political entity, held back by nation states, which cling to their cultural and political communities.

In that respect, the French president Emmanuel Macron previously proposed a new political grouping, the [European Political Community](#) (EPC). The aim of the project is to provide a policy coordination platform for European countries across the continent and foster political dialogue and cooperation in order to address issues of common interest, so as to strengthen the security, stability and prosperity of the European continent.

Simultaneously to the initiative of EPC a [Brussels Institute for Geopolitics](#) was created. The website states "*Strategy and geopolitics were never what the European Union was designed for. They sit at odds with the Union's self-image as a global beacon for peace and rules-based order. Europe must learn to act and think in terms of power, interests and strategy.*

*And yet, to preserve its democratic openness on the inside, Europe must strengthen its posture to the outside, practising Kant at home and Machiavelli abroad.*

*For Europe to act as a power among powers, a Rubicon needs to be crossed. A novel orientation towards geography and history must be developed, a new political language to make sense of our place in a world that has changed. Only this will allow us Europeans to uphold our interests and values."*

It looks like 2023 will be the year of continued competition for global influence and of changes within the international order, where Ukraine, energy matters and impact of inflation driven by supply side will continue to dominate, but where other – more positive – developments will reemerge, such as enlargement in the Western Balkans, the evolution of the nascent European Political Community, and, according to the European Commission, by investing in digitalisation and investments funded by NextGenerationEU could boost the EU's GDP by around 1,5% in 2024 and further stimulate job creation.

But what about developments regarding globalisation? We took into account the changes within the unprecedented international connectivity of the post-Cold War world. And although increased globalisation gave the world a good shaking with large consequences, Europe wants her achievements, values and identity to stay preserved while for the progress she works also on enlargement, employment, growth, trade, social and human rights.

Is this tenable in this time with trends that show that there is talk of de-globalisation?

Intereconomics, 2022, 75(6), 345-351 writes:

*“After decades of increasing globalisation in trade, capital and information flows, we are currently experiencing a shift due to the COVID-19 pandemic, Russia’s war in Ukraine and divisions over the conflict. Disrupted supply chains, US-China trade tensions and the gradual demise of the World Trade Organization appear to be serious threats to globalisation and have altered the geopolitical landscape. Where is globalisation heading? Are we in a temporary phase of slowbalisation or is it the beginning of something different? Is a more multipolar world order developing or one divided between US and Chinese influence? And where does the EU fit in this new scheme?”*

Democracy has its weaknesses, but autocracies also have an Achilles heel: the very power is built by destroying whatever political institutions were there. As a result, this form of government has no institutional basis for respecting and fulfilling agreements and isn't able to comply any credible commitments, the necessary element of any negotiations.

To counter attacks on the Western ideology of freedom and liberal democracy (read the [transcript of the meeting 'The Future of Liberal Democracy in Europe'](#), Tuesday, April 11, 2023) and to protect our way of life, answers must be found on questions like:

How to defend and maintain our order?  
How to solve deficiencies inside the systems?  
How to contain wars and conflicts?  
What kind of policies and organizations should be up for this?  
Are the UN, NATO (2024: 75 yrs) and EU strong enough?  
In a setting of global governance, how can the EU act?  
Is the EU sufficient equipped?  
What agreements will still have to be made and how will compliance with these agreements be supervised?





## THE EU STRATEGY FROM A DEFENSE PERSPECTIVE

The [common European Security and Defence Policy](#) (CSDP) has a long and complicated history. Shortly after the Second World War, attempts were already made to arrive at a CSDP. Further developments and concerted efforts have failed to complete realization of a fully-fledged policy.

The aim of the CSDP, accommodated at [the EEAS](#) is to give the EU a politico-military capability for European-led operations where the US and/or NATO do not want to be involved, for example, for peacekeeping and other military and security tasks, without undermining the importance of NATO as the provider of territorial defence for most Member States.

Till today, there's not sufficient political will to set up and operate a European army. At the time, the Western Union Defence Organization's European command structure was absorbed into NATO and the Western European military cooperation that would also strengthen ties with the United States, and later the Petersberg tasks (7), were absorbed into the Western European Union, whose tasks were later integrated in the EU.

And what then about common defence (policy)? Is this sufficient to defend Europe and act militarily in its neighbourhood without so much dependence on the US? Or is this also just a rhetorical addition to the defence and security architecture?

Nowadays, the armed forces of the European Union include the various structures of cooperation established between the armed forces of the Member States, both intergovernmental and within the institutional framework of the European Union: the Common Security and Defence Policy.

But the Union still remains a military dwarf, relying on the umbrella of the US and (deterrence by) nuclear weapons when it comes to play hard power on the grand chessboard. And are achievements, gained on trade, of the common currency, knowledge, and tech and of a European story (fully) deployed as means of power?

It seems that in the minds of Europe's leaders there's not sufficient strategic thinking: the head of EEAS mentioned a number of Ukrainian deadly casualties, while Ukraine itself choose not to do for strategic reasons.

And now, when it really matters? What can the EU actually do to defend itself? Is the EU sufficient equipped to counter the challenges of our times? Is there a fully-fledged diplomatic and military architecture nowadays in order to push back the impact of the battle on the Eastern neighborhood (think of [EaP](#))? A security council? A well-functioning and reliable intelligence service? And are there sufficient hard instruments to counter (un)conventional warfare and cyber-attacks? What are the EU's defense initiatives?

When it comes to defense and security initiatives, the EU took new levels by operating on the basis of more efficient cooperation and providing more security through [European Defence Agency](#), [the European Peace Facility](#) and [Permanent Structured Cooperation](#).

Visible and tangible are sanctions and support to Ukraine in the form of financial and equipment aid. EU countries are behind the US, who by the way have had to put pressure to speed up and increase financial support. In terms of prosecution of war aggression, both the use of the [European Public Prosecutors Office](#) (EPPO), responsible for investigating, prosecuting and bringing to judgment crimes against the financial interests of the EU as international law, as well as the thought to establish in The Hague an 'International Center for the Prosecution of the Crime of Aggression' carried out in Ukraine (which will be supported by the [Eurojust agency](#)), are important aspects.

The EU takes a leading role in peacekeeping operations, conflict prevention and the strengthening of international security (8). It is an integral part of the EU's comprehensive approach towards crisis management, drawing on civilian and military assets.

And no less important, the EU can exert its influence in the UN: it is a permanent observer at the UN General Assembly (UNGA) since 1974 and has this status too in most of the UN specialized agencies. It is a full voting member of 3 UN bodies.

In May 2011, the EU was given by the UNGA the ability to speak early among other major groups, when speaking on behalf of the EU member states, and was the EU invited to intervene in the general debate at the opening of the General Assembly. There is speaking right to present points of view and the right to orally present proposals and amendments.

Sufficient political will is missing to complete realization of a fully-fledged CSDP. Boots on the ground are not there. The emphasis is on more efficient mutual cooperation and on cooperation with the NATO and the US.

But major questions remain: Isn't a full-fledged seat in the UN and strategic autonomy on EU-defence needed to the strengthening of defence? Should we expect more from CSDP such as a security council? Own military headquarters? Should the European Union be able to do everything that NATO can? (9) Or should we leave the current situation as it is for the time being based on the development of a broad range of tools (10)?

At the end of December, EUISS (European Union Institute for Security Studies) released its [Yearbook of European Security 2022](#). The book provides an overview of events in 2021 that were significant for European security and charts major developments in the EU's external action and security and defence policy:

- the EU's multilateral efforts and work in security and defence, as well as specific geographical sections on North Africa and the Middle East, Sub-Saharan Africa, Asia, Europe and the Americas are addressed;
- EU defence tools such as the Permanent Structured Cooperation (PESCO) initiative, and an overview of security issues such as space, cybersecurity, terrorism, border management, hybrid threats and more.

## THE EU AND THE INTERNATIONAL MIGRATIONS

### "Migrations, Inequality and European Union Foreign Policy"

Migrations are a constant and decisive feature of human history. They have facilitated the process of world economic development, contributed to the evolution of States and societies, and enriched many cultures and civilizations. Migrants are often the most dynamic and enterprising members of society, people willing to venture beyond the confines of their community and country to create new opportunities for themselves and their offspring.

International migration is a vital component of globalization in today's world. It can play a critical role in promoting development and reducing poverty.

It offers obvious benefits, which could be enhanced, and drawbacks, which could be downplayed.

With the Second World War, the great forced migrations appeared.

These were manifested in mass deportations and transfers for political reasons. After the war and the beginning of the process of European reconstruction, the need for labour favoured the migratory movements of workers towards Europe, which went from being an exporter of emigrants to a recipient.

Since then, economic development and the reactivation of the economy have led to the arrival of new mass immigrations that have played a crucial role in the development of the European economy.

In today's world, international migration continues to play a fundamental role in national, regional and world affairs. In many developing countries, the funds sent by emigrants constitute a source revenue more important than official development aid or investment direct foreigners.

In addition, we can set up some kind of relationship between migrations and conflicts:

"Conflict prevention" is an essential element to fulfil the general objective of the Charter of the United Nations "to maintain international peace and security". It encompasses the adoption of measures that contribute to the "construction of peace", a broader concept that encompasses the prevention of conflicts and eliminates the causes (political, economic and cultural) of violence and confrontation. They must be adequate, timely, rapid, immediate and timely, global and totalizing.

For the prevention of conflicts as a consequence of migration, the increase in human security and the reduction of inequality are recognized as essential tools to contribute to sustainable peace.

In general, it is accepted that inequality generates imbalances that, if not taken into account, can lead communities, states and regions to conflicts and political fragility. The reduction of inequality is a decisive element to eliminate migrations, as one of the main sources of conflicts.

It is essential to develop policies that promote inclusive growth and improve investment, employment, education and the provision of services aimed at reducing inequalities. These policies must be applied with caution, since the limitation of inequalities may have the risk of provoking conflicts with privileged groups whose position weakens.

While the links between inequality, migration and conflict are recognized, prevention continues to lack priority and lack of funding.

Despite the growing body of evidence on the merits of focusing on prevention rather than cure, in practice drivers and causes of conflict are not the focus of development assistance or other forms of cooperation between developed and developing countries. As a result, migration from Africa to the European Union, in particular, remains a great challenge.

Starting from the research established on the link between poverty, inequality and security from angles such as the evolution of the main indicators related to poverty and international inequality, the interpretive models that analyse this link and in particular, their relationships with violent conflicts and the relationship between studies on inequalities and research for peace with its numerous axiological, theoretical and methodological challenges, our research will focus on the way in which the European Union has integrated migration into its foreign policy and at the same time has a direct impact on development.

And we will study in the Relationship "development and immigration", its "positive connection", that is, the so-called "co-development": the productive issues that exist between migration and development. In addition, the new factors that affect this relationship: globalization, the global distribution of the population, heterogeneity, the issue of developed and unstructured countries, because of an imbalance that increased between developed and developing countries.

As mechanisms of "Co-development Policies", our proposal is to study:

- mobility within the framework of the rule of law **(11)**;
- development projects that include immigrants **(12)**;
- decentralized organizations when they integrate immigrant populations **(13)**;
- encourage companies to evolve foreign workers **(14)**;
- encourage cultural exchanges **(15)**.

The EU has taken concrete measures to improve its responses to conflicts generated by migration and inequality, but there are still many questions on which we will focus.

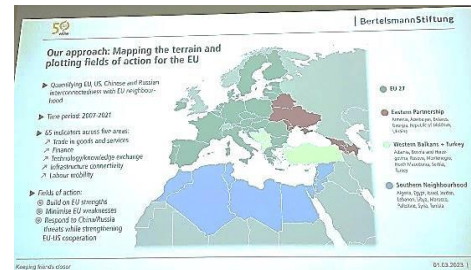
Based on existing research, our objective is to develop a practical methodology that can help identify elements of the various EU foreign policy instruments that can effectively contribute to a greater collective capacity for a more integrated EU external action and effective. There are a set of practical tools that can be used to test the EU (and other) foreign policy instruments with regard to migration and its development as conflict prevention. Such a toolkit can help identify the strengths and weaknesses of current policy instruments and guide the work on improved instruments.

*“Following the progress made toward recognizing and protecting human rights in the twentieth century, the past two decades have brought the return of authoritarianism, war, and all the rights violations that come with them. For governments, international organizations, and advocates, new realities demand a new narrative”, writes [Gareth Evans in the World’s opinion page of Project Syndicate](#)*

## THE EU DIPLOMACY AND THE NEGOTIATIONS IN THE CHANGING WORLD

The European Union has been one of the most successful peace projects in the world. Under the guidance of the Treaty of Rome, signed in 1957, the Union can look back on 60 years of peace, democracy and solidarity. The Lisbon Treaty since 2009 has substantially changed the foreign policy organisation and functioning of the European Union. The most visible was the creation and progressive development of the European Union's diplomatic service ([EEAS](#)).

Since 2011, the EEAS carries out the EU's CFSP to promote peace, prosperity, security, and the interests of Europeans across the globe. The EEAS manages diplomatic relations & strategic partnerships with non-EU countries and works with the national diplomatic services of EU countries, the UN and other leading powers (see **appendix I**). Examples include:



- peace building – through political, economic and practical support
- ensuring security – under the Common Security & Defence Policy
- maintaining good relations with the EU's immediate neighbours through the European Neighbourhood Policy
- development and humanitarian aid and crisis response
- tackling climate change and human rights issues.

But as beautiful as the idealistic goals sound, reality often differs: Ukraine's sovereignty and territorial integrity has been violated, Russia confronts Moldavia, I.R. Iran enriches 'worrying quantities' of uranium, China claims its place in the world order, and the UN is struggling with fundamental questions (**16**).

Monday 10 October 2022, EU foreign affairs chief Josep Borrell addressed the EU ambassadors: *"I want you to be more reactive, 24 hours a day. We are living in a crisis, you have to be in the crisis mode and to engage in the battle of narratives, and to also deploy empathy and emotions, not only reason as part of their arguments."* (**17**)

Conflict, insecurity, weak institutions and limited access to justice remain a great threat to sustainable development. Moreover, the number of people fleeing war, persecution and conflict exceeded 100 million (UNHCR, May 2022).

The European Union, partly in cooperation with the US, has implemented a wide range of policy responses to Russia's 2022 war against Ukraine. But whether on land or in the sea, tensions are rising in every area of international connectivity in Europe and Asia: from fragmented supply chains and trade networks to challenges in technological, political and security governance; not to mention climate disasters, relativist definitions of human rights and the first international war on European soil since World War II.

How can Europe's changing trade and security ambitions find their rightful place in the Indo-Pacific, the gravity centre of China/U.S. rivalry? In a region where the EU is traditionally expected as a trade partner and a relatively neutral broker of development finance, is it capable of picking up both its pace and its image in the region to safeguard both values and interests? Is more focus on international partnerships, similar to [ASEAN](#), a good idea?

During the last G20 Summit in Bali, it has been shown that culture matters for diplomacy; certain "soft" and sophisticated elements of values, like consultation and consensus, show that they pay off (18). Years ago, Europe had its cultural diplomacy platform.

To achieve goals, complacency will have to be shaken off. After all, there are also still SDGs, which overlap, intersect and complement EU's own objectives and policies. In the context of this paper, we soon think of SDG 16 'Peace, justice and strong institutions' to select.

### **A Road to the UN Agenda 2023**

#### **Political Framework**

Our Common Agenda of the UN Secretary General advocates for a "New Agenda for Peace", which intensifies efforts to reduce the strategic risks, strengthening international foresight and increasing investments in prevention and the peace building.

There is a need to shape answers against all forms of violence, to train UN agencies to address violence.

This new framework will help "strengthen international foresight" and "prevention" and foster closer cooperation between the UN and regional organizations, to defuse evolving threats, prevent spillovers and promote stability.

Thus, the UN called for improved support for regional initiatives to fill gaps and address the complex transnational challenges that can fuel instability, such as climate change.

Based on inquiries and follow-up investigations and the Road to 2023: our Common Agenda and the Pact for the Future, a "New Agenda for Peace" has the potential to both recover and extend beyond the Program 1992, by adopting a "modern and dynamic approach model", towards sustaining just peace and security in the 21st century, focusing on: (i) prevention, (ii) the changing nature of conflict, (iii) inclusion and emphasizing innovations in women.

Regarding Prevention, a renewed focus on conflict prevention at the local, regional and international level could improve current capabilities and introduce new approaches.

In mid-2017, a "High Level Board" for "Mediation" was established, made up of current and former members world leaders, to provide mediation support to the Special Representatives of the UN Secretary-General.

However, recent examples of major peace processes (case of Afghanistan) reflect the diminishing mediation role of the United Nations.

The introduction of new foresight capabilities through the New Agenda for Peace could strengthen the capacity of the "Junta" and others in the United Nations system.

Reach of cities to anticipate and prevent conflicts in a way that not only addresses long-term challenges, but commits to long-term planning.

The role of UN Focal Points, in helping host country actors address the underlying factors of conflict, avoid local level escalating conflict dynamics, and strengthen national prevention capacities. This could take the form of deploying more Peace and Development Advisors.

To improve the massive functioning of the UN and broader decision-making for conflict prevention, capacity building, the New Agenda for Peace, should focus more on strengthening the UN, in the conflict analysis system and the crisis alert system, capacities, including a systematic approach towards the collection of information, evaluation and dissemination of analysis and advice to member states. Develop such capabilities to preventing violence requires close attention to political, social and institutional factors known to generate it.

The "New Agenda" for peace could extend beyond the current conception of "Responsibility to Prevent".



The changing nature of conflict: overcoming decades of emphasis on the fight against terrorism (starting with the September 2001 terrorist attacks in the New York World Trade Center, flight 11 and 175, and the Pentagon, flight 77), the "New Agenda for Peace" must continue to address the changing nature of conflict, giving special attention to climate change and water; cyber security (including disinformation), and the two-way interaction between sustainable security and healthy global commons.

With climate change rapidly becoming a determining factor in a problem of our time, water scarcity has intensified. The violence related to water and water is on the rise.

To address these security measures related to the climate crisis, threats to the community, proactive forms of "hydro-diplomacy" and new regional governance mechanisms and legally binding transboundary water governments. And financial commitments are urgently needed.

### About the "Inclusiveness"

On the basis of the commitments to guarantee a just peace and full and inclusive societies, as established in the "SDGs16" and the "New Agenda for Peace" implies going beyond applying the "absence of violence" to an understanding of peace fully centered on human rights, gender equality, diverse youth perspectives, democracy, accountability and justice.

### The "common" agenda

Our Common Agenda and the "Pact for the Future", should be organized around four main thematic pillars, whose work would support an integrating fifth pillar.

The key topics could be: i) peace, security and humanitarian action; ii) sustainable development and recovery from COVID-19; iii) human rights, inclusiveness, governance and the rule of law; and iv) climate and governance.

The fifth pillar would promote integrated system-wide reforms in relation to the ideas put forward by the other four pillars, following a holistic approach, the multilateralism and that it be effective.



## **SDG 16 'Peace, justice and strong institutions', and the EU**

The European Commission remains committed to the 2030 Agenda, using a holistic approach to sustainable development. The SDGs are an intrinsic part of the political guidelines and lie at the heart of the policymaking on internal and external action across all sectors. Strategies are rolled out for the Green Deal, Economy that works for people, Europe fit for the digital age, European way of life, stronger Europe in the world, and European democracy (19).

About SDG 16 UN states: "*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*"

The Commission ranked the European way of life and European democracy among SDG 16. Conform indicators according to the Europe sustainable development report 2021 challenges remain (20). The European Parliament held a briefing and reported July 4, 2022:

*"The 16th Sustainable Development Goal (SDG16) to 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels' represents a new milestone compared with the earlier millennium development goals.*

*While several of its targets (such as peace, corruption-free institutions and freedom from violence) were once seen as prerequisites of sustainable development, the adoption of SDG16 marked the first time that they were globally recognised as development objectives in themselves.*

*To achieve universal recognition, SDG16 leaves out explicit reference to internationally recognised political and civil rights norms, attracting some criticism. Its very general scope has also stirred controversy regarding the type of data required in order to assess progress rigorously.*

*The state of play with regard to the implementation of SDG16 indicates that substantial progress is still needed in order to achieve the SDG targets by 2030.*

*Violent conflicts continue to affect many parts of the world, societal violence remains widespread in many countries and violence against children in particular remains a pervasive phenomenon, especially in developing countries. The pandemic has erased much previous progress on the SDGs, and led to restrictions on freedoms and more limited government accountability. The war in Ukraine, meanwhile, with its negative spill-overs on other SDGs demonstrates once more the crucial role of peace.*

*The EU has committed to contributing to the achievement of all the SDGs, and the specific targets of SDG16 have been given special recognition. From the Global Strategy to the 'new consensus on development', various policy documents acknowledge the crucial role of peace, democracy, human rights and the rule of law for sustainable development.*

*The interconnection between the pursuit of these fundamental values and EU efforts to help developing countries achieve the SDGs is obvious in numerous measures undertaken in the framework of EU external action. The European Parliament is a strong champion for these values in the world."*

Setting and achieving global sustainable goals contributes to the human condition and living conditions and should reduce the chance of damage to human civilization. On the other hand, wars, major conflicts and natural disasters make SDGs more difficult to achieve.

Questions that arise is the EU falling short when it comes to achieving the targets set in a timely manner? Do goals need to be adjusted? Are new goals emerging? Is the interaction with the UN and the Member States sufficient? Is there sufficient attention for dilemmas between goals?

### **"The United Nations 2030 Agenda for Sustainable Development": the SDG16 and its relationship with the International Law and International Criminal Law**

The adoption of the resolution "Transforming our world: the 2030 Agenda for Sustainable Development" (UN Agenda 2030) in a special meeting of 193 heads of states in New York in September 2015 was the second attempt to structure behind a list objective all the organs and programs working under the umbrella of the United Nations (UN), the civil society, the businesses, and other stakeholders. The document summarizes more than 25 years of research and diplomatic negotiations to define the targets and objectives of the system setting Sustainable Development Goals (SDGs) to guide the practices of the public and private sector, and in the best of cases, to achieve them by 2030.

With the adoption of the UN Agenda 2030, a new tool was established for the decision-making process, for the creation of informed strategies.

With the aim of having peace and prosperity for people, the proliferation of international treaties, conventions and resolutions has contributed to the expansion and promotion of the scope for the protection of human rights and greater access to justice for people affected by conflicts.

Although the central discussion will focus on SDG 16, which strives to "promote peace and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, it is important to reflect on the objectives of the document as a whole

The UN Agenda 2030 is aware of these shared goals and has included elements that aim to build peaceful societies, provide justice, help rebuild affected societies, and promote accountability and the general welfare of the world.

Is there any connection with the Public International Law? We can answer this question, with the following elements: 1) Negotiation and adoption in the Agenda UN 2030 2) Importance of reliable information for the process of decision making. 3) International Criminal Law and Development Sustainable.

### Means of implementation

- “The scale and ambition of the new Agenda require partners revitalized global frameworks to ensure their implementation.
- “The means of implementation are focused under “Goal 17” and under each SDG and are key to realizing our Agenda and equal importance with the other objectives. The UN Agenda is found within a framework of Global Alliances for the Sustainable development”
- “We recognize that each country has a responsibility for their own economic and social development”.

### The Justice Gap (“Justice Gap”)

Transitional justice, or justice in a post-conflict situation, provides a framework that addresses the needs of victims and helps reduce the “justice gap”, which is “the lack of justice for people and communities outside the protection of the right under such extraordinary circumstances.”

Prevention is one of the ways:

(Focus).“ The case of transitional justice can build trust in institutions and between individuals and groups; strengthen the rule of law and access to justice; help transform gender inequalities and reduce inequity, marginality and corruption”

Prevention is key to sustainable development and justice, key to prevention.

The action:

- “Empirical evidence (experience) suggests that Transitional Justice can contribute to prevention. Studies link transitional justice with the reduction of human rights violations, repression and criminal violence. Positive impacts in those areas tend to occur when different transitional justice measures are combined.”
- Context is critical and important in evaluating justice and other interventions.

“Justice as prevention”

“Transitional justice can be an essential component. Let us consider the governance of the European Union and a “World Bank Report 2018 – UN Report “Pathways for Peace” (UN Pathways). There we observe that conflicts exacerbate social divisions and reduce trust.”

Then, it is when, through Inclusive, Legitimate and Trustworthy Institutions, we can strengthen the Rule of Law and provide Access to Justice for all.

### International Justice and the War in Ukraine

The international community is debating how to proceed to judge the atrocities, including war crimes, committed in the conflict in Ukraine.

But there are serious gaps in judicial systems and many conditions must be met to provide credible structure: the legality of legal tools, the modelling of an international tribunal, defining crimes, the court's composition, jurisdiction, procedures, and transitional justice mechanisms.

In the **appendix II** two positions that answer the international justice ' dilemma: an international tribunal or an hybrid court for Ukraine? This dilemma, show as a new challenges for the international justice.

### **Climate Change, Global Governance and Strategic Litigation: toward a "Climate Governance":**

More than 180 countries have ratified the "Paris Agreement" (2015) and have pledged to take steps to keep the global temperature rise below 2°C above pre-industrial levels. This agreement is the result of more than two decades of diplomacy and serves as a milestone to indicate a global transition to a "low carbon economy."

These countries are in the process of implementing their national climate plans that they voluntarily submitted under the Paris Agreement.

The process requires countries to enact policies and laws to curb emissions. Many of these impacts are already being felt and observing, including increased incidences heat waves and storms.

As a consequence of this situation, many experts are beginning to understand the diversity and severity of the risks posed by climate change.

"Climate change" will disrupt business as usual, reliable information detailing how countries manage risks and opportunities weather related is hard to find, incoherent and fragmented. It is undeniable that governance will be clearly affected and will require a design of public policies.

The recommendations classify climate risks into: transition risks (risks arising from the transition to a low carbon economy, such as changes in public policies) and physical risks (risks arising from the physical impacts of a changing weather, such as increased phenomenon as extreme weather).

The present and the challenges of global governance, leads us to ratify once again, the "Principles of Climate Governance"

- 1) Climate Responsibility.
- 2) Mastery of the Climate Issue.
- 3) Assessment of Material Risks and opportunities.
- 4) Strategic and organizational integration
- 5) International incentives
- 6) Reports and dissemination. The dissemination of knowledge is essential.

Climate governance implies:

1. Access to Environmental Justice as a central element of Climate Litigation.
2. Access to Environmental Justice in regional human rights systems.
3. Is there a postmodern climate justice? YEAH. Strategic Litigation in Environmental Matters:
  - 1) Social Action, Demonstrations and Human Rights.
  - 2) Postmodern Climate Justice:
    - A) "Greening of human rights.
    - B) Broad content of "socio-ecological conflicts"
    - C) "Intersection" derived from the breadth of environmental justice

Climate Change implies a "new order" of priorities in the new international order, as well as a "change" in the modes of trade and industry, as well as a new way of "negotiation" between states.

In fact, the environmental element, in many "conflict" situations, appear as the element of "negotiation" as excellence.

We are rapidly moving towards to a new priority in public policies, which implies a new challenge for "global governance" and, of course, a new "climate governance".

## THE EU AND FOREIGN POLICY

After the world was discovered and trade started, entanglement in various fields increased more and more. From a certain point, that calls for, as said in the introduction, global governance; differences in interests must remain manageable by initiating cooperative action.

But today, dogmas, revisionism, fierce ideological differences and adherence to territorial expansion and identity on landmasses, are aggressively professed with the impact of fragmented supply chains and trade networks to challenges in technological, political and security governance, climate disasters, relativist definitions of human rights, energy and food crises to the spectrum of stagflation. The US, China, Russia play a predominant role in this, while on the other hand opportunities of a diverse nature are present in Latin America, Africa, Indonesia and the Arctic.

Enough serious developments for Europe to stand on the chessboard as an important chess piece. But again, is the EU powerful enough? ([Europe in the Interregnum: our geopolitical awakening after Ukraine](#)). Or seems the EU to be on a 4th place despite presence of the Strategic Compass, the concept of strategic autonomy, and the idea of a geopolitical Europe? Is the European Union able to solve the challenges or does nationalism an "out of many, one" - a united states of Europe - get in the way? What is the status of the European Union as a polity? Is the Union able to achieve set priorities (21)? And what about political status?

Is Europe with current EEAS truly capable of acting and countering adverse consequences of the global far-reaching changes and at the same to maintain the level of prosperity? The '[Global Gateway](#)' strategy? Can the Service bring together leaders and societies of the Balkan Peninsula, so that past differences can be reconciled and a common future can start? Normalize and tighten relations with Armenia and Azerbaijan and the Caucasian area? ([EaP](#)). Ensure that differences in transatlantic relations are narrowed? To end the so called "military operation" by RF started, and take the lead in holding the aggressor accountable for the consequences? To deal with an aggressive China? To build good relations with countries in the Global South to solve big issues and to boost economies, defined as a non- zero sum way? That other parts of our world, like the Arctic, will be protected and properly used for the common good?

### Balkan Peninsula

The area is a geopolitical and cultural region and has a turbulent history. 11 Years after the death of Josip Broz, alias Tito, a second disintegration of Yugoslavia began. In 2003 Yugoslavia officially ceased to exist, but many tensions remained.

Despite more than a decade of EU support, peacekeeping missions, abstracts by various centres for security policy, negotiations on accession criteria, future scenarios, the territory has so far failed to bring leaders and societies together and to reconcile past differences.



At the beginning of December 2022, a [summit in Tirana between all EU-27 member states \(together with 2 representatives of EEAS\) and Western Balkans partners](#) was held to show a 'strong evolution' in rapprochement. The choice for the venue had to do with geopolitical aspirations of China, Russia, Türkiye, who are trying to gain a foothold in the region.

The Commission, who also previously acted as a facilitator for the [Belgrade-Pristina Dialogue](#), made proposals to reach [a comprehensive legally-binding normalisation agreement between Kosovo and Serbia](#). And, under "Mediterraneo allargato", Italy has announced to want to be actively engaged with peace and accession talks between both countries.

To what extent have the existing agreements made for accession been met? How far is Europe's main migratory path and the fight against human smuggling under control? Does rapprochement also fit into a strategy to put pressure on Russia? And finally, who monitors the settlement of the points mentioned in the [Tirana Declaration](#)?

### The TransAtlantic relations

There are a number of issues on which the United States and Europe generally disagree (like death penalty). The 'military operation' in Ukraine has added a new dimension to the relationship, but have differences between trade and development of digital agendas on both sides of the ocean already narrowed? Is there such a thing as a transatlantic market? There are differences about the China policy to be pursued. And what is the impact of China's growing influence on the African continent and what does it mean for EU's foreign policy?

*"America is back, ready to lead the world, not retreat from it," Mr Biden said. "Once again sit at the head of the table. Ready to confront our adversaries and not reject our allies. Ready to stand up for our values."  
(Wilmington, Delaware, Nov, 24, 2020).*

Under the Biden administration main objectives of U.S. foreign policy are the protection of the United States and its citizens and allies, the assurance of continuing access to international resources and markets, the preservation of a balance of power in the world, and the protection of human rights and democracy.

Those objectives are pursued: for years, the US has invested in security assistance to demonstrate enduring and steady commitment to eg Ukraine's sovereignty and territorial integrity. Europe is more conservative in such affairs, both 'Merkel's time' and today.

To direct new federal spending toward reducing carbon emissions, lowering healthcare costs, funding the Internal Revenue Service, and improving taxpayer compliance, the **Inflation Reduction Act** of 2022 (IRA) was signed into law on August 16, 2022. It concerns a historic down payment on deficit reduction to fight inflation, invest in domestic energy production and manufacturing, and reduce carbon emissions by roughly 40 percent by 2030.

But although Europe knows [NextGenerationEU](#) plan, it seems that it is going to fall victim to the bill. Efforts from visiting Macron and French and German economic ministers (but no EU delegates) has travelled to DC with the aim to help conflicts out of the world, as well as expressing objections to the consequences of this law for Europe. Despite, they haven't succeeded to get the Biden administration to waive provisions of IRA.

## Ukraine and the Transatlantic relations

The 27-member European Union has implemented a wide range of policy responses to Russia's 2022 war against Ukraine. EU actions and coordination with the United States are of interest to Congress given the EU's role as an important U.S. partner.

According to [Congressional Research Service](#) "Russia's war against Ukraine has strengthened U.S.-EU ties. The US and the EU have coordinated closely on sanctions, and many EU and U.S. sanctions are identical or substantively similar."

*"We will continue to act with our allies and partners in imposing costs on Russia if it continues its war of choice"* said [Antony J. Blinken, Secretary of State](#), October 5, 2022.

And The Chicago Council on Global Affairs stated in their report '[Pivot to Europe: US Public Opinion in a Time of War](#)':

*"The invasion has refocused public attention on Europe, with Americans across the political spectrum now saying Europe is the most important region of the world for the security of the United States (50%). This represents a notable shift from past surveys, when their security concerns focused squarely on the Middle East. Americans' commitment to NATO and support for US military bases in Europe are now at their highest levels in nearly 50 years of polling by the Chicago Council. In addition, majorities support the accession of new NATO members Sweden (76%) and Finland (76%) and would also support the accession of Ukraine (73%) and Georgia (67%)."*

However, the EU is not always forceful enough: *"the US is pressing EU countries to speed up and increase financial support for Ukraine as the IMF explores new ways to send cash to Kyiv."*

*Washington has been "in frequent contact" with the European Commission and EU member states about the need to "expeditiously deliver promised economic assistance to Ukraine", one US official said, adding: "We reiterate our call for all of Ukraine's partners to more quickly deliver promised assistance to Ukraine, to increase their commitments, and to prioritise assistance in the form of grants over loans." (22)*

At a meeting held the end of November 2022, justice ministers of the G7 countries, together with the International Criminal Court and the European Commission, discussed strategies on how to tighten war crime probes into atrocities committed on Ukrainian soil by Russia. The goal is to avoid duplicating work and better secure evidence ([see Berlin Declaration](#)).

26 February 2022, Ukraine did start proceedings against RF concerning the 'Dispute relating to Allegations of Genocide' at the International Court of Justice in The Hague and, as mentioned earlier, an 'International Center for the Prosecution of the Crime of Aggression' in Ukraine will be established in The Hague.

To settle the international legal disputes and to provide advisory opinions on legal questions ICJ and ICC or /the new to establish international tribunal will have to act. [Accountability is imperative, the United States and partners will not be silent about War Crimes and Other Atrocities in Ukraine.](#)



Meanwhile, the current situation: *“the Ukrainians are terrorized into surrender, the West is hold at bay, and RF thinks to escape the consequences of crossing the military world's brightest red line. Putin has played game of trifecta with other breaches of international norms. He talks about doing something terrible, does it, and then assumes the rest of the world will absorb it all as a new reality and just live with it. It's a gamble that has paid off for him in the past, especially when he seized Crimea”* (‘The Brightest Red Line, The Atlantic, October 6, 2022).

We are in this together. With the upcoming 2024 United States presidential election and their unpredictable outcomes, should we forge the iron through further development of EU\_US relationship by making use of institutions (eg. the [Trade and Technology Council](#) - TTC), NATO and [Alliance for Democracies](#) in case of disputes and debates? And through more deeper people-to-people contacts? Without a doubt, the situation is very worrying: because of the aggression, the West cannot escape defending itself (23). The questions that arise are:

To what extent is the West prepared to invest in people, money and equipment to preserve our freedom and democracy? Is the relationship with the US strong enough? (Whatever the weather, we must move together). What to expect at the next American presidential election? Is Europe, then, so perfected that it can stand on its own two feet?

**India**, emerging as a third pole in a fragmented world?

From almost 100 years ago, the most populous democracy in the world has a heritage of the "truth-force", principles of non-violent protest and civil disobedience, expressed during the Salt March (the Salt Satyagraha - satya, "truth", and agraha, "insistence").

3 Years before the march, Avula Parthasarathy (*“can I be of receive”?*) was born, a philosopher and exponent of Vedanta, one of the ancient philosophies of India. He translates the subtle philosophical themes into a practical technique of dynamic living, which teachings apply to boardrooms as well (24).

There's a special relationship with Russia and there are defence relations with Israel and France. The country played key roles in [South Asian Association for Regional Cooperation](#), and the [WTO](#), provided military and police personnel to serve 35 UN peacekeeping operations, participates [East Asia Summit](#), the G8+5, has close economic ties with countries in South America, Asia and Africa. The country also pursues a "Look East policy" that seeks to strengthen partnerships with [ASEAN](#) nations, Japan and South Korea. The federal republic has aligned interest of creating a multipolar world order, is a member of the [UN](#), [G20](#), [SCO](#) and is one of the leading emerging economies ([BRICS](#)).

[‘India Can Still Be a Bridge to the Global South’](#), writes Sanjaya Baru, a Distinguished Fellow at the United Service Institution of India. Is India and are Indian teachings robust enough to enter its best geopolitical knowledge spot since its independence 75 years ago? Is there an opportunity for the country to position itself as the world's only truly independent global power in the era of great geopolitical shifts? Are countries in the world looking for a [third non-aligned pole](#) that they can follow? And [how is Europe dealing with this?](#)

## People's Republic of China ("Made in China 2025" goals and EU-China relations)

"[Made in China 2025](#)" is a national strategic plan and industrial policy which seeks to further develop the manufacturing sector of the People's Republic of China. It's a strategic plan that was initiated in 2015 to reduce China's dependence on foreign technology and promote Chinese technological manufacturers in the global marketplace. The goal is to reach this objective by the year 2025, a decade from the year when the plan first took root.

Meanwhile, the Indo-Pacific area is crowded with geo-political and geo-economic presence from every major power, as well as sustained engagement from world's largest militaries. Moreover, as the largest power in the area, China increases influence on the African continent and has also vastly expanded its influence in Europe: from extracting raw materials to investments in infrastructure (ports, skyscrapers, railroads, roads, bridges, airports, dams, coal-fired powerplants), by putting pressure on its own citizens living, working and studying in Europe, and to intrusion of digital networks.

This underlines the urgency of reinforcing resilient connectivity links for the EU on friendly shores in the Indo-Pacific. The region



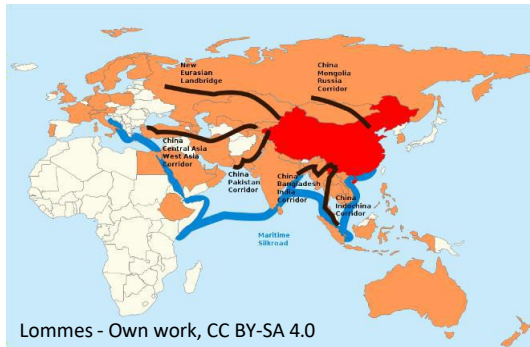
hosts no less than two-thirds of global economic growth and nearly half the world's population. "Xi Jinping has decided that China should become less dependent on the world and Europe, but that the world and Europe should become more dependent on him" (December 4, 2022).

Can we speak of a geo-economic turn to EU-Asia trade policy? And can EU-Asia relations truly be renewed at the intersection of trade and security, where the EU is traditionally expected as a trade partner and had a trade deficit with China of € 249 billion in 2021? And what about as a relatively neutral broker of development finance? Is the EU capable of picking up both its pace and its image in the region to safeguard both values and interests?

"Over the past year, EU-China bilateral relations have deteriorated, notably related to a growing number of irritants (i.e., China's counter-measures to EU sanctions on human rights, economic coercion and trade measures against the single market, and China's positioning on the war in Ukraine). The balance of challenges and opportunities presented by China has shifted over time. At the same time, the EU has remained committed to engagement and cooperation given China's crucial role in addressing global and regional challenges. But developments are moving fast, think of 'the EU's approach towards China, set out in the ["Strategic Outlook" Joint Communication of 12 March 2019](#)' and the revealed vision ["EU-China relations"](#), 30 March 2023.

The EU continues to deal with China simultaneously as a partner for cooperation and negotiation, an economic competitor and a systemic rival" ([EEAS, April 1, 2022](#)).

December 1, 2022, not a representative of the EEAS, but President of the European Council, visited President of the People's Republic of China, aimed to help conflicts out of the world, to smooth talks and to unfreeze the relationship. HR/VP Josep Borrell intended to visit April 13, 2023 but was prevented by illness. Here's [the speech he was going to deliver at the Centre for China and Globalization](#).



The Belt and Road initiative. China in red. Members of the Asian Infrastructure Investment Bank in orange

Why and to what extent is this important for Europe? The Beijing Consensus, also known as the Chinese Economic Model, is the political and economic policies of the People's Republic of China (PRC) that began in 1976.

The opening up of the country and the Consensus can be considered front portals of the [Belt & Road Initiative](#) (BRI). Achieving economic growth became the most important and its impact is more and more geopolitics on Chinese terms.

## EU and African Union (AU)

Africa is the world's second-largest and second-most-populous continent. It covers six per cent of Earth's total surface area with 1.3 billion people as of 2020. The continent contains 54 fully recognized sovereign states (countries) and a number of non-independent territories. Africa's population is the youngest amongst all the continents.

The huge continent develops fast, with high economic growth in many countries, limited government debts, improving life expectancy and a young population.

It is expected that Africa will become more and more important for Europe in the pursuit of common stability, prosperity and peace.



In recent years China has become Africa's most important trading partner, not the closer neighbour – the European Union. China is interested in Africa's raw materials and agricultural products in exchange for help to realize infrastructure projects and provide cheap loans. The Chinese government sees African governments as business partners. Western countries however, concentrate more on aid to African countries, often linked to demands for implementing political changes. The attitude behind this relationship is often experienced by African leaders as derogatory.

The European Commission and the High Representative for Foreign Affairs and Security Policy proposed in March 2020 the basis for a new strategy with Africa. The communication sets out proposals to intensify cooperation through partnerships in five key areas: green transition; digital transformation; sustainable growth and jobs; peace and governance; and migration and mobility. Based on this document, Europe will engage discussions with African partners towards a new joint strategy to be endorsed at the European Union – African Union Summit in October 2020 (25).

European Commission President, Ursula von der Leyen, said: *"Today's Strategy with Africa is the roadmap to move forward and bring our partnership to the next level. Africa is the European Union's natural partner and neighbour. Together we can build a more prosperous, more peaceful and more sustainable future for all."*

But partnership initiatives with the continent are not new; in 2011 Daniel Bach (26), lectured "The EU's Strategic Partnership with Africa – a Model Lost in Translation?"

At the end of November 2022, EEAS announced that Africa is a geopolitical priority for the European Union, it is Europe's closest neighbour and our sister continent. Europe and Africa have close economic, cultural and geographical ties. Our shared history, proximity and interests bind us together. EU-Africa relations are based on two complementary frameworks, the Africa-EU Partnership and the new Partnership Agreement with the Organisation of African, Caribbean and Pacific States (OACPS) (27).

But how does the EEAS intend to build a partnership? And how can we support the fact that prosperity for this continent is generated by manufacturing more complete products instead of raw materials? Will energy production and supply offer a solution? What agreements to keep migration flows manageable? And how to deal with China, Russia, Türkiye and India, who are there for their own interests?

### **Europe and LatinAmerica Relations**

Latin America and the Caribbean is a part of the world with an important political, historical and cultural affinity with Europe, in addition to the very important institutional and economic ties that unite us.

Much time has passed since the construction of regional blocs in Latin America: the integration process through of ALALC, ALADI, the Caribbean Economic Community (former CARICOM) ; then by the "Asuncion Treaty of 1991", MERCOSUR was established.

Ten years later they join with Chile and Bolivia, two "associated states" to the regional bloc.

And since 2019, there is an Agreement of a political nature, not yet in force, between Mercosur and the EU.

The traditional relationship between the US and Latin America marked the entire Latin American agenda and implied, in general, important relationships of dependency. But there have been growing and increasingly important relations with Asia-Pacific, incipient relations with Africa, already consolidated relations with Europe and increasingly deep relations with Spain and Portugal, based in each case on very different reasons. nature. This implies that Latin America has more openness and reasons to return to Europe.

European companies invested in Latin America more than in China, Japan, Russia and India combined. Europe is its main development partner. This region represents 50% of the world's biodiversity, with enormous growth potential.

The two regions have developed one of the most integrated associations, having concluded 27 association, commercial or political and cooperation agreements. This partnership is of great geostrategic relevance, as the EU and LAC countries represent more than a third of the membership of the United Nations, and provides impetus for a strong, rules-based multilateral order and an ambitious international response to issues, such as sustainable development, climate change, human rights and fair and free trade.

The association between Latin America and EU must address various sectors of collaboration, such as sustainable and inclusive growth, the environment, human rights and democracy, security and defence, the fight against illicit drug trafficking and migration.

EU already has some framework agreements of this type, with Peru, Chile, Colombia, among others.

These types of agreements substantially open markets on both sides and aim to create more transparent and stable conditions for trade and investment.

Trade agreements include commitments on sustainable development and a systematic dialogue with civil society and the EU on their implementation.

Something to highlight: the EU has already signed a Memorandum of Understanding on international cooperation that will allow Brazil and the EU to join forces in projects with other partner countries to contribute to the implementation of the 2030 Agenda for Sustainable Development. More than important.

The clear benefits that the EU-Mercosur agreement could bring to citizens on both sides, including in terms of greening our value chains, digital transformation, and security.

Brazil was one of the first countries to establish diplomatic relations with the EU, and we have a long and strong partnership. EU are the largest investor in Brazil and its second largest business partner. Brazil is the largest exporter of agricultural and food products to the EU and is the largest and most important market in Latin America. Cooperation in multilateral forums also occupies a prominent place in the EU's relations with Brazil.

The consequences of the COVID-19 pandemic and ensuring a sustainable and socially inclusive recovery is an absolute priority for the European Union. The EU is the second largest supplier of vaccines to Peru, for example, and Team Europe has committed €3 billion to support the most vulnerable to address the consequences of the pandemic in the Latin American and Caribbean region.

Fostering a "green" transition is also high on the cooperation agenda: both the EU and Peru aim to be climate neutral by 2050, and the EU supports green, climate and environmental action in the Andean country. The EU, for example, is implementing a regional economic development program in seven regions that benefit from innovative pilot projects on low emissions, biosecurity, competitive green value chain and sustainable ecotourism.

They collaborate in the fight against drug trafficking and organized crime. The EU's €17 million "El Pacto" programme, implemented in cooperation with the Peruvian authorities, provides technical assistance to improve police intelligence and strengthen cooperation between the police, prison and judicial systems between Peru and the EU. This has facilitated Peru's recent accession to Ameripol, the Police Community of the Americas,

The EU and Peru also collaborate in the fight against drug trafficking and organized crime. This has facilitated Peru's recent accession to Ameripol, the Police Community of the Americas, which will improve police operations against transnational organized crime, the exchange of information, and the establishment of joint investigation teams.

Argentina has an agreement to promote the legal cooperation with Eurojust and the [OECD](#).

EU-Brazil cooperation in the field of digital transformation has taken a great leap forward with the inauguration, in June 2021, of the ELLALINK submarine fiber optic cable, a joint infrastructure that connects Brazil and Portugal with the first direct high-speed fiber connection. capacity between Europe and South America, and prepares the two continents for a new era of digital cooperation.

The EU and Brazil are also working together to address the refugee and migration crisis in Venezuela. In Brazil, the largest country, EU funding channelled through UNHCR and other UN agencies is focused on supporting government efforts to receive, protect and integrate Venezuelan communities and respond to COVID-19 .

Human rights and, in particular, the empowerment of women in Brazil is another important issue on the cooperation agenda.

The EU and Brazil also have strong academic cooperation, including the mobility of students, staff and researchers. Between 2015 and 2019, more than 2,400 exchanges took place between the two territories. Brazil is the most important partner of the EU in Latin America and the Caribbean, representing 25% of the total participation of LAC

The EU and Brazil also have strong academic cooperation, including the mobility of students, staff and researchers. Between 2015 and 2019, more than 2,400 exchanges took place between the two territories.

The EU wants to be recognized as a true geopolitical actor, strengthening the internal unity will not be enough. EU must also recalibrate the "strategic compass", using the political and economic instruments more coherently and identifying not only risks but also opportunities more effectively. And the EU -Mercosur Agreement, appears as one of the most important chances, and challenges, of the last times.

Regarding the new challenges for this new era:

The region will continue to be marked by the prolonged effects of the pandemic and the Russian invasion of Ukraine. The presidential elections in Argentina, Guatemala and Paraguay will show whether the turn to the left in the region is confirmed.

The main economic challenges in 2023 will be prevent sovereign GDP crises, stopping inflation, boost growth after 10 years and managing redistribution.

Brussels should define the central lines of a more assertive strategy towards Latin America. In addition, the EU-CELAC Summit will seek to consolidate the region as one of the priority axes of European international projection.

In the new geopolitical context, most of the existing democracies in Latin America represent an important containment dam against authoritarian regimes.

The availability of raw materials and natural resources to face the current energy crisis, as well as the region's key role in addressing the global challenges of the immediate future, accentuate its importance. To strengthen the relationship, it is necessary for the EU to invest a lot of political and economic capital in Latin America.

### The Arctic

The Arctic is an area, populated by indigenous people, and characterized by distinctively polar conditions of climate, plant and animal life, and other physical features, by presence of raw materials and an area of importance to a healthy state of the earth. So the area needs care.



*“While no dividing line is completely definitive, a generally useful guide is the irregular line marking the northernmost limit of the stands of trees. The regions north of the tree line include Greenland (administratively belonging to and an autonomous territory within the Kingdom of Denmark), Svalbard, and other polar islands; the northern parts of the mainlands of Siberia, Alaska, and Canada; the coasts of Labrador; the north of Iceland; and a strip of the Arctic coast of Europe. The last-named area, however, is classified as subarctic because of other factors” (Encyclopaedia Britannica).*

**However, no country owns the geographic North Pole or the region of the Arctic Ocean surrounding it.**

Recent developments in the area have led to rising tensions. For example, Russian Federation is busy strengthening its army in the area and there are China’s ambitions (28) in the Arctic.

What about nowadays (alleged) claims to (specific) ground, should the [Declaration on the Establishment of the Arctic Council](#) be dusted off and revived? What agreements have been made between leaders in the world among themselves and with indigenous people? Are they respected?

Should and can (supranational) organizations such as the [Arctic Council](#), [National Oceanic and Atmospheric Administration](#) (NOAA), [International Arctic Research Center](#) (IARC), and [the European External Action Service](#), which has both day-to-day and strategic interests in the region and says to strive for a stronger EU engagement for a greener, peaceful and prosperous Arctic, act more assertively? Is there a role for the NATO?



If Europe wants to secure influence, not be dependent of (great) powers and practice its own strategic autonomy, it will have to develop a supranational strategy for the Arctic Region. But what should that strategy look like then? Is it enough to:

- develop capabilities for expanded Arctic activity?
- build resilience and advance adaptation for counteracting climate change and environmental degradation?
- develop a sustainable economy by improving livelihoods and expanding economic opportunity, and
- sustain Arctic institutions and uphold international law through international cooperation and governance?



## THE EU in CYBERSPACE

In recent times, the EU has become aware of the geopolitical framework in which international relations with the world are developing.

The same bodies of the EU claimed the need for a geopolitical approach. “Strategic autonomy”, a term coined in the field of security and defense of the EU, associated with acting together with third parties when possible and alone when necessary. For that reason, an expression of "defence" becomes in the foreign policy of the EU.

Words such as strategic autonomy, sovereignty or geopolitics have been incorporated into the European community, mainly by the Commission and the European Parliament, as these institutions have become aware of the geopolitical confrontation due to pressure from the United States to exclude Chinese companies from 5G networks, the occupation by third parties of most of the sections of the digital value chain or the need to accelerate the economic recovery after COVID-19 and reduce the European industrial and technological gap.

The terminology has also caught on in digital jargon and both companies and think-tanks as well as institutions already use the term digital sovereignty (29).

The EU is moving towards its “digital sovereignty” to define its own rules, make autonomous technological decisions and develop and deploy its strategic digital capabilities and infrastructures (30).

Searching the "digital sovereignty" we will have the following effects:

1. Digitization will favor the “Europeanization” of European commercial, fiscal, regulatory and industrial priorities to the detriment, inevitably, of other non-European actors;
2. The EU intends to enforce access to the “European digital market” (31) in exchange for respecting European principles, rules and standards through digital market regulatory measures;
3. The competition rules will be updated to level the digital playing field and so that companies can improve their use of the “Digital Single Market”;
4. The Commission plans to review the Directives to adopt a new cybersecurity strategy. Let's take into account cybersecurity as new threats in terms of terrorism and also crimes;
5. The security of the deployment of 5G networks has become a strategic priority of the EU and Member States have had to take measures to comply with the Commission's recommendations. The European Council urges the application of relevant restrictions to high-risk suppliers for the most sensitive elements of 5G networks identified in the joint risk analyses.
6. “Cyber diplomacy” led by the European External Action Service (EEAS), contributes to progress towards digital sovereignty by using its response instruments to computer activities;
7. Cyberdiplomacy has other natural areas to exercise its strategic autonomy (32).

The previous initiatives, together with the change towards a more geopolitical attitude, could lead to the EU becoming a power that acts with greater freedom of action and capacities compared to the rest of the digital actors to defend its interests and values **(33)**.

Regardless of the specific development of each of the aforementioned initiatives, together they show the European will to increase its digital role.

However, it is not possible to achieve without a vision for Europe's chip strategy, a strategy to jointly create a state-of-the-art European chip ecosystem that will include production, as well as connecting the EU's world-class research, design and testing capacities.

The European Commission therefore address semiconductor shortages and strengthen Europe's technological leadership. It will mobilize more than € 43 billion of public and private investments and set measures to prepare, anticipate and swiftly respond to any future supply chain disruptions, together with Member States and our international partners.

Through the [European Chips Act](#) will bolster Europe's competitiveness and resilience in semiconductor technologies and applications, and help achieve both the digital and green transition. It will do this by strengthening Europe's technological leadership in the field.

The aim is to:

- Strengthen Europe's research and technology leadership towards smaller and faster chips;
- Build and reinforce capacity to innovate in the design, manufacturing and packaging of advanced chips;
- Address the skills shortage, attract new talent and support the emergence of a skilled workforce;
- Put in place a framework to increase production capacity to 20% of the global market by 2030;
- Develop an in-depth understanding of the global semiconductor supply chains.

## REFERENCES

### **Page 2/33 – 5/33 INTRODUCTION**

- (1) the growing interdependence of the world's economies, cultures, and populations, brought about by cross-border trade in goods and services, technology, and flows of investment, people, ideas and information (<https://youtu.be/wLNp3kgBuuQ>);
- (2) the International Monetary Fund and World Bank (1944), the United Nations (1945), Council of Europe (1949), North Atlantic Treaty Organization (1949), Organization for Security and Co-operation (1975), European Union (formerly European Coal and Steel Community) (1993), World Trade Organization (1995);
- (3) **'The New Geopolitics'**, and **the destruction of the Nord Stream pipelines**, both from Jeffrey D. Sachs
- (4) **diplomacy**, the established method of influencing the decisions and behaviour of foreign governments and peoples through dialogue, negotiation, and other measures short of war or violence. Modern diplomatic practices are a product of the post-Renaissance European state system;
- (5) The United Nations can take action on a wide variety of issues due to its unique international character and the powers vested in its Charter, which is considered an international treaty. As such, the UN Charter is an instrument of IL, and UN Member States are bound by it. The UN Charter codifies the major principles of international relations, from sovereign equality of States to the prohibition of the use of force in international relations;
- (6) Anyone who has read works by Dostoevsky has acquired a grandiose picture of the often dissolute, restrained and curious and sometimes incomprehensible Russian mentality and history of oppression and conquests of territories.

### **Page 6/33 – 7/33 THE EU STRATEGY FROM A DEFENSE PERSPECTIVE**

- (7) Humanitarian and rescue tasks, peacekeeping tasks, tasks of armed forces for crisis management, including (by force) peace enforcement;
- (8) [Missions and Operations | EEAS Website \(europa.eu\)](#)
- (9) [NATO - Opinion: "Should the European Union be able to do everything that NATO can?" - Debate Fraser Cameron versus Andrew Moravcsik, 01-Jul.-2003](#)
- (10) [EU-NATO cooperation](#) (European Council, January 2023)

### **Page 8/33 – 10/33 THE EU AND THE INTERNATIONAL MIGRATIONS**

- (11) For "International Migrations", see the website of the [www.OHCHR.com](http://www.OHCHR.com) about the "[International standards governing migration policy | OHCHR](#)";
- (12) For the general concepts of Migration Law, please can see at [Oxford Public International Law: Introduction in: International Migration Law \(ouplaw.com\)](#), from Prof. Vicent Chetail (International Migration Law, 2019);
- (13) For "Enforced Migrations", please see the following document from EU : "Migration and forced displacement", [Migration and forced displacement \(europa.eu\)](#), European Commission;
- (14) For "Migrations and Conflicts", please see (in Spanish) the following: "[Qué es una crisis migratoria y cómo atenderla integralmente | OIM Oficina Regional para Centroamérica, Norteamérica y el Caribe \(iom.int\)](#)";
- (15) For "International Migrations and Conflict Prevention", please see "[Migration & conflict | Clingendael](#)".

### **Page 11/33 – 18/33 THE EU DIPLOMACY AND THE NEGOTIATIONS IN THE CHANGING WORLD**

- (16) UN's fundamental questions: In this time of change and turmoil, what entities serve as the pillars of international cooperation and peace? What can we learn from previous efforts at making, keeping, and sustaining peace? In the current geopolitical context, what are the prospects for future special political missions and peacekeeping operations? How must they adapt? How can the rules-based order adapt? How do climate change, gender, inequality, strategic risk, new weaponry, and other issues intersect with war and peace? And what about the UN's broader agenda, e.g., sustainable development, gender, human rights, the rule of law, environmental and health governance, etc. How might scholars, policy-makers, and policy-shapers help render the UN more effective, in all areas of its essential work?
- (17) [EU Ambassadors Annual Conference 2022: Opening speech by High Representative Josep Borrell | EEAS \(europa.eu\)](#)
- (18) [The Hard-Won Benefits of Soft Diplomacy by Kishore Mahbubani - Project Syndicate \(project-syndicate.org\)](#)
- (19) [https://ec.europa.eu/info/strategy/international-strategies/sustainable-development-goals/eu-holistic-approach-sustainable-development\\_en](https://ec.europa.eu/info/strategy/international-strategies/sustainable-development-goals/eu-holistic-approach-sustainable-development_en)
- (20) [Europe Sustainable Development Report 2021 \(sdgindex.org\)](#)

**Page 19/33 – 28/33 THE EU AND FOREIGN POLICY**

- (21) [European Union priorities 2019-2024](#)
- (22) Washington used meetings on the sidelines of the UN General Assembly to urge European partners to fix bottlenecks holding up the cash, according to a European official with knowledge of the discussions” (FT, September 28, 2022);
- (23) [Remarks by President Biden Ahead of the One-Year Anniversary of Russia’s Brutal and Unprovoked Invasion of Ukraine](#)
- (24) [Applying Swami Parthasarathy's Vedanta To Boardrooms - Forbes India](#)
- (25) [EU paves the way for a stronger partnership with Africa \(europa.eu\)](#)
- (26) Professor at Sciences Po Bordeaux, and Director of research of the CNRS (Centre national de la recherche scientifique) at the Emile Durkheim Centre – Comparative Political Science and Sociology, University of Bordeaux
- (27) [Africa and the EU | EEAS Website \(europa.eu\)](#)
- (28) [Arctic Geopolitics: China’s Remapping of the World](#) (Clingendael Institute, 6 April, 2021).

**Page 30/33 – 31/33 THE EU in CYBERSPACE**

- (29) For “EU digital Sovereignty”, please see : “Digital sovereignty in practice”, Report : [Digital sovereignty in practice: The EU’s push to shape the new global economy -Atlantic Council](#);
- (30) For the “EU Digitalisation or Europeanization”, please see [“The Digital Europeanization”](#) (151020\_thesis\_thedigitaleuropeanization\_mikkeltoft.pdf (aau.dk);
- (31) About the “Digital Single Market”, please see : [Un mercado único digital para Europa](#) - Consilium ( in Spanish);
- (32) For the “EU and the Cyberspace / “geopolitical framework”, please see: [Cyberdiplomacy and shifting geopolitical landscapes | EEAS \(europa.eu\)](#);
- (33) [“Por qué es importante la autonomía estratégica y digital”](#), please see (in Spanish), Por qué es importante la autonomía estratégica europea | EEAS (europa.eu , document from the European External Action Service (EU) ‘Why European Strategic Autonomy Matters’).



## **APPENDIX II: International Justice and the War in Ukraine**

Almost a year after Russia's invasion to Ukraine, it is time to find out what is the role of the international justice.

Although since middle of 2022, through an agreement between Eurojust and the International Criminal Court, they are working in Ukraine, in the places where war crimes and crimes against humanity were committed. But let's remember that the Criminal Court cannot judge Russians, since Russia is not part of the ICC Rome Statute, and Ukraine is for an specific case, following the "Annexing of Crimea in 2014"

So, there is a legal vacuum, in which the international community is debating how to proceed to judge the atrocities, including war crimes, committed in the conflict in Ukraine.

Beyond making clear the violation of the international order by the Russian Federation, invading a sovereign state and annexing part of its territory (Donbas), various projects of international criminal tribunals were tested to be able to judge international crimes.

Basically, the international community debates about the format of the institution that will judge those responsible for the most serious crimes. That is to say, if it will be an international criminal court specially created for that purpose, such as the International Criminal Tribunal for the former Yugoslavia (ICTY); whether it will be a "special court" with similar characteristics to the "Special Court of Sierra Leone", with local legislation in its own statute; or if it will be a "mixed court" with international and local elements in the same regulations.

The UK and Germany recently supported the creation of an "ad hoc" "Tribunal for Aggression for the situation in Ukraine". But the UK believes that the court should not be international, but "integrated into Ukraine's national justice system with international elements", and the German Foreign Minister appears to back to a format of "hybrid court", "that obtains its jurisdiction in criminal law in Ukraine".

The tribunal to be established must be fully international. Otherwise, he could be prevented and unable to prosecute the leaders who are allegedly most responsible for the commission of the crime.

Beyond immunizing high-level leaders, the prosecution of the "crime of aggression" by a hybrid court within Ukraine's judicial system it would also suffer from other defects due, in part, to Ukrainian Constitutional Law and other factors.

A diplomatic solution is in sight. The Parliamentary Assembly of the Council of Europe has the right approach in calling for an "Special International Criminal Tribunal for the Crime of Aggression" in its Resolution 2482 (2023). Such an institutional model would avoid the risks described below.

A hybrid court within the Ukrainian judicial system would likely immunize Russia's top leaders from accountability.

Under the Rome Statute of the International Criminal Court (ICC), the crime of aggression is a "leadership crime" (Article 8bis, par. 1). In other words, the crime affects only those leaders who are "in a position to effectively exercise control or direct the political or military action of a State."

The reason for this firm limitation is that rank and file soldiers, even middle managers, are not the ones making the decision for a country to go to war.

Consequently, in order to prosecute such leaders, it is imperative that "personal immunities" from prosecution not be granted. In the "Yerodia" Judgment of 2002, the International Court of Justice (ICJ) made it clear "that the personal immunities of an acting head of state, head of government and minister of foreign affairs apply to a country's judicial system, even in proceedings for international crimes. But the Court went on to say (para. 61) that the situation is different before international tribunals with jurisdiction over such crimes."

Subsequently, in the "Decision on Immunity from Jurisdiction", "Prosecutor v. Taylor", the Appeals Chamber of the Special Court for Sierra Leone (SCSL) affirmed that there is no personal immunity for a sitting head of state (Charles Taylor in that case) before an international court; a court established as the SCSL. In reaching its decision, the Appeals Chamber examined what is an "international tribunal" before which personal immunities would not apply.

The Appeals Chamber further clarified that "the Special Court is not a national court of Sierra Leone and is not part of the judicial system of Sierra Leone exercising judicial powers (Sierra Leone) "

In 2019, an ICC' Appeals Chamber unanimously decided to the same effect in Jordan's Referral of the Al-Bashir Appeal and concluded that the "Head of State's immunity cannot be upheld before an international tribunal."

So immunities would be granted before a court, even a hybrid court, within the national court system of a single state, which the UK is apparently proposing and what Germany might be proposing as well. This means that if diplomatic efforts end up with a hybrid court, established under national law and located within a national judicial system unable to overcome the immunities of senior leaders, they will have ended up leaving the most glaring legal vacuum in place.

There is a clear and optimal alternative. The best way to prevent immunities from being granted is a court created by the international community as a whole. The "Special Tribunal for the Crime of Aggression" is exactly the type of international tribunal to which immunities would not apply.

It would be created: (1) after a request from the Government of Ukraine; (2) by resolution of the General Assembly of the United Nations; (3) that he would recommend the creation of the tribunal and request the UN Secretary General to initiate negotiations between the Government of Ukraine and the United Nations.

An increasing number of states (including Ukraine) rightly support the establishment of a special court as a Council of Europe Parliamentary Assembly does unanimously in its resolution late last month.

From the issue of immunities, the UK proposal (which appear to be the one proposed by Germany as well) is flawed or problematic for a number of other reasons. An hybrid court within the Ukrainian judicial system would likely conflict with the Ukrainian Constitution

It is hard to see how the UK model (a Ukrainian court with international elements) could comply with the Ukrainian Constitution, which legal experts have been poring over. Article 125 of the Constitution of Ukraine: the Constitution prohibits creating any hybrid court within the Ukrainian judicial system.

Judgments from a hybrid court within the Ukrainian judicial system would not carry anywhere near the weight of authority that judgments from an international court carry.

On the other hand, the verdicts of Ukrainian judges (and, to a lesser extent, of a mixed court of Ukrainian and international judges) will not carry anywhere near the authoritative weight of judgments rendered by a fully international court created through the system of the ONU.

Ukrainian decisions may not carry the same weight as those issued by an international court.

Finally, according to the Criminal Code of Ukraine, the crime of assault carries a sentence of between seven and fifteen years.

Hereby two positions that answer the international justice ' dilemma: an international tribunal or an hybrid court for Ukraine? This dilemma, show as a new challenges for the international justice, in this changing and complicate world.

But, how will be the next challenges for this "new global governance" that represents a new tribunal, for the war that in this moment, still can't stop.

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### **APPENDIX III: The different implications of the clash**

November 18, 2017 . the **NEXUS Institute** organized the conference “[The Last Revolution](#)” to address big questions and brought together writers, thinkers, diplomats, politicians and activists from around the world to look for answers, ideas and arguments. “Which movements will bring freedom in the twenty-first century? Who will oppose power and rise against it? Where will they find strength and inspiration? And what will be the true last revolution?”

‘The Last Revolution’ is a reference to Trotsky’s belief that the Russian Revolution, a hundred years ago by this point, would be the last. For the afternoon debate on the subject ‘the world of freedom’, Aleksandr Dugin and Antony Blinken sat together at a round table, along with other speakers. Dugin, famous as Putin’s philosopher and whisperer, said the following:

“Russia has a civilization of its own, which you could call Eurasian. Among us the people, the collective identity with its own history, traditional values and religion, is paramount. God, church and soul determine our human dignity and we detest Western individualism and materialism, the spiritual emptiness that is filled with technology and science. We practise the conservative revolution to guard our own identity, and our greatest enemies are liberalism and globalism. To defend our civilization, Greater Russia must be restored and as a first step towards that we will incorporate the Ukraine once more. The Ukraine is not a country in its own right, it has no culture of its own, Kiev has always been part of Russia. With China and Islam we resist the unipolar world with the global West as its centre and with the United States as its core. This kind of unipolarity has geopolitical and ideological characteristics. Geopolitically, it is the strategic dominance of the Earth by the North American hyperpower and the effort of Washington to organize the balance of forces on the planet in such a manner as to be able to rule the whole world in accordance with its own national, imperialistic interests. It is bad because it deprives other states and nations of their real sovereignty. When there is only one power which decides who is right and who is wrong, and who should be punished and who not, we have a form of global dictatorship. This is not acceptable. The American Empire should be destroyed. There will be war, but our war will be a civilizing mission, just as the European crusades in the Middle Ages.”

Antony Blinken responded as follows.

“President Roosevelt provided the American people with a rationale for abandoning isolationism. He argued that our own democracy and the freedoms it guaranteed were at risk: ‘The future and safety of our country and of our democracy are overwhelmingly involved in events far beyond our borders.’ And he looked to a world founded on four essential human freedoms – of speech and religion, and from want and fear – that could only be guaranteed by an engaged America. President Roosevelt laid the foundation for an open, connected America in an open, connected world. Now, the failure to convince of its benefits and address its downsides – and the fears and frustrations of those left out or left behind – risks a fatal crisis of legitimacy for the world that America built.

As we build new economic ties – through trade, automation, digitization – how do we ensure that creative disruption does not become destruction of people’s livelihoods and sense of self? As we form new cultural connections – through migration and the adoption of universal norms – how do we preserve traditional values and identities? As we bridge physical borders – accelerating even more the free movement of people, products, ideas and information – how do we simultaneously secure them and our sense of personal safety? As we increase cooperation and coordination among nations – through alliances and international institutions and shared rules – how do we hold onto a sense of national sovereignty? At the heart of these challenges is one of the most powerful human yearnings: for dignity. It informs who we are as individuals, what we are as a nation and where we go as a community of nations. It is an article of faith among democrats that free societies best promote and defend human dignity.”

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