



# The Federalist Debate

Papers on Federalism  
in Europe and the World

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## BORDERLESS DEBATE

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# Coronavirus: Only Public Powers Can Protect Our Health

*Lucio Levi*

After the attack on the New York twin towers in 2001 and the financial and economic crisis in 2007-2008, the pandemic generated by coronavirus this year is the third event of global dimensions since the beginning of the millennium which knocks over our expectations, upsets our habits and endangers our lives. The growing severity of those crises shows that the world is lacking appropriate regulatory bodies. Said in simpler terms, it needs a government.

The impressive speed of the dissemination of the virus from China to the rest of the world has shown how interdependent is the world we live in. No country, no great region of the world can win the battle against the virus alone. In the globalized world the destiny of humankind is indivisible.

We knew it. Epidemics are events that have the deepest impact over the course of human history. They are an aspect of natural selection underway since the origin of life on our planet. But governments have not drawn a lesson from the experience of the past. They have been caught by surprise, unaware and unprepared and reacted late and divided to the attack of the virus. No prevention plan was in place. Hospital structures have been found insufficient to face the challenge of pandemic whose costs are no doubt astronomical in terms of loss of human lives. But the unprecedented severity of the current crisis lies in the combination of the health crisis with the economic one.

The fear to generate panic in the public opinion as a result of the lock-down and the suspension of economic activities has refrained governments from taking action. They have

resorted to borders closure: a useless provision, adopted when the contagion had already spread worldwide. Instead, a timely intervention would have preserved hundreds of thousands lives. The only result they have obtained has been the strengthening of national cohesion. The decisive event which pushed governments to act in the interest of public health through the restriction of the free movement of persons has been the market crash. A confirmation of the weight of markets in the decision making process of governments.

The first lesson we have learnt by the crisis is that health is a public good whose provision and management cannot be entrusted to market mechanisms. The neo-liberal principles which have led the first phase of globalization have been a resumption of the ideology of the minimal state which dates back to the origin of liberal democratic thinking and confined itself to protect life, liberty and property (Locke) or life, liberty and the pursuit of happiness (Jefferson). The historical experience of the XIX and XX centuries has taught us that healthcare is a sector of social life where markets fail to provide the public goods that only public powers can ensure, such as the protection of the environment, prevention of abuses of dominant positions in the market, regional and social imbalances, public works and so forth. Therefore, the trend to cut healthcare budgets should be stopped and inverted.

The second lesson is that the pandemic has produced a symmetric shock in the global economy with similar consequences on all countries and a recession of historic proportions. Its impact is horizontal. It affects equally

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emerging and developed economies. Pestilences, like wars, are great equalizers. Therefore, a global coordinated response is necessary.

The third lesson is the re-evaluation of the role of scientists, discredited by populism which has classified them in the negative pantheon of the elites. Even though the coronavirus is a new pathogenic germ, which has found scientists unarmed – they have neither specific drugs nor vaccines –, people’s trust in science lies in the fact that it elaborates a shared knowledge built on the basis of experiments and evidences, which are the objective criteria of truth. From it we have learnt that the coronavirus comes from the animal world. It is the ever more intense exploitation of planetary resources – deforestation, desertification, urbanization, overpopulation and livestock farming – that created opportunities for the microorganisms to come closer to human population. Genetic mutations allow the viruses to jump from a species to another and infect humans. The explanation of the origin of coronavirus shows that the pandemic is only an aspect of the environmental crisis. Thus, both emergencies should be addressed together.

The fourth lesson is that the emergency powers granted to governments to combat the pandemic could become permanent constitutional changes. It is to be feared that the exit from the pandemic will give us back citizens available to surrender their freedom and their privacy in exchange for security, and to concentrate powers in few hands. It is simply a fear for an authoritarian drift for the moment. But the decision of the Hungarian Parliament to suspend constitutional freedoms and grant full powers to Orban is an alarming signal of this trend. In fact, according to the Freedom House Institute, Hungary is the first EU member state to leave the club of democracies. Therefore, the emergency powers granted to governments should be submitted to parliamentary control and have a temporary character.

The response of the EU to the emergency of the

coronavirus pandemic marks an awakening of European solidarity. The European Council, paralysed by cross vetoes and unable to decide, has entrusted the European Commission with the task to elaborate a recovery plan. This means that the coronavirus crisis has triggered off two potentially revolutionary facts:

- The Recovery Fund, now renamed *Next Generation EU*, that the Commission will submit to the European Council and the European Parliament for approval, entails a joint issuance of European debt, which will be paid back with money raised through European taxes (web tax, carbon tax, corporate tax); the investment plan necessary to get out of the crisis will require an unprecedented amount of EU budget resources that can reach the figure of EUR 2400 billion; therefore, from now on, the budgetary powers will be shared between member states and the EU, as it is the case in all federations;

- The shift of the EU decision-making power from the European Council to the European Commission, which is beginning to act as a true federal government.

The European Commission President, Ursula von der Leyen, in her intervention at the European Parliament has evoked the precedent of the Marshall Plan, which mobilized an enormous amount of money for the recovery of Europe following the devastation of WWII. And has quoted the authors of the *Ventotene Manifesto*, Altiero Spinelli and Ernesto Rossi, who in 1941 invited European citizens “to be ready for the new world that is coming, that will be so different from what we have imagined”.

Jean Monnet said: “Europe will be forged in crises and will be the sum of the solutions adopted for those crises”. The coronavirus pandemic confirms this statement, since it offers an opportunity to move towards an increase of the European budget’s own resources never seen before, practically doubling its investment capacity. The creation of a common debt and a EU fiscal power is a milestone of the same

importance as the monetary union, that can provide the impetus for a stronger and more united Europe.

Several political observers have defined the current EU's situation as a "Hamiltonian moment". It is appropriate to compare the European Commission's initiative to the economic policy of Alexander Hamilton, the first Treasury Secretary of the United States, who was the architect of the creation of a common debt of the various member states, the national bank and an ambitious investment plan for the industrialization of North America. Just as Hamilton was the prophet of the industrial revolution in the United States, von der Leyen is the promoter of the environmental and digital revolutions in Europe. The difference lies in the fact that Hamilton's plan was formulated after the ratification of the Constitution, while today's Europe is not a full-fledged Federation. The goal of Hamilton's economic policy was the strengthening of the federal union through the construction of consent around the new institutions.

The core of the problem the EU is facing these days is the same. Success is not guaranteed at all. The European Commission in alliance with the European Parliament will have to win a challenging arms wrestling with the European Council and all the political forces of national conservatism. The recovery plan is the way to associate the citizens and the economic and

social interests to the European institutions. The attainment of the no return point in the European unification process does not lie in the formal transfer of this or that competence from the member states to the Union, nor in this or that change in the architecture of the European institutions, but rather in the strengthening of the support of the people, civil society and economic interests to the EU. The recovery of the European economy can pave the way to the strengthening and democratization of the EU's powers in the sector of public health, and can lead to the creation of a European Health Community, an example for what the other great regions of the world should do, and for a global health policy aiming to reform, strengthen and democratize the World Health Organization. The WHO should become the coordinating and propulsive core of an effective global response to the challenge of pandemics in terms of capacity to alert member states to the threats to public health and to disseminate reliable information, of coordination and promotion of research for discovery of vaccines and drugs, and of distribution of healthcare equipment. To carry out these tasks, it should receive more financial resources and its powers should be strengthened and democratized. Moreover, in order to enhance its freedom of initiative from national governments, it should be endowed with the same degree of autonomy enjoyed by Central Banks.

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# The Green Deal and Euratom

*Alfonso Iozzo and Antonio Padoa Schioppa*

Environmental challenges require very demanding choices of economic and fiscal policy which are feasible, nonetheless, if (and only if) adopted within the framework of the European Union. With respect to climate risk, several lines of action are developing, linked with the commitment of the Commission and the European Parliament.

The Commission has indicated the need to mobilise resources amounting to 1000 billion euros over ten years, a figure that could be reached through a multi-tiered EU public contribution of 100 billion euros per year, which would act as a guarantee for a funding multiplier. The costs of introducing a general carbon tax, i.e. limited initially only to the external borders of Europe, have been carefully assessed.

The European Parliament has adopted the objective of the *European Green Deal*, which the new Commission, under the leadership of Ursula von der Leyen, has placed at the heart of its five year programme with the activation of an initial 100 billion euro Just Transition Fund to which, through the multiplier mentioned above, 900 billion euros would be added over a decade, that could be allocated through various channels to the Union's budget. However, calculations by the European Court of Auditors and other authoritative experts indicate that a much higher total figure, in the order of 3000 billion euros over a decade, is needed to achieve the objective of neutralizing climate risks by 2050.

A recent project, backed by eminent European figures, proposed the establishment of a European Bank for Climate and Biodiversity, requiring a financial commitment of 100 billion euros a year for a decade to achieve an ecological transition in Europe and Africa. The

most viable way to achieve this – compared to revising the Treaties and enhanced cooperation – would be to establish a Treaty outside the European treaties, that should be concluded among willing countries in the form of an intergovernmental pact. Other observers and experts have also proposed the creation of a European Carbon Central Bank.

An alternative approach is anchored more directly to the Union's institutional framework, as it envisages making use of existing Treaties, and necessitates the involvement of the European Parliament, the Commission and the two Councils. The Treaty that established the European Coal and Steel Community (ECSC) was incorporated into the two Treaties on European Union (TEU) and on the Functioning of the European Union (TFEU) – which were updated after the approval of the Lisbon Treaties. Thus, the structure for the EU's future energy and environmental policies could be based on the consolidated version of the Treaty establishing the European Atomic Energy Community (EAEC or Euratom), which is still in force. To this end, the competences of the TEU, the TFEU and the Euratom Treaty should be extended to other energy sources, the regulation of which is now inextricably linked to the planning of the Union's future economic and environmental policies. The latter Treaty could be renamed the "European Energy and Environment Community" (EEEC).

One legal question that arises in this regard concerns the procedure required to achieve this objective. Given that an amendment to the Euratom Treaty would in any case be needed for this purpose, the question is this: is it possible to make use of the procedure laid down in Article 48.3(2) TEU, whereby the

Treaties can be amended by a simple majority of the Council and without the need to convene a Convention, after obtaining the consent of the European Parliament? Or, alternatively, would it also be possible to make use of the procedure laid down in Article 48.6 TEU, which regulates the simplified procedure provided for in the TFEU, Part Three - Union's policies and internal actions?

The answer seems clear, meaning that the first procedure indicated is admissible but not the second, as Article 106a of the Euratom Treaty (2012) expressly provides for the possible application of Articles 48(2) to (5) TEU, but not (6), which would exclude the possibility of making use of the simplified procedure.

Article 206 of the 2012 consolidated version of the Euratom Treaty also provides for the adoption of the procedure laid down in Article 48(2) to (5) TEU, for Agreements with one or more States or international organisations calling for an amendment to the Euratom Treaty in order to establish an association with reciprocal rights and obligations.

The most significant benefit of using the Euratom Treaty for the EU's renewable energy and environmental policies would be that it would provide a ready-made legal framework that is fully consistent with the current institutional structure. The important, indeed fundamental, Euratom Treaty rules include those on the establishment of one or more Agencies authorised to carry out the related policies (Articles 52-56 of the Euratom Treaty, 2012), as well as those on the

financial provisions referred to in Articles 171 to 172, which include the right to issue loans on the capital market. This latter element is particularly significant, as it would make it possible to mobilise additional funding for the development of new technologies, which require substantial resources that can only be partially raised from private capital. It has now been demonstrated that for investments relating to structures which require a good deal of time and do not guarantee short-term returns, public resources are the only means to effectively supplement them, as the American model has also demonstrated in the distant and recent past.

Without prejudice to the need to expand the competences of the European Union in the future through a reform of the Treaties, it can be added that by granting autonomous fiscal power to the European Parliament in co-decision with the Council, the current legislation already allows fiscal provisions to be adopted. This can be achieved by using special or ordinary legislative procedures (Article 192.2 TFEU) and by using enhanced cooperation, namely a specific intergovernmental agreement, as recently confirmed – regarding these latter two hypotheses – by the European Court of Justice (Cases C-209/13 and C-370/12).

In conclusion, the use of this and other appropriate strategies requires, of course, an impetus that can only come from politics at the European level: hence the importance of the process which started with the new European Parliament term and the new Commission.

<sup>1</sup> <http://www.csfederalismo.it/it/publicazioni/volumi/collana-federalism/1393-european-budget-and-sustainable-growth>

<sup>2</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0005\\_IT.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0005_IT.pdf)

<sup>3</sup> [https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission\\_it.pdf](https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_it.pdf)

<sup>4</sup> <http://www.csfederalismo.it/it/publicazioni/commenti/1459-il-valore-strategico-del-green-deal-europeo>

<sup>5</sup> <https://www.pacte-climat.eu/en/>

<sup>6</sup> <https://cdn.website-editor.net/6d83e4db0957400da09979d8cdcf5ee6/files/uploaded/BCC.pdf>



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# Boris Johnson and His Prophet

Mario Telò

Negotiations between the EU and the UK on future mutual relations were opened on 2 March, 2020. The tense climate makes it highly doubtful that an agreement will be reached by 31 December, as requested by the United Kingdom, which is impatient with its EU's satellite status to which the agreed transition is pushing it. This article tries to explain one of the reasons for our scepticism.

Negotiating for one's interests counts, but ideas and speeches also count, and those who do not recognise this cannot understand at all the new European policy in the phase of the national-populist offensive.

There are public speeches that take on a symbolic value, and the British are masters in them, as was the case with Mrs. Thatcher's famous Bruges speech of 1988, which announced that she would not stop at the "I want my money back" refrain at the 1984 Fontainebleau European Council, but that she would start her authentic ideological battle, and the ten-year guerrilla war against an "ever closer union" and for a *con-federal* Europe.

Invited by the *Institut d'Etudes européennes* of the *Université libre de Bruxelles* to present for the first time Boris Johnson's Britain position at the start of the major negotiations on the future relations with the EU, David Frost, adviser to the Prime Minister and Delegation Chief for the negotiations with Michel Barnier (who continues to represent the EU well), served us, literally, a punch in the eye. We were expecting a tough but pragmatic negotiator; instead, with the courtesy of a gentlemen, with Oxford culture and British *humour*, he wanted to surprise us with a conference that already in its title nodded its great cultural and prophetic ambitions: "*Reflections on*

*the Revolutions in Europe*", a genuine Brexit ideology.

According to David Frost, not only does the Brexit mark a historical turning point, but its philosophical scope lies in the continental challenge of a sovereignist revolution against the European Union. Certainly, we can only appreciate the intention, at the time of the separation of the UK from the EU, to address the change underway in a historical perspective of *longue durée*, full of implications for political thought, thus raising the level of a debate that for decades the British have accustomed us to make vulgar as merely a matter of mutual utilitarian conveniences. Answering to Frost that we are not interested in books and authors of the 18th century reveals in some European leaders a worrying misery, not only cultural but political. The choice of theoretical references, of the inspiring texts and authors, is in fact extremely significant for a vision of the present and the future.

In choosing the title of his lecture, Frost explicitly evoked the famous English thinker and parliamentarian Edmund Burke (1729-97), a radical critic of the French Revolution, and his best-known book, "*Reflections on the Revolution in France*" (1790). For at least two reasons, this reference to Burke must make us reflect, because it is disturbing and revealing of a sovereignist philosophy extremely aggressive towards the European Union.

First of all, Burke wasn't just an anti-Jacobin. He radically rejected the modern idea of the rule of law based on what he called "abstract principles", such as the "human rights", the "written constitution", the "democratic utopia" as the expression of a "*tabula-rasa* madness". He could not be anachronistically

against revolutionary France in its most radical forms, but he stood against the moderate constitutional monarchy of 1790; in short, he did not reject only Rousseau, but the entire natural-law philosophy which had dominated the European thought of modernity, from Spinoza to Althusius, from Montesquieu to Sieyès, from Kant to Hegel, without forgetting the English natural-law philosophers Locke and Hobbes.

Burke's alternative is based on the need to preserve an absolute continuity with national traditions, the 1688 model understood as "restoration", rejecting the idea that a society can be re-built according to values of freedom and justice. It even goes so far as defending the founding role of "social prejudice" as the basis of society, social hierarchies against equality, an anti-Enlightenment orientation that risks bringing him closer to the most illiberal conservatism.

The second reason to be concerned about this choice of theoretical reference is more important at the political level. In fact, Frost was not only inspired by Burke's book, but also intended to slightly change its title: "*Reflections on the revolutions in Europe*" in the plural. Why plural? Frost has made it clear, a central passage in his prophecy, that two revolutions are facing each other in Europe: the revolution of the past century, represented by the decades of European unification characterised by the sharing and delegation of national sovereignties ("*sovereignty sharing and pooling*"), and, on the other hand, the new revolution that opens the 21st century, symbolised by Brexit, a revolution aimed to regain sovereign control of national borders ("*catching back one's borders' control*"). A speech of this kind given at the first university in Brussels not only sounds like the counter-melody to the famous speech for European integration by Schroeder's Foreign Minister Joschka Fischer at Humboldt University (2000). It also takes on a provocative accent: the EU does belong to a significant past, but it is the

nationalist sovereignty that represents the sun of the future. Who else, if not D. Trump, has proposed Brexit as a model to be followed by all European countries? One cannot fail to notice that Frost's "prophetic" speech goes far beyond the perspectives of the extreme right-wing sovereignists of the continent, who, from Kaczynski to Orban, from Salvini to Mme. Le Pen, from the aggressive German AfD to the Spanish Vox, have all renounced, especially after the defeat in the European elections on May 26, 2019, to propose the exit of their country from both the EU and the Eurozone, and practice a policy reminiscent of that of Mrs. Thatcher: changing the EU from within, towards a weaker and more confederal model. Instead of proposing a search for an idea of Europe that unites us beyond Brexit, and seeking a convergence at a high level, Frost has chosen to divide and put in contrast in the most radical way the integration of the 27 and sovereignty, seeing them as alternative philosophies, opposite world-views. The illiberal conservative Burke becomes an instrument for a philosophy of confrontation. But in this way Frost not only makes negotiations more difficult but, with the sole exception of British courtesy, he ended up aggravating all our doubts about future mutual relations, especially around three big questions:

a) Frost did not let anybody be in a position to answer the question that is to be posed necessarily after the exit on 31 January 2020: what model of economic and social development will the British Conservatives choose? Andrew Gamble, professor at Cambridge, rightly argued that the "left-wing Brexit", sold in vain by the Eurosceptic Labourite Corbyn to his disoriented voters, is impossible (apparently, "socialism in one country" appears attractive only on the condition of not living in that country). But it is not clear whether the British (or rather English)

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conservative model of the 21<sup>st</sup> century will resemble May's ambitious Victorian dream of a "Global Britain", or rather the one that the then Prime Minister Cameron had contemptuously rebuked in 2016 to Farage: a little introverted and modest idea, a "Little England". The only positive sign: Frost promises that the British do not want to lower their standards, but paradoxically they reject the EU social and environmental standards. Other "Brexiters" have babbled confused summaries of their ambitions: the myth of a "Singapore on the Thames", a fiscal paradise (forgetting that Singapore is working well thanks to the fact that 30% of the population is composed of immigrants, which does not seem to be the ideal of the Brexiters); it would be, said Merkel, an unfair competitor at the borders of the EU, incompatible with the proposal for a second-generation, highly regulatory, CETA-type trade agreement. It is therefore not clear even to the British what the Johnson government will do with the political and economic independence claimed and flaunted in the negotiating mandate given to Frost and published on February 27, 2020. The confusion that reigns in the palaces in London will condition the quality of the compromises which the excellent negotiator that M. Barnier turned out to be will work on without concessions.

b) Linked to the model of society is the great theme of the fight against climate change. It could provide a ground for convergence between the EU and the UK, as the very important COP 26 conference at the end of 2020 is announced as a co-presidency between the UK and Italy. But neither Frost nor Johnson seem to highlight this potential for a high-level agreement. If the conservative government's distance from Donald Trump's climate scepticism could bring us closer, we can only see that the EU's decision to make the "Green Deal" the

priority of priorities runs counter to the UK's choice of a competitive race-to-the-bottom model, a tax haven, based on social and environmental dumping.

c) Finally, the issue of security is not being taken seriously by the United Kingdom, which looms like an island in the middle of the Atlantic. It is clear that Britain, even leaving the EU, is not leaving Europe: it continues to have security interests on the European continent which it will have to manage in cooperation with us, with the EU, the first power. So did everybody, not only W. Churchill but all the British governments since Napoleon and the subsequent Concert of Europe.

Europe is more committed than before to its Defence Union. In this sense, as not only Macron but also Mogherini said, although Brexit is certainly sad news, it is also an opportunity for the 27: nobody can deny that the European Union has made more progress towards the Defence and Security Union in the three years after the Brexit referendum than in the 40 years with the United Kingdom: PESCO, Defence Unit at the Commission, Armaments Agency, etc. It is paradoxical that, while our common threats are getting worse, from Russia to the Middle East, to Libya, at the risk that all of us, the British included, will become the sacrificial victims of the bipolar battle between the US and China, the United Kingdom is not only leaving the EU, but is not proposing to rapidly consolidate some forms of cooperation.

In conclusion, what does the Johnson government want? Competition or cooperation? On 26/2, M. Barnier expressed concerns convergent with ours: not only the UK's internal rhetoric focuses on emphasizing independence and sovereignty, but even in Brussels leading British ministers present themselves with an aggressive rhetoric that interprets Brexit as the first stage of a "European revolution of

sovereignty” and sees the current turning point and even the negotiations as a kind of gradual euthanasia of the EU.

But to come back to Frost’s comparison, citing Burke’s condemnation of the French Revolution in the name of British conservatism, it must be remembered that while the *Déclaration des droits de l’homme* and the values of the French Revolution continue to exert a European-wide and world-wide influence after 230 years, it is the counter-revolutionary regimes that have been condemned by history, with the exception of the nostalgics of De Maistre, Burke or, later, Mussolini and the various national fascisms, and forgotten. Of course, if the British Conservatives raise the level of the challenge, and propose themselves as the leaders of a continental nationalist and sovereignist

revolution, the EU states cannot respond by making business as usual and arguing over the budget. As the continent’s first power, it is an urgent responsibility of the EU to, first, consolidate its internal unity, and, second, offer a perspective to the whole of Europe, an innovative perspective, that is already maturing in practice through the setting up of concentric circles around a centre, i.e. a more integrated core functioning as the political leader, and concentric circles which will include in distinct roles, on the one hand, the countries aspiring to join the centre and, on the other, the recalcitrant ones, i.e. the countries whose governments have their heads turned back towards dangerous nationalist myths of the 19<sup>th</sup> century, and tinker with what has clearly become the hypocrisy of a national sovereignty to be regained.

Translated by Vittorio Quartetti

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# Our Common European Home: Prospects for the European Union

Joseph Preston Baratta

Mikhail Gorbachev used the expression “Our Common European Home” in a French press conference in 1985 following his first official visit to Western states as General Secretary of the Communist Party of the Soviet Union. He was trying to signal new departures in Soviet foreign policy – soon to be called *perestroika* (reform) – that repudiated the former Brezhnev-Andropov-Chernenko policies of confrontation and threat of a Third World War. Gorbachev meant narrowly to advance the Helsinki process (1975) under the Conference on Security and Cooperation in Europe, but he expanded it to mean general reduction of tensions to permit pan-European integration and co-existence of liberal and socialist systems. He writes in his memoirs:

*The idea of Europe as our common home had been a spontaneous thought, but the symbolic image eventually acquired an existence of its own. People in Europe tended to be particularly aware of the instability of the international situation and of the threat of war. It was here that the two antagonistic military blocs stood face to face, accumulating mountains of weapons and deploying sophisticated nuclear missiles. On the other hand, Europe possessed the most valuable experience of co-existence between countries belonging to different political systems.<sup>1</sup>*

In time, his conciliatory negotiating posture toward disarmament led to the Intermediate Nuclear Forces Treaty (INF, 1987), Conventional Forces in Europe Treaty (CFE, 1990), and the first Strategic Arms Reduction Treaty (START, 1992). These disarmament treaties marked the end of the Cold War. At the climax of his power – his speech to the United Nations in 1988

– Gorbachev expanded his vision to a “New World Order.”<sup>2</sup>

Gorbachev, to a Westerner, was an almost unimaginable sincere Communist. He believed in socialism – “from each according to his abilities, to each according to his work” – as fundamentally just for the Soviet peoples, but he had abandoned Lenin’s program for a Communist world state. He grew up believing in the “leading role” of the Communist Party of the Soviet Union, then 19,000,000 strong, which he joined at Moscow University in 1952, but he came to think it could be reduced to a “normal political party,” responsible for ideology in a multi-party, democratic political system. It would seek popular votes to form legislative majorities, while management of the socialist economy would be left to competition in a free market system. He favored reform (*glasnost*, *perestroika*, *demokratizatsiya*).

He was not an *apparatchik* of “Breznevism,” which he particularly hated for suppression of initiative and stagnation in the country. He was appointed General Secretary in 1985 in the usual Communist party way, and at first exercised absolute dictatorial power over the Soviet Union and its allies. At the end, he was trying to negotiate a new Union Treaty to preserve the old federal union of the U.S.S.R. on the basis of the independence of the republics. He believed in the co-existence of the two systems in Europe and the world. He imagined that capitalism and socialism could abide together. He was a “pluralist.”

Of course, it all came to naught. The U.S.S.R. was dissolved on 25 December 1991. Gorbachev blames Boris Yeltsin and “obsolete

and reactionary forces.”<sup>3</sup> What emerged, after Yeltsin’s mismanagement of the transition from socialist property to capitalist ownership of the means of production, was an economic depression worse than the American Great Depression, which led to the rise of oligarchs or captains of industry like those in America’s Gilded Age. That was followed by the rise after 2000 of Vladimir Putin, who brought back Russia’s traditional, imperialist, authoritarian state. Its principal interest was security of the country from expansionist neighbors on a great Eurasian geographic plane. The multiparty electoral system was taken over by Putin’s party, United Russia.

By the third decade of the 21<sup>st</sup> century, when nationalism seems to be taking over the European Union, and cult of the leader the United States, it may be useful for the friends of democracy to ask: How could an enlightened leader like Mikhail Gorbachev have ever arisen in so tyrannical a state as the Soviet Union? Could his vision of a “common European home” yet become the future of the European Union? To ask this question is to ask a broader one: How do great leaders arise even in dark times? Could new democratic leaders yet arise in Europe, Russia, or America?

Gorbachev was born in 1931 to an old family of peasants on the steppes of southern Russia in Stavropol. Memories of the 1917 Revolution were vivid. His paternal grandfather had fought on the western front in World War I. In 1933, during mass collectivism and famine, his grandfather lost three of his children to starvation, then was accused of not fulfilling the sowing plan. He was sent to a camp in the Irkutsk region but was so good a worker that he was sent back in 1935. One of his surviving sons, Sergei, was the father of Mikhail. Hence Mikhail Sergeyevich Gorbachev. Something worse happened to the father of Gorbachev’s wife, Raisa Maksimovna. He was suspected and executed in 1937. She did not receive a certificate of his rehabilitation until 1988. In

1941 the Germans invaded. Mikhail’s father fought in the Second World War, was once reported dead, returned alive, and continued to fight in the Red army until liberation of the country. Everyone endured terrible deprivations and sufferings. Gorbachev comments: *“Our way of life had changed completely. And we, the wartime children, skipped from childhood directly into adulthood.”*

What is impressive to me about this story is how resigned and accepting of fate was the character of the Russian peasant. Even though the common people were harshly treated during the early years of the Communist revolution, they did not protest the new regime. Everyone got back to hard work. They had virtues of courage and resourcefulness and family solidarity in the face of great suffering. I know that to a lesser degree only in farms and ranches in the American west.

Gorbachev studied law at Moscow University from 1950 to 1955. This was an elite school at the height of the Stalin period, after the deprivations of the Great Patriotic War. A graduate could expect entry into a professional career and a good life within the system. Even though we in the West have been taught that “revolutionary socialist law” was not based on bourgeois civil and political rights and an independent judiciary, Gorbachev got a good education there. He writes:

*To me, the university was a temple of learning, the focal point of minds that were our national pride, a centre of youthful energy, passion, and quest.*

Yet he knew that everyone was under surveillance. He once dared in an exam to make a slightly critical comment about one of his books, perhaps Stalin’s *Economic Problems of Socialism*, which cost him a low grade (a 4 in place of his usual 5s). He tells a story about one of his professors, S.V. Yuzhkov, an old-fashioned historian of Kievan Russia. Yuzhkov was once accused of “rootless cosmopolitanism” (a post-war movement of friendliness to the recent Western allies). He knew that defense

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was useless. Yuzhkov simply stood up in his Russian shirt bound with a cord around the waist at the academic council meeting where he was accused and said helplessly, "Look at me." Everyone burst out laughing. Common sense prevailed. People asked themselves, "Are we completely crazy to suspect this man of being a cosmopolite?"

After Stalin's death in 1953, Gorbachev, while at Moscow University, wrote his graduation paper on the advantages of socialist democracy over bourgeois democracy. He comments in his memoirs, "*Obviously we were very far from understanding the principles of democracy.*"<sup>4</sup> His hopes to be assigned to the U.S.S.R. State Procurator's office, where he expected to be part of the rehabilitation of victims of Stalin's purges, were disappointed. So he returned to Stavropol to guide agriculture in the local party apparatus. Over the years, he was disappointed by Khrushchev's "thaw", then by his foreign policy. It was not just the "personality cult" that was wrong, it seemed to Gorbachev; the "*command economy and the centralized state bureaucracy ... sapped the vital energies of society.*" The Soviet treatment of Hungary (1956), Cuba (1962), and China (after 1961) was disillusioning. Gorbachev was deeply moved by reports from friends (despite the party line) of the Prague spring of 1968. Basically, what he aimed at in the Soviet Union was modeled on "Communism with a human face", as attempted in Prague.<sup>5</sup>

From this short sketch of Gorbachev's origins, we can see how leadership emerges. Gorbachev grew up with decent moral values, truthfulness, sympathy, and hard work within the system. He got the finest education available, particularly in law. In his career, he became disillusioned with the command economy and the rigid single party. When great power was offered to him, as in his selection by high authority to be Secretary of the CPSU Central Committee in 1978 and then to the high command of the General

Secretary in 1985, he knew what reforms he wished to make.

We can imagine what leadership will be required in today's international situation to realize the dream of a common European home. Obscure public servants or politicians will come to power in the usual ways and then undertake to reform the rotten system. Where will they find their authority? There will be no post of general secretary of the CPSU to step into. They will get it from the people. Some event of supreme crisis – like the long feared nuclear war or the melting of the Greenland ice cap or world economic depression – will produce the popular will to take necessary action. I venture to think the leaders adequate to the challenges will not come from today's nationalists, looking backwards, like Salvini or Trump. They will have to fail first, or be defeated in the crisis, opening the historic opportunity for real leaders in international integration.

Assuming a crisis to motivate action, a historic opportunity, and leaders ready to proceed to a European common home, including Russia, what can we venture to imagine would be next steps? I think everyone must make greater efforts to understand the conduct of Russia under Putin. We in the West bear some responsibility for him because of our expansion of NATO in 2004.

When Putin took over Crimea in 2014, the United States and its European allies immediately charged aggression. But Putin's defense of his conduct deserves hearing. The attacks in eastern Ukraine, largely populated by Russians (not too far from Stavropol), were defensive, since Ukraine had been unstable on Russia's western border since independence in 1991 and was notoriously corrupt. Putin in his 18 March 2014 speech claimed that Crimea declared independence as Ukraine broke down. He explained that Russia's part was to defend the residents and the naval port at Sevastopol, if Ukraine joined NATO. He conducted a fair plebiscite in which 82 percent of the electorate

(1.5 million Russians, 350,000 Ukrainians, plus Tatars) took part. The vote was 96 percent in favor of returning Crimea to Russia. (It had been donated to Ukraine by Khrushchev after 1954). He claimed that the soldiers who fought to defend independent Crimea were drawn from the Russians living there. What he did was within his rights as leader of a sovereign state with no recourse for settlement available at a higher international level. It was no worse than the seizure of Kosovo from Serbia by the U.S. and NATO in 1999 in defiance of the U.N. Charter.

Putin turned the tables on the United States and its European allies who have charged Russia with aggression and applied sanctions: *Like a mirror, the situation in Ukraine reflects what is going on and what has been happening in the world over the past several decades. After the dissolution of bipolarity on the planet, we no longer have stability. Key international institutions are not getting any stronger; on the contrary, in many cases, they are sadly degrading. Our western partners, led by the United States of America, prefer not to be guided by international law in their practical policies, but by the rule of the gun. They have come to believe in their exclusivity and exceptionalism, that they can decide the destinies of the world, that only they can ever be right. They act as they please: here and there, they use force against sovereign states, building coalitions based on the principle "If you are not with us, you are against us." ... Today, it is imperative to end this hysteria, to refute the rhetoric of the cold war and to accept the obvious fact: Russia is an independent, active participant in international affairs; like other countries, it has its own national interests that need to be taken into account and respected.*

Gorbachev, too, accepted Russia's takeover of Crimea, since it was in accord with the "will of the people" and in response to NATO expansion. The event came well after Gorbachev's memoirs, but it is fully covered in the new, sympathetic yet critical biography by

William Taubman, *"Gorbachev and His Times": Gorbachev's attacks on Western post-cold war behavior tracked closely with Putin's. Gorbachev, too, condemned Western attempts to 'turn us into some kind of backwater' after the cold war, with 'America calling the shots in everything'. He too continued to censure NATO's expansion up to Russia's borders, along with NATO bombing of Yugoslavia without United Nations authorization, and the American invasion of Iraq under President George W. Bush. Gorbachev welcomed Russia's takeover of Crimea, calling it a 'happy moment' in accord with the 'will of the people.'*<sup>6</sup>

Nevertheless, financial sanctions were immediately imposed by the U.S. Congress, most members of the European Union, and other states ranging from Norway to Japan. Russia was charged with invasion and seizure of territory like that of Iraq against Kuwait in 1990. Vice-President Biden said, *"These asymmetrical advances on another country cannot be tolerated. The international system will collapse if they are"*. Sanctions by 2016 have cost Russia \$170 billion, which contributed to another fall in the value of the ruble, and financial crisis. The E.U. reciprocally lost €100 billion. But the effect has not been to reverse the fate of Crimea.

Some E.U. states have called for review of the sanctions: Italy, Hungary, Greece, Slovakia, Crete, and most notably, France. President Macron of France is typical of new leaders in Europe in the current period without Britain and a trustworthy United States. He looks forward to long-term security, freedom, and prosperity in the Union. In his speech to the Group of Seven at Biarritz on 27 August 2019, he called for return of Russia to the G8, if not immediately to a lifting of sanctions. But he laid out a *stratégie européenne* based on a militarily strong France as the *puissance d'équilibre* (balancing power). He proposed a "frank and exacting dialogue" with Russia, on the grounds that *"the European continent will never be secure if we do not pacify and clarify our relations with Russia"*.



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Gorbachev has written a book about Putin after Yeltsin, *"The New Russia"*. The return to authoritarianism in Russia, Gorbachev thinks, is contrary to globalization and the current forces of history tending toward coexistence and peace. America, too, needs "its own perestroika," even a "new American Revolution."<sup>7</sup> He wrote in the *Sydney Morning Herald* on 10 June 2009, early in the Obama administration:

*Our perestroika signaled the need for change in the Soviet Union, but it was not meant to suggest a capitulation to the US model. Today the need for a more far-reaching perestroika – one for America and the world – has become clearer than ever.*

The West's proper conduct toward Russia, I think, is not to prepare for a new cold war. The next step, if we can abandon labeling Russia an aggressor and cease the punitive sanctions, is to invite Russia into NATO – transformed into a Eurasian collective security system stretching to China. An opening has already begun by Russia's participation in NATO's Partnership for Peace, officially designed to deflect fears of secret NATO machinations. The Partnership consists of all twelve republics in the Commonwealth of Independent States, three in former Yugoslavia, and five in the E.U. When it was established in 1994, President Clinton said it was a "track that will lead to NATO

membership", without drawing "another line dividing Europe a few hundred miles to the east". That, of course, was before the expansion of 2004 (in the aftermath of the U.S. invasion of Iraq), when all the seven former Warsaw-pact states, plus Estonia, Latvia, and Lithuania were brought into NATO, moving the line 800 miles to the east!

The transformation of NATO into an inclusive, working collective security system in Eurasia is where new leadership is needed. Probably the name should be changed. Call it "Europe Free from Sea to Sea". Such a change presumes New Thinking in American foreign policy, abandoning hegemony for a decent respect to the opinions of mankind. Prospects are not good. After all, it was the U.S.A. under the Trump administration that abandoned the INF treaty. And also the Iran deal and the Paris accords on climate change. One way this revolution might happen is for some daring and wise European leader to make the same unilateral efforts to bring back Russia into the comity of nations within NATO, as Gorbachev did to cut forces and wind down the Cold War. Putin's part would be to permit free elections in Russia, which is Gorbachev's standard for democracy. Such an effort, by experienced leaders, could begin to establish a European common home.

<sup>1</sup> Mikhail Gorbachev, *Memoirs*, English trans. Wolf Jobst Siedler (New York: Doubleday, 1995), 427-28.

<sup>2</sup> *Ibid.*, 439-63.

<sup>3</sup> *Ibid.*, xxv.

<sup>4</sup> *Ibid.*, 52.

<sup>5</sup> *Ibid.*, 481.

<sup>6</sup> William Taubman, *Gorbachev: His Life and Times* (London: Simon & Schuster UK, 2017), 685.

<sup>7</sup> Mikhail Gorbachev, *The New Russia* (Cambridge: Polity, 2017), 327-38.

# African Continental Free Trade Area: Where Are We at?

Andrea Cofelice

The entry into force of the Treaty establishing the African Continental Free Trade Area (AfCFTA) in May 2019 was celebrated as a milestone in a lengthy African integration journey. In fact, it was a huge political and diplomatic success, considering the ambitious liberalization objectives, the negotiation pace (about three years, marking an unparalleled dynamism in the continent), as well as the number and heterogeneity of the states involved. As of May 2020, the agreement has been signed by 54 out of the 55 African Union members (with the sole exception of Eritrea) and ratified by 29 states, including South Africa and Egypt (which, together with Nigeria, represent the largest African economies).

AfCFTA, however, is still not fully operational. The Treaty, indeed, only defines its general regulatory framework: further negotiations on specific procedures are currently underway, whose outcome will determine the extent to which AfCFTA will effectively remove obstacles to the development of intra-African trade. These negotiations, which were launched in July 2019 at the 12th extraordinary session of the Assembly of the African Union (AU), have so far been conducted on the basis of three guiding principles: *sequentiality, reciprocity and variable geometries*.

Due to the wide scope of the agreement, negotiations were divided into three phases: the initial roadmap, however, has been slowed down and subverted by the current Covid-19 pandemic. As originally planned, indeed, the first phase should have ended in May 2020 with an agreement on the liberalization of trade in goods and services,

including preferential tariff concessions, rules of origin and dispute settlement mechanism: the goal was to start trading under the free-trade regime in July 2020. The second phase (which should have ended in December 2020) focuses on investments, competition policies and intellectual property rights. These issues represent a radical innovation in African regionalism, since none of the existing Regional Economic Communities (RECs) deal with all of them under the same umbrella. Finally, the third phase on the development of e-commerce in Africa should have started in January 2021.

All these deadlines have now been postponed: trade under the AfCFTA regime is expected to begin only in January 2021.

## **First phase of the negotiation: the state of art**

To date, a complete agreement has been reached exclusively on the dispute settlement mechanism, whose structure is inspired by the World Trade Organization model.

Besides, progress has been made on: the removal of non-tariff barriers (worth mentioning is the launch of the *AfCFTA online non-tariff barriers reporting, monitoring and eliminating mechanism*); the creation of the *Pan-African payment system and regulation*, which is the first digital payment system at continental level designed to facilitate payments for goods and services in local currencies; and the resource mobilization plan for the *AfCFTA adjustment fund*, which is expected to be launched in early 2021 in order to facilitate intra-African tariff-dependent countries to adapt their economic

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and fiscal systems to the AfCFTA regime. By contrast, negotiations on tariff concessions on goods, rules of origin, and the list of commitments on services are still lagging behind due to the huge heterogeneity characterizing the African continent, in terms of both States' economic development and the integration level of different RECs. First of all, AfCFTA is characterized by the widest income disparity compared to any other continental trade agreement (e.g., more than double of the ASEAN and CARICOM rates): 32 out of the 55 potential members belong to the group of "least developed countries", while South Africa, Nigeria and Egypt alone produce about 50% of Africa's cumulative GDP.

To address these economic disparities, it was decided to adopt special and differential treatments for least developed countries (the so-called "variable geometry approach"). Member States decided first to phase out tariffs on 90% of goods exchanged between African countries, within a 10-year period for least developed countries, which is halved (5 years) for the remaining States, starting from July 2021. The residual 10% will be divided between *sensitive* (7%) and *excluded products* (3%). The gradual elimination of tariffs on sensitive products will occur within a 13-year period for least developed countries (which are also allowed to keep tariffs unchanged during the first 5 years of AfCFTA) and a 10-year period for other countries. Finally, it was agreed that the products excluded from the liberalization regime cannot represent more than 10% of each country's import value from other African States, regardless of each country's development status.

These conditions, while guaranteeing significant room for manoeuvre for African governments, are intended to preserve the core elements of the AfCFTA regime, by preventing States from excluding key products that currently dominate intra-African trade, such as oil, cotton, livestock, corn and cocoa. However,

an exhaustive list of products belonging to each of the above mentioned categories has yet to be settled.

Negotiation is further complicated by the existence and overlapping of several sub-regional economic and monetary cooperation agreements. Thus, countries belonging to the three African customs unions (i.e. Economic Community of West African States – ECOWAS; Eastern African Community – EAC; Southern African Customs Union - SACU), having a common external tariff, are negotiating tariffs as a block.

But more in general, AfCFTA talks are taking place mainly *within* each REC, with the result that they are almost concluded in those regional communities that are more accustomed to free trade (such as the Community of development of southern Africa - SADC), while they are proceeding at a rather slow pace in those areas where trade liberalization is historically limited (as in the Arab Maghreb Union - UMA). While this dynamic concurs to preserve the *acquis* of each REC, it also risks generating a patchy picture of different (and sometimes conflicting) rights and obligations among States and regional communities, which may weaken AfCFTA's unitary character and efficacy.

### **Setting-up of the AfCFTA Secretariat**

The process that led to the election of the first AfCFTA Secretary General, which turned into an intense competition between the two African economic giants, namely South Africa and Nigeria, reveals the political dynamics that could be accentuated in the implementation phase of the agreement. After intense lobbying by the two countries and 7 voting rounds (a rather unusual circumstance for a consensus-based decision-making organization), last February the Addis Ababa AU Summit finally elected Wamkele Mene (South Africa), who managed to comfortably beat his Nigerian rival Cecilia Akintomide.

This process confirms the existence of non-

trivial concerns and resistances towards market liberalization by some African countries, which fear for the survival of their national industries. In this sense, Nigeria is an emblematic case: not only has it not yet ratified the AfCFTA agreement (unlike South Africa), but it has recently taken on attitudes that are clearly incompatible with the creation of a continental free trade area, such as the closure of its borders to all goods from neighbouring Benin, Niger and Cameroon last November. Still, the Nigerian government is very active in trying to influence the AfCFTA negotiations and control its implementation phase, including by seeking to appoint its own citizens to the top institutional positions. Nigeria is particularly concerned to suffer from competition with South Africa, which currently dominates African trade, accounting for around 34% of all intra-African exports (compared to 9% originating from Nigeria).

Thus, it is clear that the main obstacles to the full realization of AfCFTA will have not only a technical, but especially a political nature, such as an intense competition for the control of significant shares of the future intra-African market.

At the institutional level, a critical element can be identified in the actual limitations on the mandate and autonomy of the AfCFTA Secretariat, which, on the contrary, should represent the driving and coordinating force for the whole free trade area.

First and foremost: the Secretariat will not have full financial autonomy, since its budget will be established from time to time by the AU Assembly as part of the general AU budget. In addition, from a division of labour perspective, the Secretariat will only deal with AfCFTA *internal* affairs, while relations with other international organizations, donors and business partners (including the EU) will be managed by the African Commission. Finally, the mandate of the Secretary General seems to be currently limited to the role of facilitator of

the negotiation (he is called to exercise good offices to trigger and smooth negotiations among member States on tariff concessions), and coordinator of AfCFTA's implementation activities by the participating RECs.

It is to be hoped that, in addition to these administrative functions, the AfCFTA Secretary General could gradually acquire more specifically executive functions, such as monitoring and evaluation, implementation of technical assistance programs aimed at States and non-state actors, as well as the setting-up of safety nets and mechanisms, in order to avoid that AfCFTA's implementation phase creates winners and losers.

### Conclusions

The negotiations relating to the first phase of the AfCFTA implementation are taking place strictly behind closed doors, so it is not possible at the moment to anticipate more precisely which products will be subject to tariff benefits, which non-tariff barriers will be removed and which service sectors will be liberalized.

What is certain is that the AfCFTA operational phase will be characterized by various technical and political challenges. Three of them, closely interrelated, have been identified in this paper. The first one concerns the need to harmonize, within a single and coherent continental framework, African diversities and differences, which involve both a huge heterogeneity in terms of economic, industrial and infrastructure development among AU member States, and different integration levels among the African RECs.

The second challenge deals with the unintended consequences of trade liberalization, with its tendency to create winners and losers. In the short term, some countries, in particular the least developed ones, could suffer net losses, with negative consequences on their will and ability to cooperate in the realization of the agreement. Thus, the capacity to mitigate and compensate for any losses suffered by countries

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and producers will emerge as a necessary condition for the success of the initiative.

Finally, AfCFTA implementation will require huge compromises and trade-offs from African political leaders. They must demonstrate to be able to look beyond short-term electoral cycles and to share the necessary quotas of national sovereignties to spur regional decision-making processes. Aligning domestic agendas with regional integration objectives will not be an easy task, also because nationalist and protectionist tendencies are not sparing the African continent either. Political will and inclination to compromise will therefore contribute to determining the success of the agreement. After all, the pace at which the AfCFTA Treaty was prepared and ratified shows that this positive change is possible: African countries have already made several concessions to allow the agreement to enter into force; many others have to be made to guarantee its implementation.

In this respect, the role of international partners and donors will be crucial to transform the grand vision of a continental free trade area into reality. The World Bank and the EU have widely expressed their willingness to contribute to the necessary funds for the implementation of the agreement. The EU, in particular, has already begun to financially support AfCFTA, both directly, through the Pan-African Programme, under the Joint Africa–EU Strategy (2014–2020), and indirectly through the Africa–Europe Alliance for Sustainable Investment and Jobs, launched by former Commission President Juncker in September 2018 as part of the EU External Investment Plan (2017–2020), which is expected to unlock sustainable private and public-sector investment to build infrastructure and foster trade and job creation (i.e. the two main AfCFTA's objectives).

In addition to the above-mentioned structural challenges, African countries have to face now the consequences of the Covid-19 pandemic. Beyond the general human, social and economic impact, the continent is experiencing a significant reduction in the levels of intra-Africa trade as a result of border closures and lockdowns. This situation is devastating especially for informal cross-border trade, which represents a relevant source of livelihood, particularly for women and youth. Moreover, there is significantly reduced attention for AfCFTA issues among governments, policymakers and the private sector, with the consequence that the pandemic may worsen some countries commitment and preparedness to implement the agreement in the coming months.

In this respect, the AU Commission, Afreximbank, AfroChampions and the UN Economic Commission for Africa have recently launched a joint appeal to African Union member States to “resist the temptation to adopt nationalist and protectionist measures and postures, imposing restrictions to trade and disrupting value and supply chains”, and “look instead to coordinating regional and continental responses and measures to address the health and economic challenges”.

In this connection, the AfCFTA must be “the rallying initiative to drive the post Pandemic economic recovery and the strengthening of African domestic, regional and continental value and supply chains”.

It is now imperative to preserve intact the AfCFTA's game-changing role for the whole continent, since it has the potential to contribute to strengthening regional integration and achieving the human development objectives contained in the AU 2063 Agenda and the UN SDGs.

# A Sunny Spell in the Brumes of the World

Jérôme Bru

World geopolitics have not changed since the end of the Second World War. The same State actors rule the fate of the planet as if time had been frozen for 75 years. The five “winners” of the last World War have calcified onto their United Nations seats, in their hazy dreams of power, and the world continues to be organised around their interests. Some situations are so established that they raise no surprise anymore. Instead, we comment on them with entire libraries of commentaries, and we end up accepting them as part of the course of History. Regularly, some theories about the end of History come up. However, just a child’s question would suffice to experience astonishment again, and rub our eyes and wake up.

Let’s begin with France. From de Gaulle to Macron, the French State has been defending its seat at the UN, as if the European Union did not exist. No French Head of State has ever had the courage to harmonise his speech and actions in favour of the EU with his speech and actions on the world stage. As if there were one France at the UN, concerned about its rank and international prestige (or at least what is left of it), and another France part of the EU, uttering an increasingly pro-European discourse since Giscard and Mitterrand. Is this large gap still bearable? Does it make sense anymore?

The answer is no, but the problem is that it still brings consensus among the majority of French people. It’s some kind of collective psychosis. It’s nostalgia for power. It’s some sort of antiquated fantasy placed in a long-rotten treasure chest. For the same reason, this French State organises international summits

(COP 21, Peace Summit...) in order to exist in the eyes of the World and at the same time demands European leadership: it struggles with its nightmares since the end of its colonial empire, since the end of its “great” history. France does not live its life, it dreams of it.

Entangled in the same nightmares, the British withdrew to their island and to their memories of a former world power. They entered the EU reluctantly and now leave it forcefully. Maybe more than any other, the UK has adopted the crumpled costume of the great victors of the past. *“We are such stuff as dreams are made of”*, as Shakespeare wrote.

On the French side, there is not a single journalist who does not evoke, every time Europe is concerned, the topic of the Franco-German relationship. As if we were still in the 1950s stuck in a frozen space-time, as if the weather in the 27 countries depended only on the weather alongside the Rhine River. It seems like the umbilical cord has not yet been cut since the birth of Europe. Moreover, it is symptomatic that we systematically mention the “founding fathers” whenever Europe is in an “identity” crisis, or rather a teenage crisis. Like a teen who does not want to grow up. If we lived in the present, if our clocks were set at the right time, all of that would make no sense. There would not be the old and the new, the first and the last. Instead, we would all be equal, respectful of each other and united in the same History. But here’s the thing, history is made of the past, more than the future! It is made of memories, more than present reality! We do not live history, we dream of it...

However, if we woke up, if we were really

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there, here and now, in this present world and not in the one before, there would be a strong gesture that the French state could make immediately: give its seat at the UN to the EU! This would really prove its European ambition (justifying all of the work it has done in this regard at one stroke) and would definitively turn the page of a bygone past, the one where it was still seeking to restore a lost power. Gone are the days of the dream, hello real life! Europe would catch up on decades not spent on the world stage! And could really bring its message of peace, that it was built for! The “founding fathers” could sleep peacefully in their graves!

We can imagine the consequence: the United States, China, the United Kingdom and Russia would be forced to welcome new arrivals at the table, for example the African Union, which could fully achieve its decolonisation

and encourage the whole world to demand an authentic world assembly. Not just a “global governance”, a dreadful word which hides the inability to assume the government of world affairs; the failure to enforce the principles of the United Nations Charter; the inability to impose rules on global finance and take actions against global warming; the inability to guarantee world peace; the failure to create a better life for all the inhabitants of this planet. Thus, in this assembly, the term “international community” could actually assume a meaning and be a reality, while now it is only an empty shell, the good conscience of rich countries. Paradoxically, this would not be dreaming of History, but living it! This would be the world of here and now, a world to be invented together with equal partners, instead of this post-war world which has never ceased to persist in the victors’ desire for domination.

Translation by Cecilia Mellana

# My Life as a World Federalist

Lucy Law Webster

## A World of Thought and Travel

When I was nine, I wrote my first anti-war poem, even though I thought World War II was necessary. It was 1940, the United States hadn't entered the war yet. There were many arguments for and against fighting the Axis, and that tug of war in our country ricocheted in my young mind. Rationally we needed to fight, but emotionally I yearned for peace. After the war, when I was a little older and wiser, I knew the big mistakes that necessitated the carnage, the bloodshed, and the horrors, and why it should never have been allowed to happen.

If the United States had joined the League of Nations; If nations had blocked Hitler when he started to remilitarize the Rhineland; If there had been regenerative and not punitive support for the German people after World War I, the Nazis would never have come to power. There would have been no World War II, no 50-60 million killed in war itself, no 6 million Jews killed in the Holocaust, and perhaps no 10 or more million killed in the Gulags. All told World War II was the deadliest military conflict in history. 79-85 million people perished.

My poem, published in Parents Magazine, contained the line "where people the world's laws obey". That phrase became my life's North Star and guided me as I traveled the globe to build a federated world to stop war.

But before I could take on the world I needed to do something at home... and I was only 9 at that time. Later, a month or two into the 1948 academic year, two students from Princeton University came to my school and I gathered a group of our students to meet them and hear their suggestion that we start a Chapter of the United World Federalists.

Many scientists worked in Princeton, New Jersey, both at the university and also at the large RCA laboratory that had designed and built some of the torpedoes and missiles that won the war. Albert Einstein was also at Princeton, and he was a great warrior for peace. He knew my father who was a prominent scientist at the RCA Labs.

Einstein liked to have students stop by his house on Mercer Street to discuss science and world affairs. He and his wife hosted the Princeton Chapter of the United World Federalists and invited our school group starting the school world federalist chapter to his house. He was charismatic with his white wild hair and inspired us all in our push for peace and world government.

*"There is no salvation for civilization, or even the human race, other than the creation of a world government". Albert Einstein*

Soon Princeton Day School had a local chapter of the World Federalist Movement, an organization in which I'm still actively involved. That school and what I learned there had a big impact on me. Looking back it's clear my life's work and character came into full bloom there. The class chart lists my pet peeve as "unresponsive people," and my senior school profile ends, "Lucy is determined that when she gets out of college she is going to 'do something'."

It was that drive and passion that made me an active world federalist at sixteen. Then while at Wellesley College I was elected National Student Chairman of the United World Federalists. I spent much of my senior year leading the U.S. Student Federalists and creating a New England Student Council for



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the World Federalists, with programs at some eight colleges including Harvard, MIT, Smith, Mt. Holyoake, and Wellesley.

After graduating from Wellesley I became the Secretary-General of the World Student Federalist office on a temporary basis, which had me traveling throughout Europe speaking to large gatherings and drumming up support for the Federalist movement. Then back in the U.S., I studied Political Science and International Relations at Columbia University while working part-time at the Institute for World Order. Being in New York near the United Nations convinced me the UN Charter was not adequate to prevent further wars. The grating asymmetry of the Security Council, with exceptional powers given the five wartime victors, made it possible for SC members to make war without regard for the criminality of their leaders or the structural violence of the related power elites.

I was also serving as secretary of the Young Adult Council for Social Welfare, which was organizing the American delegation to the World Assembly of Youth, a large international youth conference that I attended in Singapore. (Interestingly, it's since been disclosed that the CIA secretly funded the Council in an effort to balance the growth of similar programs in communist countries during the Cold War.) On my way to Singapore, I worked for the Pakistan Delegation to the UN Economic and Social Council during its 1954 summer session in Geneva and visited the World Student Federalist office in Amsterdam.

The week-long Singapore conference was followed by the main part of my round-the-world speaking tour through the rapidly changing geopolitical landscape of southeast Asia. The trip was financed by some 50 U.S. chapters of the United World Federalists, which each sent in \$35 in advance to "send Lucy Law around the world to you." Going to Singapore via Europe was the first part of the global speaking tour that took me to some

20 countries and then to 50 sponsoring cities around the U.S.

I traveled from Singapore to Kuala Lumpur with some of the other delegates. There we met with the Malaysian government to discuss their evolving democracy and how World Federalism would be relevant to them. Then, on my own, it was Saigon in the summer of 1954, just months after the French defeat at Dien Bien Phu, and I remember the capital swelling with refugees. The people I came to speak to were hoping I was bringing some kind of peace plan for South and North Vietnam. Of course, I had no such solution and I look back with great sadness on those times, my lack of answers and the heightened war that was soon to follow.

During my trip through Southeast Asia I saw and heard what had been respect for America and the idea of world government slowly evaporate as the Cold War spread its evil chill around the globe.

After my return to the US and a whirlwind tour of the cities that had sponsored me, I began dating David Webster, a British radio and TV correspondent who was on leave from the BBC working for UN Radio in New York. I had met David briefly during a visit to London and Cambridge from Amsterdam where I was in charge of the small World Student Federalist office before my trip around the world. David had been in charge of the same Amsterdam office in 1953 before he joined the BBC. Now I was in London briefly staying at the National Union of Students house for a few days. David picked me up and I rode on the back of his motor scooter to Schmidt's in Soho, the very good bargain food dining place.

We soon married, moved to England and raised two sons, Daniel and Alexander.

In London I worked in media, opinion and marketing research and was also active in Federal Union and the Association of World Federalists as well as in the international World Movement for World Federal Government.

David continued his BBC career.

From 1971 to 1975 we lived in New York and I became active in the international World Movement for World Federal Government and served as its Executive Committee Chairman for a number of years including during the world federalist congress in Tokyo in 1980.

Back in New York, I worked for UNICEF and later for the United Nations Secretariat as Special Assistant to the Secretary-General of the Second World Conference to Combat Racism, which was held in Geneva.

Unlike the First and the Third World Congresses to Combat Racism, all the delegations worked well together and signed a Final Document which had an important impact on the general goal of ending apartheid and other forms of racial discrimination, at a time when apartheid was a serious challenge to peace and development. At the same time, I obtained a Master of Science Degree in international relations.

My main work in the UN was as a Political Affairs Officer in the Department for Disarmament Affairs where I edited two UN publications, served as Secretary of the UN Disarmament Commission working groups and was the UN liaison officer for the press and NGOs at the 1990 and 1995 Nuclear Non-Proliferation Treaty review conferences.

After reaching the mandatory UN retirement age, I worked for Economists for Peace and Security as Executive Director and as Program Director, and continue as Secretary of its Board and as a contributor to its quarterly journal. Always wanting to learn, during this period I earned a second MA, this time in World Political Economy and Finance. Then I became the Executive Director of the Center for War/Peace Studies and a member of the Steering Committee of the World Federalist Institute contributing to its journal, *Minerva*. I've also served as Vice-Chair of the Council of the World Federalist Movement, and as President of the New York

Chapter of Citizens for Global Solutions.

In 2001, following the terrorist attacks of 9/11, the United States was given a massive vote of sympathy and a green light by the UN Security Council to take action in Afghanistan. Seeing that the U.S. response was not nearly as efficient and constructive as a carefully coordinated multilateral one could have been, I wrote a statement of opposition for Economists Aligned for Arms Reduction (ECAAR), which is now known as Economists for Peace and Security (EPS). It was signed by 200-plus economists, including eight or so Nobel Laureates. I was trying to figure out a way that our automatic power structures could work for good. There's a lot of power in the way economics pushes people to do what they do, but the question is how to harness that in a creative way. Further, we need more thoughtful multi-country action so that the UN system can get the job done while also addressing the need for problems such as climate change and inequality.

In a paper I wrote - *A New Deal for the World* - I outlined a "How To" article on two themes: how to put an end to war, and how to make a New Deal for prosperity and dignity for all worldwide. War is a human institution; it does not arise inevitably from any natural cause.

Although we humans have spent many thousands of years in competitive relationships with frequent violent confrontations, we now know how to distinguish between healthy competition and destructive conflict. And we know how to prevent dysfunctional violence. Furthermore, the "boys will be boys" attitude toward war is one game in animal-spirits mode that has become dysfunctional with the development of modern military technology.

Also, we know how to ensure economic security and social dignity for all. The vast inequalities of the present world system are only one factor contributing to our proclivity to approach our diverse interests in a confrontational way, but reducing these inequalities would reduce

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mistrust and tension. Here again, there is nothing preprogrammed into our genes that makes inequality or injustice inevitable. We are the masters of our fate, or at least we could be. However, existing economic and social structures and the history of adverse interactions do contribute to human insecurity. There are of course various kinds of deliberate fraud and extreme selfishness that undermine the implicit social compact, making necessary citizen monitoring and governmental regulation.

Poetry has always moved me and expressed something powerful beyond the hard facts of war and economics. Tennyson has to be a favorite, as he spoke of common sense and a world federation in the face of war.

Alfred Tennyson - Locksley Hall (1842)

*Till the war-drum throbb'd no longer,  
[and the battle-flags were furled  
In the Parliament of man,  
[the Federation of the world.  
There the common sense of most shall hold  
[a fretful realm in awe,  
And the kindly earth shall slumber,  
[lapt in universal law.*

I've tried my own hand at poetry, no Tennyson by any measure, but the spirit and passion are there.

Lucy Webster - From Rome to Rome

*I remember, I remember,  
The flight from Rome to Rome,  
Returning from mid-ocean on 9.11.2001  
I had been to Ventotene to study war and peace  
I had learned that war does not make peace  
Peace comes from care and justice  
When all the world's laws obey  
As I had written as a child  
For the 7th of December, 1941.  
When will we ever learn.  
When will we ever learn?*

Through the years I have come to know a large

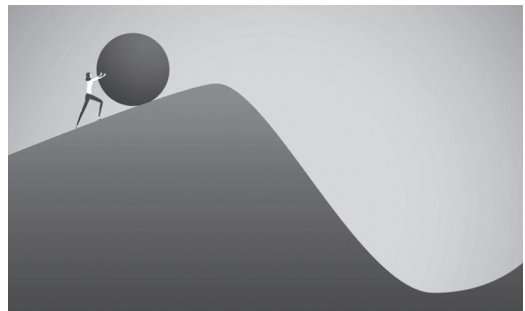
network of people including President Indira Gandhi in India and many leaders in Japan and South Korea working for peace with justice. The world federalist leadership establishing the International Criminal Court in the Hague has set a new and important precedent, as have our model assemblies in Latin America and the leading Members of Parliament with world federalist goals and ideas in Latin America.

I am not discouraged, only emboldened to try harder to "establish an international political and legal system to abolish war." Its focus is on introducing weighted voting in the UN General Assembly and strengthening its ability to support struggling democracies. I understand that change happens slowly and am willing to be patient and take the long view, although I admit to sometimes being frustrated.

My lifelong pursuit has been multilateral approaches to international crisis and improving the ability of the UN to respond quickly to dangerous situations. When Osama Bin Laden was in Afghanistan after destroying the World Trade Center, the UN should have sent in UN marshals to arrest him, maybe special forces. I'm not saying you shouldn't use force, but dropping bombs just kills ordinary people.

I've often viewed this struggle for a world government like walking up a down escalator. It's not the easiest thing to do, but it's better to walk up than just stand there!

A final thought. Think how much easier Sisyphus would have had it if we all joined



together to push that rock. And if the world federalists could switch the down escalator to up.  
My life as a world federalist has been exciting

and rewarding even though we haven't reached the summit. I sincerely hope that a new generation will get there and we will have lasting world peace.

### Creating the European Citizens' Assembly. A New Institution for the Future of Europe

*Michele Fiorillo*

European unification is locked: conflicting *raisons d'Etat* are long since blocking the Council and the Union cannot make decisions as it could with a more democratic and federal governance. This undermines EU's legitimacy, fostering nationalist forces. Without a civic transnational counter-power able to make pressure on EU institutions, we will not move in the needed direction. Therefore: why European citizens should not gather to deliberate directly about their own future, facing the consequences of Coronavirus, which are intertwining with the never-ending euro-crisis and climate crisis brought about by the inaction of governments?

*Citizens assemblies* are a tool of deliberative democracy becoming very popular, since the Irish one or self-organized experiments like the Belgian G1000.

Today the creation of a European Citizens Assembly (ECA) appears to be a historical necessity to save the European project. But this shared idea will become reality only through citizens self-organization.

How to shape the ECA? 500 randomly selected citizens - 500 as the Athenian *boulé* - could gather to deliberate in person and online, coming from each country of Europe and different socio-cultural contexts, after a continental online agenda setting. The ECA would meet at least twice a year and have national and local articulations - always maintaining the trans-nationality of deliberations. Out of the ECA could be created by sortition a European Citizens' Council - maybe composed by 27 women and 27 men, from every EU country- gathering days before each EU Council meeting and electing 10 spokespersons - 10 as the Roman *tribuni plebis* - in order to influence the media and the Council.

This self-organized ECA -which the Parliament may host in Brussels and Strasbourg- could be a pioneer experimentation of a new EU institution: a third chamber with the ability to give inputs in the law-making process, maybe with the power to initiate pan-European referenda, intertwining with an empowered ECI.

Such an institutionalization will clearly need radical Treaty-changes. The Parliament could become an ally, but citizens have to take the lead. A self-organized Citizens' Conference/ Assembly on the Future of Europe could be a powerful start, allowing people to have a say about our common destiny. This process may lead also to the birth of a civic *pouvoir constituant* towards a democratic EU Constitution.

*A longer version of this article is available on the TFD website*

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# Accountability and Justice for the Rohingya

*Kate MacSweeney*

On 11 November 2019, The Gambia formally submitted its case at the International Court of Justice against the government of Myanmar for failing in its obligation to prevent and punish the perpetration of the crime of genocide against the Rohingya people.

The Rohingya, a Muslim ethnic minority group from Rakhine State in Myanmar, have been the target of indiscriminate killings, rape and sexual violence, arbitrary detention, torture, beatings, and forced displacement by Myanmar security forces since late 2016.

A UN Human Rights Council-mandated Independent International Fact-Finding Mission on Myanmar released a report in September 2019, that concluded that Myanmar “continues to harbor genocidal intent” towards the Rohingya.

The ICJ case is one among a number of judicial forums hearing cases involving the long-suffering Rohingya. Two others include a case at the International Criminal Court that has reached the investigation stage, as well as a case in an Argentinian court under that country’s universal jurisdiction legislation.

## 1) International Court of Justice

As relied upon in The Gambia’s application to the ICJ, the facts of the crimes have been extensively documented by independent investigations conducted under the auspices of the United Nations and corroborated by international human rights organizations and other credible sources. These have included reports and statements by the UN Special Rapporteur on the situation of human rights in Myanmar, the UN Special Advisor on the

Prevention of Genocide, the UN Human Rights Council’s Independent International Fact-Finding Mission on Myanmar, the UN Special Rapporteur on Freedom of Religion or Belief, the UN Deputy High Commissioner for Human Rights, the UN Committee on the Elimination of Discrimination Against Women, UNOSAT, as well as Amnesty International, Human Rights Watch and many other civil society organizations.

The accumulation of these sources of information and evidence helps make international judicial remedies more feasible.

Filing the case on behalf of the 57-members of the Organization of Islamic Cooperation (OIC), The Gambia asked the Court to order measures against Myanmar to cease all ongoing internationally sanctionable wrongful acts, ensure that persons responsible for the abuses are tried and punished, provide reparations to the victims, guarantee safe and voluntary repatriation, and to provide assurance and guarantees of non-repetition. The ICJ held public hearings on the matter from 10 to 12 December 2019, at the Peace Palace in The Hague.

On 23 January 2020, the ICJ unanimously issued provisional measures in the case, ordering Myanmar to: refrain from acts of genocide against the Rohingya; ensure that groups under its control, including military forces, refrain from acts of genocide; preserve, including through preventing the destruction of any evidence related to allegations of genocide; and submit a report four months from the date of the order outlining the steps taken to implement the above mentioned measures.

Although the January order is not a formal determination that Myanmar committed genocide against the Rohingya, it is still a positive development for the Rohingya people (should Myanmar agree to follow the order), as well as The Gambia's ability to bring forth a case against Myanmar despite not having been directly affected by it. Before her term ended, the outgoing UN Special Rapporteur on Human Rights warned about escalations of violence and the potential of further violations, despite the ICJ order. Looking ahead, the ICJ also released a schedule for the filing of initial pleadings: The Gambia must submit a written memorial by 23 July 2020 and Myanmar must submit its response by 23 January 2021. While the January provisional orders can be seen as a positive step forward, it will likely be years before a final decision is reached.

### 2) International Criminal Court

Several days after Gambia filed the ICJ suit, the International Criminal Court authorized the opening of an investigation into the situation in Bangladesh and Myanmar, following an earlier request from the Office of the Prosecutor. In reaching this decision, the Court heard from many of the alleged victims as well as others speaking on their behalf.

Myanmar is not a party to the Rome Statute of the International Criminal Court. However, the Court ruled last year that it did have jurisdiction regarding the crime against humanity of deportation with reference to the Rohingya fleeing to Bangladesh, which is a State Party to the ICC.

The investigation at the ICC is ongoing. The Judges authorized the investigation with broad parameters, allowing the Prosecutor to investigate any crimes under the ICC's jurisdiction (war crimes, crimes against humanity, genocide and the crime of aggression) and committed fully or in part on the territory of Bangladesh or another State Party to the ICC, as long as the alleged crimes

are sufficiently linked to the current situation. The Office of the Prosecutor is currently organizing a fact-finding mission to gather evidence relevant to the situation to build their case.

### 3) Argentina's universal jurisdiction

On 14 November 2019, some Latin American human rights groups instituted proceedings in Argentinian tribunals under the principle of universal jurisdiction. This marks the first time since the beginning of the genocide that a case has been made directly against Nobel Laureate Aung Suu Kyi, as well as several other top Myanmar officials. However, the current prospect of Suu Kyi either visiting or being extradited to Argentina is unlikely, and so the potential of any such trial occurring remains unclear. However, these proceedings provide for yet another possible avenue for justice for the Rohingya, and paired with the situations at the ICJ and ICC, underscore the need to ensure accountability in Myanmar.

Complicating matters further, the COVID-19 pandemic has reached refugee settlements in Bangladesh. The densely packed, under-resourced camps do not have the capacity to ensure sufficient conditions for self-isolation and proper sanitation for the nearly one million Rohingya who call the camps home. The serious risk posed by the spread of COVID-19 puts into sharp relief the need to urgently deliver justice to this group of people who have suffered unspeakable crimes for so long.

While the political and legal challenges faced by those attempting to provide justice for the Rohingya, and now including issues related to the COVID-19 pandemic, have at times seemed insurmountable, momentum has steadily been growing since last year to end impunity for the atrocities committed against this group.

At an NGO side-event on December 5, 2019, at the Assembly of States Parties to the International Criminal Court, a number of speakers pointed to the ethnic violence that

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is also prevalent in other parts of Myanmar. The Rohingya are only the worst victims in a state where discrimination and internal repression are quite ingrained. Tun Khin, a Rohingya activist who has worked to get the

Argentina case to court, said: "We don't want revenge on the government. We just want our communities to live in peace. Now we can see the wheels of justice finally starting to turn. It feels like peace might be getting closer."

### **Bulgaria Moves towards the Euro**

Bulgaria's parliament adopted on 6 February changes to the country's central bank law so as to allow its accession to the "waiting room" of the Eurozone. Since 1999, Bulgaria has operated an IMF-led currency board arrangement that pegs its lev to the euro at a fixed rate of 1.95583. The ERM2 (Exchange Rate Mechanism, known as the "waiting room" to the Eurozone) rules require Bulgaria's central bank to allow currency fluctuations of up to 15% above or below the central rate. So, Parliament voted to allow the central bank to now operate on that basis. As long as Bulgaria is in ERM2, the central lev-euro rate would be negotiated with the European Central Bank, the Eurozone member states and Denmark, the changes read. The EU's poorest member state would need to spend at least two years in the mechanism before it is allowed to join the Eurozone. In fact, this obligatory text lifts the last obstacle to Bulgaria's entry into the euro 'waiting room' in end-April.

Last month, the International Monetary Fund head, Bulgaria's Kristalina Georgieva, said the country's accession to the euro "by 2023 is entirely possible".

# Latest Developments from the Assembly of States Parties to the International Criminal Court

*Yasmina Gourchane*

Each year, the member states of the International Criminal Court meet in a plenary session, known as the Assembly of States Parties. The Assembly, serving as the ICC's legislative body, and providing management oversight, is composed of representatives of its 123 member states. It is this Assembly that debates and discusses key issues that impact the work of the Court, ultimately deciding on its budget, electing its judges and Prosecutor, among other officials, and adopting amendments to the Statute and other guiding documents of the Court. The annual session also benefits from the active participation of Court staff and officials and members of global civil society.

During the latest session, held from 2 - 6 December 2019 in The Hague, The Netherlands, the States took a number of decisions that will have a clear impact on the future of the institution. The Assembly authorized an independent experts review of the Court, in an effort to strengthen the institution; amended the procedures by which States nominate and elect judges to make the process more transparent and merit-based; reiterated their support in a resolution, particularly relevant in a year where the Court was often under attack from its detractors; and adopted an amendment to its Statute to include starvation as a war crime in cases of non-international armed conflict. States also adopted a 2020 budget, elected several officials, and debated ways to enhance cooperation between States and the Court.

## **Review of the ICC**

Motivated by calls for a review of the Court's performance made by States, Court officials, civil society and other key stakeholders, the States adopted a resolution establishing a formal process to identify and implement measures to strengthen and improve the performance of the ICC and of the Rome Statute system as a whole. In the resolution that established this process, the States agreed that certain challenges would be undertaken by the Assembly, or the Assembly and the Court, together with other relevant stakeholders, while other issues would be addressed by a group of independent experts.

The nine-person Group of Independent Experts (IEG) are focused on three 'clusters' of work: Governance, Judiciary, and Investigations and Prosecutions. Working throughout 2020, the Group is mandated with determining concrete, achievable, actionable recommendations aimed at enhancing the performance, efficiency and effectiveness of the Court, to be submitted to the 19th session of the Assembly of States Parties, scheduled for December 2020 in New York.

## **Improving Judicial Elections**

The Assembly also took major steps to improve the procedures by which States nominate and elect judges to serve at the ICC, a process that takes place every three years. The timing was key for these amendments, as States will be electing six new judges to replace one-third of its bench of 18 judges in 2020. In recent



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years, criticism over the quality of some judges, and their overall ability to effectively deliver justice has grown. Whether questions over the legitimacy of decisions given orally, with written decisions arriving only months later (such as in the case of Gbagbo/Blé Goudé), or a judge attempting to retain her role at the ICC while also serving as a diplomatic representative of her own country, the time was ripe to assess and improve the way in which ICC States Parties nominate and ultimately elect judges to serve at the Court.

The resolution adopted last December made formal what had been informally encouraged for many years, often by civil society, by increasing the capacity of the ACN in their assessment of candidates, encouraging the use of good domestic nomination procedures, discouraging political vote-trading in the elections, and encouraging candidates to deepen their knowledge of the ICC and Rome Statute, among others. These amendments seek to mitigate concerns such as those raised above, by providing for a more comprehensive assessment of (ideally) highly qualified candidates to serve on the bench of the ICC.

### **State Support for the ICC**

The ICC is no stranger to criticism, and in the last few years, has been subject to concrete threats and intimidation from many of its detractors. For example, current Prosecutor, Fatou Bensouda, has been the recipient of much political pressure during her mandate from those seeking to marginalize the reach of the Court. Last year, mainly due to her Office's investigation into alleged crimes committed in Afghanistan by US armed forces, among others, the Trump administration revoked Prosecutor Bensouda's visa to enter the United States, and continue today to make vague threats to other staff members in her office and their families. While Bensouda was ultimately able to travel to the United States on a restricted visa for her specific business at the United

Nations, attempts at intimidation by the US do not seem to be going away. Similar attempts by other governments to discourage the work of her Office into various cases and situations, such as in Palestine and the Philippines, are not uncommon.

At each of its sessions since 2003, the Assembly of States Parties has adopted a so-called "omnibus resolution", formally titled "Strengthening the International Criminal Court and the Assembly of States Parties." The omnibus resolution addresses a wide range of substantive, practical, and policy issues in relation to the Court, the ASP, and other stakeholders. In recent years, it has also been a tool for states to reiterate their support for the work of the Court, and 2019 was no different.

In the adopted text, States reconfirmed their unwavering support for the ICC as an independent and impartial judicial institution, as well as their commitment to preserve its integrity undeterred by any threats against the Court, its officials and those cooperating with it, and finally expressed concern over any measures taken against Court officials, renewing its resolve to stand united against impunity. While the adopted language does not necessarily require any action by States, it serves as an important reminder of the strength of the collective in standing up against existential threats to the Court's mandate.

### **Amendments to the Statute**

In order to ensure that the Rome Statute, the guiding document of the Court, remains relevant for the world in which we live, the ASP established a Working Group on Amendments (WGA) as an arena for States to put forth and discuss possible amendments to the Statute and other working documents.

In 2019, discussions of the WGA, which meets in New York and is chaired by Ambassador Juan Sandoval Mendiolea of Mexico, mainly focused on a 2018 proposal submitted by Switzerland to include starvation as a war crime in non-

international armed conflicts (NIAC) under Article 8 (war crimes). During the negotiation process in 1998, the draft Statute included starvation in NIAC, but it was not included in the final draft that was adopted. Starvation as a war crime existed in the statute only in the case of international armed conflicts (IAC). Whereas the paragraph criminalizing starvation as a war crime, Article 8(b)xxv, refers to the Geneva Conventions, the language contained in the Swiss proposal instead used customary International Humanitarian Law as its legal basis for inclusion in the Statute.

During the Assembly session, the States were able to reach the two-thirds majority necessary and adopted this amendment to the Statute, criminalizing starvation as a war crime in cases of NIAC. Additionally, discussions in the WGA in 2019 included the issue of “fragmentation” of the Rome Statute, with some concerns raised about the proliferation of amendments negatively impacting the stability of the document, a discussion which will most certainly continue in the sessions of

the Working Group in 2020 and beyond.

The annual sessions of the Assembly of States Parties continue to be an important event on the calendar of the ICC even for the simple fact that the ASP provides the opportunity for so many key stakeholders in the Rome Statute system to be in the same room, including government officials, Court staff, representatives of NGOs, and members of global civil society, an opportunity that doesn't come very often. This year, even more is at stake for the ICC. The session in 2020, currently scheduled for 4 - 14 December in New York, will see the election of judges using the newly amended procedures on nominating and electing candidates, as well as the outcomes of the work of the Independent Expert Review. Ideally, these processes will be steps in the right direction towards strengthening the ICC as an institution and ensure that the ICC and its States Parties can uphold the promise made with the signing of the Rome Statute in 1998, to deliver meaningful justice to victims on all sides of conflicts throughout the world.

# World Federalism, Global Democracy and Coronavirus

*Fernando Iglesias*

As climate change, the coronavirus pandemic shows the consequences of the enormous contradiction under which seven billion human beings live: a globalized world politically divided into almost two hundred national states all taking separate and uncoordinated measures. Indifferent to the growing risks and warning signals, we continue keeping our regulations and control systems bounded to the national / international model while, through technology and the economy, we continue to build a global society. Only one planet, each day smaller and hyper-connected, in which global processes occur and circulate at an increasing speed, meanwhile 193 countries claim absolute sovereignty. Does anyone believe this can work?

Based on the paradigm of absolute national sovereignty, which was effective and progressive in the past, each country does whatever seems best to its government, whatever best suits its national interest, whatever. "Sovereignism" they call it. We all pay the consequences. Has there been Chinese negligence during the initial treatment of the coronavirus pandemic? Was it accidental or, maybe, was it Trump or Putin, or a terrorist sect trying to create global chaos? Did all the involved countries react effectively? We do not know, but our lives are at stake over this. We do not know what exactly has happened and what is happening now because there are no transparent global mechanisms for early detection and control of pandemics, and there are no compulsory protocols that everybody must respect in defence of a planetary common good: the survival of humanity.

If something like the coronavirus pandemic had happened at the national level, the institutional system built during the industrial era probably would have offered an adequate response, but at the global level the two great evils of politics prevail: anarchy and tyranny. I know, the UN and the World Health Organization do exist. Despite the sabotage of the populist nationalists, there they are. But the coronavirus pandemic has definitely made clear that the structure and capacities of international organizations are far below the demands of a global society, which already requires basic regulations and minimum mandatory standards to preserve world public goods such as human health, clean environment, global financial stability, and international peace. Yet international organizations are inter-national, meaning that their members, the national states, are forced to prioritize national interests and to make secondary what should come the first: human well-being and survival. Thence, although the UN and the WHO do exist, any country is still free to decide the coronavirus pandemic is a myth and to refuse to act, causing disastrous consequences for the rest. Exaggeration? Absolutely not. This is exactly what is happening right now with global warming.

Whether we like it or not, a different world will emerge from the coronavirus pandemic. It remains to be seen whether it will be a better or worse one. If, as at the beginning of the 20th century, each country decides not to worry about the world in order to play its own cards, the consequences will be the same: disconnection, rise of nationalism, inability to face common

challenges, growing conflicts, extended crisis, authoritarianism, massive tragedies, chaos, death and despair. Fortunately, it is just a possibility, not a fate. Hopefully, since the creation of the United States and the European Union, we human beings have developed two paradigms, federalism and democracy, which have been extraordinarily successful on the national and continental levels. To acknowledge this, just think how insignificant the USA would have been if thirteen original colonies had proclaimed themselves to be autonomous and sovereign, or just compare the nationalist Europe of the first half of the 20th century with the integrated one of the second half.

Let's think about a world federalism that preserves national sovereignty for decisions of national scope but delegates those in which the future of humanity is at stake. Let's build a global democracy in which a world parliament creates a transparent and interconnected global health system, establishes mandatory early warning standards and protocols in the case of potential pandemics. Science fiction? Illusion? Dreams? May be, but a network based on electrical impulses encoded by ones and zeros covering the whole world and decisive for the economy, culture and social relationships seems to us the most natural thing on Earth... Why? Unfortunately, we human beings are amazing innovators in technology, pragmatic geniuses in economics, and stupidly conservative in politics. Therefore, we imagine that this globalized, fast and post-industrialized world can be effectively governed through the instruments of the slow industrial-national era. Applying federalism and democracy -the two paradigms of modern politics we consider a must-have at the national level- to the global field sounds still like a heresy. But the real utopia is happening now: a nightmare where we dream of managing the XXI century COVID-19 global pandemic using the XX century national/inter-national institutions.

Federal and democratic global governance doesn't mean a world state or a world government, which necessarily would be based on a centralized executive power. Federal and democratic global governance means reinforcing the capacities of the global judiciary and parliamentary powers that already exist in an embryonic state. An International Criminal Court to sanction governments and rulers for genocide and war crimes, but also for not complying with coronavirus control protocols. A UN Parliamentary Assembly whose directives must be limited to critical global issues such as pandemics, climate change, financial stability and nuclear disarmament. World totalitarianism? Hardly. Totalitarianism has always concentrated power in the executive branch of government and been based on nationalism and the fight against an external enemy, that does not exist at the global level other than in the case of a Martian invasion. In addition, the idea of world federalism does not imply concentrating anything, but rather decentralizing the international and the local powers that the national state has misappropriated during centuries. Contrary to Orwell's 1984, world federalism is about building a more balanced and decentralized local, provincial, regional and global decision-making system in which each level has its own capacities. A network, millennials would say. A network as horizontal and decentralized as the digital world, and as interactive, participatory and fast as the digital world is. Regarding its costs, a democratic and federal global governance would cost infinitely less than the current anarchy. If you don't think so, please calculate the inefficiencies caused by the lack of coordination generated by strong national sovereignty coupled with weak international organizations during this pandemic and let me know.

Maybe the coronavirus pandemic has taught us how small the Earth is, how close we are to

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each other, and that humanity has become a real community of fate. After the failure of the League of Nations in avoiding war, we learned from the disasters generated by nationalism and created something better: the UN and the European Union. And it worked. But the UN and the European Union are now being overcome by global events, as all the national governments, even the most sovereignist, are being overcome by global events. We do not need to abolish the UN, nor the European Union, nor to de-finance the WHO, but rather to strengthen them and all the international institutions by applying increased doses of

world federalism and global democracy. Not in order to replace or destroy national states, but to help them to manage a globalized world. Otherwise, from the panic generated by insufficient national/inter-national responses to global crises, discontent and anger will continue growing; and with them, nationalism and populism, with their simple but “sovereignly” stupid responses to complex global issues, and their threats to democracy and human life.

Science fiction? Science fiction will be reality in the coming world. It remains to be seen whether it will be like Star Trek or Star Wars.

# The EU and the Double Emergency

*Roberto Palea*

In March 2015, Bill Gates, who was principally engaged in addressing health problems in Africa through the Bill and Melinda Gates Foundation, gave a ‘Ted Talk’ conference in Vancouver, in which he pointed out that the greatest risk of global catastrophe that humanity should fear was not nuclear war, but rather “a highly contagious virus, capable of killing 10 million people”.

Gates proposed a series of initiatives, based on strengthening the World Health Organization (WHO) in the field of scientific research (the most valuable resource of our times) and the ability of teams of doctors and specialised nurses to intervene quickly, possibly supported by the military, to implement measures to contain the epidemic and provide initial treatment on-site to secure the area involved. At that time, the World Bank estimated that a global viral epidemic would cause damage amounting to three trillion dollars, and millions of deaths. By way of comparison, the 1918 Spanish flu pandemic caused as many as 30 million deaths worldwide.

Gates’ message was soon forgotten, despite the alarm bells linked to other pandemics such as HIV, SARS and MERS: the Ebola virus epidemic he was dealing with at the time was contained, as it was not airborne.

Now, the world – which was totally unprepared – is confronted with the Covid-19 pandemic: an airborne virus in an increasingly interconnected world that is particularly aggressive and frequently lethal, especially for the weakest sections of the population, from the elderly to people with pre-existing health conditions. Despite worldwide efforts, no effective medical therapy has been identified so far. Nor is there a tested vaccine on the

horizon, and even in the best-case scenario it would not be available for use until 2021.

The only measure adopted by all the countries affected by the pandemic, in different ways and at different times, has been to “socially confine” citizens, suspending all production and commercial activities for months, with the exception of the essential sectors of agriculture, food trade, the basic transport of people and things, and healthcare. This has had the consequence of serious economic and financial damage for businesses and millions of employees.

The Covid-19 pandemic overlaps with the problem of climate change, and the degradation of the natural environment; this is also a result of man’s actions, which have brought the planet to the very limits of its capacity, progressively destroying ecosystems and their ability to maintain balance. Through deforestation, especially tropical deforestation, expanding soil desertification, and concreting over land, man has taken habitat away from animals that host viruses and bacteria, pushing them ever closer to urban clusters and making the “species jump”, from which pandemic diseases derive, possible. Thanks to globalization, these can spread rapidly throughout the world.

It should also be remembered that the human body’s main natural defence against pathogenic elements is our immune system, which is seriously threatened by unhealthy lifestyles, drug abuse, poor environmental conditions, and air pollution gripping metropolises inhabited by millions of people.

The Covid-19 pandemic is just one of the potential consequences linked to our abuse of the planet. So far we have only seen the

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local effects (the summer heat wave in France in 2003 and in Russia in 2010, which caused many thousands of deaths, Hurricanes Katrina in 2005 and Maria in 2017, and the vast wildfires in Australia) that can be brought about by global warming and environmental degradation, as the world unfortunately moves away from the objectives of the 2015 Paris Climate Treaty.

The EU has set itself the objective of making Europe the first continent with zero climate impact, by reducing atmospheric carbon emissions by 55% by 2030. Concurrently, the Union is addressing the general problem of transforming itself into an environmentally conscious economy, as well as expressing the fundamental objective the Von der Leyen Commission has undertaken to pursue in the field of health.

The difficult task of simultaneously tackling the two emergencies (one with an immediate effect, the other with more delayed effects) demands an extremely high degree of responsibility for European institutions and an extraordinary financial effort. The economic and financial impact of the pandemic, and aid to the most affected countries, will require the use of every instrument available, bearing in mind the fundamental principles of the EU Treaties, including that of solidarity among Member States.

However, as stated above, the EU must also tackle the second emergency, namely the launch of a powerful plan for the European Green Deal, which, in my opinion, will require a substantial increase in the Union's Multi-annual Budget, based on sufficient own resources rather than States' contributions, as the EU Treaty itself requires.

The Italian Centre for Studies on Federalism has provided clear guidelines on the Border Tax Adjustment in the energy sector, to which appropriate carbon pricing in the sector would of course be linked, to prevent distortions in the internal fuel market. An appropriate Digital Tax, and a Financial Transaction Tax should then be established. Finally, it would be necessary to put an end to unfair tax dumping among Member States, which allows some of them (Ireland, Luxembourg, the Netherlands, Cyprus and Malta) to attract the registered offices of multinational companies by providing them with extremely beneficial tax regimes, compared to the average corporate income tax rates in force in other European countries.

It seems apposite to recall that when Franklin Delano Roosevelt took office as President of the United States, he found himself in a similar situation due to a race to the bottom tax competition among the Federal States of Florida, Texas and Arkansas. In 1932, he decided to put an end to these unfair practices by introducing a Federal Corporate Income Tax with a single rate, which allowed him to settle the problem in six months.

To understand what decarbonising an economy entails, just think that it means converting all energy usage to electricity, produced using alternatives to fossil fuels. This will not only affect the mobility of people and things but also a restructuring of public and private real estate assets in buildings that are (almost) "passive" from an energy point of view, as well as reorganising cities now suffocated by smog, reducing private mobility, establishing ever larger and possibly wooded pedestrian areas, and electric surface and underground public transport networks.

# The European Response to the Coronavirus: Health Union and Anti-Crisis Plan

*Domènec Ruiz Devesa*

On March 11, 2020, the World Health Organization called the outbreak of the coronavirus originating in China a pandemic, given its spread over more than three continents, affecting no less than 100 countries. This disease is easily transmitted and has a death rate significantly higher than that of influenza. It is therefore urgent to limit the increase in cases, even if the expansive wave of the disease has a longer duration, in order to avoid the collapse of hospitals due to the lack of intensive care units to treat the most serious patients.

The coronavirus also highlights the fact that the European Union has not equipped itself with sufficiently strong instruments to deal with a typically transnational emergency such as the spread of an infectious disease, which by definition knows no borders. We need to quickly set up a Health Union which, as a fundamental part of the much-trumpeted Social Europe, encompasses and goes beyond existing mechanisms, and makes it possible to coordinate the response at European level, thereby directing the necessary resources, whether material (masks, respirators, medicines, etc.) or financial, in a spirit of solidarity, to where they are most needed. At present, for example, the European Solidarity Fund, which deals with natural disasters, does not include public health crises in its scope. This is one more reason to address the essential reform of the Treaties within the framework of the planned Conference on the Future of Europe.

In any case, beyond the health aspects of the problem, the coronavirus pandemic has already generated a considerable economic crisis, which is compared to the Great Recession that exploded in the summer of 2007 in the United States with the sub-prime mortgages. The losses in the stock markets on 12 March 2020 were historic. The Ibex-35 fell by 14 percent, the Milan Stock Exchange by 17 percent, and the Frankfurt Stock Exchange by 12 percent. In the United States, the Dow Jones lost 10 percent, the S&P 500 9.5 percent, and the Nasdaq 9.4 percent.

The International Monetary Fund (IMF), in its preview of Spain's annual report, concludes that the effect of the coronavirus on tourism, trade, domestic consumption and supply chains will have a very negative impact on Spanish economic growth. The Organization for Economic Cooperation and Development (OECD) reduced the growth forecast for 2020 for the Eurozone from 1.1 to 0.8 percent. Depending on the duration and intensity of the pandemic, the OECD warns, the coronavirus could reduce global GDP growth to 1.5 percent from the 2.9 percent initially projected for 2020. In any case, the economy is expected to shrink in the first two quarters of this year. Parallels with the 2008 crisis are inevitable, and the IMF chief economist believes that the decline in supply and demand resembles those seen during the more acute phases of the global financial crisis.

Against this background, the European Council met by videoconference on 10 March 2020. The



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Heads of State and Government agreed to allow for higher national deficits resulting from the public expenditure needed to tackle the crisis, thus relaxing the Stability and Growth Pact as foreseen for these cases. The door was also opened for companies and sectors in need to benefit from state aid. Finally, it was agreed to allocate EUR 25 billion to support health systems, facilitate liquidity for small and medium-sized enterprises and combat the possible effects of the virus on labour markets. The European Commission proposed on 13th March to increase this amount available to the States to 37 billion from the unused Cohesion Funds. But this is in any event funds that have been budgeted for other purposes and not additional funding.

Instead, a European anti-crisis spending plan is needed, as proposed by President Macron and Commissioner for Economic Affairs Gentiloni, mobilising the resources of the European Investment Bank and the European Stability Mechanism. Let us hope that at the Eurogroup meeting, scheduled for 16 March 2020, an expansive fiscal position for the Eurozone will be agreed, together with a series of extraordinary and coordinated fiscal measures, as the echo of past mistakes reverberates not only in the lack of ambition and decision on the part of the leaders, but also in the lack of coordination and the adoption of disparate measures in each of the Member States, putting the internal market at risk.

The same North-South gap that already emerged between creditors and debtors with the eurozone crisis seems to be reproducing itself. The North is so far less affected by the virus, and their economies are much less dependent on tourism than those of the South, so they do not seem willing to increase resources and mutualization of anti-crisis spending.

But it is unthinkable that in this situation of health and economic emergency that is the coronavirus, the Multi-annual Financial

Framework (MFF), the European budget for the period 2021-2027, is limited to 1% of the Community GDP, as claimed by the governments of the Netherlands, Denmark, Sweden and Austria.

It should be remembered that the current MFF proposal was drawn up before the election of Mrs. Von der Leyen as President of the Commission. Therefore, the proposed amount of 1.11 percent of the EU's GDP is not in line with the Von der Leyen Commission's Six Priorities, and in particular with the plan to finance the economy's ecological transition (known as the Green Deal), which requires between 300 billion and one trillion euros per year. The Commission must withdraw the current proposal and present a new draft MFF in line with the threshold approved by the European Parliament of 1.3 per cent of EU GDP. The European Central Bank (ECB) announced on 12<sup>th</sup> March new liquidity injections via credit addressed to companies, and the purchase of government and corporate bonds up to the end of 2020 up to a total of 120 billion additional - this should enable the increase in public deficits not to lead to a new sovereign debt crisis. The ECB's room for manoeuvre is certainly not large, after years of negative ratings and massive liquidity injections, but it could resort to buying shares, and direct money transfers to Eurozone households to avoid a collapse in demand and mass unemployment. We must urgently recover the lessons learned during the management of the Great Recession, when the citizens paid dearly for the lack of solidarity at European level and the policy of extreme fiscal adjustment. The scale of the health, financial and economic challenge posed by the coronavirus pandemic cannot be underestimated. The full range of options available to us should be used, through a combination of expansionary fiscal and monetary policies, as part of a comprehensive European response covering both the health and the economic dimensions.

# Corona and Transborder Solidarity

*Jo Leinen*

The Corona-Pandemic has shown the good and the bad in politics as in people's relations. Living close to the German-French border I could witness the ups and downs of transborder separation as well as cooperation. Mulhouse on the Swiss border was one of the hotspots of Corona outbreak. The German Institute for Virology in Berlin classified immediately the Grand-East as a high risk region. The German Minister of the Interior then closed all borders between Germany and France. But the Grand-East is a mega region from the Swiss border till the Belgian border. Its surface is even bigger than Belgium. My neighboring Department Moselle had no higher infection curve than my German region Saarland. There was not the slightest need to cut people away.

But closing borders is still a reflex of national governments in difficult situations. Because a lot of challenges don't follow border lines, these measures are by a large degree propaganda, a placebo, and useless to solve the problem. Closing borders from one day to the other caused a lot of difficulties and stress for hundreds of thousands of people who got blocked for their cross-border activities, family meetings, jobs or shopping for basic needs in the next village. Austria closed the border to Italy, Poland to Germany, Sweden to Denmark and so on. The Schengen Treaty is misused and put in the wastebasket. We have to be very vigilant that border controls are not staying forever.

Closing borders is a message to the wider public that the danger comes from abroad and that the others are the troublemakers. It is worrying how quickly stigmatization and prejudice can come back. People suddenly

fear people because they are living on the other side of the national border. Between the German Saarland and the French Moselle the borders disappeared a generation ago. Nobody could see or imagine a border. Quite a number of villages are existing door to door.

The borders shut because of the Coronavirus have shown ugly moments. Ford, Bosch and other companies locked out workers from France for weeks. BMW did not repair cars from the other side of the border and so on. Unimaginable stories in a region where Franco-German friendship is celebrated on any occasion. These incidents are nevertheless not the whole picture. There are more and more signs of solidarity. Mayors across the border organised video conferences to confirm their friendship. Twin cities sent masks and medical equipment to their partners. Even more visible was the offer of the German Länder Baden-Wurtemberg, Rheinland-Pfalz and Saarland to transfer patients from overcrowded French hospitals to medical care in German hospitals. German helicopters transporting French people to our hospitals was a strong sign that empathy and solidarity across borders does exist. The same happened with patients from Italy and Spain as well to hospitals in Austria and Luxembourg.

In some weeks and months, we will analyse the Corona crisis and the many deficits at national as well as at European and international level. Such a virus has no national passport. Pandemics are a transnational challenge. Cooperation across borders, especially for neighbour regions and countries is an absolute must. Corona has shown how dependent we are from each other. In the European Union

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we need to learn some lessons. Health policy must be much higher up on the agenda. The European Centre for Disease Coordination (ECDC) must be strengthened in its capacity to monitor, inform pro-actively and present guidelines for risk management. The EU has to become more resilient against such challenges. We have to build strategic reserve stocks for drugs and medical equipment. It is

also quite worrying how dependent Europe is from China in basic supplies in the health sector. Overall the practice of solidarity in the EU is still too slow and weak. The upcoming 'Conference on the Future of Europe' will be the next occasion to discuss and agree on a better and more efficient Union. Federalists should actively participate and make their demands and proposals.

# Don't Close Borders against Coronavirus

*Michele Ruta and Aaditya Mattoo*

Free trade and co-ordinated action are vital to ensure medical supplies get to where they are needed. By now we are all familiar with the sight of empty shelves in supermarkets and pharmacies where masks, respirators and gloves used to be. Fear and hoarding magnify scarcity.

Less visibly, similar dynamics are playing out at a global level, with some countries saving their supplies for their own citizens. The consequences of such actions are far-reaching and life-threatening. Even in its heyday, the World Trade Organization (WTO)<sup>1</sup> struggled to prevent such behaviour. New initiatives are necessary.

The spread of the coronavirus is driving up prices of medical supplies as production struggles to meet demand. Media reports indicate that prices of face masks and respirators on Amazon have increased five times since the end of January<sup>2</sup>. To retain production of essential supplies for domestic consumers, several countries have imposed restrictions on exports<sup>3</sup> of medical products. They hope to avoid domestic shortages and keep prices stable during the coronavirus crisis. As the virus advances, export protectionism is likely to infect even more countries.

Economics and recent experience show that these measures ultimately hurt all countries, particularly the more fragile. Restrictive actions by exporters reduce global supply, leading to higher prices. This provokes new export restrictions to insulate domestic markets, generating a “multiplier effect” on world prices. Such a sequence is more likely in the concentrated markets for certain medical products. For example, seven countries account for 70 per cent of world exports of

ventilators for artificial respiration — vital for the treatment of coronavirus. If even one of them were to ban exports, prices could increase by up to 10 per cent in the short run, and by much more if other countries react. Healthcare in importing countries will immediately suffer due to the resulting scarcity and higher prices. Particularly in poorer countries, with limited domestic production capacity, export restrictions on medicines and equipment could be deadly. But exporters may eventually lose out too when world prices spiral up. As in a stadium, if everybody stands up to see better, everyone is less comfortable, but no one gets a better view. Prices would be higher than need be, and supplies would be distributed neither efficiently nor equitably. We should have learnt from recent experience about such perverse effects. When world prices shot up in 2008–2011, governments worldwide imposed 85 new export restrictions on food products. Research<sup>4</sup> showed that these actions pushed world food prices up by another 13 per cent on average — and by 45 per cent for rice<sup>5</sup>.

There are also longer-term consequences. If, in bad times, importing countries are shut out by producing countries, trade will be seen as an unreliable way of securing access to essential products. Self-sufficiency through protection in good times will seem the best insurance against scarcity in bad times, as some are already arguing is the case for essential medicines. Any shift away from openness, however, will be costly for all. Medical supplies will cost more and variety and quality will suffer, as we lose the benefits of scale and specialization through trade. For example, the production of bulk drugs at scale in China and their incorporation into specific formulations in India has reduced

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prices and improved access worldwide.

We must ensure that trade flows freely in good times and bad. While the WTO has regulated import barriers, countries remain largely free to restrict exports. To deal with this gap, WTO members – or at least the G20 countries – could agree not to restrict exports of coronavirus-related medical products. Consuming countries could do their part too by liberalizing imports<sup>6</sup>. For example, 46 developing countries tax their own healthcare by imposing on respirators tariffs of between 5 per cent and 25 per cent. Eliminating both export restrictions and tariffs on medical products could produce substantial long-term gains.

But openness to trade may not be enough. In parallel, a precedent in medicine could be adapted for the current situation. Traditionally, public-private partnerships like the Meningitis Vaccine Project<sup>7</sup> have been established to

create new drugs or improve access to drugs where prices are high because of intellectual property rights. International organisations could catalyse similar collaboration to expand the supply of key medical products to deal with the coronavirus. Private companies could be directly contracted to expand production to fulfil the needs of developing countries. Some such initiatives<sup>8</sup> are already under way. But to generate the greatest benefits, aid-for-production should be given to countries based not on consumer need but on producer comparative advantage. The chosen locations would benefit from new investment and jobs, but would be required to keep trade completely free. Openness would ensure that essential medical products are produced where it is most efficient and flow to where they are most needed. Deeper international co-operation will be the most effective vaccine against viral protectionism.

<sup>1</sup> <https://www.foreignaffairs.com/articles/2009-01-01/doha-next-bretton-woods>

<sup>2</sup> <https://www.cbsnews.com/news/amazon-coronavirus-face-mask-price-gouging-shortages/>

<sup>3</sup> <https://www.nytimes.com/2020/03/07/business/eu-exports-medical-equipment.html>

<sup>4</sup> <https://www.sciencedirect.com/science/article/pii/S0022199616300484>

<sup>5</sup> <http://documents.worldbank.org/curated/en/583201468337175309/pdf/WPS5645.pdf>

<sup>6</sup> [https://www.wto.org/english/res\\_e/reser\\_e/ersd201217\\_e.pdf](https://www.wto.org/english/res_e/reser_e/ersd201217_e.pdf)

<sup>7</sup> <https://www.path.org/articles/about-meningitis-vaccine-project/>

<sup>8</sup> <https://www.adb.org/news/adb-approves-cny130-million-private-sector-loan-support-coronavirus-response-prc>

# After the Coronavirus Tsunami: It Is Time for the Eurobonds

*Alfonso Iozzo and Alberto Majocchi*

Among the effects of the Covid-19 (Coronavirus) crisis are the consequences on the economies and public finances of the EU's Member States. Important positions have recently emerged in this respect and it seems appropriate to set out some preliminary considerations. The first observation is that we are now moving towards an official sanction of *Eurobonds*. The public finance manuals discuss the possibility of selling securities as an instrument of extraordinary finance for the financing of wars. The fight against the coronavirus is a war and, therefore, recourse to debt seems inevitable. The point is to identify the lines to follow in order to reap the best benefits.

As far as the financing of the health expenses determined by the pandemic is concerned, Olivier Blanchard's indication<sup>1</sup> that this is a task for the European Central Bank (ECB) sounds straightforward. It is the only institution able to act immediately to finance these extraordinary expenses, buying securities to the extent necessary to deal with them, and thus guaranteeing the containment of the pandemic. It is an inevitable choice: it is necessary to act quickly, the use of any other instrument seems inadequate. Public debt will grow, but if interest rates remain low, the debt is sustainable<sup>2</sup>, even if this means a rebalancing effort later.

As far as the financing of economic recovery is concerned, as happened at the end of the Second World War, reconstruction will have to take place not on the basis of the old – polluted and polluting – development model, but with the aim of building a sustainable, fair

and carbon-free economic system. The old system dies with the coronavirus, although the transition will be not short, and will be costly. The financing of this transition will take place largely through the issue of securities, along different channels and with certain conditions. At the start of the ecological transition the necessary financing of companies, foreseen by the Green Deal, should be entrusted to the European Investment Bank (EIB) which is planned to become, according to President von der Leyen, a "Climate Bank".

A second financing channel concerns lower levels of government, and in particular the municipalities, which will play a decisive role in the implementation of the Green Deal (just think of the replacement of private transport with public transport, the transformation of buildings to make them compatible with the reduction in the use of fossil fuels, soft mobility, cycle paths, urban planning). In this case, the financing will have to be borne by the European Stability Mechanism (ESM), which will issue *Sustainable Bonds* (no longer *Stability Bonds*, as the objective is no longer to save states, but to direct the economy towards a path of sustainable development) and with the proceeds will make loans at low interest rates. The only conditionality to be imposed is that investments must be compatible with the new green model of development. The ESM will finance itself on the market by issuing securities against loans that benefit from the senior creditor clause, and will thus be able to create a *safe asset* market of considerable size, which the international financial market increasingly needs.

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The exit from the pandemic will coincide with the start of the implementation of the new economic model envisaged in the Green Deal, that will require a huge amount of investments. This channel should be financed through the issue of securities, under two conditions: a) the investments should result into a growth in public ownership, which produces the income necessary for the repayment of debt and which can simultaneously generate a wealth capable of supporting future welfare along the lines of the Norwegian model (based on oil revenues); b) the issues are guaranteed by an autonomous fiscal capacity, with the introduction of new EU resources. On the latter point, the most reasonable hypothesis is that the Emissions

Trading System (ETS) should be extended – at least in part – to sectors which are currently excluded from it, that permits should be auctioned and part of the revenue should go to the European budget. Finally, a border carbon adjustment should be introduced, the revenue from which constitutes an own resource, since it is a customs law.

Ultimately, after the coronavirus tsunami, a new structure of European economy and finance could emerge, aimed primarily at the implementation of the Green Deal and largely financed by issuing bonds guaranteed by own resources, which prefigure the emergence of autonomous finance at the Union level.

<sup>1</sup> <https://www.piie.com/system/files/documents/blanchard-2020-03-18.pdf>

<sup>2</sup> <https://www.piie.com/blogs/realtime-economic-issues-watch/italian-debt-sustainable>

*Almost a decade ago we published the Manifesto for a Global Democracy. Unfortunately, little has been done in the sense of our proposal. Rather, the world has gone in the opposite direction. Today, the dramatic crisis caused by the coronavirus demonstrates the accuracy of this diagnosis and the need to resume the initiative, or at least try to stop the nationalist-populist wave that will try to take this opportunity to advance its threats to multilateralism, peace and democracy.*

*We must strengthen the existing weak international structure, starting with the World Health Organization and following with the whole UN. To acquire strength and legitimacy, international organizations must be deeply democratized. It is also imperative that the principles of democracy and federalism, which we believe essential at the national level, are progressively brought to the increasingly decisive global level.*

*That's why we invite you today to sign the Appeal on Global Governance and the Coronavirus, promoted by the Argentine movement Democracia Global, which is reproduced below. As you can see, it has already been signed on their site (<https://globaldemocracy.wixsite.com/covid19?lang=en>) by many of those who accompanied us eight years ago in that original document. One particular aspect today is that the World Health Organization, despite its evident mistakes, shortcomings and political influences, be swiftly reformed as necessary to become more efficient and transparent, but not eliminated altogether as a multilateral institution.*

*We count on your support to spread the Appeal in order for it to have as wide an impact as possible. It is a crucial moment for democracy worldwide. We can't keep ourselves out.*

### APPEAL

A national/inter-national structure is not enough

## Federal-Democratic Global Governance and Coronavirus

- a) The current coronavirus crisis requires global cooperation and solutions which the existing national/inter-national political system is incapable of delivering. Seven billion human beings are now living in a world globalized by the economy and technology but divided into almost 200 national states which adopt separate measures with scarce coordination and effectiveness. The Covid-19 pandemic shows each of them prioritizing their own vision and interests, which causes unnecessary damage to the world economy and the global society, and costs thousands of human lives.
- b) By definition, national states are unable to deal with global issues. Their failures don't just affect their own citizens but have spill-over effects on all the inhabitants of this small hyper-connected planet, damaging global commons. Global coordination and policies are urgently needed to defend the global ecosystem and world public health, and to protect the economy and employment all over the planet. Of course, national sovereignty must continue to be respected for national affairs, but effective global decision making is also necessary to protect the welfare and survival of humanity as a whole.



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- c) To effectively tackle pandemics such as Covid-19, we need concrete binding action at the global level, such as early warning systems, information sharing, delivery and enforcement of norms, management of transmission across borders and vaccine-treatment research. Yet, while the World Health Organization (WHO) is mandated to deliver these functions at the global level, it lacks funds and enforcement mechanisms. Nowadays, 127 UN member states have still not fully complied with them due to a lack of financing and political will. The WHO can't tackle countries that do not comply with the International Health Regulations<sup>1</sup>, and existing global disease control measures - such as PEF, CEF and GHSA - constitute a globally fragmented strategy, with disjointed funding, disintegrated policies and weak authority. The crisis shows that all the current national/inter-national health systems are unprepared to tackle global pandemics as Covid-19, as well as world issues such as antimicrobial resistance and global warming-related emergencies.
- d) We the signatories of this document, some few of the seven billion world citizens, urgently ask national leaders and international institutions to take lessons from the Coronavirus crisis. Let's work together to enable a better integrated 21st century political system, reinforcing regional institutions, reforming the United Nations and making each level of governance more representative and effective; for example, through the creation of a UN Parliamentary Assembly able to deliver world health norms, the empowerment of an International Criminal Court capable of sanctioning eventual violations, and the building of a World Health Organization equipped to respond to global health challenges.
- e) We the signatories don't propose a world state or government. National states are needed to manage national problems, but an enhanced global governance system is needed to tackle global issues such as this pandemic. Otherwise, the panic generated by insufficient national responses to recurrent global crises will continue growing discontent and anger, eroding national democracies and strengthening nationalism and populism, with their simplistic "sovereignist" responses to complex global affairs, and their threat to human survival.
- f) Humanity has become a real community of fate. Hopefully, the coronavirus pandemic has taught us how small the Earth is and how close we are to each other. The time of applying the principles of federalism and democracy to the global scale has come. Shared sovereignty, coordination and cooperation at the global level, or national populism. A more federal and democratic political structure able to regulate globalization, or further crises and chaos. That's the question we face.

Garret Brown, University of Leeds  
Saskia Sassen, Columbia University  
Richard Falk, Princeton University – Queen Mary University  
Daniele Archibugi, Consiglio Nazionale delle Ricerche, University of London  
Lucio Levi, University of Torino – Editor of The Federalist Debate  
Fernando Iglesias, Cátedra Spinelli – World Federalist Movement

<sup>1</sup> The full updated list of signatories can be found here <https://www.who.int/ihr/publications/9789241596664/en/>

# WFM Letter to UNSC on COVID-19

Your Excellencies

We, the undersigned organizations, call on you as members of the UN Security Council to declare the COVID-19 pandemic a threat to global security, take appropriate measures to prevent its spread, and adopt measures that will strengthen the resiliency frameworks of developing countries.

This pandemic, which has increased systemic global fragility, requires global leadership. It falls on the Security Council to lead the fight to contain, prevent, and mitigate the effects of this pandemic through prompt and constructive cooperation and by ensuring an effective global response.

It is unconscionable that calls by the UN Secretary-General for a global ceasefire have fallen on deaf ears. Fighting continues in Libya, Syria, Yemen, and Myanmar, among other states.

In developing countries, hundreds of millions of individuals have limited access to public healthcare or adequate housing. And owing to purchasing power disparities, these nations are being priced out of global supply chains for essential medicines and equipment.

There are signs of an emerging and devastating global recession, the impact of which will wreak havoc on the world, especially in developing countries where many lack access to adequate, or even any, social safety nets.

We call on you as members of the UN Security Council to immediately adopt a binding resolution that, at minimum:

1. affirms that the COVID-19 pandemic is a threat to international peace and security;
2. requires all parties to all ongoing armed conflicts to abide by unilateral ceasefires;
3. directs UN Member States to take lawful measures to mitigate the economic, social, political, humanitarian, human rights, and peacebuilding impacts of the COVID-19 pandemic in accordance with international human rights norms and standards;
4. increases the capacity of the World Health Organization and other relevant institutions and systems to identify global threats to public health, including through a strengthened advisory mechanism to oversee actions taken by UN Member States; and
5. declares that, once discovered, a COVID-19 vaccine must be made available to everyone.

The Security Council must exercise immediate, strong leadership in responding to the “gravest test” facing humanity since the creation of our current UN system since World War II.

Sincerely,  
[your organization’s name]

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# Civil Society Appeal on the Future of Europe after COVID-19

Europeans are facing the most severe crisis since the Second World War. The COVID-19 crisis has dramatically affected Europe and the wellbeing of its citizens. Lacking a European Government with adequate European instruments, however, national governments have been left to protect their own citizens and interests as well as they could, and so many have been overwhelmed. With every Government for itself, the COVID-19 crisis has shown – if there was ever a need – that reliance on mere international cooperation for crisis management makes our response less effective, less cohesive, less targeted. We must act as one Europe, we must act as one World. As civil society activists, on the 70th anniversary of the Schuman Declaration, we therefore propose the following ten measures, both urgent and with long-term effect, to exit the COVID-19 crisis in unity, peace, and good health:

1. Europe must ensure a more effective and coordinated response to the COVID-19 threat: the European Commission should be able to issue rules applicable across the EU on a coordinated approach to lifting the containment measures.
2. The Union should abide by its own obligations to ensure a high level of Human health protection to all EU citizens and people living in the EU: the EU should be entrusted with real competences in the field of public health; public health should be a shared competence between the EU and its Member States.
3. The COVID-19 virus won't really be defeated until there is a vaccine, or at least a cure to counter its most severe effects: a European research consortium should be set up to work towards a vaccine or a cure, together with other teams in the world.
4. Ensure the unity of the European Union, its Single Market and the functioning of the Schengen Area: all decisions to reintroduce internal border restrictions between Schengen countries must be reversed as soon as possible. The virus knows no borders. The smooth functioning of services, such as food provision and health care, are all the more essential at this moment.
5. Extraordinary and coordinated fiscal measures to mitigate the most immediate socio-economic effects of the current crisis: enlarging the scope of the European Stability Mechanism to finance – without undue macroeconomic conditionality – the immediate strengthening of European health systems, mobilising European temporary support to national unemployment systems, extraordinary support to European companies through the European Investment Bank.
6. The recovery effort must be commensurate to the severity of the economic slump, all the while seizing the opportunity for a transition to a sustainable and carbon-neutral Europe: the Council should immediately approve a Multiannual Financial Framework for 2021-2027 of sufficient size, financed through genuine own resources and European Recovery Bonds.
7. Safeguarding Democracy and the Rule of Law in times of emergency: introduce

a European Review Mechanism on Democracy, Rule of Law and Fundamental Rights, and revise the Art. 7 procedure. The next Multiannual Financial Framework should introduce the principle of conditionality to suspend EU funds when a Member State violates the rule of law and fundamental principles of the EU.

8. Europe needs the tools to step up and become a valuable global player providing a model to govern sustainable globalization: adopt a new coherent agenda for human security and sustainable globalization;

adopt a common asylum and migration policy as well as ensure overcoming the emergency living conditions of refugee camps.

9. European public goods should be financed by genuine European resources: the EU should be able to raise and spend its own fiscal resources, including the power to issue genuine European debt on the market – or Eurobonds.
10. The planned Conference on the future of Europe should deliver a political mandate to draft a European Constitution.

# The Bible's Sovereignist Version\*

Gad Lerner

I confess that the almost-photocopied reviews eulogizing Yoram Hazony's *The virtues of nationalism*, indicated as the theoretical manifesto of the new sovereignist movements, were not enough to me. To drive me to read that book was the homage paid to it (in very good English) by Giorgia Meloni [leader of the Italian far-right party *Fratelli d'Italia* -*Transl. Note*] at the National Conservatism Conference held at Rome's Plaza Hotel, in the presence of Viktor Orban, Marion Maréchal, Ryszard Legutko and other leaders of the right: "Dear Yoram, your book will create great scandal in Italy, and I will contribute to it because I intend to cite it often".

Come to the last page, I was confirmed in my suspicion that neither Meloni nor the almost-photocopying reviewers went beyond a clumsy summary, otherwise a bit of embarrassment they should have felt in espousing the theories of this Israeli ultra-orthodox essayist, who presents himself as at the same time a political scholar and Biblicist. To be clear: it is certainly not for the observance of religious precepts that he is to be criticized, God forbid! But his short-circuit between ancient and contemporary times, typical of fundamentalisms of whatever creed, drives him to pass judgments on the present that would make even Mrs Meloni or Mr. Salvini blush.

Let us start with the book's dedication, in which he expresses his fatherly love to his nine sons, indicated as "the members of my tribe". Do not think this is accidental. Tribes are at the

basis of his interpretative scheme. Preceded by families and clans, it is the tribes who, by joining together, form the Nation: on the primal mould of the twelve tribes of Israel. A mechanism that remains valid today, because the members of a tribe "bestow great reverence on self-sacrifice" and on "mutual loyalty", "which they strenuously defend even resorting to violence". An attitude that a nationalist is sharing, as he also is a particularist, but an attitude that he will be called upon to mitigate. The virtue of nationalism, since its presumed origin in the Jewish Bible, would reside in its opposition to imperial powers. In the past, Egypt, Babylon, Austria, or Persia. Today, the European Union with its "liberal-imperialist political ideology", "become one of the most powerful agents in fomenting intolerance and hatred in the western world".

I am not exaggerating, nor warping Hazony's ideas. He does propose as an ideal model to the nationalists who revere him, not the State of Israel, but the ancient Kingdom of Israel. But for the present, once he has made the equivalence "liberalism = imperialism", once he has portrayed as wicked any supra-national aspiration up to the point of putting on the same "globalist" plane the Marxists and the Islamic terrorists, the theorist we are talking of spares no recommendation to his followers. Since a historic clash is taking place between the imperial order and the national States that aspire to independence, it is necessary to rise up against the practice of "international coercion". That is, it is necessary to rise up against the bodies possessing "the authority to take binding deliberations for all nations on the issues of war and peace".

To prevent misunderstandings, Hazony makes a nice list of the masters people have to get liberated from: the European Union, the United Nations Security Council, the World Trade Organization and, *dulcis in fundo*, the Human Rights Commission of the United Nations. Will Giorgia Meloni, during her tours

in Italy, mention such bellicose intents too, expressed by her theorist of reference? If so, I would recommend her not to omit the next paragraph which she maybe did not read, but which sounds as a definitive watchword: "We shall not cede even the most infinitesimal bit of our freedom to whatever foreign body, or normative system, not established by the nation we belong to". I would say that this is the key sentence of this cult book of sovereignists. I wonder in which political proposal our nation's sovereignists would insert such a steely refusal of obedience to any foreign organism; and also whether they agree with the denigratory accusations addressed by their guru against anyone who gives voice to a vision of supranational government, starting from Immanuel Kant up to today's liberals. There would be in addition a series of amazing statements missed by the drafters of press-office summaries, eulogizing the winner of the 2019 Conservative Book of the Year Award without having read it. Noticeable are Hazony's dialectical acrobatics when he aims at asserting that the horrors of Nazism were not the consequence of German nationalism, but rather of an imperial vision superimposed on it. So absorbed is our bard of nationalism in proclaiming its ideal virtues, rejecting the insinuations of those who denounce the fascism and racism that once again are nested inside those movements, that he has no perception of the kind of following he is stirring up in the extreme right. Very glad, the latter, that its activists can identify themselves with an Israeli, as if that were enough to wipe out not only the anti-Semitic past, but also the conspiratorial present they remain immersed in.

Typical of the nationalists who practice the idolatry of the land, on the despicable model "blood and soil (*Blut und Boden*)", is the centrality that Yoram Hazony assigns to the clan, the tribe, the nation. But quite unusual is the semantic impudence with which he feels authorized to misinterpret the Biblical text and

adapt it to his political views. At mid book, and then in the conclusions, he engages with a marvelous passage in Genesis, recounting the calling of young Abraham and the mission he receives by the Lord. It is the very famous *Lech lecha* (meaning both "leave" and "go towards yourself") through which the mission of Judaism is conceived as a universal one. Well, in order to assert that the Bible is nationalist and that there cannot be communities but in a state of mutual separation, our ultra-orthodox author takes great care of not citing in full the verses of Genesis 12: "Now the Lord said unto Abram: "Get thee out of thy country, and from thy kindred, and from thy father's house...". This is the premise – not at all nationalist, hence removed by Hazony – thanks to which it will be possible for Abraham to give rise to a great people, through which, lo and behold, "shall all the families of the earth be blessed". All of them. It is difficult to slip a straitjacket onto Patriarch Abraham, asked to leave his homeland and the idolatrous traditions of his father. It takes quite an impudent face for Hazony.

\*This article was published in the daily *la Repubblica* on March 3, 2020

Translated by Lionello Casalegno

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# The International Clout Acquired by Beijing

*Adriana Castagnoli*

## **The Rise and Decline of the Post-Cold War International Order \***

*Hanns W. Maull (ed.)*

Oxford University Press, Oxford, 2018

At the beginning of this century, the liberal international order has been subjected to tensions that have eroded its performance and legitimacy, opening the way to a transition phase leading to a new world order, still unclear and quite precarious. According to Hanns W. Maull, editor of this volume, the year of no-return was 2016. The West had been weakened by internal upheavals and the financial and economic crisis of 2008-2009. The challenge by China, the new power on the rise, became more menacing, and more insidious are the aspirations to revanche by Russia, the old frustrated power.

The great powers with “ordering” prerogatives, the United States and China, have started an uncertain and hazardous re-negotiation of global relations and regulations. Other important players like the EU, India and Russia could aspire to the role of “ordering powers”, but with little chance of success. The EU, although it does have the resources for getting that role, has failed so far the tests of coherence, compactness and determination, showing that it does not possess the political will for acting as a determining force in world politics. Russia is a declining power whose global importance

is based on conventional and unconventional military might, on its diplomatic resources and on its oil reserves, but it lacks the necessary economic and social resources. Only in the Middle East and in the nuclear sector did Moscow succeed in acquiring a significant role, although without “ordering” prerogatives. As for India, it looks improbable that it could get to that role even in the future.

China started to reconsider its relations with the international order in 2008, when the global financial and economic crisis hit the United States, the EU and other Western States. In the frailty of the global political balances, Beijing seized the opportunity to implement its new doctrine in foreign policy, that aims not only to reform the existing international institutions, but also to create new ones in order to bring about “the democratization of international relations”. Beijing’s viewpoint - as results from this collective work- is that decisions regarding the international order should not be taken only by the USA and its allies in Europe and in Asia, but by all the members of the United Nations. To support that doctrine, its Politburo has unilaterally started infrastructural projects like the Belt and Road Initiative, and set up financial institutions like the New Development Bank and the Asia Infrastructure Investment Bank.

In a time of de-globalization, when the Trump Administration embraces “America First” policies and economic nationalism, Beijing has proposed itself as the propelling force of globalization. In his speech at the UN Assembly in 2015 to celebrate its 70<sup>th</sup> anniversary, the Chinese leader Xi Jinping launched a series of initiatives to strengthen the global governance. But although in its political narrative Beijing emphasizes China’s reformist role in the international order, it still has in practice a conservative function on crucial matters like the reform of the UN Security Council.

China’s approach to the international order – as can be seen in this volume – is based on

four pillars. The recognition of its *status* as a great power, in particular by the USA. The relations with its neighbors in East Asia, to be considered as an area of its own primary influence. The relations with the developing countries, with whom it promotes its model of changing the international order from within. Multilateralism, the most recent “pillar”, emerged only in 2005.

After Trump’s election, America’s involvement in the liberal multilateral system has become much weaker. This has made China’s role stronger, and now China is proposing itself as the champion of free trade and multilateral agreements. So much so that also Japan is contemplating a rapprochement with China. However, protectionism and unfair practices have made the agreements with the EU and Canada more problematic.

Of course, China’s multilateralism differs from the European approach. “For the EU, multilateralism has always been a way to augment its limited capabilities, hoping that it would be able to constrain the great powers through universal institutionalism. China’s concept of multilateralism is compatible with great power politics, of course in support of their own policies.” And both the USA and China see themselves as “exceptional powers”. Meanwhile, the “playing field of world politics” has become more crowded. Still, the central and crucial axis in the new power structure appears to be the complex relationship between the United States and China.

\* This book review was published in the daily *Il Sole-24 Ore* on 1<sup>st</sup> December 2019

Translated by Lionello Casalegno

## A Defense of Moderated Globalization against its Critics from the Right and the Left

Grazia Borgna

**Colin Crouch**

*The Globalization Backlash*

Polity, Cambridge, Oxford, Boston, New York, 2018

With this book, Colin Crouch analyzes and partly denounces globalization and wants to draw our attention to the fact that it is generating, in some people and in some places, a refusal and a dangerous return to nationalistic closures, that could jeopardize democracy.

He underlines how globalization, following the acceleration it exerted to the creation of a world market, has increased competition between economic subjects and provoked drastic productive reconversions, unemployment, underemployment and unstoppable migratory waves. A deep sense of disorientation, insecurity and the consequent search for “safe havens” and certainties regarding the future has spread everywhere.

The feeling of loss of identity concerns above all the countryside more than the cities, the traditional productive sectors more than the new digitized enterprises. Consequently, it



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does not concern so much people and places that have benefited from the expansion of trade and the new technologies, as those who have suffered from the process, losing their status and prospects for the future.

But, Crouch observes, it concerns only marginally young people, who have anyway suffered a strong regress in the quality of their life and live in a condition of precariousness and underemployment which makes their present and future uncertain. Despite all this, for the most part they are bearers of a cosmopolitan mentality and culture, that makes them feel citizens of the world, without any ethnic, religious and gender preconception or constraint. This is an element that can form the basis of a new multidimensional conception of citizenship and identity which, starting from the local level, may gradually extend to the national, continental and planetary levels.

The natural cosmopolitanism of young people is a culturally fertile ground that can counteract neo-nationalism, that brings about hatred and closure, and can oppose it with the values and advantages of an open and inclusive multilevel citizenship. To confute the arguments of the nationalists, *“the starting point is to demonstrate the constructed nature of the idea of a nation state”*. The national identity (which especially the right, but also a fringe of the left, refers to) was born in a relatively recent era, and is linked to the birth of the European national states. It follows from the French Revolution and the creation of the tools put in place to “build up” the national identity: compulsory military service, state schools, common language, etc. Therefore, *“States have certainly been highly successful in their nation-building project, but they remain constructs, not essential, immutable realities”*.

Today the reference to one’s “ancient roots”, the favorite slogan of the nationalists, is consequently a deception, an exploitation to motivate their opposition to globalization. It affects both the far right and the far left. Some components of the left argue that labor

and democracy, being strongly linked to a nation, cannot be protected and defended at the supranational level. The right proposes the closure of borders and the return to a society based on “tradition”: God, homeland and family. Both visions, notes Crouch, although starting from antithetical ideological assumptions, have common proposals for limits to ethnic heterogeneity, contemplating restrictions on immigration, especially Islamic, opposition to any transfer of sovereignty, and defense of borders, even if the left takes care to avoid an open hostility towards immigrants.

Despite this objective convergence, the author does not share the opinion of those who believe that globalization has canceled out the difference between left and right. As proof of this, he cites the fact that, although a part of both social-democracy and the moderate right have embraced the neoliberal project uncritically, the responses of their electorate have been very different. On the one hand, the left has been accused of not defending the weaker classes sufficiently from the attack on working conditions and welfare systems. On the other hand, large sectors of the economy and businesses accuse the parties of the right of not having defended them from the invasion of low-priced goods, coming from countries where labor, fiscal and environmental protections are not respected. To regain the confidence of their electorate, left and right must consequently take divergent paths. The left must choose to move towards a supra-national democracy, and extend democracy above the nation-state.

Crouch says that the most effective response to counter the serious economic, social, fiscal and environmental distortions produced by the “neoliberal globalization project” is not fencing within one’s own borders, but launching collaborative policies open to confrontation. *“The dominance of neoliberal policies made it difficult for governments in poor countries to protect their economies from fitting in with whatever fate participation in global markets assigned to them”*.

*"There can be no simple 'return' to a pre-globalized world of autonomous national economies... The idea of national economic sovereignty needs to give way to one of pooled sovereignty in pursuit of a better transnational regulation of the globalized economy".*

According to the author, the solution cannot be found, as the nationalists propose, in the return to a world divided into national states, in a climate of strong competition. Firstly because, despite the undoubted distortions, globalization has significantly attenuated the absolute poverty that was afflicting a great part of the world. Secondly, he invites the reader to consider the consequences that would arise following a block of the globalization process and a return to self-sufficient national borders. *"Were globalization now to go into reverse, the world would become poorer"*. A return to national frontiers would inevitably lead to isolation, wars, protectionism, and to hamper innovation. It would penalize development and well-being, at the expense of the weakest.

Crouch is convinced that the globalization process must proceed, but proposes to launch strong policies to combat the distortions that exist both at European and global level, a *"smart globalization"* which only apparently would block development, but would allow instead to adopt those social and environmental policies capable of hindering nationalism and xenophobia. According to Crouch, new rules are needed *"tied to the achievement of clear labour and environmental standards ... [hindering] the offering of very low corporate tax rates ... [G]lobal corporations force governments into races to the bottom in taxation. Some governments find these races attractive, as by offering very low corporate tax rates they can encourage global firms to base themselves in their territory, ... not even bringing much employment with them...The situation has now reached a point... that there will be international action on rules about fiscal location. Reduced fiscal competition among countries could also lead to a reversal of the recent tendency for corporate*

*and capital taxes... to be far lower than those on employment incomes, a tendency that accounts for part of the rise in inequality that has affected many countries...[G]overnments are beginning to call for international cooperation to deal with the problem. ... It is not enough to provide generous social support for people who are unemployed or left in low-income occupations as a result of these processes, or to encourage firms and government organizations to locate back-office and warehouse activities in such places. We need collaboration among EU, national and local authorities...*

Globalization can work only if it is ruled by international Agencies like the OECD and WTO, which have to obtain democratic legitimacy and the means to stem the geographical and social inequalities produced by the neo-liberal policies. Extending democracy beyond the nation-State means also extending citizens' rights.

*A globalized world needs citizens who are at ease with a variety of layered identities – matryoshka dolls. But this means paying attention to the lower levels of little dolls, as well as to the larger ones. We need to be able to feel loyalties and identities of varying strengths – to our local community, our town or city, our region, our country, our world region, our common humanity".* Democracy is participation, and *"Participation in democracy requires a balance between reason and emotion ... If it is technocrats who dominate the world governed by reason alone, the world of emotions is ruled over by those who know how to manipulate powerful feelings".* And it must be acknowledged that *"among the few social identities remaining that can both have political meaning and carry powerful emotions is nationhood."*

It is possible to create democratic assemblies at world-regional level, and then *"national and world-regional democratic levels can reach out to embrace global ones"*.

An example of this is today's Europe, where unique supra-national institutions have been created: a European Parliament elected by universal suffrage, a supranational Court that allows citizens to take action against their

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governments, a Charter of fundamental rights that has established a European citizenship. Europe, Crouch observes, still leads the world in the pursuit of improved social and environmental standards, and could influence choices at the global level towards *"a more civilized globalization"*. This demonstrates the potential benefits deriving from supra-national institutions. He affirms that *"the neoliberal deregulation has been damaging"* and that in order for globalization to be managed, *"national communities can only reassert regulation of that process by pooling their sovereignty and trying to introduce as much democracy as is practicable into that process"*. Precisely the opposite of nationalism. Differently from what Rodrik argued in *The Globalization Paradox*, that there is incompatibility between democracy, national sovereignty and hyper-globalization and that we could have only two of these (his famous *trilemma*), Crouch says that the alternative solution is to *"moderate" globalization "through regulation by international agencies... [and] the extension of democracy within world-regional economic associations... Within such a framework, the nation state continues to play its role, both directly, in areas of autonomy where it remains capable of regulating globalization, and by democratizing its relationship to institutions of global governance"*.

Even if in this phase of the globalization process the weight of sovereignist governments (like the American one and those in some European countries) has increased, with the consequent weakening of the international Organizations, their rise has found a halt in Europe in the last European Parliament elections. Nationalist parties stopped at 20% of the votes. The relative majority party, the Popular Party, despite having lost consensus, came out the first party in Europe. After lengthy consultations with liberals and socialists, it was able to win the Presidency of the Commission. The European Greens have greatly increased their weight.

The inauguration speech by the President of the

Commission, Ursula von der Leyen, highlighted some very important programmatic points. Among these we mention the consideration of an ecological tax at European borders, a carbon pricing scheme and the launch of a broad consultation to collect the proposals by citizens and civil society organizations on the future of Europe. If these proposals are rapidly followed up, both to increase the European Union's own resources and to give a green turn to the European economy, and to launch a Conference on the future of Europe, the Commission will be able to bring the European institutions closer to the citizens and to bring about a turnaround towards a more participatory and politically committed European society.

But the start of a green economy can represent a turning point only if the impact on the environment will have a decisive impact on employment and the quality of work. The transition phase, aimed at the ecological conversion of the economy, will require huge investments and therefore cannot be left, as happened in the past, in the hands of multinational companies and their monopolistic or oligopolistic use of the market. There will be a turning point only if that phase is accompanied by a vast global plan to safeguard common goods, aimed at improving the quality of life of citizens. A plan that includes a permanent and continuous training, especially for young people, that prepares them to be protagonists and not passive subjects of the process, a plan that is aimed at creating the millions of jobs that are currently missing. Not precarious jobs, but stable and of good quality. What young people all over the world are asking is to be able to take back their future in their hands. The green conversion of the economy must represent an opportunity for young people to put their skills to good use, count on a decent and continuous income, form a family and look at old age with serenity. And see themselves recognized in facts and rights as full-fledged citizens.

# Garry Davis, Citizen of the World

Michel Herland

**Michel Auvray and Jean-François Billon**  
*Historical proceedings of the Conference  
"Garry Davis and the 70 years  
of Global Citizenship",  
held in Paris in November 2018 [in French]*  
Federalist Press, Lyon, 2019

Who still remembers Garry Davis, an activist of the first hour of world federalism, who was also, immediately after the second world war, a kind of popular hero, a figure never equalled since by any other activist? This former American soldier, after having, to begin with, "resigned" his nationality, installed his tent, on September 12, 1948, on the esplanade of the Palais de Chaillot in Paris (then the seat of the United Nations) and proclaimed himself "the first citizen of the world". Although he was expelled after a few days, his initiative had already caused a sensation. But it's the incident (planned) of November 19, which further corroborated his popularity. Associated with activists of the Human Front of World Citizens, created in 1946 by some French ex-resistant Christians, he tried to read before the General Assembly of the United Nations a declaration (the writing of which is attributed to Albert Camus) in favour of a world government, the only institution likely to bring about a lasting peace. He was quickly subdued, but Robert Soulage, called Sarrazac, the leader of the Human Front and also a former military, managed to read the entire declaration. The contributions to the *Garry Davis Symposium*,

held at the French National Assembly and then at UNESCO in Paris, in November 2018, collected in the book, intentionally address only the historical aspects of this demonstration; but they don't just tell about that adventure. Pierre Chevalier, for example, relates the ins and outs of the outcomes of the *Congress of the Peoples of Europe, Asia and Africa against imperialism* (June 18-22, 1948), an initiative launched by the supporters of Third Force (anti-capitalist and anti-Stalinist). Other contributions deal with Albert Camus (Alessandro Bresolin), the (unsuccessful) project of a global Human Rights Court (Marion Larch) and the Assembly of World Citizens-ASCOP (Daniel Durand). J.-F. Billon - whose expertise in the history of the European and global federalist movements we know well from a long acquaintance - also provides here a substantial synthesis of their evolution.

Translated by Vittorio Quartetti

# Surveillance Capitalism Versus Democracy

Nicola Vallinoto

**Shoshana Zuboff**  
*The Age of Surveillance Capitalism:  
the Fight for a Human Future  
at the New Frontier of Power*,  
Profile Books, London, 2019

Coronavirus is the new global crisis the Surveillance Capitalism was waiting for. After

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the Twin Towers terrorist attack in 2001, the pandemic is another great step towards a more extensive control of our lives. Let's look at China and South Korea with their tracking apps to check Covid-19's presence and people's proximity. Other countries will apply this method asking their citizens to download the app in their smartphones to face the second phase of the pandemic. We, as citizens, are giving voluntary access to our data to protect ourselves from Covid-19, but who will defend us from abuses and who guarantees that no one will use our data for different aims after the pandemic will be finished? And this is only the beginning: the former Google CEO, Eric Schmidt, imagines a post-Covid reality with a permanently invasive technology into every aspect of civic life.

*The Age of Surveillance Capitalism* is the last impressive book written by the American sociologist Shoshana Zuboff just before the coronavirus arrived. Let's go back to the beginning of this century and to Google, the initiator of the so called "surveillance capitalism", as explained by the author. During an early period of Google life, behavioral data were put to work entirely to the user's advantage. User data provided value at no cost, and that value was reinvested in the user experience in the form of improved services: enhancements that were also offered at no cost to users. In April 2000, the venture capitalists changed their mind about Google's ability to raise money, but then the legendary dot-com economy began its steep plunge into recession, and Silicon Valley's Garden of Eden unexpectedly became the epicenter of a financial earthquake. At Google, in late 2000, it became a reason for annulling the reciprocal relationship between Google and its users, pushing the founders to abandon their passionate and public opposition to advertising.

After the 2001 terrorist attack, Google's declared state of exception was the backdrop

for 2002, the watershed year during which surveillance capitalism took root. In his book *Surveillance After September 11*, surveillance scholar David Lyon writes that in the aftermath of the attacks that day, existing surveillance practices were intensified and previous limits were lifted. In that environment of trauma and anxiety, a "state of exception" was invoked to legitimate a new imperative: speed at any cost. The suspension of normal conditions was justified with reference to the "war on terror". Critical to our story is the fact that this state of exception favored Google's growth and the successful elaboration of its surveillance-based logic of accumulation.

The elective affinity between public intelligence agencies and the fledgling capitalist Google blossomed in the heat of the emergency to produce a unique historical deformity: surveillance exceptionalism. It appears that one of the unanticipated consequences of this public-private "elective affinity" was that the fledgling practices of surveillance capitalism were allowed to root and grow with little regulatory or legislative control, emboldening Google's young leaders to insist on lawlessness as a natural right and, in ways that are even more opaque, emboldening the state to grant them that freedom.

With Google's unique access to behavioral data, it would now be possible to know what a particular individual in a particular time and place was thinking, feeling and doing. User Profile Information (UPI) may be inferred, preserved and deduced. UPI may be provided by the user himself, by a third party authorized to release user information, and/or derived from user actions. Behavioral data became raw material for the construction of a dynamic online advertising market place.

After 2001, Google started to operate in obscurity, indifferent to social norms or individuals' claims to protect their own decision rights. These moves established the foundational mechanisms of surveillance capitalism.

The summary of these developments is that the behavioral surplus upon which Google's fortune rests can be considered as *surveillance assets*. These assets are critical raw materials in the pursuit of surveillance revenues, and their translation into surveillance capital. The entire logic of this capital accumulation is most accurately understood as *surveillance capitalism*, which is the foundational framework for a surveillance-based economic order: a *surveillance economy*.

The big pattern here is one of subordination and hierarchy, in which earlier reciprocities between the firm and its users are subordinated to the derivative project of our behavioral surplus captured for others' aims. We are no longer the subjects of value realization. Nor are we, as some have insisted, the "product" of Google's sales. Instead, we are the objects from which raw materials are extracted and expropriated for Google's prediction factories. Predictions about our behavior are Google's products, and they are sold to its actual customers, but not to us. *We are the means to others' ends.*

Machine intelligence processes behavioral surplus into prediction products designed to forecast what we will feel, think, and do: now, soon and later. Prediction products are sold into a new kind of market that trades exclusively in future behavior. Surveillance capitalism's profits derive primarily from these behavioral-future markets.

The strategy of Google as stated by its CEO Eric Schmidt in 2008 was: "*The goal of the company is customer satisfaction. You should think of Google as one product: customer satisfaction. Those customers are the world's advertisers and others who pay for its predictions.*" In 2010 he observed: "*You give us more information about you, about your friends, and we can improve the quality of your searches. We don't need you to type at all. We know where you are. We know where you've been. We can more or less know what you're thinking about*".

During the years, fortifications have been erected in four keys arenas to protect Google, and other surveillance capitalists, from political interference and critique: 1) the demonstration of Google's unique capabilities as a source of competitive advantage in electoral politics, 2) a deliberate blurring of public and private interests through relationships and aggressive lobbying activities, 3) a revolving door of personnel who migrated between Google and the US administration, and 4) Google's intentional campaign of influence over academic work and the larger cultural conversation so vital to policy formation, public opinion, and political perception.

Surveillance capitalism must be reckoned as a profoundly antidemocratic social force. In this context, Facebook's Mark Zuckerberg offered his social network as the solution to the third modernity. He envisions a totalizing instrumentarian order – he calls it the new global "church" – that will connect the world's people to "something greater than ourselves". It will be Facebook, he says, that will address problems that are civilizational in scale and in scope, building the long-term infrastructure that will bring humanity together.

Larry Page, cofounder of Google, defended Google's unprecedented information power with an extraordinary statement, suggesting that people should trust Google more than democratic institutions. In general, having the data kept in companies like Google is better than having them in the government, with no due process to get to the data, because 'we obviously care about our reputation, I'm not sure the government cares about that as much'.

*Google, Facebook and surveillance capitalism in general have a common enemy: democratic institutions.* As Zuboff reveals, the European Union is the main one. "*The human need for a space of inviolable refuge - the right to a sanctuary - has persisted in civilized societies from ancient times, but is now under attack as surveillance*

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capitalism creates a world of “no exit”, with profound implications for the human future at this new frontier of power”. The Court of Justice of the EU announced its decision to assert “the right to be forgotten” as a fundamental principle of EU law in May 2014 (Mario Costeja Gonzalez vs. Google). The Luxembourg Court felt that free flow of information matters, but not as much as the safeguard of dignity, privacy and data protection in the European rights regime. The Court conferred upon the EU citizens the right to combat, ordering Google to establish a process for implementing users’ delinking requests, and authorizing citizens to seek recourse in democratic institutions. The European Court of Justice demonstrated the unbearable lightness of the inevitable, as it declared what is at stake for a human future, beginning with the primacy of democratic institutions in shaping a healthy and just digital future.

## Conclusions

If the digital future is to be our home, then it is us who must make it so. *We will need to decide. We will need to decide who decides. This is our fight for a human future.* Physical places, including homes, are increasingly saturated with informational violations as our lives are rendered as ‘behavior’, and expropriated as ‘surplus’. Other violations are simply imposed upon us, as in the case of the “talking dolls”<sup>1</sup>, the listening TV, the hundreds of apps programmed for secret renditions, and so on. If billions of sensors capturing personal data fall outside of the US Fourth Amendment protections, a large-scale surveillance network will exist without constitutional limits.

Many hopes today are pinned on the new body of EU regulation known as the *General Data Protection Regulation* which became enforceable in May 2018. The EU approach fundamentally differs from that of the US in that companies must justify their data activities within the GDPR’s regulatory

framework. It allows for class-action lawsuits in which users can join together to assert their rights to privacy and data protection. The only possible answer is that everything will depend upon how European societies interpret the new regulatory regime in legislation and in the courts. It will not be the wording of the regulations, but rather the popular movements on the ground that shape these interpretations. We need synthetic declarations that are institutionalized in new centers of democratic power, expertise, and legal battles that challenge today’s asymmetries of knowledge and power.

We are living in a moment when surveillance capitalism and its instrumental power appear to be invincible. It is up to us to use our knowledge, to regain our bearings, to stir others to do the same and to found a new beginning. The future of this narrative will depend upon indignant citizens, journalists, and scholars drawn to this frontier project; indignant elected officials and policy makers who understand that their authority originated in the foundational values of democratic communities. The Berlin wall fell for many reasons, but above all it was because the people of East Berlin said, “No more!” *We too can be the authors – affirms Zuboff – of many “great and beautiful” new facts that reclaim the digital future as humanity’s home. No more! Let this be our declaration.*

These are the conclusions of Zuboff’s research and the beginning of a new story where democratic institutions, starting from the European Union, together with more indignant citizens, can counterbalance the unprecedented power concentrated in the hands of very few web companies. We have to decide and decide who decides. To do that, we have to take in our hands our digital future and regain our *digital sovereignty*.

<sup>1</sup> See <https://thesubtimes.com/2017/11/27/beware-of-talking-dolls-that-listen/>

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