Report on the Conference „The Future of International Order", November 29 – December 1, 2015

Introduction

International order has never been more relevant. Scientific and technological innovations are connecting economies and societies worldwide in increasingly tight patterns of interdependence. Shifts in worldwide economic activities and political power, but also diffusion of power between ever-larger numbers of relevant actors cause uncertainty and new demands for mutual adjustment. The United States is painfully experiencing the limits of its influence to shape international politics and has begun to retrench. National governments and international organizations struggle to adapt their policies to the bewildering kaleidoscope of change and often find themselves gridlocked.

As one of the primary beneficiaries of globalisation, Germany depends on a functioning international order more than most other states. To protect and promote its interest, German foreign policy thus needs to recognise and anticipate trends in international order to shape developments. Yet our concepts to understand international order have barely changed since the 1990's, and analysts and practitioners alike find them no longer satisfactory. Mental constructs like "hegemonic power transition" or "global governance" suffer from various shortcomings, ranging from normative biases such as Euro-centrism to dubious empirical claims and implied causal assumptions. Consequently, decision makers risk misinterpreting developments and taking inadequate and inconsistent foreign policy decisions. In short, the debate on international order is in need of fresh perspectives and new thinking to explain causes and possible implications of twists and ruptures in international order and to develop new ideas for action. This was what the Conference "The Future of International Order", organised by the Stiftung Wissenschaft und Politik (SWP) set out to do.

The conference brought together some 35 international participants from four continents, including academics, think tank researchers and German foreign officials in their private capacities. From Nov. 29 to Dec. 1st, the conference compared regional and functional international orders and the interplay between them, as well as the role of great powers in the making of international order (see fig. 1).

Functional Orders	Regional Security Orders	Great Powers

1 Cyber Space
    Climate Change
	2 East Asia – Pacific
	    Greater Europe
		5 United States
		    China

3 Nuclear Weapons Regulation	Middle East	
4 Global Trade and Investment Public Health Emergencies		

Figure 1: Subjects for discussion at the conference.

Each session of the meeting thus focused on two different partial orders, weighing, from a comparative perspective, their characteristics, their performance, the reasons for their evolution, the role of states in them, and the relationships between them. Through this comparative analysis, the meeting was to develop new approaches and suggest new policy ideas to strengthen international order.

Session I: Comparing Functional Orders for Cyber Space and Climate Change

Man-made climate change presents a paradox: while there exists a myriad of specific international agreements of bewildering complexity, which together form the so-called "regime complex for climate change" (Robert O. Keohane/David Victor), it can also be considered one of the least regulated fields of international order. By comparison, cyber space does not yet have much of an order at all. It shares with climate change the immense complexity of regulatory challenges, but appears to hold boundless commercial promise without any problems of sustainability.

A crucial development in the climate order occurred in 1994, when the United States switched its position UN concerning the legal status of the UN Framework Convention on Climate Change. This forced the international community to go for a legally non-binding text. America's concern was "**sovereignty**", of course – a concern shared by many other countries. Sovereignty also emerged as a key norm for cyber space. There, however, it clashed with the quintessentially liberal norm of "**freedom**", because of both the enormous commercial promise of cyber space and the civil rights issues promoted by a broad coalition of civil society groups.

Unique in its multi-stakeholder conception, the internet system of governance does not offer governments much influence on its regulatory framework. Regulated by the U.S.-based NGO ICANN (*Internet Corporation for Assigned Names and Numbers*), the internet has so far allowed states no more than a very limited role in comparison with commercial and civil society agents. Still, they have the authority to regulate the physical foundations and infrastructure of the internet (the world wide net is rather more tied to territory than is generally assumed!).

Another norm referred to repeatedly was "**distributive justice**". This norm looms very large in the climate policy debate yet seems rather absent in cyber space discussions, at least so far. However, concern about personal freedom will immediately provoke massive criticism of government interventions in the content layer of the latter, which therefore require extensive justification. Those often refer to the norm of "**security**" to legitimize surveillance and control.

It is striking that in both partial orders, states are far from being alone as actors. As cyber space activities and climate change are unfolding, they are catalysing the rise of new actors (such as NGOs or companies. Indeed, climate change is also threatening the physical existence of some small states whose territory might be washed away by rising sea levels. The proliferation of actors and the growing complexity of the regulatory challenges has favoured, in both orders, tendencies towards fragmentation: orders become multiple and overlapping, interference between them more frequent.

The consequences of fragmentation are ambivalent. On the one hand, fragmentation enhances flexibility, heightens the chances of adjustment and makes it easier to correct mistakes. It

forces the formation of large coalitions, including both state and non-state actors, to develop viable and legitimate solutions to collective action problems. On the other hand, the effectiveness and efficiency of ordering suffers, encouraging alternative, violent forms of conflict behaviour. In cyberspace, we are already observing battles between the internet propagandists of the so-called "Islamic State" and self-appointed hacker warriors waging war in cyberspace against them.

Despite the huge importance of non-state actors in both partial orders, the role of the state in legitimating norms and ordering interactions was considered indispensable: no other actor can command the same degree of authority as governments. A major difference between the two partial orders, however, was seen in the fundamental imbalances in the climate order between the effects of human agency and the ability of the environment to absorb them, which has no equivalent in cyber space. The order for cyber space therefore could afford, so far, to be rather rudimentary and reactive, while that for climate change needed to be proactive. Cyber space ordering so far also had been very much within the framework of the old, liberal and Western international order, while on climate change new approaches clearly were required. This had led to China now playing a key role in the latter partial order, which was not (yet) the case in regulating cyber space.

Both partial orders share a major shortfall in financial resources to make the necessary adjustments, and it was pointed out that the hopes for non-state "multi-stakeholder" contributions so far had often proved wildly over-optimistic. Partial orders therefore might need to raise their own financial resources, e.g. through appropriate ways of international taxation.

One important area of interference between partial orders that was explored at some length in the discussions concerned that between climate change and development policies, specifically Sustainable Development Goals (SDGs). The SDGs, it was argued, did not include all aspects that were important from the perspective of stemming climate change, and there was considerable tension between respective objectives and priorities.

Session II: Comparing Regional Security Orders in East Asia – Pacific and Greater Europe

One of the remarkable conclusions from the comparative discussions of these two regional orders was that - despite ongoing maritime territorial struggles in the South and East China Sea - the East Asian order looked rather more robust than the pan-European order. The latter was seen in deep crisis, caused in the last analysis by the forces of nationalism. In Europe, the 1975 Helsinki accord did not create a pan-European order but at least the foundations for a relatively stable coexistence between Western and Eastern concepts of order. It was not until the 1990 Paris Charter for a New Europe, which put an end to the confrontation of the Cold War and invited former USSR countries into the ideological framework of the West, that a pan-European order was created. While the Paris Charter was building on Westphalian principles, it also stipulated core liberal norms, such as economic freedom and compliance with democratic principles. Yet this normative framework was not attractive for many post-Soviet states. As the EU is beginning to realise, social transformation cannot be engineered by financial support and economic convergence. This has proved to be the Achilles heel of the pan-European regional order since 1990. The problem became apparent already during the early1990s in the wars of disintegration in former Yugoslavia. Since 2008, it has returned

with a vengeance, affecting the West's relationship with Eastern Europe and with Russia and even intra-EU relations.

The pan-European order relies mostly on soft power and on post-modern norms and principles assumed to be universally relevant (such as human rights, democracy and the "democratic peace" paradigm). It tries to work through institutions (though perhaps not always the right ones, as the neglect of the OSCE in favour of NATO throughout the last quarter of a century showed). By comparison, East Asia's regional order is based on state-centric norms and beliefs grounded in Westphalian concepts of territoriality and absolute sovereignty; it relies on hard power and accords great powers particular responsibilities. Asians claim these to be more legitimate than Western universalism, and although the US traditionally was at the forefront of spreading Western liberal values, it recently has begun to adjust to Asian preferences as the centre of gravity in world politics has shifted eastward (America no longer seriously tries to democratize the Chinese state, for example).

In the East Asian regional security order, institutions clearly are of secondary importance. It relies on the strength of states and the principle of non-interference in domestic affairs. "Soft" political initiatives such as China's "One Belt One Road" project strictly try to build on notions of shared national interests and respect for other countries' self-determination.

The resilience of the East Asian order may, as several participants pointed out, be rather deceptive, however. For one thing, there is the unresolved issue of North Korea, a failed state yet a nuclear power that easily could implode creating a massive challenge to regional and global crisis management co-operation. There also exist a significant discrepancy in what states pretend to be (namely modern nation-states, and what they really are (socially often very heterogeneous), which results in "sovereignty games". The rise of China is also challenging traditional notions of regional order, as are the new global threats that need broad-based and intrusive international co-operation.

Session III: Comparing Security Orders: Nuclear Non-Proliferation and the Middle Eastern Regional Order

The Nuclear Non-Proliferation Treaty (NPT) is one of the most impressive examples of ordering in the history of international politics. It accepts the primacy of *realpolitik* in the sense that it is an order established through competition between self-interested powerful states that have forced most states of the world to join the treaty, and regional powers willing to refrain from acquiring nuclear weapons. It enhances cooperation between states, allows non-nuclear weapon states to use nuclear energy for peaceful means (NPT, Art. IV), and thus creates incentives to join. It also envisions the ideal of a denuclearised world by obliging states to "pursue negotiations in good faith" to achieve nuclear disarmament (NPT, Art. VI).

Why has international diplomacy been so remarkably successful in the case of the nuclear weapons order, but had so little success in the Middle East regional order? This question came up repeatedly during the discussions in this session. One suggested answer was that successful negotiations on the NPT, most recently between the P5 and Germany and Iran, were rare and context-sensitive phenomena built on shared interests and values. The Middle East, shaken by its colonial history and persistent interferences by Great powers, has arguably become a region where shared interests do not count for much anymore. "Power is the most dominant

term in international relations in the Middle East", one participant observed, adding that Iran would have not agreed to engage in cooperation with the West had it not been subjected to sanctions. Nationalist and religious antagonisms fuel the recourse to violence.

Yet the two partial orders are characterised by significant interference. The security dilemmas of the Middle East create strong incentives to acquire nuclear weapons. The geo-political struggle between Sunni and Shia and their respective self-proclaimed great power leaders in the Middle East represent a power dilemma that also threatens to undermine the nuclear non-proliferation order. Interference also works the other way around, however: efforts to enforce compliance with the nuclear order may affect the Middle East security order. Thus, the Iraq intervention in 2003 was justified with the assertion that Iraq had weapons of mass destruction, and great powers began to co-operate with respect to the Syrian civil war when the regime of Bashir al-Assad resorted to chemical weapons. In the first case, the impact on regional security was dramatically negative; in the second case, the jury is still out.

Another key issue in this context is the tension between the dynamics of politics within states and the rather static arrangements of the NPT order. Iran's position in the NPT before and after the revolution of 1979 illustrates this problem well. Strikingly, the sources of instability and violence in the Middle East today seem almost all domestic. States may be adept (e.g., Saudi Arabia) or inept (e.g., Iraq under Saddam Hussein) in manipulating outside powers and external orders, but this hampers, rather than promotes, the development of viable and robust modern state structures. Consequently, they are still woefully absent in most states in the region. Ultimately, those deficiencies in national political orders may explain best why efforts to build an effective regional security order have been so unsuccessful over the last few decades. While the treaty's success relies on links between the military dimension of deterrence with the civilian dimension of access to nuclear energy, for two decades Iran has exploited the fine line between those two realms of the military and the civilian uses of nuclear power. Whether the settlement negotiated recently will resolve that issue remains to be seen.

Similarly, they also still threaten the NPT order – despite the recent nuclear agreement between Iran and the P5.

In this session, **functioning statehood, respect for sovereignty, and a modicum of consensus between great powers** emerged as crucial ingredients of robust partial orders. In the Middle East, all those ingredients seem to be missing, and the ability to inject elements of order from outside seems to have declined further over the last quarter century. Rather, instability and violence at the national level threaten the effectiveness and perhaps even the survival of the global nuclear weapons order.

Session IV: Comparing Global Trade and Investment and Public Health Emergencies Orders

The partial orders addressing global trade and investment and global public health emergencies share a number of characteristics. First, both aim to maximise global welfare. Second, both have experienced a strong tendency towards securitisation within the last years. Third, both require broad-based international co-operation and co-ordination to supply the desired public goods effectively. Fourth, both partial orders need well-functioning states able to mobilize political support at home for international action. Fifth, in both cases issues of equity and social justice, of inclusion and exclusion loom large. Sixth, "epistemic communities" of experts play an important role in the successes of both partial orders.

The global trade and investment order of the World Trade Organization (WTO) is widely seen as a particularly impressive example of global governance, but it also seems stuck in a deep crisis. Efforts at ordering international trade and investment flows have shifted to preferential trade agreements between countries and regions, as an increasing share of world economic activity moved to emerging market economies. Their competitiveness and their ambitions were often perceived as threatening by the West; the old industrialized countries responded with strategies of economic containment. At the same time, the growing complexity of international trade and investment issues and the diffusion of power within the WTO make it ever more difficult to come to mutually accepted agreements, as the fate of the Doha Development Round, launched in 2001 yet still far from a successful conclusion, demonstrates. This present round of international trade negotiations are no longer primarily about trade liberalisation but about complex regulatory issues. Those sometimes intrude deeply in national societies and thus raise uncomfortable issues of legitimacy for participating governments. In response, it seems that the WTO order is moving towards "club governance". One of the main future challenges in international trade and investment will thus be how to manage the coordination of multilateralism with minilateralism.

The global public health order in recent years has been moving towards a system of global governance for health emergencies with remarkable speed, edged on by major international crises (SARS, Ebola). Starting with the "Health in Prisons Programme", a multi-stakeholder approach aimed at integrating national, international, transnational and corporate efforts to reduce health inequalities, the international public health sector has become a successful model for international collaboration. This collaboration reached a peak with the 2005 Framework Revision of the International Health Regulations.

Yet those successes have added urgency to addressing key deficiencies in that order. The most important of those is probably the inadequate capacity of many national governments to perform their parts in the common effort. This is a challenge not only for developing countries: for example, only a few industrialized countries (such as Japan, Switzerland or Germany) so far have put in place national strategies for global health.

The second major deficiency concerns the established form of governance. While the U.S. has taken a strong leadership role on some of the key issues in this partial order, this has not always been without problems. Thus, U.S. interest in defence against biological and chemical weapons that emerged during the 1990s and increased rapidly in the aftermath of 9/11 on the one hand led to a surge in resources provided for the evolution of the international health emergency order. On the other hand, however, this has contributed to politicizing and even securitizing that order in the sense that public health emergencies of international concern are increasingly perceived as threats to national security. In response, emergency relief has become part of the toolkit of the foreign policy of states. Yet a more inclusive, non-hegemonic order paradoxically might also suffer from severe legitimacy gaps, as muddling-through governance lacks clear and accountable decision makers.

In conclusion, both partial orders under review in this session thus can be considered as rather strong and successful. Factors that might explain this include a) broad international consensus over the nature of the problem and desirable responses, b) widespread acceptance that na-

tional action was insufficient to realize desired (national) objectives, c) recognition of the diffuse impact and possible global effects of both problems and responses, and d) the strong influence of potent expert communities and the availability of technical expertise to design appropriate responses. An important difference also stands out: the global health order suffers from crucial capacity shortcomings at both the national and the international level that the WTO international trade and investment order has been able avoid, at least so far.

In both orders (as in many others), the problems are international and transnational, but the political authority to address them is still almost exclusively national. Moreover, the domestic political context surrounding foreign policy making in many countries seems to have become fragmented and even polarized, producing a crisis of authority. The issue of **trust** (or distrust) emerged as a critical aspect in this context: effective "ordering" through international co-operation required political legitimacy at home for participating governments, which risked being undermined by lack of trust in leaders. Attempts to create more ambitious functional orders therefore tend to clash with the lack of trust in national governments. Moreover, expectations of what international order could and should deliver were frequently exaggerated. Thus, NGOs would often push for the best possible solutions, rather than accept satisfactory ones.

Yet the way forward in both partial orders can only lie in approaches that respect the systemic dimensions of the challenges. In principle, inclusive forms of international co-operation seem the best way forward, but in both partial orders, the risk of nationalist/populist backlashes in response to new (technological or biological) challenges was considered significant. Thus, the global health order might be overwhelmed by a new kind of pandemic or, perhaps even more dangerous, by the creeping advance of antibiotic-resistant strains of bacteria. In the context of the WTO, the torrent of advances in IT technologies might destroy jobs on a massive scale, producing a return to national solutions in foreign economic policies and undermining globalization. In fact, one participant observed, the principal sources of political support for globalization was already shifting away from the rich developed countries to the BRICS countries because of the rise of populism in the West. A key challenge to sustain and develop those two partial orders thus seems how to encourage and support, but also check and balance U.S. leadership through "coalitions of the willing" with an ability to exercise influence in Washington.

Session V: The United States and China in International Order

As severe regional and international crises have proliferated in recent years, many observers have begun to speak of a watershed for the American-led liberal international order. The United States will no doubt remain the *primus inter pares* power in world politics for the next few decades, but international support for its concept of world order clearly is wilting under the blasts of criticism from rising powers. More importantly perhaps, there also is mounting evidence that unilateral U.S. policies can no longer protect America's perceived national interests. Yet what could take the place of the liberal international order? A Chinese concept based on the imperatives of *tianxia* ("all under one heaven") and *chaogong tixi* ("tributary system")? A regionalized system that includes major and emerging powers? Or an "American order reloaded"?

China's *tianxia* concept of order has China in the middle, surrounded and circled by a periphery of satellite countries. To achieve this long-term goal, it was argued, China uses a highly

differentiated set of strategies, depending on the respective policy areas. In the realm of security, China aims to establish a loosely multilateral international order and supports, as an interim solution, a concert of power approach in East Asia. Yet this leads other states in the region to the conclusion that China is not interested in dispute settlements. On the economic front, China shows a renewed interest in global governance. Its strategy aims at speeding up reforms of existing international institutions by building new, China-centric ones, such as the AIIB, the BRICS' new Development Bank, or the OBOR initiative. At the same time, China emphasizes inclusiveness and connectivity to prevent economic regionalism form becoming dysfunctional.

Yet in its ambitions to shape the future international order the country also confronts numerous domestic problems that could divert Chinese attention inward. The Chinese Communist party has to a large degree lost its Marxist roots and now gains its legitimacy through performance and nationalism. However, China's economic reforms so far have produced highly unequal outcomes for different parts of the population, and its nationalism is contested from the inside by the Tibetans and Uyghurs. China's leadership has never really articulated its vision of international and regional order, nor does it have many followers in its immediate neighborhood. While those countries seek to benefit from China's economic growth, few would welcome China's hegemony. In short, China has yet to provide a plausible alternative to the American-led East Asian regional order, let alone the liberal international order.

If the American-lead liberal international order is in decline but a Chinese alternative is not in sight, however, the shape of future order will arise from the interactions between the major players. It seems likely that in the years to come the U.S. and China will be the two most powerful states by far in that emerging order. Yet their individual success as leading states, as well as the direction the international order will take, will crucially depend not only on their ability to co-exist, but also to form broader coalitions behind their policies.

The world will therefore have a large stake in the U.S. - PRC bilateral relationship. The most likely trajectory for it is, in the words of one participant, "compartmentalised co-operation and conflict", although less benign scenarios could not be excluded. Moreover, the relationship will have to cope with two difficult challenges simultaneously: first, it will have to keep the relationship itself, with its complex mixture of co-operation and antagonistic competition, on a steady course, but it will also, second, in and through this relationship help resolve global issues and problems and thus contribute to the transformation of world politics.

Will the two great powers be up to the task? Neither has much experience with this, nor the inclination to compromise, and both are deeply persuaded of their own superiority and unique status and suspicious of the other's ambitions. Yet any alternatives to mutual adaptation and adjustment are likely to be more painful still.

Conclusions:

We will end with a few personal observations drawn from our two days of discussions.

1) The international order is becoming more complex, more pluralistic and more fragmented. The first observation – growing complexity – refers to the range and depth of issues that require political interventions and regulatory frameworks, as well as to what we call "interferences" between partial orders: changes in one area affect other policy areas, often in unpredictable ways. This means that policy interventions will

have to address not only the issues themselves, but also be attentive to possible interferences. The description of the international order as "more pluralistic and more fragmented" refers to its underlying power structure. The diffusion of power, rather than power shifts, is probably the most important aspect of change at this level, with U.S. dominance becoming increasingly tenuous. This exacerbates the difficulties of "ordering". International leadership will need to be enabled by broad-based international co-operation. Emotive issues, notably the absence of trust, will not only make such co-operation more difficult between states, but also affect the domestic authority of governments and thus constrain their ability to contribute to international order. Yet the pluralisation of the international power structure should not only be seen as a complication. It also offers an opportunity to strengthen the legitimacy and improve the quality of international order.

2) While the opportunities and problems related to international order are international, their origins frequently are found within states, and they can only be addressed effectively through action by states. This, however, is far from assured: deficient and sometimes even dysfunctional statehood contributes to many of today's global problems, complicates the search for solutions, and seriously hampers implementation of international agreements. State capacity, the ability of states to contribute effectively to the formulation and implementation of international order therefore represents perhaps the most important challenge for a sustainable international order. This problem is more widespread than is usually acknowledged, moreover – for in the context of rapidly advancing globalization, adequate state capacity is very much a moving target, and a therefore a difficult challenge for *all* governments, not only for some. This is not to belittle the huge gaps in state capacity that exist in today's international relations between, say, Mali and the PRC or Indonesia and Norway. This raises the issue of how (and to what extent) international co-operation may be able (and willing) to provide substitutes for deficient or dysfunctional statehood.

3) Co-operation between the U.S. and the PRC is likely increasingly to take centre stage in many aspects of international order and international "ordering". In working out their relationship in the best interest of both, but also of the rest of the world, both are hampered by domestic political uncertainties and constraints, but also by their own foreign policy role concepts. How Washington and Beijing manage to adapt and adjust to each other will likely have a major impact on the future shape of international order, by design or by default.

4) While the deficiencies and flaws of the present international order are increasingly evident both in terms of its substance and with regard to the underlying power structure, no alternative blueprints are in sight. China, in particular, clearly recognizes to what extent it has benefitted from the existing international order, and may be more interested in changing its rank and status within this order than in promoting fundamentally different arrangements. The major problem with international order today therefore is not that it is contested but that it may be unravelling. Because this order is composite by nature, and the nation-state continues to form its base, problems within states or within partial orders may spill over into others. It therefore must be an important function of the international order to uphold its compartmentalisation and compensate for the weaknesses of some states.

5) Efforts at strengthening international order will have to work top-down as well as bottom-up, though with emphasis on the latter. The aim must be to enable states to carry

out the functions that working partial orders need. The politics of international order will thus have to begin at home. Beyond that, the resilience and sustainability of partial orders will need to be strengthened, and ways should be sought to project elements of stability into other partial orders or down to the state level should be explored.

6) Some evidence in our discussions suggests that interest-based approaches to ordering international relations may be more limited in their possibilities than value-based approaches. It is true that the latter approach is also riskier: clashes between norms and ideologies are more difficult to overcome than clashes of material interests. But the rise of Islamic fundamentalist terrorism suggests that ordering world politics only through mutual accommodation of interests may no longer suffice. This proposition needs more research, but if substantiated would have far-reaching implications. Perceived deficiencies of the present international order in terms of its distributional "fairness" or "justice" may be particularly important in this context.

7) Finally, a particular conclusion emerged for German foreign policy, which was seen as having particular advantages in contributing to ordering common spaces such as climate change or global public health. Two arguments support this view: first, those partial orders are knowledge-based; Germany's soft power resources would therefore be particularly relevant. Second, they do not carry any historical baggage, making it easier for Germany to play a leadership role in those areas.

Arno Bratz/Hanns W. Maull, Jan. 4, 2016