

ROUTLEDGE/CHALLENGES OF GLOBALIZATION

Shifting Global Powers and International Law

Challenges and opportunities

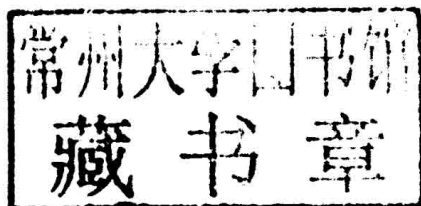
Edited by
Rowena Maguire, Bridget Lewis and
Charles Sampford



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Abbreviations

ADB	Asian Development Bank
AHRC	Australian Human Rights Commission
ASEAN	Association of South East Asian Nations
AusAID	Australian Agency for International Development
BASIC	Brazil, South Africa, India and China
BRIC	Brazil, Russia, India and China
BRICS	Brazil, Russia, India, China and South Africa
CANZUS	Canada, Australia, New Zealand and United States
CAO	Compliance Advisor/Ombudsman
CBDR	common but differentiated responsibility
CEDAW	Committee on the Elimination of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CHOGM	Commonwealth Heads of Government Meeting
CIA	Central Intelligence Agency
CMIM	Chiang Mai Initiative Multilateral
COAG	Council of Australian Governments
COP	Conference of the Parties
CPC	United Nations Provisional Central Product Classification
DHS	Demographic and Health Surveys
DNA	deoxyribonucleic acid
DRIPs	Declaration on the Rights of Indigenous Peoples
ESD	education for sustainable development
EU	European Union
FGM	female genital mutilation
FTA	Free Trade Agreement
G20	The G20 is an informal group of 19 countries and the European Union, with representatives of the International Monetary Fund and the World Bank
G6	US, Japan, UK, France, Germany, Italy
G7	France, Germany, Italy, Japan, UK, US, Canada
G77	The G77 is the largest intergovernmental organization of developing countries in the United Nations
GATS	General Agreement on Trade in Services

GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GFC	global financial crisis
IBSA	India, Brazil and South Africa
ICC	International Criminal Court
ICERD	International Convention on the Elimination of All Forms of Discrimination
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	information and communication technologies
ICTFY	International Criminal Tribunal for the Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Humanitarian Law Committed in the Territory of the former Yugoslavia
IFC	International Finance Corporation
IHL	international humanitarian law
IIM	Indian Institutes of Management
IIT	Indian Institutes of Technology
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
IRA	Irish Republican Army
KGB	Committee for State Security
LAS	League of Arab States
LDCs	Least Developed Countries
MFN	Most Favoured Nation
MP	Member of Parliament
NAMA	nationally appropriate mitigation action
NATO	North Atlantic Treaty Organization
NGO	non-government organization
NPT	Non-Proliferation Treaty
OECD	Organisation for Economic Co-operation and Development
OIC	Organisation of Islamic Conference
PLO	Palestine Liberation Organization
PM	Prime Minister
PPP	purchasing power parity
R2P	Responsibility to Protect
RANZCOG	Royal Australian and New Zealand College of Obstetricians and Gynaecologists
RCMP	Royal Canadian Mounted Police
RMA	Revolution in Military Affairs
RwP	Responsibility while Protecting
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations

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UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Populations Fund
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNPFII	United Nations Permanent Forum on Indigenous Issues
UNSC	United Nations Security Council
UNSG	United Nations Secretary General
UNSMIS	United Nations Supervision Mission in Syria
USAID	United States Agency for International Development
USSR	Union of the Soviet Socialist Republic
WECC	Women's Empowerment-Community Consensus
WGIP	Working Group on Indigenous Populations
WTO	World Trade Organization
WWII	Second World War

Shifting Global Powers and International Law

This book explores the impacts of global economic, political and cultural shifts on various international legal frameworks and legal norms.

The economic growth of states throughout Asia, South and Central America and Africa is having a profound effect on the dynamics of international relations, with a resulting impact on the operation and development of international law. This book examines the influence of emerging economies on international legal rules, institutions and processes. It describes recent and predicted changes in economic, political and cultural powers, flowing from the growth of emerging economies such as China, India, Brazil, South Africa and Russia, and analyses the influence of these changes on various legal frameworks and norms. Expert contributors drawn from a variety of fields, including international law, politics, environmental law, human rights, economics and finance, provide a broad analysis of the nature of the shifting global dynamic in its historical and contemporary contexts, and a range of perspectives on the impact of these changes as they relate to specific regimes and issues, including climate change regulation, collective security, Indigenous rights, the rights of women and girls, environmental protection and foreign aid, and development. The book provides a fresh and comprehensive analysis of an issue with extensive implications for international law and politics.

Shifting Global Powers and International Law will be of interest to students and scholars of international relations, international law, international political economy, human rights and development.

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This series seeks to make systematic contributions to international debates over two intimately related issues:

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Part I

Perspectives on past and future international powers

1 Introduction

*Bridget Lewis, Rowena Maguire and
Charles Sampford¹*

Context of the collection

This book examines the effect of emerging economies on international legal rules, institutions and processes. There is widespread interest in seeking to understand how changing global economic conditions will impact upon and influence change in other areas. The full ramifications of this change are not yet known as we are currently still in the early period of transition. What is clear is that a wider range of nations will start to exert greater influence on the development of international policy, although how these nations will shape future international legal policy is not yet certain. This collection seeks to make a modest contribution to this discussion by tracing the history of dominant past and predicted future powers, examining the influence of emerging economies on particular international regimes and considering how various legal norms have evolved and are evolving within this current climate.

The title of the book is *Shifting Global Powers*. The focus of the book is to examine a range of different types of power that exist at the international level. While power can be associated with a wide range of actions, this collection focuses on three main types of power: political power, economic power and moral authority as power. The shift in political power involves consideration of a period of decline for the United States concurrent with the establishment of new alliances at the international level. Economic growth brings economic power and the increasing interconnectedness of global economies is now seeing developed states dependent upon growth in developing or emerging economies. Moral authority or power is concerned with the ability of a nation to exert influence on the international legal order to reflect its values. There is overlap between these different types of power and many of the shifts occurring at the international level are a combination of these different types of power.

Discussions are taking place about the shift of power from the United States to China. This type of analysis envisages the replacement of one super power with another super power. However, rather than view the current shift as a move from one hegemon to another, this book contemplates that we are in fact approaching a period of multipolarity, a period in which we are likely to see a number of global powers. The political power explored in this collection relates

to the creation of new power blocs or alliances within the international legal order. The best known of these blocs is referred to as the BRICS nations: Brazil, Russia, India, China and South Africa. The BRICS acronym grew from a term coined by Goldman Sachs economist Jim O'Neill, who predicted the significance of the BRIC nations (without South Africa) to global economic trends at the beginning of the twenty-first century.² Those nations came to adopt the moniker for themselves, forming a partnership for global stability and development. In 2010, the BRIC nations agreed to invite South Africa to join the alliance, which has since been known as BRICS.

Aside from the BRICS group of nations, a number of other states and groups of states are relevant to the emerging economy discourse, with some of these having particular influence in relation to specific areas of international affairs. Such nations include, for example, Indonesia, Mexico, Turkey and South Korea. Power is currently distributed at the international level according to the economic status of a state. Change in power is therefore associated with a change in economic position of states. There are a number of states worldwide that are currently in transition from developing country status to emerging economy status. These economies are experiencing significant growth, while traditional strong economies, particularly in Europe, are experiencing differing degrees of recession. The recovery of those countries in recession is dependent upon the health and growth of emerging economies, given the increased interconnectedness of global economic interests. With this stronger economic standing comes a degree of political freedom, as states are less reliant on foreign aid and less beholden to aid donors to support their international agendas. This book does not purport to list and track annual growth records of emerging nations, but rather to look at how states which are experiencing such economic growth are utilising the associated increase in political freedom and power.

Multilateral organisations such as the European Union and African Union are also proving to be centres of international influence. These organisations exert power both internally, as they seek to regulate the actions of their members states, and externally, as they advocate on behalf of their members to the broader international community. The BRICS alliance is therefore emerging during a period in which many other alliances exist. The BRICS group is a recent development on the international scene, and as such it is not yet clear if it is going to solidify as a multifaceted alliance or if its activities will be sporadic, dictated by the international issues of the day. It is also not clear whether a leader of the BRICS group will emerge, and whether this will result in fracturing within the group. Regardless of these uncertainties, however, it is clear that emerging economies are going to shape international policy much more directly in the future, even if current political alliances do not endure.

Another effect which can be seen in relation to shifts in global power dynamics is the impact of these shifts on states' domestic policies and priorities. States are realising the need to adapt their positions if they are to flourish in the new international arena. For example, in 2012 the Australian Government released a white paper on 'Rising Asia', which looked at the impact of regions in