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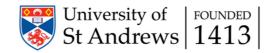
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Rising Powers and Global Governance:
Opportunities, Challenges, and Change

Rising Powers and Global Governance: Opportunities, Challenges, and Change

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Preface

Rising powers have become an increasingly prominent subject of scholarly research over the last two decades. An initial interest in their economic potential soon turned into a deeper exploration of how these powers engage with security issues, emerging topics such as climate change and new technologies, and global governance more generally. Yet amidst this proliferating attention there remain many unanswered questions concerning the nature of rising powers and their impact. What are their commonalities and how do they differ? And most pertinently, does their rise challenge existing international institutions and norms that have underpinned the post-Second World War and especially the post-Cold War order, and if so, how? What, in other words, are their implications for international law and global constitutionalism?

While the term "rising" or "emerging" powers has become omnipresent in international relations literature, therefore, it is one that is difficult to pin down. Often associated with the so-called BRICS grouping (Brazil, Russia, India, China and South Africa), these states were initially grouped together by their higher-than-average economic growth. Their economic growth was seen as a possible indicator of their rising role in other areas. Many a commentator was worried about this rise. As the economic growth of a number of these states slowed down, other states and regional groupings were added to the list. Based on the topic of exploration, the list of states included among rising powers differs. It is in view of this diversity that the current volume of the CGC Junior Scholar Working Paper Series was conceived. When we presented this year's theme *Rising Powers and Global Governance: Opportunities, Challenges, and Change* to our interns last autumn, we wanted them to be unrestrained by any particular definition and interpret the topic as they saw fit. Many interesting debates ensued through our meetings.

Each of the six contributions in this volume has a unique message. Together they highlight that, while difficult to define, rising powers are becoming more vocal and are seeking a more influential role in international affairs. In some areas, they largely adopt the discourse of liberal international norms, while in others they present the global North with alternative narratives. Their actual influence is at best uneven and some are struggling to be heard. The articles also reinforce the broad message that finding differences between rising powers is often an easier task than determining what binds them together. Several contributors therefore chose to concentrate on individual powers and provide more in-depth studies. The individual articles address key issues in the fields of energy and environmental policy, human rights, internet governance, and regional politics. They also reflect the increasingly global nature of governance, with articles focusing on

Brazil, China, Turkey and the European Union, sub-Saharan Africa, and the 'BRICS' nations as a whole.

The Centre for Global Constitutionalism is extremely proud of its internship programme. Each autumn, the Centre holds a competitive selection process to fill between four and six positions for the academic year. Interns fulfil a variety of tasks during their tenure, assisting with the organisation of Centre events and enhancing engagement with the St Andrews student body. In this way, they become an integral component of the Centre's intellectual contribution to the life of the university. Our 2016-17 cohort includes both honours undergraduate and MLitt students from the School of International Relations, with a range of substantive interests spanning global governance, law and institutions, and political and international relations theory.

In addition to their administrative contributions, each intern conducted a research project on an aspect of our "rising powers" theme. The outcomes of this process are presented here. While we provided feedback on their drafts, what follows are individual contributions of the next generation of scholars interested in global governance and international law. We are very pleased to highlight their achievement, but do not take any credit for it.

This volume of the Junior Scholar Working Paper Series is also special as it marks the first iteration of what we hope will become an annual publication. Enjoy!

Adam Bower and Mateja Peter
Co-Directors, Centre for Global Constitutionalism

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China and Water Governance: Ecological Civilisation and the Limits of International Law

Rory Weaver

In 2012, the Chinese Communist Party updated its constitution to declare its commitment to building an 'ecological civilisation', as well as adding it to the country's overall development plan.[1] Intensifying concern for China's environment, in particular air, soil, and water pollution, has seen the introduction of a raft of new environmental protection legislation. The 'ecological civilisation' has been endorsed by the UN,[2] and parallels the emerging international consensus on water governance favouring sustainable compromises with nature, rather than dichotomies of destruction and conservation.[3] This contribution will look at China's engagement with issues of water governance both with its neighbours and within its borders. While China resists moves to 'de-silo' the interests of different actors and sectors in its international negotiations, it also pursues ambitious policies to achieve this on a domestic level. The result is a multi-level approach to water governance by China, driven principally by domestic water scarcity.

The UN Watercourse Convention, which came into force in August 2014, emphasises the need for 'equitable and reasonable' use of water resources, and for the safeguarding of 'vital human needs'.[4] Its 35 signatories are now bound by these principles, but the weight of international customary law, which remains relevant to non-signatory countries such as China, is also moving towards environmental stewardship and the human right to a safe and secure water supply. International water law expects states to accept limitations on their sovereignty over what is fundamentally a shared resource, and to undertake assessments of the impact that new upstream infrastructure projects will have on downstream ecosystems and livelihoods expected of.[5] This direction of travel is not uncontested, with upstream states predictably preferring fewer limits on their activities, and downstream states favouring greater cooperation.

The mismatch between river basin boundaries and state borders requires a re-balancing of priorities away from individual to collective gains, and from a GDP-focused approach to more holistic understandings of prosperity. Water is so intertwined with food, energy, and industry that

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[1] China Dialogue, '"Eco-Civilisation" Could Help World Meet Paris Targets'
[2] 'Ecological Civilization: Our Planet'
[3] Wei Zhang and others, 'Perspectives on Policy Framework for Trans-Boundary Water Quality Management in China', *Environmental Hazards*, 15.2 (2016), 113–27 <https://doi.org/10.1080/17477891.2016.1140631>.
[4] 'What Does the Convention Say? - UN Watercourses Convention'
<http://www.unwatercoursesconvention.org/the-convention/> [accessed 7 April 2017].
[5] James D. Fry and Agnes Chong, 'International Water Law and China's Management of Its International Rivers', *Boston College International and Comparative Law Review*, 39 (2016), 227–66.

maximising output in any one area will lead to serious harm for other uses, but this interconnectedness also allows for creative, positive sum solutions to allocation problems. From a policy perspective, optimisation of basin-wide economic and ecosystem benefits requires actors to forgo maximisation of their own interests. The 'virtual water' economy, which values goods in terms of the water required to produce them, is one mechanism by which incentives can be re-assessed.[6] Alternatively, 'issue-linkage' – whereby one actor reduces water use in exchange for compensation, investment, or other services – is another. In other words, the challenge of water governance is to move differing sets of interests out of individual 'silos' of contestation, and into wider forums of discussion.

For China, the issue of transboundary water governance, and the 'de-siloing' of competing interests, exists on two different levels. Of the world's 15 largest international rivers, 12 originate in China, most of which are subject to ongoing disputes over Chinese use of upstream waters. Domestically, China's government structure is divided into numerous provinces, autonomous regions, and municipal authorities, which are in turn subdivided at prefecture and county level. Hierarchical, and often ill-defined, distribution of powers between jurisdictions results in water allocation arrangements with similar issues of conflict-resolution and renegotiation faced in international agreements.[7] China's per-capita water scarcity makes water governance a pressing issue for the country, a problem compounded by skyrocketing levels of pollution – in 2013 more than 70% of groundwater in the North China Plain was found to be unsafe for human contact.[8]

Many of China's international rivers originate in the less populated, less developed western provinces of the country, and recent drives to develop these regions have brought these rivers under unprecedented stress. Hydropower is a key driver of the state's plans for economic growth – China's 2011-2015 Energy Five Year Plan hoped for projects totalling 120GW of hydropower to be underway by 2015 – and the development of oilfields and cotton agriculture in the country's northwest places additional stress on watercourses.[9] The Chinese central government, seeing in the impending water crisis a huge potential threat to economic growth, and by extension regime stability, is seeking to preserve and maximise the country's water resources. To achieve this, it resists both the letter and spirit of international water law on its international transboundary rivers, while undertaking ambitious approaches to de-silo water issues within its own borders.

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[6] John Anthony Allan, *The Middle East Water Question: Hydropolitics and the Global Economy* (I.B.Tauris, 2002).
[7] Scott Moore, 'Hydropolitics and Inter-Jurisdictional Relationships in China: The Pursuit of Localized Preferences in a Centralized System', *The China Quarterly*, 219 (2014), 760–80 <https://doi.org/10.1017/S0305741014000721>.
[8] 'North China Plain Groundwater: >70% Unfit for Human Touch | China Water Risk'
[9] Yanmei He, 'China's Practice on the Non-Navigational Uses of Transboundary Waters: Transforming Diplomacy through Rules of International Law', *Water International*, 40.2 (2015), 312–27 <https://doi.org/10.1080/02508060.2015.1011455>.

International water governance

China's approach to its numerous transboundary rivers has been to fragment disputes into bilateral negotiations, and to slowly grant technical concessions (such as data-sharing) while avoiding political engagement. Citing its 'indisputable territorial sovereignty' over the waters that flow through its borders, unilateral dam construction and river diversion projects have been commonplace. Obligations under international customary law to inform downstream states of construction plans, and to carry out environmental impact assessments have largely been ignored. Even seemingly basic arrangements with many of China's downstream neighbours are relatively recent – data-sharing agreements were reached with the Mekong River Commission (Cambodia, Laos, Thailand, and Vietnam) in 2002, Kazakhstan in 2006, and Bangladesh and India in 2008.[10] China consistently opposes multilateral talks and external mediation, refusing invitations to join the Mekong River Commission, resisting multilateral talks with Kazakhstan and Russia, and blocking moves to discuss water disputes in the Shanghai Cooperation Organisation.[11]

As well resisting the movement of water negotiations into multilateral settings, China has also resisted the escalation of these talks from technical to political discussions. Any cooperation with downstream neighbours has tended to be strictly technical – political efforts to address fundamental issues of water allocation have been lacking. The international community has tended to welcome any and all forms of cooperation, believing that even low-level technical cooperation can build up goodwill and technical capacity for future, hopefully more comprehensive, agreements. However, praising any and all cooperation can often allow more powerful states to give the appearance of cooperation while maintaining an unequitable water allocation regime.[12] China's gradual concessions on data sharing and technical cooperation have always avoided real negotiations on the root causes of allocation disputes, while avoiding excessive reputational damage and continuing its infrastructure projects as planned. China may share data with the Mekong River Commission, but it is also proceeding with the construction of 'a cascade of eight dams' on the Upper Mekong.[13] China's actions towards its downstream neighbours suggests that unconditionally welcoming technical cooperation in the faith that

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[10] Patricia Wouters and Huiping Chen, *China's 'Soft-Path' to Transboundary Water Cooperation Examined in the Light of Two UN Global Water Conventions – Exploring the 'Chinese Way'* (Rochester, NY: Social Science Research Network, 25 May 2013).

[11] Sebastian Biba, 'Desecuritization in China's Behavior towards Its Transboundary Rivers: The Mekong River, the Brahmaputra River, and the Irtysh and Ili Rivers', *Journal of Contemporary China*, 23.85 (2014), 21–43 <https://doi.org/10.1080/10670564.2013.809975>.

[12] Mark Zeitoun and Naho Mirumachi, 'Transboundary Water Interaction I: Reconsidering Conflict and Cooperation', *International Environmental Agreements: Politics, Law and Economics*, 8.4 (2008), 297 <https://doi.org/10.1007/s10784-008-9083-5>.

[13] Selina Ho, 'China's Transboundary River Policies towards Kazakhstan: Issue-Linkages and Incentives for Cooperation', *Water International*, 42.2 (2017), 142–62 <https://doi.org/10.1080/02508060.2017.1272233>.

political cooperation will follow has been misplaced. It also demonstrates the effectiveness of China's resistance to integrated international water governance approaches – by isolating water negotiations into separate silos, both by partner and by issue, it can maintain a position of strength in each one. Weaker downstream partners are only likely to gain real concessions if they can link the issue of water to China's other priorities.[14]

The case of Kazakhstan – to date the most successful example of a downstream state reaching serious water negotiations with China – illustrates both the potential and drawbacks of this issue-linkage approach. Kazakhstan shares over 20 watercourses with China's Xinjiang province, the most important of which are the Ili and Irtysh river basins. Various initiatives to develop cotton agriculture and oilfields in Xinjiang have led to major diversion projects on Chinese sections of the rivers, threatening industry and agriculture in Kazakhstan. In the early 2000s China was condemned both internationally and by Kazakh NGOs for violating international law and threatening Kazakhstan's environment. Under pressure from Kazakh public opinion, the Kazakh government pushed for talks on utilisation of the river. However, in contrast to the persistent foot-dragging of China with its southern neighbours, China's water cooperation with Kazakhstan has become progressively more comprehensive and institutionalised. In 2003 China and Kazakhstan established a joint river commission – to date the only other such commissions in which China is a member are with Russia and Mongolia. In 2008 China broke from its standard practice of treating water issues in isolation by agreeing to bring this commission under the China-Kazakhstan Cooperation Committee, a forum co-chaired by the vice-premiers of each state, with joint hydropower projects and water-sharing discussions ongoing between the two states.[15] Why has Kazakhstan succeeded in reaching high-level talks on water allocation, when China's southern neighbours have not?

The explanation for this lies in issue-linkage opportunities available to Kazakhstan in negotiating with China. Although clearly the 'weaker' partner, Kazakhstan is vital to a number of key Chinese priorities – it acts as a key partner in China's Belt and Road initiative, is a vital source of minerals and hydrocarbons, and cooperates in Chinese efforts against Uyghur separatism. These priorities depend on a measure of goodwill from Kazakhstan, and as a result Chinese concessions on water issues have progressed on a more or less reciprocal basis as Kazakh cooperation with Chinese interests has increased. Negotiations over use of the Ili and Irtysh Rivers have started, and are ongoing, because Kazakhstan can link water negotiations to other issues that China finds even more pressing. However, the case of Kazakhstan contains more warnings than promises for

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[14] Mark Zeitoun and Jeroen Warner, 'Hydro-Hegemony – a Framework for Analysis of Trans-Boundary Water Conflicts', *Water Policy*, 8.5 (2006), 435–60 <https://doi.org/10.2166/wp.2006.054>.
[15] Ho.

China's other downstream neighbours. China remains reluctant to place any hard limits on water use, and has even suggested measuring allocation by population, which would assign the vast majority to the Chinese side. The opening of Kazakhstan's energy sector to Chinese companies and changes in its policy towards its Uyghur population are arguably large concessions for limited gains. Kazakhstan is also uniquely placed in that it possesses a measure of leverage over objectives that China prioritises on the same level as domestic economic growth and water scarcity.[16] Chinese cooperation with Kazakhstan, then, is not a result of moves towards prevailing norms under international water law, but from its assessment of material interests in a specific context. The implication for other downstream neighbours is that meaningful Chinese concessions over water use is unlikely without similar leverage over Chinese security and economic priorities.

Domestic water governance

While China's approach to international water disputes stands in stark contrast to the principles of international water law, its recent stance on domestic water governance has placed them at the heart of state policy. The 'ecological civilisation' has been backed by a raft of new water legislation that entered into force on January 1st 2015, and the state has adopted a 'three red lines' framework to manage the quantity, efficiency, and cleanliness of water use. Shanghai has introduced local 'water chiefs' responsible for water quality and has plans to make publicly available registers of who is responsible for which river,[17] and several provinces have adjusted promotion criteria officials to pay more attention to environmental policy.[18]

However, water governance in China also presents many of the same problems that make international water allocation so difficult. Despite the presence of centralised authority, effective governance still requires consensus between provincial governments. Steps to 'de-silo' the management of domestic transboundary rivers run up against poor mechanisms for data collection and dispute resolution. Efforts shift management of river basins form jurisdictional to regional control in the early 2000s were hampered by a lack of explicit conflict resolution mechanisms between differing local interests. Chinese governance structures are heavily decentralised but weakly institutionalised, characterised more by a hierarchy of veto power than a clear division of labour, which means that channels for negotiation are strong between provincial and central government, but much weaker between individual provinces. Fiscal decentralisation incentivises provincial governments to act as discrete economic units rather than parts of a whole system. The

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[16] Ho.
[17] Hongyong Lu, 'Why Officials Must Fight Against Rivers Polluted for Profit', *Sixth Tone*, 2017
[18] '8 Game-Changing Policy Paths | China Water Risk'

resulting incentive to 'only sweep one's one doorstep' bears a striking resemblance to the difficulties facing international water agreements.[19]

Just as issue linkage moved China towards negotiation with Kazakhstan, the central government employs similar techniques to resolve inter-provincial water disputes. The government of Sichuan Province acquiesced to the construction of the Three Gorges Dam and inundation of large areas of land in the province with the promise of over \$18 billion of central investment. The gargantuan South North Water Transfer Project, which is set to move over 40bn m^3/year of water from the Yangtze River to supply the northern China, has been subject to similar negotiations. De-siloing domestic water governance requires balancing numerous departments, jurisdictions, and institutions, but it demonstrates the potential for issue linkage to move silo-ed interests onto a more holistic, open playing field. Given that the Yangtze and Yellow Rivers – the two longest in Asia – are almost entirely within China's borders, lessons learned in domestic water allocation could well be applied on an international level. Whether China will choose to do so is much less certain.

Conclusion

Just as China holds out against shifts in international law and water management towards greater integration and environmentalism in water agreements, it shows an exceptional amount of political will to roll out those same principles within its own borders. China's impending water crisis leads it to disregard international water law in order to maintain control over its own water supplies, but in its domestic politics it uses the very approaches that it stonewalls on an international level. This dual approach highlights both the fragility of international water law and the importance of creative, de-siloed solutions to water allocation disputes. While Chinese conduct on its international rivers won't change the course of international water law, the fact that most of Asia's water supply is effectively beyond its reach is a major setback for the idea of 'global' governance. The experience of Kazakhstan suggests that progress in the governance of Asia's water supply will consist of uncomfortable compromises and concessions to keep the water flowing to downstream states. Meanwhile, China's willingness to negotiate with Kazakhstan and the nature of dispute resolution between Chinese provinces indicate that the political will and creativity necessary for effective water governance is not an inevitable result of technical cooperation, but is more likely to stem from effective issue linkage. The question of whether China and its neighbours make any progress towards taking this approach will have far-reaching consequences on the lives of much of Asia's population.

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[19] Moore.

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bosses%E2%80%99-are-creek-without-paddle> [accessed 7 April 2017]

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Exchanging Burdens for Benefits: The 'EU-Turkey Refugee Deal,' Human Insecurity and Global Governance on Irregular Migration

Alanood Sinjab

Introduction

The purpose of this paper is to analyse the 'EU-Turkey Refugee Deal' as an artefact of global governance on irregular migration and as a purported remedy to the humanitarian suffering involved in it. Here, it will be argued that the Deal was used as a currency in a transaction between the EU and Turkey, where burdens to the EU were exchanged for benefits to Turkey. However, the Deal was not a self-contained one-for-one exchange, but rather involved a high contractual cost – the human insecurity of Syrian refugees. These consequences have been observed by Amnesty International, the Global Detention Project, the Human Rights Watch, Médecins Sans Frontières and Save the Children. Their findings will be cross-examined against seven indicators of human security proposed by the United Nations Development Report to demonstrate that the Deal violates all seven of them and thus subjects Syrian refugees to widespread human insecurity.

Consequently, a global governance appraisal of the EU and Turkey delivers bleak reflections. First, while the Deal has observed some success in achieving its objectives, these objectives are grossly misplaced against what ought to have been the principle issue – the proper protection of Syrian refugees. Second, that the Deal results in the human insecurity of Syrian refugees is of no surprise – its legality is seriously questionable. Both of these reflections have critical implications for the role of the EU and Turkey as global governors in managing the Refugee Crisis and for the stability of the region – particularly that of Turkey. As a result, the Deal constitutes a failing of global governance on irregular migration. This is the central thesis of this paper. It will be delivered in what follows.[20]

Turkey and the EU as global governors on irregular migration

As of 5 April 2017, the United Nations High Commissioner for Refugees recorded 5,021,485 registered Syrian refugees,[21] 2,967,149 of which are registered in Turkey, making it the

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[20] The arguments presented in this paper refer strictly to the Deal, and not any other initiative by the EU or Turkey in response to the Syrian conflict or Refugee Crisis.

[21] United Nations High Commissioner for Refugees. (2017a, April 5). *United Nations High Commissioner for Refugees*.

largest host state for Syrian refugees in the world.[22] Collectively, Europe has received 884,461 asylum applications by Syrian refugees, with Germany, Sweden, Hungary, Austria, the Netherlands, Denmark and Bulgaria, in that order, hosting the majority of applicants.[23] Indeed, this says nothing about those not (yet) registered and, given that the Syrian conflict has prompted the biggest forcible movement of people into Europe since the Second World War, this is likely to be a sizeable figure.[24]

Almost 90% of Syrian refugees have entered Europe irregularly.[25] Irregular migration is, by definition, migration through illegal means such as smuggling.[26] For Syrian refugees, it involves payment (bordering on or amounting to extortion) to organised people-smugglers in Turkey, boarding an unseaworthy and overcrowded boat and surrendering their lives to the grace of the water. The situation does not improve once on land. Irregular migrants, or Syrian refugees, seeking to set foot on mainland Europe are subjected to threats ranging from, "exploitation and abuse, human trafficking, sexual violence, theft and extortion" to "physical danger" including dehydration, starvation and illness.[27]

This is the so-called 'Refugee Crisis.' It has put to the test the global governorship of Turkey (the state from which Syrian refugees begin their irregular migration) and the EU (the states part of which they seek safety in). In this regard, the EU and Turkey are amongst the most affected and invested international actors. Thus far, the EU is the largest donor to the Syrian conflict.[28] Between 2015 and 2016, the 'EU Regional Trust Fund in Response to the Syrian Crisis' amassed €1 billion to support the long-term economic, educational and social needs of Syrian refugees in host countries.[29] Turkey, as well as contributing to this fund, has spent over €11.4 billion since the Syrian conflict started to support and sustain Syrian refugees.[30] But these contributions serve only to facilitate and make more appealing further irregular migration. Indeed, irregular migration was placed chief amongst concerns raised at the

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[22] United Nations High Commissioner for Refugees. (2017, March 17). *United Nations High Commissioner for Refugees*.
[23] United Nations High Commissioner for Refugees. (2017a, April 5).
[24] European Commission. (2016b). *The EU and the Refugee Crisis*.
[25] *Ibid*.
[26] *Ibid*.
[27] Metcalfe-Hough, V. (2015, October N/a). *The Migration Crisis? Facts, Challenges and Possible Solutions*, p. 2.
[28] European Civil Protection and Humanitarian Aid Operations. (2017, January 10). *Turkey: Refugee Crisis*.
[29] European Commission. (2016d, December 6). *EU Regional Trust Fund in Response to the Syrian Crisis*.
[30] European Civil Protection and Humanitarian Aid Operations, p. 2.

European Agenda on Migration, with the challenges facing Turkey and the EU being emphasised throughout.[31] What was the response?

The 'EU-Turkey Refugee Deal'

On 18 March 2016, Members of the European Council (EC) met with Turkish representatives to deliver the 'EU-Turkey Statement.'[32] The Statement opens by observing that irregular migration is a source of human suffering and public disorder.[33] Thus, it purports to "end the irregular migration from Turkey to the EU" in a number of ways.[34] First, all new irregular migrants, amongst them Syrian refugees, crossing from Turkey into the Greek islands as from March 2016 will be returned to Turkey. Second, for every Syrian refugee being returned to Turkey from the Greek islands, another Syrian refugee will be resettled from Turkey to the EU in accordance with the United Nations' Vulnerability Criteria. In return, and subject to the fulfilment of certain benchmarks, the EU will accelerate the visa liberalisation roadmap to lift visa requirements of Turkish citizens into the EU by the end of June 2016. The EU will also continue to work with Turkey on accession procedures for membership by opening negotiations on Chapter 30. Finally, Turkey will also be allocated €3 billion to sustain its Facility for Refugees. This arrangement, described as "temporary and extraordinary" is the so-called 'EU-Turkey Refugee Deal.'[35]

Exchanging burdens for benefits

Abstracting from its purported objectives, and considering only its structure, the Deal contains an exchange between the EU and Turkey. This observation is not unusual. In fact, more formally, the Deal is a type of 'mobility partnership.' Mobility partnerships are bilateral agreements between the EU and neighbouring states.[36] Their objective is to manage or deter irregular migration into the EU, and contain it beyond EU borders. To incentivise bargaining to these ends, mobility partnerships offer benefits in return for the absorption of burdens. The EU has signed such partnerships with the Ukraine, Moldova, Georgia, Armenia and Belarus – although for very different reasons and with varying degrees of success.[37]

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[31] European Commission. (2015, May 13). *A European Agenda on Migration*.
[32] European Council. (2016a, March 18). *EU-Turkey statement.*
[33] *Ibid*.
[34] *Ibid*.
[35] *Ibid*.
[36] Dimitriadi, A. (2016, April 4). *Deals Without Borders: Europe's Foreign Policy on Migration*, p. 4.
[37] European Commission. (2017, April 6). *Mobility partnerships, visa facilitation and readmission agreements*.

What were the burdens and benefits here? Three in particular stand out. First, the movement of Syrian refugees challenged the integrity of the EU's borders and values. Not only were external borders vulnerable to irregular entry, but internal borders had to be reinstated, putting to the test the EU's principle of free movement – "one of the EU's major achievements."[38] Second, it exhausted an already incomplete migration management system. Even more than strain, the system was simply not designed to accommodate the volume of asylum and refugee registrations. Admittedly, "It is true that the refugee flows took us somewhat by surprise. When our policies were designed, things were different in the area of migration. The flows were of a different nature and scale."[39] Thus, third, it resulted in a redirection of vast human and economic resources to support their arrival (or attempt to).

At least for the EU then, the movement of Syrian refugees constituted a social, political and economic burden. The EU sought to exchange this burden for benefits to Turkey to incentivise or alleviate their absorption. These included promises to accelerate the visa liberalisation roadmap to lift visa requirements of Turkish citizens into the EU; to re-energise negotiations on Turkish accession into the EU by opening Chapter 30; and to allocate €3 billion under the Facility for Refugees in Turkey.[40] The Deal was the currency for this transaction.

Human insecurity

However, the Deal was not a self-contained one-for-one exchange, but rather involved a high contractual cost – the human insecurity of Syrian refugees. Far from its purported objectives to "offer [irregular] migrants an alternative to putting their lives at risk," the Deal renders Syrian refugees subjects of widespread human insecurity.[41] 'Human security' is a paradigm that offers another way of understanding the subject and substance of security.[42] It relies on two premises. First, security is not a condition sought only by states, but by humans too.[43] And second, the security needs of humans differ to those of states.[44] What they entail exactly is contested, however perhaps the most dominant definition of those

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[38] Avramopoulos, D. (2016, February 20). *Keynote Speech by Commissioner Avramopoulos at the 2016 Harvard European Conference: Europe at the Crossroads of the Migration and Security Crises.*
[39] *Ibid*.
[40] European Council. (2016a, March 18). *EU-Turkey statement.*
[41] *Ibid*.
[42] Paris, R. (2001). Human Security: Paradigm Shift or Hot Air? *International Security* , p. 87.
[43] Liotta, P. H., & Owen, T. (2006). Why Human Security. *The Whitehead Journal of Diplomacy and International Relation*, p. 38.
[44] *Ibid*.

needs is that provided by the United Nations Human Development Report (UNHDR).[45] The UNHDR provides seven indicators of human security. With some examples, they are: (1) economic security (an assured basic income); (2) food security (physical and economic access to food); (3) health security (physical and economic access to healthcare and medicine); (4) environmental security (a healthy physical environment); (5) personal security (security from violence); (6) community security (the stability of supportive social groups); and (7) political security (living in a society that honours basic human rights).[46] The Deal subjects Syrian refugees to widespread human insecurity by violating all seven UNHDR indicators for human security.

First, how can Syrian refugees benefit from any human security if their designation as such is unclear in the first instance? The Deal wavers with regards to who exactly it applies to – irregular migrants, refugees or asylum-seekers – and thus seriously conflates three distinct categories with differentiated rights under EU and international humanitarian law. The first clause of the Deal refers to 'irregular migrants' who will be returned to Turkey, while the second refers to 'Syrian refugees' who will be resettled from Turkey into the EU. However, this neglects the observation that the irregular migrants being returned to Turkey constitute, in large part, Syrian refugees in need of protection.[47]

Turkey's new asylum system – the Law on Foreigners and International Protection (2014) – refers to these categories when making allocations as to the distribution of protections in Turkey.[48] However, if the use of these categories is unclear, it cannot be expected that protection will be administered correctly, or at all. To the contrary, there are numerous records of status appeal that would otherwise have led to forcible return from Greece to Turkey[49]; of shootings and beatings of Syrian refugees whose status is not recognised by Turkey and who do not de facto benefit from protection[50]; of arbitrary detention owing to

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[45] Cockell, J. G. (2000). Conceptualising Peacebuilding: Human Security and Sustainable Peace, p. 21.
[46] United Nations Development Programme. (1994). *United Nations Human Development Report*, pp. 24-25.
[47] Roman, E., Baird, T., & Radcliffe, T. (2016, February N/a). *Analysis Why Turkey is Not a "Safe Country,"* p. 9.
[48] *Ibid*, p. 18.
[49] Médecins Sans Frontières. (2017, March N/a). *One Year on from the EU-Turkey Deal: Challenging the EU's Alternative Facts*, p. 17.
[50] Human Rights Watch. (2016, May 10). *Turkey: Border Guards Kill and Injure Asylum Seekers.*

pending status determination[51]; and of squalid living conditions in both Greece and Turkey while status determinations are made, and based on which protections can be allocated.[52]

Second, even those whose status has been determined (putting aside the question of how and on what basis) are subject to human insecurity. The Deal has exacerbated an acute shortage of accommodation for Syrian refugees in Turkey.[53] Even when accommodation is provided, access to sanitation, water and electricity is limited.[54] Although basic needs such as shelter remain unfulfilled, Turkey has also not facilitated adequate means by which Syrian refugees can meet their needs independently.[55] Indeed, "While Turkey granted Syrians the right to work in mid-January 2016, very few have actually obtained work permits [due to administrative delays in their issuance], and most who do find work are employed in the informal economy" where income is low and seasonal.[56]

Third, these consequences have struck one of the most vulnerable sub-groups of Syrian refugees – children. In a recent study, Save the Children examined the consequences of the Deal on Syrian children in refugee camps in Turkey and Greece. It recorded incidents of substance abuse, suicide and self-harm.[57] It observed entrenched "toxic stress" among participants as young as five, with the potential to advance into psycho-behavioural complexes such as Major Depressive Disorder, Separation Anxiety Disorder, Overanxious Disorder and Post-Traumatic Stress Disorder.[58] Finally, it observed overly-aggressive or hyper-anxious behaviour in children which has caused ruptures within families and among communities in refugee camps.[59] Not least, the conflict has also rendered at minimum an entire generation of Syrian children devoid of education and opportunity. With regards to the education of Syrian children in Turkey, the problem is not one of access. Rather, it is

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[51] Amnesty International. (2016). *No Safe Refuge: Asylum Seekers and Refugees Denied Effective Protection in Turkey* and Global Detention Project. (2017, N/a N/a). *Turkey Immigration Detention.*
[52] Amnesty International. (2017, N/a N/a). *A Blue Print for Despair: Human Rights Impact of the EU-Turkey Refugee Deal,* p. 17.
[53] Amnesty International. (2016). *No Safe Refuge: Asylum Seekers and Refugees Denied Effective Protection in Turkey*, p. 28 and Médecins Sans Frontières. (2017, March N/a). *One Year on from the EU-Turkey Deal: Challenging the EU's Alternative Facts,* p. 12.
[54] Médecins Sans Frontières. (2017, March N/a). *One Year on from the EU-Turkey Deal: Challenging the EU's Alternative Facts,* pp. 12-14 and Sørensen, N. N., Kleist, N., & Lucht, H. (2017, N/a N/a). *Europe and the Refugee Situation: Human Security Implication*, p. 43.
[55] Roman, E., Baird, T., & Radcliffe, T. (2016, February N/a). *Analysis Why Turkey is Not a "Safe Country,"* p. 16.
[56] *Ibid.*
[57] Save the Children. (2017, N/a N/a). *A Tide of Self-Harm and Depression: The EU-Turkey Deal's devastating impact on child refugees and migrants.*
[58] *Ibid.*
[59] *Ibid.*

sustenance; parents do not have sufficient means to send their children to school because they have not obtained work permits or receive low incomes.[60]

In these ways, the Deal subjects Syrian refugees to widespread human insecurity and violates all seven UNHDR indicators for human security. What makes these observations all the more sobering is the reminder that the individuals whose human security has been put in jeopardy are Syrian refugees – and this is not just a term for ease of categorisation but rather a reference to personal, social and economic devastation in ways unfathomable since the Syrian conflict started. As Médecins Sans Frontières poignantly observes, "These are people that have fled out of terrible conflicts and [have experienced] terrible trauma and again they are being put in harm's way [as a result of the Deal]. They are simply trying to access that protection and that safety, and they are not being allowed to do so."[61] The consequences of the Deal on the human security of Syrian refugees are compounded tremendously when we are reminded of this.

EU and Turkey: A global governance appraisal
What does this say about the EU and Turkey as global governors on irregular migration? Two reflections will be explored.

Misplaced objectives
First, to be fair to the EU and Turkey, the Deal did observe some success in achieving its purported objectives. Reports from the EU and EC on the Deal's progress have boasted about a "substantial fall in the loss of life" and "substantial fall in the number of crossings since the activation of the statement."[62] They find that, "[t]he sharp decrease in the number of irregular migrants and asylum seekers crossing from Turkey into Greece is proof of the Statement's effectiveness."[63]

However, these vociferous claims about the Deal's success remain silent about those whose lives continue to be at risk from the Syrian conflict and who cannot flee in search of protection because they are at the will and mercy of a Deal that directly excludes them. That is, "The sharp decrease in people reaching European shores since the implementation of the

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[60] Human Rights Watch. (2017, January 23). *Syrian Refugee Kids Still Out of School in Turkey.*
[61] British Broadcasting Company. (2017, March 14). *Turkey-EU refugee deal "fundamentally flawed."*
[62] European Commission. (2016e, December 8). *Fourth Report on the Progress made in the implementation of the EU-Turkey Statement*, p. 2.
[63] European Commission. (2016a, June 6). *Second Report on the progress made in the implementation of the EU-Turkey Statement*, p. 2

EU-Turkey deal hides a much darker reality."[64] Not only does the Deal subject Syrian refugees stationed and transferred between Greece and Turkey to human insecurity, but it makes it impossible for Syrian refugees seeking to leave Syria to find human security elsewhere. Thus, it implicitly subjects them to human insecurity in ways unobserved, unobservable and potentially more serious.

Consequently, while the Deal has found some success in achieving its objectives, these objectives are grossly misplaced against what ought to have been the principle issue – the proper protection of Syrian refugees. This serves only to emphasise the arguments made in this paper. The Deal was a drape behind which took place an exchange of burdens on the EU for benefits to Turkey. This claim is not just a conjecture but rather can be evidenced by Turkey's disposition towards the Deal. Because the Deal has not yet yielded the benefits it was promised, Turkey has sent numerous ultimatums to the EU threatening to withdraw. Fittingly, in the language of this paper, Turkey's own Minister on European Affairs stated, "In my opinion it has come to light that the European Union does not keep its promises. […] Turkey has no liability to carry out this Deal. Therefore, Turkey may reassess the Migrant Deal whenever and how it wants."[65] This statement is telling of how the real interest in signing the Deal was probably not the humanitarian suffering involved in irregular migration, but rather the benefits promised to Turkey – which had not yet materialised. These misplaced objectives have, to say the least, rendered Syrian refugees the subject of widespread human insecurity, in ways both documented and undocumented.

Questionable legality

Second, that the Deal results in these manifestations of human insecurity is of no surprise – its legality is seriously questionable on two fronts. Foremost, although Turkey ratified the Geneva Convention or the United Nations Convention on the Status of Refugees (1951) and its Protocol (1967), it maintains a geographic limitation for non-European refugees and asylum seekers.[66] That is, it only applies its commitments in those instruments to Europeans seeking refuge or asylum. This barricades the prospects of the long-term or permanent integration of Syrian refugees in Turkey from the outset. Rather, Syrian refugees benefit only

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[64] Médecins Sans Frontières. (2017, March N/a). *One Year on from the EU-Turkey Deal: Challenging the EU's Alternative Facts*, p. 8.
[65] Reuters. (2017, March 15). *Turkey EU Migration Deal in Jeopardy*.
[66] United Nations High Commissioner for Refugees. (2012, September 11). *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 5.

from the Temporary Protections Regulation (2014) whose provisions are not only elusive but also conditional and subject to the Council of the Minister's discretion.[67]

Moreover, the Deal presents a direct challenge to the principle of 'non-refoulement' which prohibits states from returning a refugee to territories where there is a risk that their life or freedom would be threatened because of their race, religion, nationality, membership of a particular social group or political opinion.[68] With regards to the Syrian conflict, if Syrian refugees arrive into the EU from Syria, they cannot be returned there. Note, the Deal does not seek to do this. What it does seek to do, however, is to return them to Turkey on the grounds that it is a 'safe third country.'[69] However, 'non-refoulement' does not exclusively refer to returning refugees to their territory of origin.[70] Rather, it refers to returning them to any territory deemed unsafe in the ways designated. If Turkey is a safe third country, then it appears that the principle of non-refoulement has been respected. If it is not, then the principle has been defied. To wit, it seems inconceivable how a Deal which has subjected Syrian refugees to widespread human insecurity on seven fronts – in large part because of their return to, or stationing in, Turkey – could render Turkey a safe third country. To say the least, the human insecurity of Syrian refugees is the result.

That two global governors, whose guidance was called on with the Refugee Crisis, engaged in legally questionable practices is, in brief, a disappointment. Even if the human insecurity of Syrian refugees was an inadvertent consequence, there is no legal justification to defend the Deal (by rendering it legally sound and watertight) and/or to somehow lessen accountability for it (by making available the plea that it was legal but admittedly problematic). Rather, the Deal flies in the face of international humanitarian law because of Turkey's limited ratification of the Geneva Convention and Turkey's dubious designation as a 'safe third country.' The consequent human insecurity of Syrian refugees makes redundant any purported objectives to remedy humanitarian suffering relating to irregular migration – how can these objectives be fulfilled if the mechanism for their fulfilment is seriously legally questionable in the first instance? In their place, an exchange of burdens to the EU for

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[67] Turkish Ministry of Interior. (2014, October 22). *Turkey.*

[68] Lauterpacht, S. E., & Bethlehem, D. (2003). The Scope and Content of the Principle of Non-Refoulement: Opinion, p. 88.

[69] United Nations High Commissioner for Refugees. (2016, March 23). *Legal considerations on the return of asylum-seekers and refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the safe third country and first country of asylum concept,* p. 1.

[70] Lauterpacht, S. E., & Bethlehem, D. (2003). The Scope and Content of the Principle of Non-Refoulement: Opinion, p. 88.

benefits to Turkey ensued, involving a high transactional cost and leaving the EU and Turkey – as global governors on irregular migration – with growing humanitarian debt.

Conclusion

Both of these reflections have critical implications for the role of the EU and Turkey as global governors in managing the Refugee Crisis and, since the Deal cannot be read in isolation of the Syrian conflict, for the stability of the region –particularly that of Turkey.

First, what this paper has sought to make clear is that, an arrangement whereby burdens are exchanged for benefits is, at best, an inadequate response to the Refugee Crisis. The Deal, as a mobility partnership, is part of a systemic problem with the EU's foreign policy on migration.[71] Like nearly all other mobility partnerships, it is an inward-looking strategy that is overly concerned with domestic issues, financial incentives and EU membership prospects and that, as a result, compromises the human security of Syrian refugees on seven fronts.[72] In these ways, it loses sight of what ought to have been the principle issue – the proper, and legally valid, protection of Syrian refugees. This paper is not attempting to refute the significance of domestic concerns. Rather, it seeks to suggest that effective global governance of the Refugee Crisis demands more than that – it requires responsibility to be shared, not shirked.[73]

Finally, European Council President Donald Tusk's announcement that "the days of irregular migration to Europe are over," is a far cry from the challenges potentially ahead of the EU.[74] In transferring burdens across the border, the EU leaves itself susceptible to a ticking-bomb scenario where Turkey, already shouldering responsibilities of its own towards the Refugee Crisis, will eventually give way. This possibility should not be underestimated, especially since the benefits it was promised have not yet materialised to otherwise cajole its grievances. Moreover, many Syrian refugees have also been placed in the south-eastern regions of Turkey, and these are already vulnerable to conflict between Turks and Kurds.[75] Syrian refugees might seek to be part of these coalitions, especially since many Kurds in Turkey identify as Syrians who, like them, have entrenched complaints about their

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[71] Dimitriadi, A. (2016, April 4). *Deals Without Borders: Europe's Foreign Policy on Migration.*
[72] *Ibid.,* p. 1.
[73] Amnesty International. (2016a, October 4). *Tackling the global refugee crisis: Sharing, not shirking responsibility.*
[74] Reuters. (2016, March 8). *EU welcomes bold Turkey plan to stop migrants, defers decision.*
[75] Aydin, U. (2016). The Syrian Refugee Crisis: New Negotiation Chapter In European Union-Turkey Relations, p. 114.

social, political and economic rights in Turkey. Thus, the 'quick-fix' offered by the "temporary and extraordinary" Deal is self-admittedly unsustainable.[76] However, it is unsustainable in ways possibly unforeseen by the EU and Turkey – both with regards to its disruptive potential and, what ought to be more seriously, its perpetuation of human insecurity.

To end, put simply, the Deal speaks poorly of the EU and Turkey as global governors on irregular migration and constitutes a humanitarian failing in a record of already poor international response to the Syrian conflict. Not only does it have enormous consequences at present, but it also has the potential to bring even more serious ones in future. This paper has attempted, in earnest, to substantiate that point precisely.

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[76] European Council. (2016, March 18). *EU-Turkey statement.*

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Building Walls with 'BRICS'? Rethinking Internet Governance and Normative Change in a Multipolar World

Katarina Rebello

Since the mid-2000s, Brazil, Russia, India, China, and South Africa, have been routinely presented as a club of rapidly developing economies, known as the BRICS. As emerging powers, the BRICS are understood to be collectively renegotiating power and influence across traditional spheres of regional and global governance, reinforcing visions of a 'multipolar' world order.[1] The BRICS are also frequently juxtaposed with the United States and Western Europe, presenting an uneasy relationship between 'rising powers' and 'prevailing powers'. This is nowhere more apparent than within the context of global Internet governance.

Attention to the increasing prominence of rising powers in global Internet governance has emerged as an obsession of the twenty-first century. The BRICS countries are said to represent a powerful 'countermovement' against existing models of Internet governance. The resulting dialogues have been described as a "battle for the heart and soul of the Internet."[2] Equally, a series of high-profile scandals and political clashes— namely, the advent of WikiLeaks and the Snowden revelations as well as more recent allegations of Chinese cyber espionage and Russian hacking during the United States presidential elections— have reinvigorated debates about the future of global Internet governance.[3]

How, if at all, are the BRICS shaping global Internet governance? And to what extent do these rising powers possess the capacity and the will to challenge existing normative frameworks? This paper seeks to explore and problematize narratives surrounding the roles of rising powers in global Internet governance. Building upon a conceptual framework based on norms and normative change, this paper will critically evaluate the alleged 'status quo' of global Internet governance, which is ostensibly dominated by 'prevailing powers' and denounced by 'rising powers'. In what follows, this paper will demonstrate that the

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[1] David Drissel (2006) 'Internet Governance in a Multipolar World: Challenging American Hegemony', *Cambridge Review of International Affairs*, 19(1), pp. 106

[2] Drissel (2006) pp. 105

[3] Madeline Carr (2015) 'Power Plays in Global Internet Governance', *Millennium Journal of International Studies*, 43(2), pp. 643

contributions of the BRICS as rising powers should neither be treated as a collective group nor should they be assumed to inherently dispute the dominant models of Internet governance. Each country in question has unique values, interests, and agendas— which may simultaneously reinforce, resist, or reformulate existing norms of global Internet governance in the contemporary world.

Understanding norms and normative change

This paper will begin by developing a broad conceptual framework that emphasizes normative change and contestation. Norms are wide-ranging in world politics— representing a broad consensus among actors on specific behaviours, language, ideas, and values.[4] Among the 'first wave' of norms scholarship within the discipline of International Relations, Finnemore and Sikkink present the 'lifecycle approach', which highlights the emergence, institutionalization, and internalization of norms as well as the importance of 'norm entrepreneurs' to guide their development.[5] "Norm entrepreneurs call attention to issues or even 'create' issues that they say require new norms to change the behaviour of other powerful international actors, especially states. They then attempt to persuade a 'critical mass' of powerful states to accept the new norm."[6]

More recent scholarship has sought to expand beyond norm entrepreneurs, emphasizing the dynamism and contestation of norms. Building on the contributions of Finnemore, Sikkink, and others, Bloomfield and Scott reaffirm that much of the early literature on norms and normative change in world politics focuses on 'norm promotion' as opposed to 'norm resistance'.[7] Bloomfield and Scott therefore seek to rebalance norms scholarship by considering questions of resistance, contestation, and the role of 'norm antipreneurs'.[8]

As Bloomfield and Scott explain: "Given that a norm entrepreneur is someone who favours normative change, a norm antipreneur [is] defined as a defender of the normative status quo against such a challenge."[9] Actors may behave both as norm entrepreneurs and as norm antipreneurs in different contexts. "In other words, [an actor] may play the antipreneurs role

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[4] Martha Finnemore and Kathryn Sikkink (1998) 'International Norm Dynamics and Political Change', *International Organization*, 52(4), pp. 891

[5] Finnemore and Sikkink (1998) pp. 888

[6] Alan Bloomfield and Shirley Scott (2017) *Norm Antipreneurs and the Politics of Resistance to Global Normative Change*, Abingdon, UK: Routledge. pp. 4

[7] Bloomfield and Scott (2017) pp. 1

[8] Bloomfield and Scott (2017) pp. 1

[9] Bloomfield and Scott (2017) pp. 231

in one issue-area while simultaneously promoting normative change in another. This [suggests] that it would be inadvisable to simply identify certain international actors as 'always' or perhaps even 'typically' antipreneurs or entrepreneurs."[10]

While efforts to reimagine norms scholarship have received a cautious reception across the discipline, this paper embraces emerging ideas about normative change and contestation.[11] Such insights are particularly relevant within the context of global Internet governance, which involves many competing norms as well as a wide diversity of state and non-state actors. Rather than advocating a set of 'static' actors and norms or attempting to compare and contrast models of 'good' and 'bad' governance, this conceptual framework ultimately appreciates the nature of contestation, fluidity, and change in global Internet governance.[12]

Towards a 'status quo' of global internet governance

The Internet was developed during the mid-twentieth century by a combination of government agencies and academic institutions across the United States and Europe.[13] At its inception, the Internet was believed to be 'governed without governors', operating through technical arrangements and protocols rather than formal governance mechanisms.[14] Over the course of the twenty-first century, Internet networks have become increasingly decentralized, combining a variety of public and private infrastructures.[15] Rather than a single 'core', the Internet operates through a collection of networks owned by governments and private telecommunications companies around the world, many of which are based in the United States and Europe.[16] As the Internet continues to expand worldwide, the transboundary reach of Internet technologies has ultimately demanded greater international cooperation and the creation of more formalized mechanisms for global governance.[17]

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[10] Bloomfield and Scott (2017) pp. 2

[11] Holger Niemann and Henrik Schillinger (2016) 'Contestation 'All the Way Down?' The Grammar of Contestation in Norm Research', *Review of International Studies*, 43(1), pp. 29

[12] Laura DeNardis (2014) *The Global War for Internet Governance,* New Haven, USA: Yale University Press. pp. 27

[13] Drissel (2006) pp. 107

[14] Jean-Marie Chenou, Roxana Radu, and Rolf Weber (2014) *The Evolution of Global Internet Governance: Principles and Policies in the Making*, Berlin, Germany: Springer. pp. 30

[15] Ronald Deibert and Rafal Rohozinski (2010) 'Risking Security: Policies and Paradoxes of Cyberspace Security', *International Political Sociology,* 4, pp. 16

[16] DeNardis (2014) pp. 107

[17] Anne Clunan and Harold Trinkunas (2010) *Ungoverned Spaces: Alternatives to State Authority in An Era of Softened Sovereignty,* Stanford, USA: Stanford University Press. pp. 50

With these foundations in mind, it is unsurprising that the United States and Europe have assumed a leadership role in global Internet governance. The resulting governance arrangements have been crafted around the Western traditions of liberal democracy and free market capitalism. The leading multilateral forums of global Internet governance include the United Nations (UN), the International Telecommunications Union (ITU), the World Intellectual Property Organization (WIPO), the Internet Corporation for Assigned Names and Numbers (ICANN), and the World Summit on Information Society (WSIS).[18] Beyond these institutions, contemporary Internet governance also comprises a variety of private sector industry advocates and civil society groups.

Like the Internet itself, global Internet governance has become a 'patchwork' of decentralized institutions and initiatives that transcend the public and private sphere.[19] The purported 'status quo' of Internet governance is most commonly defined in reference to 'multistakeholderism'.[20] This approach— promoted by governments and businesses across the United States and Europe— advances the benefits of public-private cooperation in matters of global Internet governance.[21] Put another way, the multistakeholder model prioritizes the integration of 'stakeholders' besides governments in the processes and procedures of global governance.[22] From this position, global Internet governance is positioned to serve the principles of liberal democracy and free market capitalism.

Gasser, Gill, and Redeker identify some of the leading norms and ideals of multistakeholderism, summarized here.[23] Above all, states have a responsibility to provide access to the Internet. Fundamental rights associated with Internet governance include the freedom of speech, the freedom of expression, and non-discrimination. Every individual is also entitled to the fundamental right to privacy and data protection. Furthermore, the Internet should be governed through democratic and transparent means, promoting participatory governance across the public and private sector. Efforts to regulate the Internet should strive to balance innovation and economic development with consumer protection,

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[18] Hans Klein, John Mathiason, and Milton Mueller (2007) 'The Internet and Global Governance: Principles and Norms for a New Regime', *Global Governance*, 13, pp. 237
[19] Milton Mueller (2010) *Networks and States: The Global Politics of Internet Governance*, Cambridge, USA: MIT Press. pp. 6
[20] DeNardis (2014) pp. 227
[21] Carr (2015) pp. 640
[22] Hannes Ebert and Tim Maurer (2013) 'Contested Cyberspace and Rising Powers', *Third World Quarterly*, 34(6), pp. 1057
[23] Urs Gasser, Lex Gill, and Dennis Redeker (2015) *Towards Digital Constitutionalism? Mapping Attempts to Craft an Internet Bill of Rights*, Cambridge, USA: The Berkman Center for Internet & Society. pp. 6-10

thereby minimizing the scope of government intervention. Finally, the operation of the Internet should uphold technical standards of open access, interoperability, network neutrality, and security.

Many contend that the aforementioned norms and principles of multistakeholder governance have become so globally entrenched that they are now constitutive of an 'Internet Bill of Rights' or 'digital constitutionalism'.[24] Klein, Mathiason, and Mueller contest these claims, arguing that the international community continues to 'side-step' the process of formally articulating collective norms and principles, leaving considerable room for interpretation.[25] Drissel has similarly noted important divergences between Europe and the United States in their implementation of multistakeholder governance— indicating a broad yet unstable consensus.[26]

Related scepticisms of the multistakeholder model have also brought attention to the increasing role of security in Internet governance. Mounting concerns of 'cyber' security threats such as online hacking, distributed-denial-of-service (DDoS) attacks, cybercrime, and fears of terrorist networks have resulted a 'security-first' orientation towards global Internet governance.[27] Deibert and Rohozinski observe an increasing tendency to govern the Internet through 'risk', enabling government surveillance and online censorship practices that come into direct conflict with the multistakeholder model.[28] These paradoxical tendencies are not limited to 'authoritarian-type' regimes but have indeed emerged as a leading norm of global Internet governance.[29] As Nye explains: "Governments want to protect the Internet so that societies can continue to benefit, but at the same time, they want to protect their societies from what comes through the Internet."[30]

From this position, there are clear discrepancies associated with the normative 'status quo' of global Internet governance— which can be most adequately described as an uncomfortable balance between multistakeholder values and security-driven practices. In spite of these internal inconsistencies, developed and developing states alike have been

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[24] Gasser, Gill, and Redecker (2015) pp. 2
[25] Klein, Mathiason, and Mueller (2007) pp. 238
[26] Drissel (2006) pp. 105
[27] Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain (2010) *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace,* Cambridge, USA: MIT Press. pp. 11
[28] Deibert and Rohozinski (2010) pp. 17
[29] Deibert *et. al* (2010) pp. 11
[30] Nye (2011) pp. 144

pressured to conform to the institutions, infrastructures, and values established by public and private sector actors across the United States and Europe. The question at hand is to what extent do the BRICS possess both the capacity and the will to challenge the existing normative framework?[31]

Rising powers versus prevailing powers?

Building on the ideas of 'norms entrepreneurs' and 'norms antipreneurs', this section will critically evaluate narratives surrounding the role of the BRICS as rising powers in global Internet governance. Ebert and Maurer reaffirm: "The emergence of a coalition between Brazil, Russia, India, China, and South Africa has substantiated the assumption of a concerted, counter-hegemonic movement."[32] As prevailing powers, the United States and Europe are commonly portrayed as 'norm antipreneurs', defending the normative status quo of global Internet governance against incumbent threats and challengers. As rising powers, however, the BRICS are positioned as a group of 'norm entrepreneurs', advocating normative change across the practices and institutions of global Internet governance while equally calling into question the behaviour of powerful states in the Western world.

From this position, the BRICS countries are in some ways 'compelled' to respond to Western supremacy in matters of global Internet governance. The multistakeholder model has been described as an expression of the 'transnational power elite', diffusing Western-centric values and prioritizing the interests of powerful governments and corporations.[33] Some have claimed that contemporary frameworks of global Internet governance are asymmetrically aligned to the extent of 'digital colonialism'.[34] While such claims remain contested, broad concerns have indeed been raised with regards to the legitimacy of existing Internet governance institutions, pointing to the need for more equitable representation, inclusiveness, and transparency.[35]

The increasing prominence of security practices in global Internet governance has equally faced criticism from many of the BRICS countries, highlighting double standards and

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[31] Lawrence Freedman and Benedict Wilkinson (2013) 'Autocracy Rising: The Internet in A Multipolar World', *Index on Censorship*, 42(2), pp. 59

[32] Ebert and Maurer (2013) pp. 1055

[33] Jean-Marie Chenou (2011) 'Is Internet Governance a Democratic Process? Multistakeholderism And Transnational Elites', *ECPR General Conference 2011*, pp. 11

[34] Rishab Bailey and Prabir Purkayastha (2014) 'US Control of the Internet: Problems Facing the Movement to International Governance', *Monthly Review*, 66(3), pp. 121

[35] Stuart Brotman (2015) *Multistakeholder Internet Governance: A Pathway Completed, the Road Ahead*, Washington DC, USA: Brookings Center for Technology Innovation. pp. 5

internal inconsistencies between Western demands for a 'free and open Internet' and government efforts to control and manipulate global Internet networks for national security purposes. [36] Ultimately, the multistakeholder model and security-driven government practices are incompatible but countries are obligated to uphold these values in order to be recognized as legitimate participants in global Internet governance.

In response to these challenges, Brazil, Russia, India, China, and South Africa have come together to launch several exclusive forums for cooperation, namely: the BRICS Group (which includes all aforementioned countries), the IBSA Dialogue Forum (which brings together India, Brazil, and South Africa), as well as the Shanghai Cooperation Organization (which brings together China, Russia, and smaller Eurasian countries).[37] Since 2014, the Chinese government has additionally fronted annual initiatives operating under the title of the World Internet Conference (WIC), offering a platform for Chinese interests in global Internet governance.[38] Many of the other BRICS countries such as India and Brazil have also played an increasingly prominent role during WSIS summits, which provide a forum for governments to express their concerns about contemporary Internet governance arrangements.[39]

In the wake of the Snowden revelations, the BRICS countries came together in backlash against the scope and scale of US surveillance programs, which entailed massive government collection and storage of digital data.[40] Observers note that the BRICS were among some of the principal targets of these surveillance operations.[41] In response to these public disclosures, there has been specific discussion about the construction of a BRICS cable— an undersea fibre-optic cable between Brazil and Russia. [42] If completed, this infrastructure project would allow digital data to be shared among the BRICS countries

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[36] Jan-Frederik Kremer and Benedikt Müller (2014) *Cyberspace and International Relations: Theory, Prospects, and Challenges*, London, UK: Springer. pp. 14

[37] Miles Kahler (2013) 'Rising Powers and Global Governance: Negotiating Change in a Resilient Status Quo', *International Affairs*, 89(3), pp. 722

[38] Shannon Tiezzi (2014) 'The Internet with Chinese Characteristics', *The Diplomat*, Available at: http://thediplomat.com/2014/11/the-internet-with-chinese-characteristics/ (Accessed: 20 November 2017).

[39] Klein, Mathiason, and Mueller (2007) pp. 240

[40] Kaarle Nordenstreng and Daya Kishan Thussu (2015) *Mapping BRICS Media*, Abingdon, UK: Routledge. pp. 80

[41] Nordenstreng and Thussu (2015) pp. 79

[42] Nir Kshetri (2016) *The Quest to Cyber Superiority: Cybersecurity Regulations, Frameworks, And Strategies of Major Economies*, Cham, Switzerland: Springer. pp. 201

without being routed through networks in Europe and the United States, thereby evading unwarranted data collection and interception.[43]

While many of these governance initiatives have resulted in meaningful dialogue among rising powers, narratives that position the BRICS as 'norm entrepreneurs'— offering a cohesive countermovement against the 'norm antipreneurs' of existing Internet governance models—remain relatively unsubstantiated. At present, there is no collective effort to present a BRICS agenda for global Internet governance. The BRICS countries have neither offered an alternative framework nor have they sought to export national models of Internet governance.[44] Indeed, the BRICS collective may not be as 'ambitious' or 'ideological' as it is often portrayed to be.[45]

Going further, it is possible to identify considerable discrepancies amongst the BRICS countries with regards to Internet governance. This variation has been described in numerous ways. Kahler argues that major differences can be explained by diverging preferences and capabilities to influence global governance.[46] Others like Ebert and Maurer propose that the BRICS have 'splintered' into two strategic groups of Internet governance— subscribing to 'intergovernmental' or 'sovereigntist' approaches.[47] From this position, Brazil, India, and South Africa are understood to be in favour of an intergovernmental model whereas China and Russia are more inclined to a sovereigntist model.

Countries aligned with the intergovernmental approach seek to reposition central authority and leadership of global Internet governance within a multilateral organization like the UN or the ITU, thereby limiting power held by foreign businesses and governments.[48] The intergovernmental approach is strongly linked with the extension of human rights discourses to the digital domain.[49] This model for global Internet governance has been primarily advanced by India, Brazil, and South Africa as members of the IBSA Dialogue Forum.[50]

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[43] Nordenstreng and Thussu (2015) pp. 72
[44] Kahler (2013) pp. 726
[45] Kahler (2013) pp. 713
[46] Kahler (2013) pp. 711
[47] Ebert and Maurer (2013) pp. 1059
[48] Ebert and Maurer (2013) pp. 1059-1060
[49] Oliver Stuenkel (2012) 'Keep the BRICS and the IBSA Separate', *The Diplomat*, Available at: http://thediplomat.com/2012/08/keep-the-brics-and-ibsa-seperate/ (Accessed: 5 April 2016).
[50] Ebert and Maurer (2013) pp. 1062

Alternatively, countries advocating the sovereigntist approach are concerned with establishing territorial control over the Internet, thereby limiting the roles of foreign businesses and governments as well as multilateral institutions.[51] The sovereigntist model seeks to create a 'bordered' Internet that conforms to national interests and is safeguarded against external threats.[52] This approach tends to favour strong state involvement and the restriction of civil liberties in order to strengthen national security.[53] Support for the sovereigntist model has primarily emanated from China and Russia. In recent years, Chinese leadership has been insistent on the importance of 'cyber-sovereignty' across the international community.[54] Russia, too, has called for "a governance model that is state-centric, hierarchical, and based on the inviolability of state sovereignty."[55]

From the position of 'norm antipreneurs', the articulation of 'intergovernmental' and 'sovereigntist' approaches to global Internet governance generates important repercussions for the 'multistakeholder' approach, which is broadly favoured in the United States and Europe. The intergovernmental model embraces many of the norms and principles underlying multistakeholderism but ultimately seeks to minimize the role of the private sector. The sovereigntist model focuses on establishing greater territorial control over the Internet and designing 'national' Internet platforms and infrastructures that are insulated from 'global' networks. As a consequence, governments and businesses across the United States and Europe have commonly portrayed China and Russia as 'threats' to the global Internet while Brazil, India, and South Africa are viewed as important 'swing states' that may be encouraged to reinforce prevailing norms and principles.[56] These narratives have sometimes been associated with provocative ideas of an emerging 'Digital Cold War'.[57]

And yet, even these arguments are unconvincing. Brazil, India, and South Africa have neither 'moderated' Chinese and Russian positions nor have they maintained policies

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[51] Ebert and Maurer (2013) pp. 1059-1060

[52] Jack Goldsmith and Timothy Wu (2008) *Who Controls the Internet? Illusions of a Borderless World,* 2nd edition, New York, USA: Oxford University Press. pp. xii

[53] Russell Buchan and Nicholas Tsagourias (2015) *Research Handbook on International Law and Cyberspace*, Cheltenham, UK: Edward Elgar Publishing. pp. 111

[54] Lu Chuanying (2016) 'China's Emerging Cyberspace Strategy', *The Diplomat,* Available at: http://thediplomat.com/2016/05/chinas-emerging-cyberspace-strategy/ (Accessed: 20 November 2017).

[55] Daniel Kennedy (2013) *Deciphering Russia: Russia's Perspectives on Internet Policy and Governance*, London, UK: Global Partners Digital. pp. 6

[56] Ebert and Maurer (2013) pp. 1055

[57] Milton Mueller (2013) *Are We In A Digital Cold War?*, Geneva, Switzerland: Global Internet Governance Academic Network. pp. 1

entirely consistent with European and American interests.[58] Equally, there is no 'Chinese' or 'Russian' Internet, disconnected from the architectures of the global Internet.[59] On this basis, then, it is increasingly difficult to depict a reality where the BRICS countries are unified as 'norm entrepreneurs', seeking to overturn the normative foundations of global Internet governance.

The BRICS reconsidered

While much of this investigation has sought to move away from narratives that force together the BRICS countries as a cohesive group, the final section of this paper will take one step back— exploring the practical issues and collective challenges facing BRICS countries in matters of Internet governance during the twenty-first century. This analysis reiterates the importance of refraining from generalizing across the BRICS as rising powers while also respecting the overlapping nature of these ongoing dialogues and relationships related to the development of global Internet governance. Indeed, in spite of the broad diversity that characterizes the BRICS in their respective approaches to Internet governance, it is possible to identify several common themes and challenges, related to: civil society engagement, bureaucratic and legislative capacity, emerging cybersecurity threats as well as the nature of global integration and interconnectivity across the Internet.

Civil society engagement in matters of Internet governance has gained increasing prominence across the BRICS countries. In South Africa, civil society groups and academic institutions have assumed a central role in engaging questions of Internet governance.[60] Similarly, in Brazil, there is a strong presence of civil society groups and non-governmental organizations, many of which advocate for the extension of human rights across the Internet.[61] In China, however, the general population "is conditionally tolerant of the domination of civil society by a strong state."[62] Chinese civil society groups and non-governmental organizations are relatively weak and have limited influence over national

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[58] Alex Grigsby (2016) *Do India and Brazil Really Moderate China and Russia's Approach to Cyberspace Policy?* Washington, DC, USA: Council on Foreign Relations. pp. 2

[59] Kennedy (2013) pp. 7

[60] Dana Polatin-Reuben and Joss Wright (2014) *An Internet with BRICS Characteristics*, Oxford, UK: Oxford Internet Institute. pp. 5

[61] Eileen Donahoe (2015) 'Brazil as the Global Guardian of Internet Freedom?' *Human Rights Watch*, Available at: https://www.hrw.org/news/2015/02/13/brazil-global-guardian-internet-freedom (Accessed: 20 November 2016).

[62] Kshetri (2016) pp. 125

policymaking.[63] While these examples suggest that civil society may play diverging roles in each country, there are promising indications that, in the years to come, the prominence of civil society in matters of the Internet will only be amplified.[64]

In tandem with the pressures of civil society engagement, the varying legislative and bureaucratic capacities of the BRICS countries also create significant challenges within the context of Internet governance. Indian frameworks for Internet governance are constrained by weak legislative capacities and a low degree of public confidence in the government.[65] In Russia, Internet policies are limited by weak consensus among the governing elite.[66] Without stable national policies and positions, the BRICS may be unable to assert a more prominent role in regional and global Internet governance forums.

It has also been noted that the BRICS are disproportionately affected by cybersecurity challenges.[67] In the face of increasing threats, many of the BRICS have subscribed to the prominent albeit controversial 'security-first' norms of Internet governance. One such example includes Russia, which "has long had an abnormally high level of sophisticated online fraud and cybercrime."[68] In recent years, cybercrime has also been steadily rising in South Africa.[69] Brazil is considered to be "both a major source and a target of cyber-attacks. Some of the world's well-known cybercriminal gangs operate from the country."[70] China has similarly been identified as a global hub for cybercrime, cyber espionage, and hacktivism.[71] The BRICS face a variety of internal and external cybersecurity threats, which may constrain or contribute to their respective approaches to global Internet governance.

Among the greatest collective challenges facing the BRICS, however, it is important to recall that the modern Internet is built upon global interconnectivity and integration as well as the increasing entanglement of the public and private sphere. While many countries have expressed discontent with multistakeholderism and the dominance of European and US business interests, concessions must be made in order to benefit from the global Internet. As

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[63] Kshetri (2016) pp. 125
[64] Ebert and Maurer (2013) pp. 1061
[65] Kshetri (2016) pp. 148
[66] Julien Nocetti (2015) 'Contest and Conquest: Russia And Global Internet Governance', *International Affairs*, 91(1), pp. 118
[67] Nir Kshetri (2015) 'Cybercrime and Cybersecurity Issues in the BRICS Economies', *Journal of Global Information Technology Management*, 18(4), pp. 245
[68] Kennedy (2013) pp. 9
[69] Kshetri (2015) pp. 247
[70] Kshetri (2016) pp. 195
[71] Kshetri (2016) pp. 124

an emerging economy, India's rapidly growing information technology sectors have exceptionally strong ties to Western business interests.[72] "Even China, which is seen as the paragon of Internet balkanization, is not impervious to the economic necessity of maintaining a globally-connected network."[73] Kahler reaffirms that the success of the BRICS as rapidly developing economies "is based on cautious integration with the international economy."[74] Kahler elaborates on this point, noting that, as "major stakeholders in the existing international economic order," the BRICS are "unlikely to support revolutionary change."[75] Doing so could undermine their positions of relative prominence.

This brief analysis reveals that the BRICS demonstrate a willingness to reinforce existing norms and principles of global Internet governance to greater or lesser degrees, both willingly and out of necessity. The BRICS are not inherently 'disruptive' participants in global Internet governance. Indeed, "an automatic equation of incumbent powers with the status quo and rising powers with challengers should be avoided."[76] As rising powers, the BRICS are confronted with a variety of challenges that require more nuanced attention to local and global demands. Returning to the contributions of Bloomfield and Scott, it is not unreasonable to contend that each country in question acts like a 'norm entrepreneur' and a 'norm antipreneur' in different contexts of global Internet governance.

Conclusion

As Kremer and Müller remind us: "There is neither cyber hegemony, nor collective cybersecurity, nor cyber anarchy."[77] In the search for a normative 'status quo' of global Internet governance, it becomes clear that there is neither consensus among 'prevailing powers' nor among 'rising powers'. Indeed, these categories are largely arbitrary and may do more conceptual harm than good.

In different ways, this paper has sought to problematize existing narratives surrounding global Internet governance. Rather than affirming the existence of a normative status quo— supported by prevailing powers and disputed by rising powers— this paper has demonstrated that the contemporary norms and values of global Internet governance may be more adequately characterized by an intriguing combination of 'sovereigntist',

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[72] Polatin-Reuben and Wright (2014) pp. 4
[73] Polatin-Reuben and Wright (2014) pp. 7
[74] Kahler (2013) pp. 726
[75] Kahler (2013) pp. 726
[76] Kahler (2013) pp. 712
[77] Kremer and Müller (2014) pp. 198

'intergovernmental', 'multistakeholder', and 'security-driven' governance. Equally, there is no natural inclination of rising powers to disrupt existing norms and principles of global Internet governance. The BRICS are not cooperating to export an alternative model of global Internet governance and there are considerable reasons to expect these countries to conform to existing normative frameworks.

Ultimately, rising powers such as the BRICS should not be so easily dismissed as hostile antagonists or passive bystanders in the ongoing debates surrounding global Internet governance. Each country seeks to reinforce, resist, and reformulate Internet governance in unique ways. While the BRICS are not collectively seeking to overturn the normative foundations of global Internet governance, it is likely that the BRICS countries will continue to play an ever-increasing role in multilateral and regional governance forums in the years ahead. Such is the nature of change in a multi-polar world.

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Brazil's Rise to Global Power in a Multipolar World: A Regionalist Perspective

Louisa Dodge

Introduction

In this paper, I will discuss how the emerging multipolarity of the international system has increased the potential for Brazil to emerge as a viable rising power through the formation of successful Latin American regional institutions. More specifically, I will argue that by facilitating the formation of viable Latin American regional institutions, Brazil can become the authoritative leader of the South and use this role to promote Latin American interest on the world stage. This representative role can help propel Brazil to achieve global legitimacy. First, I will elaborate on the issues that Latin America has historically faced when attempting to form successful regional organisations. Second, I will explain the primary issues which have prevented Brazil emerging as both a regional and international leader. In particular, Brazil's dual identity and Latin American geopolitics are the main contributors to the factors which have historically inhibited Brazil's international campaigns. Brazil has made claims to represent the interests of lesser developed nations, particularly the concepts of state sovereignty and the right to self-determination, while also acquiescing to the agendas of the globally powerful even when they run counter to territorial integrity. This lack of consistency has undermined Brazil in the eyes of its Latin American neighbours, as well as cementing Brazil's reputation of being a rule-follower rather than a rule-maker. In the third section, I will describe how multipolarity has contributed to a comprehension of a new regionalism in Latin America, as opposed to the traditional understanding of "defensive regionalism". Lastly, I will draw a conclusion from the previous sections which will indicate a potential strategy or imaginary conception for Brazilian foreign policy in order for the country to successfully achieve great power status.

Latin American regional institution: A failed project

Regionalisation in Latin America has been a difficult task due to tumultuous internal politics of the continent which ensued following colonisation. A number of

regional institutions have emerged but have never fulfilled the intentions of its creators; individual state interests have always taken priority over the greater agenda of regional integration. Latin states are unwilling to commit the necessary resources and make alterations to their policies in order to legitimately form a viable organisation. However, the political discourse, which Latin American leaders have continued to express, articulate a commitment to regionalisation.[1] Yet the reality indicates that this commitment is mere rhetoric; the regional organisations that are created suffer from a number of issues, such as lack of leadership, ambiguity regarding direction or strategy, political tumult. I wish to look at two major problems which have obstructed Latin American regional integration. These problems are the concept of defensive regionalism, and the lack of Brazilian leadership in facilitating these regional relationships. More specifically, an analysis of the Common Market of the South, or Mercosur, can illustrate these two fundamental obstacles.

Historically, Latin American regional integration has been analysed as a manoeuvre to counteract external power, such as the United States.[2] This motivation has resulted in the prioritisation of individual state interest over the objectives of regionalisation. Latin American organisations are formed with a mutual interest of challenging the predominance of countries such as the United States, but ultimately this initial foundation is not enough to foster progress.[3] The only delineated strategy involved in Latin American defensive realism is to challenge the major powers. This lack of substance became increasingly evident following the creation of Mercosur in 1991.

Rather than forming mutually constituting relationships which become relatively permanent due to the perpetuation of trade agreements and shared normative interpretations, the stability of Latin American institutions is reliant on the

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[1] Andrés Malamud and Gian Luca Gardini "Has Regionalism Peaked?", *The International Spectator: Italian Journal of International Affairs*, Vol. 47, No. 1(2012): 121-122

[2] Pia Riggirozzi, "Region, Regionness, and Regionalism in Latin America: Towards a New Synthesis", *New Political Economy*, (2011): 427, accessed March 22, 2017, doi: 10.1080/13563467.2011.603827

[3] Malamud and Gardini, pg. 122

inclinations of specific political leaders.[4] Therefore, in order for membership to be retained and compliance to continue, the individual political agendas of each government must miraculously align despite changes in regime and leadership. Furthermore, no single Latin American state has emerged as the predominant leader, willing to commit resources and effort in order to adequately foster regional consensus.[5] Although Brazil has the most material capability to adopt this role, it has been incredibly hesitant to do so.[6]

The combination of defensive realism and lack of concrete state leadership has led to the formation of exclusive Latin American institutions with skewed and numerous strategies. The primary regional trade organisation, or the Common Market of the South (Mercosur), can be used to illustrate the inconsistencies that plague a number of other regional institutions. Founded by Argentina, Brazil, Paraguay, and Uruguay, Mercosur's ultimate objective was to establish a free trade zone.[7] More specifically, Mercosur endeavoured to initially lower tariffs, eventually establish its own customs union, and subsequently establish free circulation of goods to create a common market in four years. However, despite the idealism of South American leaders, the Treaty of Asunción which ratified the creation of Mercosur, never specified the economic technicalities required to fulfil these goals. Furthermore, the short timeframe indicates a lack of adequate assessment.[8] The creation of Mercosur therefore appears to be a manifestation of "defensive realism"; the motivation for formulating the institution exists amongst the common desire of Latin American political leaders to combat Northwestern power, but ultimately these projects lack substance.

The second complication with Latin American regional integration stems from the unwillingness of states to contribute adequate effort and resources to fully realize

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[4] Malamud and Gardini, pg. 123

[5] Malamud and Gardini, pg. 129

[6] Susanne Gratius and Miriam Gomes Saraiva, *Centre for European Policy Studies*, 374(2013): 10

[7] "Profile: Mercosur- Common Market of the South", last modified February 15, 2012, http://news.bbc.co.uk/1/hi/world/americas/5195834.stm#issues

[8] Tobias Lenz, "Spurred Emulation: The EU and Regional Integration in Mercosur and SADC", *West European Politics*, Vol. 35, No. 5 (2012): 161

the necessities of forming viable organisations. This reluctance on behalf of state officials has led to an absence of a common core or leadership due to the lack of underlying consensus.[9] Brazil has attempted to promote this vision of a unified South America, but this strategy has been met with unease amongst other Latin American states.[10] Again, Mercosur depicts the inter-state tension that hinders successful regional integration. Progression is markedly determinant on national presidents and their particular interests, often undermining the stated goals of the organisation itself. Andrés Malamud reveals how decentralised bargaining is problematic in the case of Mercosur. Malamud identifies how once the process of inter-state bargaining as come to a conclusion, individual presidents will often impose decisive influence in order to achieve their particularly desired outcome, even if this outcome contradicts the initial proposal of the collective.[11] This emphasis on individual state interest, as epitomised through the actions of national presidents who belong to Mercosur, contribute to the complications of Latin American regional integration by again deriving organisations of real substance.

However, I will argue that a number of these problems can gradually change by moving away from the notion of defensive regionalism and instead adopting new, shared institutional foundations. More specifically, Brazilian leadership in the atmosphere of a multipolar international order can provide the necessary solutions to the persistent issue of Latin American institutions. Furthermore, Brazil can utilise its leadership role as a basis to pursue its rise as an emerging power and gain greater global legitimacy. However, Brazil has a number of internal obstacles it must address before adequately adopting this role.

Brazil's rise to power

Brazil is globally considered to be a rising power, as evidenced through the country's inclusion into to the category of BRICS nations. Despite this categorisation, Brazil's demographics can be considered unique compared to those of Russia, India,

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[9] Diane Tussie, "Latin America: Contrasting Motivations for Regional Projects", *Review of International Studies*, 35 (2009): 185

[10] Gratius and Saraiva, 2

[11] Andrés Malamud, "Presidentialism and Mercosur: A Hidden Cause for a Successful Experience", *Conference on Comparative Regional Integration,* (2001): 16

and China because of the state's consideration of regionalism. [12] The unique demographics of Brazil arguably necessitate this consideration for two predominant reasons, or the country's lack of formidable hard power capabilities, as well as the problematic position of being a middle power.

Due to its comparably weak military resources, Brazil's primary foreign policy approach has been one of peace-making and diplomacy; the country has adopted the role of pacific facilitator or soft power negotiator in order to advance national interest.[13] Brazil has continually used this approach to campaign for a permanent seat on the UN Security Council; it's command of the UN peacekeeping mission in Haiti in 2014 illustrates Brazil's commitment to pacific resolution and diplomacy.[14]

The United Nations Stabilisation Mission in Haiti (MINUSTAH) was established in 2004 after the Security Council authorised collective action following President Bertrand Aristide's departure from the country. President Aristide had initiated a series of armed conflicts which spread to numerous cities and warranted external action. The earthquake in 2010 instigated an increase in the levels of force of MINUSTAH in order to facilitate immediate recovery. Brazil has been in charge of the military command of MINUSTAH since 2004, contributing thousands of military officers on the ground in Haiti. Brazil has largely focused on the development of the country, seeking to enhance technical and humanitarian cooperation; providing assistance for infrastructure change, such as building bridges and drilling wells, as well as participating in civil defence missions, are part of Brazil's strategy in the region. [15] A developmental strategy benefits Brazil's campaign for greater international influence by maintaining regional relationships which seek to benefit the country as a rising middle power, while also aiming to change the aspects of the

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[12] Harold Trinkunas, "Brazil's Rise: Seeking Influence on Global Governance", *Brookings Institution*, (2014): 2, accessed February 15, 2017
[13] Fernando Cavalcente, "Rendering Peacekeeping Instrumental? The Brazilian Approach to United Nations Peackeepeing during the Lula da Silva Years (2003-2010)", *Revista Brasileira de Política Internacional*, Vol. 53, No. 2 (2010): 146, doi: 10.1590/S0034-73292010000200008
[14] Trinkunas, 12
[15] "United Nations Stablisation Mission in Haiti" http://www.itamaraty.gov.br/en/politica-externa/paz-e-seguranca-internacionais/6366-minustah-en

global order which it dislikes. [16] More specifically, Brazil's leadership role in MINUSTAH is indicative of its staunch opposition to external, forcible intervention, even on the grounds of a violation of human rights law. Although the Security Council authorised international involvement in Haiti, Brazil positioned itself to lead peacekeeping efforts in order to focus on development. Brazil thereby has maintained a reputation and contributing role to the order of the Security Council, which it desires to permanently join, while also championing the principle of non-intervention in a political climate dominated by the Responsibility to Protect. However, Brazilian emphasis on diplomacy and peacekeeping has also contributed to an inherent contradiction regarding its global identity which is characteristic of a rising middle power. Brazil supports an overarching order which prioritises their interests over the interests of weaker states, yet simultaneously endeavour to change the order where their position is unfavourable compared to greater powers.[17]

Brazil's global strategy of peace-making, particularly regarding its support of United Nations missions abroad, has lead the state to highly value the rights of sovereignty, territorial integrity, and self-determination. In a political climate that condones forcible humanitarian intervention in certain grievous violations of human rights law, less powerful and developed states rely on the international sanctity of these Westphalian concepts. Brazil has therefore claimed to give voice to these smaller state interests by representing them in the fora of the United Nations or the major world powers.[18] However, Brazil also simultaneously does not have the power or authority to adequately challenge the decisions of the United States or members of the European Union, for example, even when their foreign policy appears to tread on state sovereignty due to its non-permanent status on the Security Council. Brazil is therefore both a leader and a follower on the international stage.[19] This dichotomy is inherent to states belonging to the status of middle power, and is the second reason as to why Brazil is required to pursue regional integration. The case of

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[16] Kai Michael Kenkel, "South America's Emerging Power: Brazil as Peacekeeper", *International Peacekeeping*, 5 (2010): 654

[17] Kenkel, 649

[18] Trinkunas, 21

[19] Kenkel, 649

collective action in Libya illustrates the dichotomy that Brazil must overcome if it ever hopes to emerge from middle power status.

Following the Security Council's authorisation of the use of force in Libya in 2011, Brazil issued a series of complaints and warnings regarding the condoning of international action into the affairs of a sovereign state. Brazil was unconvinced about the necessity to use force to guarantee civilian protection in Libya, particularly questioning the efficacy of force in changing the nature of the crimes against humanity which could inhibit the potential for long-term resolution.[20] This hesitancy prompted Brazil, along with Russia, China, India, and Germany, to abstain from voting on the resolution which would authorise force in Libya. Brazil explicitly stated, however, that,

> Its vote should in no way be interpreted as condoning the behaviour of the Libyan authorities or as disregard for the need to protect civilians and respect their right, but that it remained unconvinced that the use of force… will lead to the realisation of our common objective - the immediate end of violence and the protection of civilians.[21]

Despite Brazil's strong opposition to the outcome of Security Council deliberations on Libya, the country lacks the capability to directly contradict the will of more powerful, determinant states. Brazil was therefore required to acquiesce. On one hand, the country belongs to a category of states which are emerging as counters to the Western concentration of power and therefore belong to an exclusive international "club". Yet, Brazil simultaneously maintains that their foreign policy approach is one that prioritises the basic rights of non-intervention and self-determination, thereby including itself in another global grouping of the less powerful or the smaller-voiced.

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[20] Alex J. Bellamy, and Paul D. Williams, "The New Politics of Protection? Côte d'Ivoire, Libya, and the Responsibility to Protect", *International Affairs*, Vol. 74, No. 4 (2011): 843
[21] Bellamy and Williams, 844

This contradiction, a consequence of Brazil's position as a middle power, has cemented a relative reputation amongst the international powers as being more of a rule-follower rather than a rule-maker. However, I will argue that the inconsistency with which Brazil has approached its foreign policy strategy can be bridged by utilising the foundations of ideological regionalism in the multipolar global order; by committing itself to forming a unified vision of Latin America, Brazil can potentially emerge as the international leader of the South.

Multipolarity and Latin American regionalism: Brazil's key to ascension

As I indicated above, regionalism in Latin America can be described as "defensive" in the sense that regional organisations were begun as a reaction to the emergence of the United States as a major world power. However, multipolarity has given way to more opportunities for Brazil to pursue its international strategy of emerging from middle power status. Brazil must utilise this current international climate in order to fulfil the new Latin American regionalist agenda by using its reputation as mediator to promote a shared identity amongst its continental neighbours, thereby achieving the potential to successfully emerge as a rule-maker rather than rule-taker. More specifically, Brazil must adopt a "consensual approach" to regional formation.

Rather than requiring other Latin American states to align themselves under Brazilian leadership through a strategy of imposition, Brazil can utilise the notion of co-option and inclusion in order to promote its interests. Sean Burges discusses his idea of "consensual hegemony", or the notion that a regional leader can construct a specific conceptualisation of economic, social, and political relations through the implementation of a consensual order. Burges stipulates that the role of the regional hegemon as an actor is to "formulate, organise, implement, manage other actors to be included in the project as active participants and cajoling those who are reluctant."[22] Burges therefore suggests, in the case of Brazil, that the leading actor should focus on the "corralling of a common goal, rather than an imposition of an

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[22] Sean Burges, "Consensual Hegemony: Theorising Brazilian Foreign Policy After the Cold War", *International Relations*, Vol. 22, No. 1 (2008): 72

order".[23] Brazil has attempted this strategic project before following the end of the Cold War; the notion of defensive regionalism became a dominant part of the state's foreign policy in order to combat the rising power of the United States.[24] Latin American institutions proliferated during mid-twentieth century with the explicit notion of excluding Western states.[25] However, Brazil's historical attempts of constructing regional blocs have ultimately failed due to its hesitancy and reluctance as a leader; while institutions like Mercosur have been born successfully, the actual implementation of these policies lack a strategic plan and Brazil is unwilling to commit the resources to maintain compliance.[26] This hesitation may stem from Brazil's position as a middle power. The country's dual claim of being champion to smaller voices in opposition to the world's superpowers while simultaneously endeavouring join these global powers have undermined Brazilian legitimacy in the eyes of Latin American states. Despite this current reputation, however, Brazil can take advantage of the contemporary world order to reconstruct and pursue a new regionalist foundation. This basis can help resolve the conundrum of being categorised as a middle power.

First, Brazil should adopt Burges' approach of "consensual hegemony", which seeks to garner unification on the basis of participation and mutual constitution. Burges describes a need for "the constructive inclusion of competing priorities and the shaping of common positive outcomes".[27] Brazil should take advantage of its international reputation as diplomatic peacekeeper, as evident through the nation's prioritisation of development with MINUSTAH, and form an ideological basis surrounding the values of state sovereignty and territorial integrity of Latin American states in order to promote a common outcome; this assertion addresses the continual issue of contending state interest by acknowledging the sanctity of each country while creating a discourse that simultaneously joins them together.

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[23] Burges, 73
[24] Riggirozzi, 430
[25] Trinkunas, 16
[26] Gratius and Saraiva , pg. 10
[27] Burges, pg. 81

Second, Brazil must commit adequate resources in order to facilitate the creation of a single, inclusive regionalist institution which utilises this rhetoric of self-determination and non-intervention to promote an environment of participation or collective social relations. The Union of South American Nations, or Unasur, already exhibits the necessary structural attributes to implement Burges' understanding of consensual collaboration. Unasur was founded in 2008 with the explicit idea to integrate the interests of the Latin American states into a "South American" space; in other words, Unasur seeks to strengthen the notion of plurality while also developing political consensus and compromise.[28] However, this strategy of regional integration outlined in the objectives of Unasur has yet to adequately evolve due to the lack of agreement between member-states. The current members include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Suriname, Peru, Uruguay, and Venezuela, with Paraguay being a former member who was suspended in 2012 after political tumult. Progress has been incrementally slow since the institution's conception nine years ago, and this is largely attributed to the unwillingness of other states to accept Brazil as a leader. Brazil, however, accounts for nearly 60 percent of Unasur's total economic output, thereby indicating that the country must assume a role at the helm.[29] Brazil therefore needs to reassess its historical hesitation to commit the necessary resources to develop its own position as the leader of South American regional integration.

Lastly, Brazil can utilise the multipolar world order to facilitate its relationships with other BRICS nations and more firmly act as a global mediator of conflict, thereby strengthening its international reputation without having to resort to the use of hard power. Rather than being forced to simply acquiesce to the wills of global hegemons, Brazil can take advantage of this increasing multipolarity to truly act as a bridge between the developing world and the major powers.[30] Once Brazil emerges as the arbiter of regionalism in Latin America, it can begin to extend its leadership onto a world platform, promoting its agenda of inclusion in the international system.

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[28] "Union of South American Nations- UNASUR", http://www.itamaraty.gov.br/en/politica-externa/integracao-regional/6348-unasur
[29] "Explainer: What is UNASUR", last modified November 30, 2012, http://www.as-coa.org/articles/explainer-what-unasur#accomplishments-and-challenges
[30] Trinkunas, 15

However, without the consensus of Latin American states, Brazil will still be mired in the status of a rising middle power; Brazil's international legitimacy is determinant on its reputation as a pacific mitigator of conflict, and the state must illustrate this specific influence in practice.

Conclusion

Brazil's position as a middle power, coupled with the state's lack of hard power capabilities, have historically undermined the full potential of the country's international rise; however, the multipolarity of the contemporary world order may offer new opportunities for Brazil to pursue successful regional integration schemes by promoting a consensus which is not based on defensive regionalism. In order to do so, Brazil must be more willing to commit adequate resources to facilitate the creation of such institutions. I have argued that Unasur offers the structure for which Brazil can base this foundation, by utilising a consensual participatory approach to regionalisation. However, Brazil must make a better attempt to promote its values of diplomacy and peacekeeping both in Latin America and abroad, in order to develop its reputation as pacific arbiter and global mediator. The fruition of a viable regional organisation, with Brazil at its helm, has the ability to propel the country to greater international influence.

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China: From Climate Criminal to Climate Leader

Owen Brown

Introduction: The shifting tides of energy

Amidst economic transformation, the political landscape of energy production, and a growing existential threat of climate change–the global energy market is in the early stages of profound transformation. As states come to terms with the state of flux, the impending changes extend far beyond the means of energy production. In this paper, an examination of the global governance (and indeed, lack thereof) will be presented, paying special attention to the forces of change active in the current international sphere. It will be argued that these forces are beginning to transform the current international political positions of states with regards to energy–particularly that of China. To tackle this subject, three crucial areas will be examined before conclusions are drawn from them. The first area to examine is the current state of the global governance of energy–existing structures, as well as projects that have failed, will be highlighted in order to demonstrate the underdeveloped character of international energy governance. The second area will highlight the economic transformation that is taking place in the energy industry and the short and long-term effects of this transformation on states, highlighting the overall economic incentive of pursuing cleaner forms of energy. Thirdly, in keeping with the previous section's structure, the political forces of cleaner energy will be noted, highlighting the political strength of moving to sustainable sources. Drawing from these sections of inquiry, the case will be made that new incentives for transitioning to sustainable energy sources will prompt state action, leading to a new international political climate for energy with implications for global energy governance, particularly concerning climate change. Much of this will be argued in the context of China's energy sector in order to illustrate processes of change that exist in China that are likely to occur elsewhere. Finally, and as a result of the aforementioned factors, it will be argued that China is challenging the existing narrative of climate criminality and that, in a few decades' time, China will be the world leader in energy and climate relief efforts.

Global governance of energy: The landscape

While international organizations and policies concerning energy exist, the energy industry is sorely lacking strong regulatory oversight by international bodies. The effects of this are undoubtedly grave: melting glaciers causing rising sea levels, extreme weather conditions,

atmospheric pollution by carbon dioxide emissions, sea acidity change, and the human and animal cost associated with climate change, among other effects. Scientists have reported for a decade (some longer) that carbon emissions have caused–and continue to cause–irreversible climate change.[1] In the context of nuclear power, debates have arisen with regards to safety. While the International Atomic Energy Association has progressed as an auditor of nuclear safety, safety standards remain in the hands of domestic bodies.[2] "There is now widespread recognition that energy policy has become key to international security, economic development, and the environmental sustainability of modern civilization. Yet this importance is not reflected in the world's institutional infrastructure for managing global problems."[3]

The Kyoto Protocol, effective since 2005, was one of the first major developments in implementing international policy concerning climate change. Although the aims and ambitions of the Kyoto Protocol were a step in the right direction, there has been much criticism that the withdrawal of states such as the United States and Canada render it ineffective.[4] Other concerns have also been raised such as stringency of emissions reductions, long-term direction, global involvement, cost, enforcement, and technological advancement.[5] Much of this criticism points to the fact that, in many cases, states do not have good enough incentive to comply with regulations over greenhouse gas reductions. While states may understand that climate change poses an existential threat, leaders are not willing to make certain sacrifices to mitigate the threat. This sentiment is echoed by Prins et al. in a reflection from 2009 that came in the wake of what they determined to be the crash of "the UNFCCC/Kyoto model of climate policy":

> Climate policy, as it has been understood and practised by many governments of the world under the Kyoto Protocol approach, has failed to produce any discernable real world reductions in emissions of greenhouse gases in fifteen years. The underlying reason for this is that the UNFCCC/Kyoto model was structurally flawed and doomed to fail because

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[1] Solomon et al. "Irreversible Climate Change Due to Carbon Dioxide Emissions." *Proceedings of the National Academy of Sciences.*
[2] World Nuclear Association. *Safety of Nuclear Power Reactors.*
[3] Florini, Ann. "Global Governance and Energy." *CAG Working Paper Series.*
[4] Intergovernmental Panel on Climate Change. "Evaluations of Existing Climate Change Agreements." *IPCC Fourth Assessment Report.*
[5] Intergovernmental Panel on Climate Change.

it systematically misunderstood the nature of climate change as a policy issue between 1985 and 2009.[6]

The failure of top-down international energy and climate policy is apparent. Whether or not this is a result of bad policy, apathy, political dynamics, or a combination of many factors is not entirely clear–but what is clear is that the governing bodies of the international sphere have failed to make a difference in terms of climate change, largely because they have lacked the incentive to do so. As a result, "energy needs are met largely through market forces (often heavily distorted by government policies)."[7]

With past failures in mind, the question is posed: what reason is there to think that any international policy on energy, particularly concerning climate change, will achieve success? This is a very important question to ask in the shadow of the Paris Agreement, which came into force in November of 2016. It will be argued in the remainder of this paper that although the agreement may not hold transformative power in itself, the economic and political structural elements of the global energy sector display positive elements of change in the move towards sustainable energy sources. Whether or not these changes are comprehensive enough to fulfil the requirements of the Paris Agreement and mitigate the effects of now unavoidable climate change remains to be seen, but it will be argued that some of the most important processes to do so are already underway.

Sustainable energy: A burgeoning economic viability

To begin, this discussion will be prefaced with a series of assumptions as well as the justifications for them. Firstly, nuclear energy–although attached to many environmental, security, and safety concerns–is considered sustainable due to the low lifetime carbon footprint of nuclear energy facilities, similar to that of renewable sources.[8] Similarly, although there are environmental concerns with chemical toxicity associated with solar energy, the environmental benefits in terms of carbon reduction are considered to outweigh those on the basis of carbon emissions being a major contributor to climate change. Moreover, as this paper makes no normative claims and aims only to describe ongoing processes, these distinctions are discursive and are made for the purpose of clarifying

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[6] Prins et al. "The Hartwell Paper: A New Direction for Climate Policy after the Crash of 2009." *LSE Research Online*.

[7] Florini, Ann. "Global Governance and Energy." *CAG Working Paper Series*.

[8] National Renewable Energy Laboratory. "Nuclear Power Results – Life Cycle Assessment Harmonization." *NREL*.

notions of sustainable, clean, and green energy–these distinctions are, in no way, fundamental to the arguments of this work. To begin, the economic factors at play will be divided into two areas of discussion, those that can be considered short-term and those that can be considered long-term.

The short-term benefits to states investing in renewable energy are becoming increasingly prominent. Technological advancements, including the creation of new energy sources, have spurred state investment by making renewable and sustainable energy sources less expensive, more readily available, and more reliable. In 2015, China surpassed Germany as the state with the highest installed solar capacity, a feat that occurred on the back of years of Chinese energy policy transformation and continued investment in renewable sources.[9] In 2016, the CEO of Canadian Solar claimed that "the cost of generating power from solar plants will be able to compete with those of burning coal power by 2025 around the globe" due to recent innovations in solar power conversion.[10] As technological advancements continue to make sustainable energy easier for states, investment in sustainable energy will increase. Norway, who leads the world in electric vehicles per capita, has recently considered a plan that, by 2025, would require all new cars, buses, and light commercial vehicles to be either battery electric or hydrogen fuel cell powered.[11] An additional benefit to pursuing alternate forms of energy to coal is job creation. China has experienced this in relation to their nuclear facilities, currently "Mainland China has 36 nuclear power reactors in operation, 21 under construction, and more about to start construction."[12] Combined with the specific university degrees for jobs at these plants, China has developed a thriving job market in a relatively short amount of time.

The long-term economic benefits of state investment in sustainable energy sources are also growing. Continuing on with China's development of the nuclear sector, the move away from coal would reduce air pollution substantially over time. The World Bank estimated that air pollution in China causes a roughly 5.8% annual GDP loss–roughly 100 billion U.S. dollars a year at the time of the estimate.[13] Beyond this, China is actively seeking energy security and desires to "'go global' with exporting nuclear technology including heavy

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[9] International Energy Agency Photovoltaic Power Systems Programme. *2015 Snapshot of Global Photovoltaic Markets*.
[10] Bloomberg. "China's Solar Prices Can Fall 38%, Become Competitive With Coal." *Bloomberg.com*.
[11] Cobb, Jeff. "Norway Aiming For 100-Percent Zero Emission Vehicle Sales By 2025." *HybridCars.com*.
[12] World Nuclear Association. *Nuclear Power in China*.
[13] World Bank China Country Director. *Statement from World Bank China Country Director on 'Cost of Pollution in China' Report*.

components in the supply chain."[14] Although China's coal use is forecasted to peak in 2020, with carbon dioxide emissions peaking in 2030, "using carbon pricing in combination with energy price reforms and renewable energy support, China could reach significant levels of emissions reduction without undermining economic growth."[15] Given these developments, China could dominate the global energy market by advancing these technologies ahead of the competition. Furthermore, sustainable sources such as nuclear energy allow China to achieve a higher level of energy security–meaning that they are less dependent upon volatile markets and less susceptible to interference from political issues and trade regulations. More generally speaking, the current strategy of China, focusing on nuclear power and renewable sources of energy could eventually lead them to energy autarky.

Given the growing economic benefits of sustainable energy, both in the short and long term, there is good reason to think that states have greater incentive to pursue them. As the technology of these sources–as well as technology related to energy conservation and abatement such as smart grids–continues to develop, their economic viability will grow at a continually faster rate. Given the reasons that major economies have already begun seeking sustainable energy over non-renewable sources for economic reasons, it is a likely trend that sustainable energy will become the safer economic choice for more states. As more states pursue energy security through sustainable sources, the structure of the global energy market will transform.

Lastly, the substantial economic impact of climate change is also a growing incentive for states to pursue sustainable energy. Some estimates contend that climate change is "costing the world more than $1.2 trillion, wiping 1.6% annually from global GDP"[16]. Efforts to protect against rising sea levels, as well as both preventative and reactive protections against extreme weather come at significant cost. Global food production, access to drinking water, and basic infrastructure will be affected by rising sea levels, disruptions that have already been felt in some parts of the world causing enormous economic and human cost.

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[14] World Nuclear Association. *Nuclear Power in China*.

[15] Dizikes, Peter. "Study: China's New Policies Will Lower CO2 Emissions Faster, without Preventing Economic Growth." *MIT News*.

[16] Harvey, Fiona. "Climate Change Is Already Damaging Global Economy, Report Finds." *The Guardian*.

Political power in the context of energy

As previously discussed, energy security is an enormous political concern–especially for states that must import energy to meet demand. Dependence upon oil from other states has sparked many diplomatic crises and military actions, some of which have severely damaged the reputations and relationships of states–however, the role of oil in conflict is often obfuscated by leaders or afforded some degree of plausible deniability. More theoretically, the need to import a resource from an increasingly volatile market is, unquestionably, an unfavourable political position. Sustainable sources of energy are of great value to states with limited non-renewable energy resources in order to reduce (or eliminate) the need to interact with a volatile market that is historically conflict-prone. By reducing import dependency (increasing energy security), a state is less susceptible to political pressure from exporters through policy-reactive pricing, thereby increasing their relative political power. In the long term, it can be said that investing in domestic sustainable resources is politically empowering.

Investing in sustainable resources is also an intelligent move in terms of 'soft power'. The Chinese government has grown increasingly conscious of soft power influence in recent decades, and their move to sustainable energy is consistent with this strategy.

> [The investment in sustainable energy] is not being done because of international obligations, but as an investment in national security. Renewable energy eases China's dependence on foreign fuel supplies, which are a growing concern. In an age of soft power, asymmetric warfare and carbon anxiety, an investment in solar and wind energy will help the country to stake a claim to the moral high ground.[17]

Although China will continue to use coal heavily for some time, it is likely that if they are able to supplant the usage of coal with sustainable forms of energy, they could become the champion of the climate change movement. Less ambitiously, China's transitioning energy industry can be viewed, in part, as a means by which to change the international perspective of China as the ultimate climate criminal. Moreover, a resultant boom in China's energy and technological sectors could attract clean energy entrepreneurs from around the world, a further soft power effect from the move.

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[17] Watts, Jonathan. "China Makes Renewable Power Play to Be World's First Green Superpower." *The Guardian*.

Aside from the individual political advantages that states have to invest in sustainable energy sources, there is also the collective advantage of mitigating climate change. "As worldwide patterns of temperature, precipitation and weather events change, the delicate balance of climate and life is disrupted, with serious impacts on food and agriculture, water sources, and health…changes in temperature and rainfall, floods, drought and rising sea level affect food production and have driven people from their homes, creating 'climate refugees.'"[18] Climate change poses a real and impending threat to political order and human lives. While effects of climate change are already being felt, both domestic and international political pressure to act will increase as disasters occur and human cost of inaction increases. With a growing public conscience regarding the environment, there is more pressure than ever domestically for governments to seek sustainable solutions to the problem of energy.

Conclusion

Recalling the criticism of past international policy and the general failure of that policy to make meaningful ground in reducing carbon emissions, a major reason cited was states lack of incentive to comply with policy, or even adopt it in the first place. Following this, it can be argued that the ongoing economic and political factors and processes outlined above, among at least some major states, constitute growing incentive for state participation. Sustainable energy is in the early stages of becoming a 'worthwhile' pursuit, both economically and politically–as evidenced by China's rapid commitment. Although in recent history, global governance systems for emissions regulations have been scarce and relatively ineffective, there is good reason to think that will change due to factors already at play. With the short-term economic gains of sustainable energy growing in viability due to technological advancement, as well as the long-term prospect of energy security and climate stabilization–investing in sustainable energy has transitioned from a difficult economic choice to an easier one. Politically, sustainable energy provides a means of escaping energy dependency relationships, increasing soft power, and combating the existential threat of climate change. As a result, it is likely that states will begin, as China has, to transition to sustainable energy sources on the basis of good economic and political decision-making. This could have profound positive effects for the stabilization of the energy market, the climate, and providing energy to less developed parts of the world–perhaps structural changes to the global energy market will be the impetus for advancements in global

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[18] Physicians for Social Responsibility. "Climate Change Is a Threat to Health." *Physicians for Social Responsibility.*

governance organisations like the International Atomic Energy Association. The most important conclusion to be drawn from these advancements, however, is that it is likely that China–as the earliest out of the starting gate in the race to transition to sustainable energy–will dominate the global energy market and champion the clean energy movement. This is shown, in practice, by China's early and continued commitment to the Paris Agreement.[19] [20] Beyond 2030, if forecasts are correct,[21] China's reputation as a climate criminal will be rendered invalid–meaning that China will be able to wield the political weapons of energy security and climate change in their favour.

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National Constitutions and Global Lawmaking:
Where Human Rights Law Appears (or doesn't) in New African Constitutions

Blake Atherton

Introduction

National judges across the globe are increasingly citing international law in their rulings; in doing so, they lend legitimacy to international law (Adjami, 2002; Benvenisti, 2008; Ginsburg, 2008; Kirby, 2006). However, states' invocation – and therefore affirmation – of international law is not limited to domestic court rulings. Since the end of World War II, many states in the developing world – particularly in Africa – have produced new national constitutions, the content of which may explicitly affirm (or indeed fail to affirm) norms articulated by international law. To be sure, this decision to accept or reject norms promoted by the United Nations (UN) and affiliated institutions is a crucial step in the legal, social, and political development of any state. However, it is particularly important for emerging powers like African states, whose voice in the international system grows more prominent by the day as a function of (a) their rapid economic growth relative to other parts of the world, and (b) the fact that norm proliferation in the developing world is an increasingly important instrument of soft power among countries vying for global influence (Boyle, 1999). Indeed, norms cannot be classified as truly global until they are explicitly accepted in many or most parts of the world; global norms thus possess legitimacy only to the extent that they enjoy widespread acceptance. Because of this, emerging powers play an important and constantly growing role in validating (or discrediting) international norms advanced by western powers. Customary practice that comports with global norms and the signing of treaties do ostensibly signify acceptance of global norms, but the wave of new national constitutions being written in Africa offers scholars a new method of assessing the extent to which global norms are taken as law in the developing world, by those states "most susceptible to global influences" (Beck, 2012).

In order to determine the degree to which this wave of new national constitutions explicitly affirms supposedly global norms, I will focus on one contemporary example of norm proliferation: human rights law. Deference to human rights law, as articulated in the Universal Declaration of Human Rights (UDHR) of 1948, constitutes an important contemporary global norm. To understand whether this norm is embraced by one particular class of emerging powers – states in sub-Saharan Africa – I will apply discourse analysis to

examine whether language used in the UDHR is clearly reiterated in African national constitutions produced since 1948. As Africa represents the region in which the most new national constitutions have been written since the publication of the UDHR, since Africa as a region is quickly rising to prominence, and since sub-Saharan Africa in particular is homogenous in ways most relevant for our inquiry, I will focus our study on new constitutions produced in sub-Saharan Africa from 1948 until the present. Drawing on discourse analysis, the aim, broadly, is to see whether African states are incorporating language into their constitutions that explicitly affirms human rights law (as articulated in the UDHR) and, if so, whether they are doing so at an increasing rate.

Literature review

Since the establishment of the United Nations, academics have been interested in the extent to which norms promoted by the UN and affiliated institutions would be embraced globally. Methods for discerning the acceptance of such norms are manifold (Landman, 2004). Some scholars have focused on national courts' increasing reference to foreign and international law in their rulings, particularly as it pertains to fundamental rights (McCrudden, 2000; Adjami, 2002). Others have maintained that merely becoming party to specific treaties on human rights law indicates acceptance of such norms. However, this latter hypothesis has been rebutted empirically, revealing that "it may be overly optimistic to expect that being a party to this international covenant will produce an observable direct impact" on acceptance of the human rights enumerated therein (Keith, 2004).

Still others contend that only *observed* adherence to human rights – as examined and reported by NGOs like Human Rights Watch, for instance – signifies the acceptance of such norms. Such scholars, however, fail to account for the disconnect between a state's desire to embrace certain norms and its ability to ensure their actualization. To be sure, this paper does not intend to suggest that the inclusion of human rights-related provisions in African national constitutions indicates full adherence to such rights. Indeed, scholars have observed and sought to explain the great divergence between the lofty human rights aims of African national constitutions and their protection of these rights in practice, not least of which includes the importance of African authorship in drafting post-colonial, national constitutions; if states were better represented in the process of producing such texts, some reason, they might be better prepared to adhere to such provisions (Udogu, 2003; Harrington, 2007; Posner, 2011). Rather, this paper endeavours to show that African states are making some real and observable attempt to incorporate international law into their

domestic legal frameworks, thereby lending legitimacy to international law and the norms that underpin it.

On a broad level, some scholars have endeavoured to do what this study seeks to accomplish: evaluate states' affirmation of international legal norms by locating their existence in national constitutions (Wilson, 1964; Marks, 2000; Ginsburg, 2008). After all, "[w]e should not be surprised," Sandra Day O'Connor has argued, "to find congruence between domestic and international values...expressed…in the domestic laws of individual countries" (Kirby, 2006). To be sure, "human rights language – formerly absent from almost all constitutions – now appears in most of them" and further still, a "[large] number of constitutions grant priority to all international treaties (including human rights treaties) over conflicting national law" (Beck, 2012; Venice Commission, 2014). However, these scholars' searches for international legal norms in African constitutions has largely focused on rhetoric that pertains to democratic norms (Marks, 2000; Posner, 2011). I am interested in specifically language related to human rights law – as articulated by the Universal Declaration of Human Rights (UDHR) – as it appears in this new wave of African national constitutions. As such, this paper will examine the restatement of specific UDHR provisions in this new wave of African national constitutions.

Theory

 I begin my theory with the following premise: the express usage of UDHR language in African national constitutions constitutes some meaningful degree of deference to human rights law, an important contemporary norm. The analysis that follows is descriptive insofar as I will primarily use qualitative methods to explain trends in UDHR language incorporation by African national constitutions. However, it is hypothesis-driven insofar as I advance two provable theories at the outset: (1) that national constitutions written in sub-Saharan Africa since 1948 will tend to incorporate the majority of the twenty-five substantive UDHR provisions in their national constitutions, and (2) that states will include this language increasingly as norms proliferate over time.

Methods and limitations

Methods

In order to evaluate the strength of my theory, I have utilized the following methods, and offer corresponding rationale well as limitations. First, I have examined each constitution

written in sub-Saharan Africa since 1948. I have selected Africa as since it represents the region of the world in which the greatest number of new constitutions has been written since 1948, when the UDHR was published. This allows me to survey the largest possible class of countries while controlling for factors that might vary on a regional basis. I further limit the scope of this study to sub-Saharan Africa to control for the tremendous influence that religion plays in majority-Muslim North-African nations. This includes the deliberate omission of South Sudan (who, naturally, produced a constitution upon its inception in 2011), since the entirety of the former Sudan was recognized by the United Nations as part of "North Africa." I reason that constitutions in states whose members are driven largely by any one religion will be more likely to privilege that religious doctrine over principles established in supranational texts. Naturally, I have begun our study in 1948, as the Universal Declaration of Human Rights, the core text of global human rights law in the modern world, was produced in that year, though the first new national constitution in sub-Saharan Africa was not produced until 1968.

I began the examination by composing a list states in sub-Saharan Africa that have produced new national constitutions since the year 1948. These number twenty-seven.

I then narrowed down the provisions of the UDHR to twenty-five clauses that I deemed "substantive clauses." The clauses I have excluded are 6, 8, and 28-30, which I consider either not substantive in the same sense that "the right to employment" is substantive, or that are worded in such a peculiar manner that one could not reasonably expect a provision resembling it to appear in subsequent constitutions. Granted, in Appendix II, I still indicate which countries incorporate articles 6,8, and 28-30 in their national constitutions, in the extremely rare case that they did, but these clauses are excluded from the ultimate calculations. Thus, a perfect score in terms of a constitution's incorporating every substantive and easily replicable provision from the UDHR is 25.

 One at a time, I then placed each of these national constitutions side-by-side with the UDHR and explored each text to determine precisely how many of the twenty-five substantive articles enumerated in the Declaration appear in similar or the same wording in the national documents. Naturally, determining precisely how similar two phrasings of the same idea must be is a central methodological challenge of this study. For the purposes of this work, I provide the following rationale for this research design: (a) the rhetoric employed in clauses I suspect to be drawn from the UDHR are so similar to the parent document that it verges on self-evident, and (b) I have provided the exact pairings of UDHR provisions and national

constitution clauses for readers to evaluate for themselves, including various notes on some of the more ambiguous replications.

Why, then, did I choose deference to human rights in particular, as opposed to other norms? In a word, human rights law "came into its own" contemporaneously with decolonization (Buergenthal, 2006). Because of this, almost every African state began to re-examine and revise its legal and political structure at precisely the same time as the UDHR came into force, creating a very natural scope for our study. Further, when examining human rights, the UDHR Universal Declaration (UDHR) was and remains the primary source of global human rights standards and enjoys purportedly global support (Hurst, 2006). "[It has] served directly and indirectly as a model for many domestic constitutions, laws, regulations, and policies that protect fundamental human rights…[including] direct constitutional reference to the Universal Declaration or incorporation of its provisions" (Hurst, 2006). Because of this, the UDHR represents an ideal backdrop upon which to study the development of African national constitutions, and, by proxy, their affirmation of UN-propagated global norms.

And finally, I do include states' perambulatory clauses in my assessment of whether these constitutions include UDHR provisions. I do this because the preamble of international legal texts often serves to indicate the notions that the drafting body considers obvious or previously established. If anything, then, the inclusion of UDHR provisions in states' preambles signals so large a commitment to such principles as to consider them "given."

Limitations

The number of provisions in a given constitution that echo UDHR language does not necessarily translate linearly to degree of deference to international law. In other words, that one state's constitution explicitly refers to one more provision of the UDHR than does another text does not necessarily mean that the former state exhibits greater respect for international law than does the latter. Rather, the number of provisions incorporated should serve as a rough benchmark for adherence to the norm of international law deference. This is not to mention that each of the UDHR's thirty stated articles has a different scope from the next. That "everyone, as a member of society, has the right to social security "as stated in Article 22 of the UDHR, does not hold the same weight in terms of adherence to human rights as faithfulness to Article 3, which proclaims that "everyone has the right to life, liberty and security of person." Developing further this caveat that not all articles of the UDHR are

equal, I would hardly expect certain articles of the text to appear in any national constitution, and should thus be omitted from our assessment. For example, there is indeed a very logical reason for why most states failed to fulfil Article 15 of the UDHR: this provision, pertaining to everyone's right to have a nationality, can only be properly understood as a global mandate, and not a domestic one. After all, a single national government cannot promise that everyone has a nationality – it can only make promises pertaining to, for instance, the nationality of those born in their country.

Finally, while an interest in the unique role that emerging powers play in validating international norms is central to this study, I do not allege that our findings hold external validity to extrapolate to other regions within the developing world. I focused on Africa because so many African states decolonized at almost precisely the same time that human rights came to the fore of international law. Therefore, sub-Saharan Africa represents the class of emerging powers about which all claims and findings are directed.

Findings

The findings from this review of African national constitutions and their incorporation of human rights law can be assessed and presented in a variety of different ways, each interesting or significant in its own way. However, for the purposes of this paper, I have focused on developing a score for each country – how many of the UDHR's twenty-five substantive provisions were incorporated into national constitutions – and observing how this score has varied over time. I found the prediction that African states incorporate more UDHR provisions over time to indeed be supported by the data. In the graph below, one can observe a distinct positive correlation between time since the publication of the UDHR and incorporation of its provisions. In other words, African states who write new constitutions tend to include more human rights law clauses as these norms permeate the region. Our reasoning is that developing states make increasingly clear efforts to conform to human rights law – as exemplified in the reappearance of explicitly UDHR language in the earliest African constitutions – but it takes time.

Regarding subsequent research on this topic, I do endeavour to dig further into this data set I have constructed, seeking for example to explain the trends in the incorporation of UDHR provisions with variables other than the time that has transpired since the document's publication. This, however, would require a separate and much lengthier discussion of the theory behind which states we might expect to incorporate UDHR provisions and what the appearance of such features might mean for states' deference to human rights law. This paper, by contrast, has sought solely to illustrate the theory that the clear and deliberate inclusion of discursive rhetoric on human rights law into national constitutions has occurred, and has done so at an increasing tick, indicating the proliferation of such norms.

Conclusion

Ultimately, states across the globe can choose to accept or reject international law – and the allegedly global norms that underpin it – in a number of ways. By referring to (or failing to refer to) foreign and international law in domestic judicial opinions, by being party to treaties and covenants of international law, by engaging in customary practice, or through a wide variety of other means, states may demonstrate explicitly their affirmation of international law and the global norms that underlie them. Yet there remains one important, and too often unexplored, avenue by which nations may reinforce international law – national constitutions. Emerging powers in the developing world hold a great deal of power in this respect: they can advance or degrade the international order through the extent to which they expressly incorporate its values in their foundational texts – their constitutions.

We began by hypothesizing that the rising power that is Africa is collectively reinforcing international law by explicitly incorporating language from human rights law into their constitutions. My findings ultimately supported this theory, demonstrating that (a) any African state producing a constitution since 1948 will incorporate at least the majority of substance UDHR provisions, and (b) since norms require time to take hold, the number of UDHR provisions incorporated into new African constitutions does indeed increase over time.

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Appendices

Appendix I: Universal Declaration on Human Rights

Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3
Everyone has the right to life, liberty and security of person.

Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6
Everyone has the right to recognition everywhere as a person before the law.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11
1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13
1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15
1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16
1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17
1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20
1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28
Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29
1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30
Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix II: National Constitutions (27)

Mauritius, 1968 (16/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓	✓	✓	✓			✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓		✓		✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓									

UDHR 2 = Mauritius 3

UDHR 3 = Mauritius 3(a)

UDHR 4 = Mauritius 6

UDHR 5 = Mauritius 7

UDHR 8 = Mauritius 17-1

UDHR 9 = Mauritius 5

UDHR 10 = Mauritius 10

UDHR 11 = Mauritius 10-2(a)

UDHR 12 = Mauritius 9

UDHR 13= Mauritius 15

UDHR 15 = Mauritius 25

UDHR 17 = Mauritius 8

UDHR 18 = Mauritius 11

UDHR 19 = Mauritius 12

UDHR 20 = Mauritius 13

UDHR 21 = Mauritius 31[2]-1

UDHR 22 = Some laws exist regarding pensions, but language regarding social security is not similar enough (Mauritius article 95 does not constitute any absolute maxim about a right to pensions)

Tanzania, 1977 (16/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓			✓		✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
	✓	✓				✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓	✓				✓				

UDHR 1 = Tanzania 12-1, 2

UDHR 2 = Tanzania 13-1

UDHR 5 = Tanzania 13-6(e)

UDHR 7 = Tanzania 13

UDHR 8 = Tanzania 13-6(a)

UDHR 9 = Tanzania 15-2

UDHR 10 = Tanzania 13-6(a)

UDHR 12 = Tanzania 16-1

UDHR 13 = Tanzania 17-1

UDHR 17 = Tanzania 24

UDHR 18 = Tanzania 18

UDHR 19 = Tanzania 18

UDHR 20 = Tanzania 20

UDHR 21 = Tanzania 21

UDHR 22 = Tanzania 22

UDHR 26 = Tanzania 11-2

Liberia, 1986**   (18/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓				✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓		✓			✓				

UDHR 1 = Liberia 11(a)

UDHR 2 = Liberia 11(b)

UDHR 3 = Liberia 20(a)

UDHR 4 = Liberia 12

UDHR 5 = Liberia 21(e)

UDHR 7 = Liberia 11

UDHR 8* The Liberian constitution does not expressly grant the right to remedy in court in the specific language that the UDHR does, but article 21(e) comes very close. Coding this remains somewhat ambiguous.

UDHR 9 = Liberia 21 (f, g)

UDHR 10 = Liberia 20, 21

UDHR 11 = Liberia 21(h)

UDHR 12 = Liberia 16

UDHR 13 = Liberia 13

UDHR 17 = Liberia 22

UDHR 18 = Liberia 14

UDHR 19 = Liberia 15

UDHR 20 = Liberia 17

UDHR 21 = Liberia ch. 2 article 5(a)

UDHR 23= Liberia 18

UDHR 26 = Liberia 6

Namibia, 1990 (19/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
*	✓	*	✓	✓		✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓				✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
*	✓			✓	✓				

UDHR 1 = Preamble clause 1*

UDHR 2 = Namibia 10(2)

UDHR 3 = Preamble clause 2*

UDHR 4 = Namibia 9(1)

UDHR 5 = Namibia 8(2b)

UDHR 7 = Namibia 10(1-2)

UDHR 8 = Namibia 12(1a)

UDHR 9 = Namibia 11(1)

UDHR 10 = Namibia 12

UDHR 11 = Namibia 12(1d)

UDHR 12 = Namibia 13

UDHR 16 = Namibia 14(1)

UDHR 17 = Namibia 16

UDHR 18= Namibia 21(1)

UDHR 19= Namibia 21(1)

UDHR 20 = Namibia 21(1)

UDHR 21 = Preamble clause 3*

UDHR 22 = Namibia 95f

UDHR 25 = Namibia 95f

UDHR 26 = Namibia 20

Benin, 1990 (16/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓	✓		✓		✓	✓	✓	
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓		✓				✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓		✓			✓	✓			

UDHR 2 = Benin 26 (some constitutions only have "Equality before the law" provisions, but not "This treaty applies to everyone, regardless of XYZ characteristics…the former encompasses the latter. so Benin encompasses UDHR 2)**

UDHR 3 = Benin 15

UDHR 5 = Benin 18

UDHR 7 = Benin 26

UDHR 8 = Benin 117 (though the language is extremely convoluted)

UDHR 9 = Benin 16

UDHR 11 = Benin 17

UDHR 13 = Benin 25

UDHR 17 = Benin 22

UDHR 18 = Benin 23

UDHR 19 = Benin 23

UDHR 20 = Benin 25

UDHR 21 = Benin 4

UDHR 23 = Benin 30

UDHR 26 = Benin 12

UDHR 27 = Benin 10

Mauritania, 1991 (Legislative case study)   (13/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓		✓	✓		✓		✓	
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓					✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓									

UDHR 1 = Mauritania 1

UDHR 2 = Mauritania 1

UDHR 4 = Mauritania 13

UDHR 5= Mauritania 13

UDHR 7 = Mauritania 1

UDHR 9 = Mauritania 13

UDHR 11 = Mauritania 13

UDHR 12 = Mauritania 13

UDHR 13 = Mauritania 10

UDHR 16-17, 22, 23, 26, 27 = Mauritania 57 This provision of the Mauritania constitution expressly confers power over these topics to parliament, and thus does not regard them as fundamental.

UDHR 18-20 = Mauritania 10

UDHR 21= Mauritania 3

Equatorial Guinea, 1991 (Legislative case study)   (14/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓		✓				✓	✓		✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓				✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
					✓	✓			

UDHR 1 = EG 5, 13a

UDHR 3 = EG 13a

UDHR 7 = EG 13c

UDHR 8/10 = EG 13j

UDHR 11 = EG 13o

UDHR 12 = EG 13g

UDHR 13 = EG 13d

UDHR 17 = EG 29

UDHR 18-20= EG 13

UDHR 26 = EG 23

UDHR 27 = EG 6* (the wording match isn't perfect, but the wording of the original document is peculiar enough for me to disregard this – the spirit of each provision is very near to the other)

Mali, 1992 (17/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓		✓		✓		✓	
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓				✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓			✓		✓	✓			

UDHR 1, 2, 7 = Mal I 2

UDHR 3 = Mal I 1

UDHR 5 = Mal I 3

UDHR 9 = Mal I 9, 12

UDHR 11 = Mal I 9

UDHR 12 = Mal I 6

UDHR 13 = Mal I 5

UDHR 17 = Mal I 6

UDHR 18-19 = Mal I 4

UDHR 20 = Mal I 5

UDHR 21 = Mal I 26

UDHR 24 = Mal I 17

UDHR 26 = Mal I 17

UDHR 27 = Mal I 8* (again, UDHR provision 27 is strangely worded…divergence from this wording is understandable in rewriting constitutions)

Ghana, 1992 (22/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓		✓	✓		✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓					✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
	✓		✓	✓	✓	✓	✓	✓	✓

UDHR 1 = Ghana 15(1)

UDHR 2 = Ghana 17(2)

UDHR 4 = Ghana 16(1)

UDHR 5 = Ghana 28(3)

UDHR 7 = Ghana 17(1)

UDHR 8 = Ghana 19 *or* 125(2)

UDHR 9 = Ghana 14(2)

UDHR 10 = Ghana 19(1)

UDHR 11 = Ghana 19(2c)

UDHR 12 = Ghana 18(2)

UDHR 13 = Ghana 21(1g)

UDHR 18-20 = Ghana 21

UDHR 22 = Ghana 21(3)

UDHR 24 = Ghana 24 (1)

UDHR 25 = Ghana 37(6b)

UDHR 26 = Ghana 24(2)

UDHR 27 = Ghana 26(1)

UDHR 28 = Ghana 37 (1, 2a)

UDHR 29 = Ghana 41

Ethiopia, 1995   (18/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓		✓	✓	✓	✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓			✓		✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓			✓	✓					

UDHR 1 = E. 24(1)

UDHR 2 = E. 25

UDHR 4 = E. 18(2)

UDHR 5 = E. 28(1)

UDHR 6 = E. 24(3)

UDHR 7 = E. 25

UDHR 9 = E. 17(2)

UDHR 10 = E. 20(1)

UDHR 11 = E. 20(3)

UDHR 12 = E. 26(1)

UDHR 13 = E. 32

UDHR 16 = E. 34(1)

UDHR 18 = E. 40

UDHR 19 = E. 27

UDHR 20 = E. 30

UDHR 21 = E. 38(1a)

UDHR 24 = E. 42(2)

UDHR 25 = E. 43(1)

Uganda, 1995 (19/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓		✓	✓		✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓		✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓			✓	✓	✓	✓			

UDHR 2 = U. 21

UDHR 4 = U. 25

UDHR 5 = U. 24

UDHR 7 = U. 21

UDHR 8 = U. 28(1)

UDHR 9 = U. 23(3)

UDHR 10 = U. 28(1)

UDHR 11 = U. 27(3a)

UDHR 13 = U. 27

UDHR 16 = U.31(1)

UDHR 17 = U. 26(1)

UDHR 18-20 = U.29

UDHR 21 = U.38

UDHR 24 = U. 40(1c)

UDHR 25 = Objective XIV(II)* (Objective sections basically say the state will do its best to provide certain social and economic goods)

UDHR 26 = U.30

UDHR 27 = U. 37

Cameroon, 1996   (25/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30

✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Chad, 1996 (18/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓	✓	✓	✓		✓		✓	
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓	✓		✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
		✓			✓	✓			

UDHR 2 = Chad 14

UDHR 3 = Chad 17

UDHR 4 = Chad 20

UDHR 5 = Chad 18

UDHR 7 = Chad 14

UDHR 9 = Chad 21

UDHR 11 = Chad 24

UDHR 12 = Chad 45

UDHR 13 = Chad 27

UDHR 14 = Chad 46

UDHR 16 = Chad 37* (Only the family sub-clause is mirrored; not the marriage-specific one)

UDHR 17 = Chad 41

UDHR 18-20 = Chad 27

UDHR 23 = Chad 36

UDHR 26 = Chad 35

UDHR 27 = Chad 33

South Africa, 1996 (17/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓	✓	✓	✓		✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓		✓		✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓									

UDHR 2 = SA 9(3)

UDHR 3 = SA 12

UDHR 4 = SA 13

UDHR 5 = SA 12(1d)

UDHR 7 = SA 9(1)

UDHR 8 = SA 34

UDHR 9 = SA 35

UDHR 10 = SA 34

UDHR 11 = SA 35(3h)

UDHR 12 = SA 14

UDHR 13 = SA 21

UDHR 15 = SA 28* "*Child has a right to a nationality from birth*"

UDHR 17 = SA 25

UDHR 18 = SA 15

UDHR 19 = SA 16

UDHR 20 = SA 17

UDHR 21 = SA 19

Gambia, 1997   (22/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓	✓	✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓		✓	✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓			✓	✓	✓	✓			

UDHR 2 = G.33

UDHR 3 = G.19(1)

UDHR 4 = G.20(1)

UDHR 5 = G. 21

UDHR 7 = G.33(1)

UDHR 9 = G.19(1)

UDHR 10 = G.24(1b)

UDHR 11 = G.24(3a)

UDHR 12 = G.23(1)

UDHR 13 = G.25

UDHR 15 = G.29(1) - express right for *children* born in Gambia to have the nationality…does this count?

UDHR 16 = G.27

UDHR 17 = G.22

UDHR 18-20: G.25

UDHR 21 = G.26

UDHR 24, 25 = G.216(6)* Objective

UDHR 26 = G.30

UDHR 27 = G.32

Eritrea, 1997 (17/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓		✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
	✓					✓			

UDHR 1 = Er 16

UDHR 2 = Er 14(2)

UDHR 4 = Er 16-3

UDHR 5 = Er. 16-2

UDHR 7= Er. 14-1

UDHR 9 = Er. 17

UDHR 10 = Er. 17(6)

UDHR 11 = Er. 17(7)

UDHR 12 = Er.18

UDHR 13= Er. 19

UDHR 16=Er. 22(2)

UDHR 17 = Er. 23

UDHR 18-20= Er.19

UDHR 22 = Er. 7(1)

UDHR 27 = Er. 7(1)

Nigeria, 1999 (22/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓		✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓	✓	✓	✓	✓	✓	✓			

UDHR 1=N.17.2b

UDHR 2 = N 15.2

UDHR 4 = N 34.1

UDHR 5 = N 34.1a

UDHR 7 = N.17.2b

UDHR 9 = N. 35.3

UDHR 10 = N.36.1

UDHR 11 = N 36.5

UDHR 12 = N 37

UDHR 13 = N 41.1

UDHR 16 = N 15.3

UDHR 17 = N 43

UDHR 18 = N 38.1

UDHR 19 = N 38.1

UDHR 20 = N 39.2

UDHR 21 = N 14.2c

UDHR 22 = N 16.1

UDHR 23 = N 17.3

UDHR 24 = N 17.3

UDHR 25 = N 17.3

UDHR 26 = 18.1-3

UDHR 27= 21

Senegal, 2001 (15/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
	✓	✓		✓		✓			
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
	✓	✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓		✓			✓	✓			

UDHR 2 = S 1

UDHR 3 = S 7

UDHR 5 = S 7

UDHR 7 = S 7

UDHR 12 = S 13

UDHR 13 = S 8

UDHR 16 = S 17

UDHR 17 = S 8

UDHR 18 = S 24

UDHR 19 = S 8

UDHR 20 = S 8

UDHR 21 = S 4

UDHR 23 = S 8

UDHR 26 = S 8

UDHR 27 = S 8

Rwanda, 2003 (20/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓		✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓	✓	✓		✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓		✓			✓	✓			

UDHR 1 = Rw 11

UDHR 2 = Rw 11

UDHR 3 = Rw 12

UDHR 5 = Rw 15

UDHR 7 = Rw 16

UDHR 9 = Rw 18

UDHR 10 = Rw 19

UDHR 11 = Rw 19

UDHR 12 = Rw 34

UDHR 13 = Rw 23

UDHR 14 = Rw 25

UDHR 15 = Rw 7

UDHR 17 = Rw 29

UDHR 18 = Rw 33

UDHR 19 = Rw 33

UDHR 20 = Rw 36

UDHR 21 = Rw 45

UDHR 23 = Rw 37

UDHR 26 = Rw 40

UDHR 27 = Rw 50

Burundi, 2005 (19/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓		✓				✓			

UDHR 1 = Bu 13

UDHR 2 = Bu 13

UDHR 3 = Bu 14

UDHR 4 = Bu 26

UDHR 5 = Bu 25

UDHR 7 = Bu 22

UDHR 9 = Bu 39

UDHR 10 = Bu 38

UDHR 11 = Bu 40

UDHR 12 = Bu 43

UDHR 13 = Bu 25

UDHR 16 = Bu 29

UDHR 17 = Bu 36

UDHR 18/19 = Bu 31

UDHR 20 = Bu 32

UDHR 21 = Bu 51

UDHR 23 = Bu 54

UDHR 27 = Bu Preamble/Bu 53

Democratic Republic of the Congo, 2006   (24/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓	✓	✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓	✓		✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓	✓	✓		✓	✓	✓			

UDHR 1 = DRC 11

UDHR 2 = DRC 13

UDHR 3 = DRC 16

UDHR 4 = DRC 16

UDHR 5 = DRC 61

UDHR 7 = DRC 12

UDHR 8 = DRC 61

UDHR 9 = DRC 17

UDHR 10 = DRC 20

UDHR 11 = DRC 17

UDHR 12 = DRC 31

UDHR 13 = DRC 30

UDHR 14 = DRC 33* (Qualified by subsequent statements about conferring upon the state the ultimate right to decide on asylum cases).

UDHR 16 = DRC 40

UDHR 17 = DRC 34

UDHR 18 = DRC 22

UDHR 19 = DRC 23

UDHR 20 = DRC 24-26

UDHR 21 = DRC 6

UDHR 22 = DRC 36

UDHR 23= DRC 36

UDHR 25 = DRC 36

UDHR 26 = DRC 43

UDHR 27 = DRC 46

Angola, 2010 (24/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓	✓		✓
Article	Article	Article	Article	Article	Article	Article	Article	Article	Article

11	12	13	14	15	16	17	18	19	20
✓	✓	✓	✓		✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓	✓	✓	✓	✓	✓	✓			

UDHR 1 = An 31

UDHR 2 = An 22-23

UDHR 3 = An 30, 36

UDHR 4, 5 = An 60

UDHR 7 = An 23

UDHR 8 = An 64

UDHR 10 = An 67

UDHR 11 = An 67(2)

UDHR 12 = An 32

UDHR 13 = An 46

UDHR 14 = An 71

UDHR 16 = An 35

UDHR 17 = An 37

UDHR 18 = An 41

UDHR 19 = An 40

UDHR 20 = An 47

UDHR 21 = An 52

UDHR 22 = An 77

UDHR 23 = An 76

UDHR 24 =An 76

UDHR 25 = An 90(e)

UDHR 26 = An 79

UDHR 27 = An 79

Kenya, 2010 (22/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓		✓	✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓	✓			✓	✓	✓			

UDHR 1 = K 28

UDHR 2 = K 27(4)

UDHR 3 = K 26

UDHR 4 = K 25(b)/30

UDHR 5 = K 25(a)

UDHR 7 = K 27(1)

UDHR 9 = K 49

UDHR 10 = K 50

UDHR 11 = K 50(1a)

UDHR 12 = K 31

UDHR 13 = K 39(1)

UDHR 15 = K 53(a)* Children have the right to a nationality from birth

UDHR 16 = K 45(2)

UDHR 17 = K 40

UDHR 18 = K 32

UDHR 19 = K 33

UDHR 20 = K 37

UDHR 21 = K 38

UDHR 22 = K 43(1e)

UDHR 25 = K 43(1a-d)

UDHR 26 = K 43(1f)

UDHR 27 = K 44(1)

Madagascar, 2010   (20/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓		✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓				✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓		✓		✓	✓	✓			

UDHR 1 = Mad 17

UDHR 2 = Mad 6

UDHR 3 = Mad 8

UDHR 5 = Mad 8

UDHR 7 = Mad 6

UDHR 9 = Mad 9

UDHR 10 = Mad 13

UDHR 11 = Mad 13

UDHR 12 = Mad 9

UDHR 13 = Mad 12

UDHR 17 = Mad 34

UDHR 18-20 = Mad 10

UDHR 21 = Mad 14

UDHR 23 = Mad 27

UDHR 25 = Mad 29

UDHR 26 = Mad 23-24 (for children)

UDHR 27 = Mad 26

Niger, 2010 (21/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
	✓	✓		✓	✓	✓			

UDHR 1 = Niger 10

UDHR 2 = Niger 8

UDHR 3 = Niger 12

UDHR 4 = Niger 14

UDHR 5 = Niger 14

UDHR 7 = Niger 8

UDHR 9 = Niger 18

UDHR 10 = Niger 20

UDHR 11 = Niger 20

UDHR 12 = Niger27

UDHR 13 = Niger 32

UDHR 16 = Niger 21

UDHR 17 = Niger 28

UDHR 18-19= Niger 30

UDHR 20 = Niger 32

UDHR 22 = Preamble (General guarantee of social security – this is commonly found in constitutions).

UDHR 23 = Niger 33

UDHR 25 = Niger 12

UDHR 26 = Niger 23

UDHR 27 = Niger 17

Zimbabwe, 2013 (22/25)

Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7	Article 8	Article 9	Article 10
✓	✓	✓	✓	✓		✓		✓	✓
Article 11	Article 12	Article 13	Article 14	Article 15	Article 16	Article 17	Article 18	Article 19	Article 20
✓	✓	✓			✓	✓	✓	✓	✓
Article 21	Article 22	Article 23	Article 24	Article 25	Article 26	Article 27	Article 28	Article 29	Article 30
✓	✓	✓		✓	✓	✓			

UDHR 1 = Zim 3(1e)

UDHR 2 = Zim 56

UDHR 3 = Zim 48

UDHR 4 = Zim 54

UDHR 5 = Zim 53

UDHR 7 = Zim 56

UDHR 9 = Zim 50

UDHR 10 = Zim 69

UDHR 11 = Zim(1a)

UDHR 12 = Zim 57

UDHR 13 = Zim 66

UDHR 16 = Zim 78

UDHR 17 = Zim 71

UDHR 18 = Zim 60

UDHR 19 = Zim 61

UDHR 20 = Zim 58,59

UDHR 21 = Zim 67

UDHR 22 = Zim 30

UDHR 23 = Zim 14

UDHR 25 = Zim 24

UDHR 26 = Zim 75

UDHR 27 = Zim 63b

Ivory Coast, 2016 (17/25)

Article 1	Art. 2	Art. 3	Art. 4	Art. 5	Art. 6	Art. 7	Art. 8	Art. 9	Art. 10
✓	✓	✓	✓	✓		✓		✓	
Art. 11	Art. 12	Art. 13	Art. 14	Art. 15	Art. 16	Art. 17	Art. 18	Art. 19	Art. 20
✓	✓		✓			✓	✓	✓	✓
Art. 21	Art. 22	Art. 23	Art. 24	Art. 25	Art. 26	Art. 27	Art. 28	Art. 29	Art. 30
✓					✓	✓			

UDHR 1 = IC 2

UDHR 2 = IC 30

UDHR 3 = IC 2

UDHR 4 = IC 3

UDHR 5 = IC 3

UDHR 7 = IC 2

UDHR 9 = IC 21/22

UDHR 11 = IC 22

UDHR 12 = IC 4

UDHR 14 = IC 12

UDHR 17 = IC 15

UDHR 18/19 = IC 9

UDHR 20 = IC 10

UDHR 21 = IC 32

UDHR 26 = IC 7

UDHR 27 = IC 7