

Enhancing the Role of Small States in the International System

The Position of Small States in the Global Context

12.1 When the framers of the Charter shaped the UN, it is clear that there was no expectation that the organisation would have, as it ultimately did, so many small states as full and equal members, and so there were no special provisions in the Charter to accommodate these states in one way or another. Indeed a striking difference between the UN and the League of Nations is that this earlier organisation featured a particular concern about the status and security of the small states of the day – those of Europe – and made specific provision to assist and protect them.

12.2 In the era of practically perpetual peace which was envisaged in 1945, it was not thought necessary to provide specially for the few small states then existing, since they were not seen to be at risk. It must be noted that even after the Cold War had started this perspective remained the same and that this continued to be the outlook when, through the decolonisation process, large numbers of small states joined the international community. These states were admitted as equal members of that community but their inability to provide for their own security was shown in time to be a fundamental weakness which called in question their status as sovereign states. But the assumptions of the Charter, which explained in part the emergence of these states, were that there would be a secure international community and effective provisions for collective security and mutual welfare. When in their early years, in a few cases, security challenges did occur they were manageable and there was no conception of a generic problem for small states in general.

12.3 This has meant that small states themselves have had to work hard to bring their problems to the attention of the international community. They have shown some diplomatic skill in doing so. In the first blush of independence these states were keen to play their part as members of the international community and many established sizeable foreign ministries. Most of these services have since either been cut back or, at best, not grown. There also has been a reduction in the size and style of the diplomatic accommodation abroad. The cutbacks have not been because of basic overstaffing but the result of financial constraints. This is regrettable as their need for adequate numbers of skilled rep-

representatives in the global marketplace to monitor developments and advocate their concerns is greater than ever given the large number of new state actors competing for resources in the international arena.

12.4 In international organisations small states have exhibited some skill and influence in conference diplomacy. Their numbers mean that their votes are often important in the work of these agencies, including those at the regional level. While the end of the Cold War has undoubtedly drastically reduced the negotiating space of many 'Third World' actors, the accumulated knowledge of these states can still stand them in good stead in international agencies which remain important arenas for these states to seek to secure security benefits and to further international harmony.

12.5 Through developing their expertise small states have already made signal contributions to world order, as in the pivotal role of Malta to the development of the new Law of the Sea, of Cyprus in advancing the adoption of the notion of peremptory norms of international law in the Law of Treaties, and of Trinidad and Tobago in the nascent International Criminal Court. These are areas where the newly created legal regimes can contribute to the welfare of small states, and thus are examples of an enlightened self-interest while serving the international community. Other issues on which small states have been very supportive of measures which build world community and improve welfare are the environment, disarmament, land mines, equality of gender and race, and human rights. By continuing and upgrading their contributions in such areas small states can make a vital contribution to building the sort of world in which their existence and status would not be questioned.

12.6 However, the ability of small states to maximise their roles in the international arena is severely hampered by their inability to participate fully at international meetings of importance to them, and by their limited capacity in accessing relevant information and data over a wide range of matters which impinge on their security. There is both a massive increase in available information and more decisions to be made in a busier world. There is also a need to make decisions in a faster time frame. Modern communications technology probably can help this problem significantly and it is an area worthy of some priority.

12.7 In general terms, Commonwealth small states will have to think very carefully about which aspects of international engagement are critical to them and which are not. The issue of ACP-EU consultation and negotiation regarding a successor agreement to the current Lomé Convention has been considered earlier. Experience in the last decade, and present and unfolding circumstances, suggest four other

areas in which particular efforts should be made: the development of international law; the establishment of regimes within the WTO; reform and revitalisation of the UN; and support for the Commonwealth.

International Law

12.8 The definition of security advanced in this report highlights the need for small states to advance their interests within the framework of international law. In spite of spectacular infringements of international law, of which small states have been victim, international law has been growing in importance as an essential element in world order. The norm in the international community is one of compliance by states with rules which comprehend an ever growing variety of international transactions, which are themselves the inevitable product of the intensification of interdependence between nations.

12.9 Small states as weak powers stand to gain from an international system in which regimes and institutions are among the cornerstones of state interaction. An international regime is a set of rules, norms and procedures around which the expectations of actors (e.g. states or international organisations) converge in a certain issue area (e.g. trade, the environment or disarmament). The convergence of expectations mean that participants in the international system have similar ideas about what rules will govern their involvement and this in turn shapes their behaviour toward co-operative outcomes in which the benefits of mutual interest are paramount. When regimes are embedded in institutions like the IMF or the GATT international order is advanced.

12.10 One of the most important regimes for small states has been the adoption and entry into force of the UNCLOS. This has added considerably to the responsibilities of small states as at the same time it has increased their material interests. The territorial seas and archipelagic waters over which small states enjoy sovereignty now extend over thousands of kilometres, some of which were previously high seas, whilst the EEZs over which they may exercise sovereign rights are many times greater. The consequences of these changes, in the eyes of many, have been to transform some small island states from resource-poor to resource-rich nations. There is an element of truth in this, although the point may easily be exaggerated. The issue of resolving sovereign disputes regarding entitlements to the zones of maritime jurisdiction in accordance with the law acquires special significance. The rights to resources do not necessarily mean their effective exploitation. The high capital costs of deep water fishing, oil and gas exploration and sea-bed mining have held back their development and to date most returns to small states have come from licence fees

paid by foreign fishing fleets. There is also the question of security. The size of EEZs are such that it is impossible for small states to police them effectively, even when given support by regional powers to do so. Small states have therefore had to rely on voluntary compliance by states as the only plausible means to reap benefits from the EEZs. In such a situation the obligation of compliance with international law by states is of considerable value.

12.11 Another area of international law of direct interest to many small states has been the activity of mercenaries. A Convention on the Elimination of Mercenaries in Africa was adopted by the OAU and a Regional Convention on the Suppression of Terrorism has been concluded by SAARC. The UN has adopted an International Convention Against the Recruitment, Use, Financing and Training of Mercenaries but ratification has been slow, particularly by some of the major powers whose support is vital if mercenary activity is to be outlawed.

12.12 There is also the question of neutrality. This has two meanings in international law: referring either to a specific situation in which a state adopts a status of neutrality with respect to a specific conflict, or a status which a state seeks to enter into permanently with the concurrence of other states. Small states have pursued neutrality in both senses. The outstanding example of the first is that many are members of the Non-aligned Movement (NAM). While there is a clear distinction between the legal status of neutrality and the political expression of non-alignment, the NAM has served the interests of several small states very well: specifically Belize, Cyprus and Guyana who have used the NAM to condemn aggression and gather diplomatic support in defence of their territorial integrity. An example of the second is Malta which has declared neutrality, written it into its Constitution and had it recognised by neighbouring and other states. Malta continues to attach great importance to its declared policy of neutrality and to advocate it as a policy suitable for small states. The status of neutrality would be enhanced by recognition by the UN Security Council. The *Vulnerability* report drew attention to this possibility, and despite the difficulties surrounding the adoption and recognition of neutrality for small states, felt it was an option worth exploring, a view shared by the authors of this report.

12.13 All states, but particularly small states, benefit from the general prohibition on both the actual use of force and the threat to use force in international relations as set out in Article 2(4) of the UN Charter. It outlaws not only recourse to war but any threat or use of force that is against the territorial integrity or political independence of another state or that is otherwise inconsistent with the purposes of the UN.

The principle contained in Article 2(4) has been cited by the Security Council, amplified in resolutions and declarations of the General Assembly, upheld by the International Court of Justice, and reaffirmed by the international community. They are, to this extent, widely held in the international system, providing an international legal basis for small states to seek prompt and effective action in the UN should they be subject to aggression.

12.14 The Commonwealth, as a principal legal system based on common law, could play a greater role in the international legal field to the benefit of its small state members.

The World Trade Organisation

12.15 The WTO provides a rules-based multilateral trading system. All members have rights and obligations. This is important for small countries since potentially they can defend their interests and influence the evolution of the organisation. It is an advance on a system of bilateral commercial relations based on economic and political power but only if small countries (and developing countries) can make their voices heard and participate fully in its operations. This will not be easy for two reasons.

12.16 Twenty-three Commonwealth small states have joined the WTO and applications from three others are currently pending. Few of these countries can afford to maintain a permanent office in Geneva and those that do accredit their representatives to the other major international organisations which are based there. Yet in the WTO alone the average number of meetings is now 46 a week. It is impossible for small states to cover them effectively unless they co-ordinate their efforts and work out a practical division of labour. Joint representation at the regional level offers an avenue to pursue this.

12.17 Second, the agenda of the WTO is substantial. To begin with there are numerous areas which have built in reviews and negotiations which will be important for small states. These include multilateral negotiations for liberalisation on trade in services under GATS; the continuation of the reform process under the agreement on agriculture; and review of the agreements on TRIMs and TRIPs, as well as recommendations in a number of areas including rules of origin. New issues have also been introduced including investment and competition policy. These will have to be covered alongside negotiations simultaneously being conducted with the EU in respect of Lomé, as well as with regional and sub-regional organisations.

12.18 In short, there are likely to be serious problems of human and technical capacity to cover these negotiations in sufficient depth, let alone achieve an effective policy synthesis across sectors and between various sets of negotiations. This problem has been recognised within the WTO and the UN Conference on Trade and Development (UNCTAD), but so far no proposals for assistance aimed specifically at small states, as distinct from developing states, have been advanced. Small states will therefore need to grasp the nettle themselves. In some respects this is already being done at a regional level, but it may be necessary to go beyond this to co-operate more closely in the WTO itself. The services of a trade policy expert based in Geneva have already been made available to small states under a Commonwealth programme. The possibilities of establishing a Joint Office along the lines of that at the UN in New York could be useful. Small states could also benefit from seeking closer integration of the WTO into the UN system where they would have the chance to influence policy in a broader context.

The United Nations

12.19 For small states, the best guarantee of their security is a universal collective security system prepared to resist aggression on their behalf. Therefore small states have always supported efforts to develop the United Nations into a truly effective world security agency. They have also placed the issue of small state security on the agenda of the General Assembly and the Security Council and have been active in promoting the work of the many agencies of the UN, particularly on the environment.

12.20 As noted earlier, the Maldives in 1989 piloted a resolution through the UN which was co-sponsored by 54 other states and adopted by consensus. The resolution entitled 'Protection and Security of Small States' called for international recognition of the vulnerability of small states and appealed to the international community to assist small states to strengthen their security. The resolution also called for the Secretary-General to play a wider role in accordance with Article 99 of the Charter which empowers the Secretary-General to bring matters which may be a threat to international peace and security to the attention of the Security Council. The Maldives followed this up with a Workshop on the Security of Small States in 1991 (attended by nine Commonwealth small states and several regional organisations) which recommended the establishment of a UN rapid response force to be under the direct control of the Secretary-General and which would be used to meet the security threats of small states at their request.

12.21 The report of the Secretary-General on the 'Protection and Security of Small States' was tabled in 1991. Twenty-two states submitted memoranda, eight of which were Commonwealth small states. The Security Council also discussed the issue. No common view emerged although it was recognised that because of their intrinsic characteristics, small states might need a special measure of support. This was reconfirmed in Resolution 46/43 of the General Assembly in 1991 which also stressed the importance of strengthening regional security arrangements. In 1994 the Secretary-General reported again on small state security. Memoranda were received from seven states, two of which were Commonwealth small states. Of note, is that in the discussions on the Security Council, the representatives of the European Community and the United States stressed that they would not agree to making any distinctions among states with regard to their security, maintaining this was unnecessary since the UN was based on the sovereign equality of states and provided for the security of all. The report therefore spoke in terms of establishing a general climate of support which would benefit small states, alongside developing particular security support in regional organisations. A further resolution (GARes 49/31) in favour of the protection and security of small states was passed in December 1994.

12.22 The Maldives initiative has been useful in clarifying positions but clearly limited in its outcome. Small states have therefore been more inclined, of late, to put their effort into reform of the UN. The proposal in 1992 by the then Secretary-General, Dr Boutros Boutros-Ghali in 'Agenda For Peace' on the need to establish a 'Conflict Early Warning System' in his office would certainly be welcomed by small states as important. At present the Secretariat offers advice and assistance on request and monitors on an ad hoc basis. Small states have also been concerned about any attempts to run the UN through a consortium of great powers and have therefore urged that UN reform should focus on more accountability and transparency. To date, for example, only five Commonwealth small states have served on the Security Council – Botswana, Jamaica, Malta, Mauritius and Trinidad and Tobago. It is the view of some small states that constitutional amendments to the Charter should consider the possibility of entrenching in the Security Council representation reflecting the large number of small member states. However, this has not been taken up by any of the proposals for reform which have attracted any significant measure of support.

12.23 The reform of other parts of the UN system to reflect the interests of small states is more likely to be successful. A model in this regard is the creation of AOSIS established at the end of the Second World Climate Conference in 1990 to raise awareness of the vulnerability of

small island states to environmental threats. The membership of AOSIS includes all the Commonwealth SIDS. An early success was the identification of, and acceptance of, the need for a special programme for small island developing states which was set out in Agenda 21 and agreed at the UNCED in 1992. Subsequently the Global Conference on the Sustainable Development of Small Island Developing States was held in Barbados in 1994 which adopted a Programme of Action to be co-ordinated by the UN. More recently, AOSIS has sought the adoption of a Protocol to the UN Framework Convention on Climate Change which proposes the adoption of a tougher regime cutting the emissions of greenhouse gases by developed countries by 20% by 2005, using 1990 as the baseline.

12.24 AOSIS points to the value of co-operation and co-ordination among small states wherever possible, and particularly in the UN system. The practice of regional representation within it gives small states the opportunity to raise their profile and exercise leadership on behalf of the region. The principle of rotation for selection to such positions allows small states to anticipate and prepare for office. It is to be commended and small states should seek its general acceptance within the UN system. They should also explore, more than they do at present, the adoption of common positions in UN agencies such as UNCTAD and the World Health Organisation, and the prosecution of common interests on major issues such as disarmament. The success of the South Pacific Forum in promoting the end of nuclear testing, and in another context of securing the reinscription of New Caledonia on the UN List of Non-Self-Governing Territories in the face of intense pressure by France, stands as an example of what small states can achieve collectively.

The Commonwealth

12.25 As the only major international agency where the majority of members are from small states, the Commonwealth has a unique role of advocacy in the global arena on behalf of those members. It also has a substantial technical programme in support of their development and a wide range of other activities of particular and of general interest to small states. The Commonwealth Secretariat has a comparative advantage in dealing with a wide range of small states' issues and is widely recognised by international and regional agencies for its expertise.

12.26 The Secretariat's assistance to small states is largely determined by mandates from governments and individual country requests. Hence the sectoral distribution of assistance reflects the priorities of small states themselves along with the ability of the Secretariat to

respond to their needs. Five programmes have accounted for most spending: economic and social development, including sectoral policy assistance; human resource development; administrative and managerial reform; promotion of fundamental political values of the Commonwealth, including electoral assistance; and economic management, including economic policy advice. In the last few years total assistance has amounted to around two-thirds of the expenditure of the Commonwealth Fund for Technical Cooperation.

12.27 The establishment of the MGSS in 1993 has provided a forum for keeping a focus on small state concerns and the implementation of action plans. It is complemented by a Commonwealth Consultative Group on Small States (CGSS) composed of senior officials which was established in 1994 and supported by the Commonwealth Secretariat Task Force on Small States which was set up in 1995 to co-ordinate work within the Secretariat. The arrangements and programmes of work established by these groups was endorsed at the CHOGM in 1995.

12.28 Three areas of work have been identified by the MGSS and CGSS as being of particular importance. They are the sustainable development of small states, with a focus on environmental issues; small states and the international trading system, with an emphasis on economic questions; and the security of small states, which has addressed political and security issues broadly defined. The entire range of the Commonwealth Secretariat's work is comprehended by these programmes which address important issues such as capacity-building and human resource development within small states, as well as the provision of technical and policy advice through the preparation and dissemination of expert reports on areas of work identified as significant to them. Recent initiatives to develop closer relations with regional organisations through the conclusion of Memoranda of Understanding with the SPF and CARICOM have also added to the significance of the work of the Secretariat.

12.29 In addition, the Secretariat has been involved in the administration of the Joint Office for Commonwealth Permanent Missions to the UN (Joint Office) since it was established in 1983 with four members. Now nine Commonwealth small states use its facilities. In a review of the Joint Office undertaken in 1996 the users noted that it was critical to the conduct of their international relations at the UN. The review also concluded that the philosophy behind its creation remained valid and that it continued to fill a purpose.

12.30 A highlight of Commonwealth diplomacy and conflict resolution is the extensive 'good offices' work of successive Secretaries-General who have effectively exercised this capacity for quiet diplomacy in a

number of political crises in small states. Recent instances have been in Lesotho and in Papua New Guinea. Allied to this is consensus building in its widest sense. The Commonwealth has observer status at the UN General Assembly and the Secretary-General has explored issues of international peace and security with the UN Secretary-General and supported him in his search for a settlement in Cyprus.

Recommendations

12.31 With the end of superpower conflict there is some hope that rules for a disciplined and universally acceptable international order are gradually being developed and that, within these, accommodation can be made for the particular concerns of small states. Whether or not such an order will evolve is a matter for the international community at large, but small states collectively and individually have a part to play. Their common interest is in creating an orderly world in which the asymmetries of power are tempered by international institutions. **Small states should use their number and in many cases their good example to strengthen multilateral co-operation as the basis for developing a more humane and equitable global order.**

12.32 To this end **small states should be proactive in promoting international law and the regimes which are being fashioned in a multitude of areas.** Regimes foster a co-operative international order and provide a web of legal and institutional support addressed to the multi-faceted problems relevant to small state security. While it would be ideal to establish a regime specific to small state security it would be unlikely to address the needs of all small states. A better route is to determine those which are of special relevance and promote their endorsement and ratification by the overwhelming majority of states in the international community. Accordingly, **we recommend that a study be undertaken to determine which regimes are of particular importance to small state security with a view to their early ratification.** The study should also determine areas in which future regimes could be promoted as of interest to small states with a view to examining the feasibility of small states taking a lead in their introduction.

12.33 **Small states must be supportive of reform of the UN and its emergence as the central institution for global governance.** In furthering this process small states need to be mindful of their strengths and their weaknesses as well as their particular interests. Small states have contributed peacekeeping forces to the UN but in reality their role is necessarily constrained by size. Likewise small states have been supportive of measures for disarmament and demilitarisation but their voice is weak and often unheard. On security

issues, traditionally conceived, small states are unlikely to make headway. Where they can make a difference is **on the growing economic, environmental and humanitarian agendas. Small states should ensure that they are at the centre of discussion and proposals for reform** in these areas. They should also seek to establish mechanisms within the UN system which ensure their representation on a regular and orderly basis. This approach obviously requires the maximum presence of small states at the UN. **We recommend that Commonwealth small states not permanently present at the UN examine the benefit of joining the Joint Office.**

12.34 We acknowledge the role the Commonwealth has played in supporting small states. It is not matched by any other international institution in advocacy, policy advice and practical assistance. We would wish to see this continue and if possible be enhanced. This means additional resources and extra burdens, particularly on the Commonwealth Secretariat. The mechanisms within it for monitoring and reviewing small state assistance appear to work well and we make no recommendation for change. Similarly, the process of identifying projects and programmes of interest to small states as being driven by small states takes account of their special needs. However, in view of the importance of policy co-ordination identified above we believe that there is a **need to strengthen present arrangements within the Secretariat to co-ordinate programmes of assistance to small states, including developing relations with NGOs.** The existing Secretariat Task Force could have a number of tasks but central among them would be ensuring the concerns of small states are actioned into the opening years of the twenty-first century.