

The multilateral system under stress

Charting Europe's path forward

Brigitte Dekker
Sico van der Meer
Maaïke Okano-Heijmans

Case studies of the WTO,
arms control and human rights



Clingendael

Netherlands Institute of International Relations



Clingendael

Netherlands Institute of International Relations

The multilateral system under stress

Charting Europe's path forward

Brigitte Dekker
Sico van der Meer
Maaïke Okano-Heijmans

Clingendael Report
September 2019

Research for and production of this report were conducted within the PROGRESS research framework agreement. Responsibility for the contents and opinions expressed rests solely with the authors and does not constitute, nor should be construed as, an endorsement by the Netherlands Ministries of Foreign Affairs and Defence.

September 2019

© Netherlands Institute of International Relations 'Clingendael'.

Cover photo: Prime Minister Rutte of the Netherlands and President Trump of the United States in the White House on 18 July 2019. © Embassy of the Kingdom of the Netherlands in the USA

Unauthorized use of any materials violates copyright, trademark and / or other laws. Should a user download material from the website or any other source related to the Netherlands Institute of International Relations 'Clingendael', or the Clingendael Institute, for personal or non-commercial use, the user must retain all copyright, trademark or other similar notices contained in the original material or on any copies of this material.

Material on the website of the Clingendael Institute may be reproduced or publicly displayed, distributed or used for any public and non-commercial purposes, but only by mentioning the Clingendael Institute as its source. Permission is required to use the logo of the Clingendael Institute. This can be obtained by contacting the Communication desk of the Clingendael Institute (press@clingendael.org).

The following web link activities are prohibited by the Clingendael Institute and may present trademark and copyright infringement issues: links that involve unauthorized use of our logo, framing, inline links, or metatags, as well as hyperlinks or a form of link disguising the URL.

About the authors

Brigitte Dekker is a Research Fellow at the Netherlands Institute of International Relations 'Clingendael' in The Hague. Her research focuses on various dimensions of EU-Asia relations, with specific focus on Southeast Asia and China.




Sico van der Meer is a Research Fellow at the Netherlands Institute of International Relations 'Clingendael' in The Hague. His research focuses on non-conventional weapons such as weapons of mass destruction and cyber weapons from a strategic policy perspective.

Maaïke Okano-Heijmans is a Senior Research Fellow at the Netherlands Institute of International Relations 'Clingendael' in The Hague. She is a Scientific Coordinator of the Asia-Pacific Research and Advice Network (#APRAN) for the European Commission and the European External Action Service.

The authors wish to acknowledge the valuable research assistance provided by **Caspar Price** to this project, during his internship with Clingendael from March-July 2019.

The Clingendael Institute
P.O. Box 93080
2509 AB The Hague
The Netherlands

Follow us on social media

 @clingendaelorg
 The Clingendael Institute
 The Clingendael Institute

Email: info@clingendael.org
Website: www.clingendael.org

Contents

Executive summary	1
The multilateral system in the 21st century	3
1 The World Trade Organisation	6
The WTO in crisis and the United States' role	6
Needed: reform and new rules	8
Reform: the United States' critical stance as leverage?	9
Rule-making: advancing into the digital field	10
Coalition-building: cooperation and coordination	13
EU internal reforms and EU–Africa reset	14
Summing up...	15
2 Arms control and disarmament	16
Using the critical stance of the United States as leverage?	16
Action potential for the Netherlands	18
Coalition-building	19
Conclusion	21
3 Human rights	22
The Netherlands: caught in the middle	23
Redirecting the United States' critical stance	24
Potential future action	25
A long-term, future-proof approach	26
Fruitful cooperation within a new reality	29
Charting Europe's path forward	31
Commonalities and divergences across policy fields	32
Expectations of the decade ahead	34

Executive summary

The retreat of the United States (US) from the international order that it helped to build marks a significant turning point in international affairs. The Netherlands, as a European Union (EU) member state, now has to reposition itself in a world defined by great power rivalry and without a guaranteed strong transatlantic partnership.

Facing an increasingly powerful, confident and capable China, and a Russia that – especially in the military realm – is trying to regain and strengthen its great power status, the US has withdrawn from institutions and agreements that have epitomised world trade, arms control and human rights standards for decades. Shifts in the direction, scale and composition of trade flows, the increasing complexity and changing capabilities of 21st century weapon arsenals, and an apparent backsliding of the international human rights agenda call for new approaches to repair or build institutional arrangements that are capable of governing these issues on a multilateral level.

There is more urgency than ever to prevent a fracturing of the multilateral system. The Netherlands and other European governments have a large role to play here. While in some areas, the scope for action is restricted by the context of a creeping great power conflict, in others, the Netherlands and the EU are uniquely placed to play a special role in revitalising the multilateral system.

Going forward, the Netherlands and the EU need to deliver on new thinking and action on four parallel tracks: continued engagement with the United States; deepened and renewed engagement with other partners and stakeholders; a broadening of multilateralism to new areas; and, in certain cases, new approaches.

In the trade field, while continuing its efforts to reform the World Trade Organisation (WTO), the EU can use its vast market power to highlight the continued benefits of multilateralism by moving forward with plurilateral agreements that set rules and standards for the future. Within the EU, the Netherlands should attempt to raise for discussion long-held positions, especially agricultural policy.

Regarding multilateral arms control, diplomatic efforts could be focused on saving and strengthening existing arms control agreements and on injecting constructive ideas for modernised agreements into the multilateral debate. Building bridges between various players, especially by enabling the bigger powers to identify and negotiate about shared benefits, remains important as well.

In the case of human rights, the importance of the United Nations Human Rights Council (UNHRC) has to be emphasised now that the US has quit the Council. While this withdrawal is unfortunate, the Dutch government has to re-emphasise the importance of the Council – whether from an observatory role or within the Council from 2020 onwards. Moreover, the Netherlands can use its knowledge and experience in the field of human rights to push for reform and constructive dialogue along new geographical lines.

The multilateral system in the 21st century

The multilateral system and the international rules-based order are increasingly under pressure, both from certain Western as well as non-Western countries. At the same time, solutions to global challenges require constructive multilateralism.

The Netherlands, as an EU member state, has to reposition itself in a world increasingly defined by great power rivalry and without a guaranteed strong transatlantic partnership. The US government has started to reject the multilateral rules-based system in addressing the challenges posed by China and Russia in particular, and is henceforward refocusing on bilateral agreements based on hard-power negotiations.

While the current clashes between great powers have been, to a certain extent, foreseeable, the Western world was startled when the US turned on its allies as well. The US pulled out of the Trans-Pacific Partnership (TPP) and the Paris Climate Accord, followed by starting a trade war with China, withdrawing from the Iran Nuclear Agreement, several verbal volleys with North Korea, questioning Article 5 of the North Atlantic Treaty Organisation (NATO) and withdrawing from the United Nations Human Rights Council (UNHRC) in the first half of 2018. Moreover, in December 2019, the World Trade Organisation's (WTO) appellate body will be paralysed by the US government's refusal to appoint new members.

Even if the current administration of US President Donald Trump has been more outspoken than other administrations, European governments need to come to terms with the fact that US unilateralism is not and has not been an anomaly. The US has always been largely unwilling to give up sovereignty for the benefit of multilateral institutions, treaties and organisations, but has subscribed to them to the extent that they did not undercut US dominance within and outside the system. As concerns today's confrontational approach to China, a new incoming US administration – whether Democratic or Republican – is unlikely to turn the tide.

Today's challenges to the current multilateral system – the system of post-Second World War agreements to address global problems – are structural and have always been present. Structurally, the treaties and organisations favour the interests of the Western, economically advanced countries whose norms and ideas underpin them. Moreover, the rules and procedures of the system assume a preference for market capitalism and liberal democracy. These are no longer the (only) standard today, as China in particular

is willing and able to promote a new alternative narrative for multilateral treaties and organisations, while at the same time enjoying the benefits of the current system. This exposes the structural weaknesses of the present multilateral system.

As China's economic and political influence grows, and its number and range of global interests increase, China sees a larger role for itself in writing the rules for the world. Accompanying this growing role is a conscious effort by the Chinese state-capitalist government to reshape the global debate and the interpretation of many key issues in its own interest. While the US has been slowly retreating from the international arena, China has stepped in to fill the void in current multilateral treaties and organisations to advance the international influence of Chinese culture. Chinese action has been supported by various third countries, especially in Asia and Africa, as China advances its soft power in those regions by facilitating economic agreements and partnerships.

Despite the flaws of the multilateral system, multilateralism is still preferred over bilateral or unilateral action. After all, multilateralism provides states with the opportunity and means to find solutions for complex, oftentimes border-crossing, challenges that states cannot overcome on their own. This certainly applies to the Netherlands. As a small-sized trade-oriented country, the Netherlands benefits from a strong multilateral system to achieve its policy goals in fields such as trade, arms control and human rights. For the Netherlands, there is no alternative to multilateralism to defend the world's open trading system, maintain stability in the neighbourhood and beyond, and protect the unconditional, individual political and human rights of its citizens. Thus, multilateralism has been at the core of the Dutch and the European approach to foreign policy, even if this has weakened in recent years as EU countries increasingly disagree among themselves.¹

The challenge for the EU and its members states now is to identify innovative ways to uphold, and where possible to strengthen, the multilateral rules-based system and at the same time to investigate what alternative paths may help to solve problems of the future. Going forward, this requires new thinking and action on four parallel tracks.

The first is continued engagement with the United States, while recognising that the US's more narrow and self-interested understanding of multilateralism is unlikely to abate anytime soon. On certain fronts – including trade – transatlantic cooperation is still feasible to address shared challenges, while in other areas the EU and its member states should use today's critical stance of the US as a lever to forge change in the system, without destroying it.

1 Anthony Dworkin and Richard Gowan, [Rescuing multilateralism](#), European Council on Foreign Relations, 25 June 2019.

Second, the EU and its member states must invest in broader and deeper engagement with other (new) partners and stakeholders. This includes both so-called like-minded states, such as Japan, Canada and Australia (among others), and developing countries, especially in Africa, which now tend to side with China. More than the other three tracks, this requires a willingness by EU member states to adjust long-held existing positions and practices for the overall EU-wide interest in the long term.

Third, adjustments and reform of the existing system must go hand in hand with efforts to deepen and broaden multilateralism to new areas, to make old systems fit for the 21st century. Thinking across fields, this concerns e-commerce and data protection in the field of trade; incorporating new actors and types of weaponry in the field of arms control; and defending the Dutch perception of human rights.

Finally, and most fundamentally, new approaches may be needed to overcome weaknesses that institutions have so far been unable to address. Moving away from established practices that were successful in the past is difficult, but new approaches are necessary to reinvigorate today's institutions. In the WTO, this may involve more active use of flexible frameworks, at the expense of today's hard-law, hard-enforcement approach. In arms control, the challenge is to move beyond old power politics and encourage de-escalation through the development of diplomacy and communication strategies that are fit for the 21st century. In human rights, the credibility and importance of the United Nations Human Rights Council (UNHRC) has to be reaffirmed, while efforts have to be made to tackle the challenges within the UNHRC, especially since the US withdrawal.

Set against this context, this Clingendael Report presents forward-looking analysis and policy recommendations focusing on three case studies. Three separate chapters discuss the cases of the World Trade Organisation (WTO); disarmament and arms control; and human rights. The specifics of these three case studies are subsequently brought together in a final, concluding chapter, which unveils similarities and differences between them in an attempt to distil best practices and (niche) areas for the Dutch and European paths ahead. Dealing with the immediate challenge of a retreating US and the underlying challenge of growing Chinese influence requires the EU and its member states to engage more with like-minded countries such as Japan, Canada and Australia and to craft new partnerships with African and South American countries, as well as also taking on the role of silent diplomat by pushing for action behind the international scenes.

1 The World Trade Organisation

Maaïke Okano-Heijmans & Caspar Price

The stalling of some of the WTO's key functions and the slow pace of discussions to remedy them highlight the risk of the organisation's demise as the regulator and arbiter of global trade. Underlying issues with the organisation have been magnified by recent threats of US withdrawal, amid the intensifying geopolitical and trade confrontation between the US and China. In addition to reforming flawed aspects of the organisation, the WTO also needs to evolve and develop new rules to address the complexities of trade in the 21st century. Attempts towards this end are being made, but progress is slow. The WTO appears to be collateral damage of the US–China trade conflict.

Upholding the WTO's role at the core of global economic governance should be the primary aim of the Netherlands and other European governments and EU institutions. The Netherlands' economic well-being is closely connected to the success of the international trading system, and the resolution of these issues should be seen as a priority. This endeavour requires three main levels of action: first, reforming the WTO itself to deal more effectively with current trade disputes and structural weaknesses; second, playing a more active role in developing rules for the 21st century; and third, engaging the US and China, as well as a range of other actors in alternative forums, with the aim of bringing the WTO back to the centre of global trade governance.

The WTO in crisis and the United States' role

In August 2018, US President Trump threatened to leave the WTO 'if they don't shape up'.² While this threat is unsurprising considering the track record of the Trump administration, the more important long-term challenge for governments and other stakeholders is to address any underlying problems that triggered the current US stance. In doing so, it needs to be recognised that the US has long opposed elements of the WTO that it claims infringe upon its sovereignty. This includes what many consider to be the WTO's crown jewel: its dispute settlement function. European governments need

² ['Trump threatens to withdraw US from World Trade Organisation: Bloomberg'](#), *Reuters*, 2018.

to distinguish the symptoms, the underlying problems and long-held positions when devising their own policies and response to US action, both in cooperation with the US and with other partners.

Symptomatic of US behaviour in the international economic field today are:

(1) a unilateralist/ protectionist stance, illustrated by a preference for bilateral rather than multilateral talks and a willingness to impose tariffs under the veil of national security concerns; and (2) the refusal to approve the appointment of new members to the WTO's Appellate Body, thus allowing the dispute settlement system to stop functioning if no new members are approved by December 2019. Both elements may be considered tactical behaviour in an attempt by Washington to raise several long-held concerns higher on the negotiation agenda. However, through its behaviour – including justifying the use of tariffs on national security grounds – the US is now setting a precedent that might be emulated by others, which would be harmful to the functioning of the WTO's rules and practices.

The most immediate threat to the function of the WTO is the stalling of the dispute settlement process. Since the end of 2016, the United States has blocked appointments to the WTO's Appellate Body on the grounds that the body does not abide by its own rules – ignoring deadlines and staying with cases after their official departure dates – thereby potentially invalidating its judgements. The Appellate Body is normally staffed by seven members, appointed to serve for four-year terms in order to guarantee a degree of independence and impartiality. There must be at least three members on the Appellate Body to hear a given appeal. At the time of writing, the Appellate Body is staffed by this bare minimum of three members, and from December 2019 there will be only one, making it impossible for the WTO to issue final appeal rulings.³

The US decision to paralyse the WTO's Appellate Body is grounded in concerns over China's behaviour, and the organisation's inability to get China to alter its practices substantially by way of (bilateral) negotiation or by (WTO) litigation. President Trump's stated perception is that the US loses 'almost all of the lawsuits in the WTO'. With regard to China, however, this is incorrect: the US won 19 of the 23 cases in which it challenged Chinese practices in the WTO, with four cases still pending.⁴

The real problem is that some disputes with China fall outside the WTO rulebook. Although targeted subsidies to (state-owned) enterprises can be challenged, for example, this is not the case for so-called 'horizontal' subsidies, such as cheap land,

³ Appellate Body Members, [World Trade Organisation](#).

⁴ Jeffrey J. Schott and Euijin Jung, [In US-China trade disputes, the WTO usually sides with the United States](#), Washington: Peterson Institute for International Economics (PIIE), 12 March 2019.

loans or fuel, which are common in China. Treating the WTO's Appellate Body as collateral in negotiations will not solve this matter, however. Instead, priority should be given to efforts to update international trade obligations that may level the playing field.⁵

Needed: reform and new rules

The long-term challenge in the eyes of developed countries is to discipline state capitalism in the rules-based order. This is the fundamental conflict underlying today's 'system friction'.⁶ In the WTO context, this challenge is most apparent in the issues of notification (of domestic subsidies) and differentiation (in treatment of members).⁷ Notification refers to the requirement that members report any new domestic support measure, or modification of an existing measure, to Geneva. The Chinese government, like many others, has done so incompletely, and is hence criticised for lack of transparency.⁸ Differentiation refers to the principle of special and differential treatment for developing economies. Despite being the second largest economy in the world (in terms of nominal GDP), China firmly defends its status as a developing economy.

Less directly related to China, another core challenge facing the WTO today concerns the need to update its rulebook. While WTO rules were established for trade in goods, new rules are needed for trade in services and digital trade, which today make up a substantial share of the global economy.⁹ The significance of digital trade to the global economy is becoming increasingly evident and the challenge is to develop 21st-century trade rules that account for this. With today's large and diverse membership, the Doha Round of multilateral trade negotiations has failed, in the process giving rise to so-called 'plurilateral' negotiations, including in e-commerce. Clearly, today's widely diverse group of WTO members does not share the desire to liberalise trade in the way and to the extent that the developed economies that founded the WTO did.

5 In doing so, serious self-reflection is also in order, since quantitative easing – which we have seen in recent years in the US, Japan and EU – may also be considered a 'horizontal subsidy'.

6 See, for example, Sylvia Ostry, '[The domestic domain: the new international policy arena](#)', *Transnational Corporations*, Vol. 1, No. 1 (1992), pp. 7–26.

7 William Reinsch, '[Fixing the WTO](#)', Centre for Strategic & International Studies, 15 October 2018; and discussions at 'Future of Europe' Breakfast: 'Can the EU save the WTO?', The Hague, 8 February 2019.

8 As per the General Agreement on Tariffs and Trade 1994 ([GATT](#), 1994) all members are supposed to make regular notifications about subsidies to their state-owned enterprises (SOEs). For the US view on Chinese (non-)compliance, see: United States Trade Representative, '[2018 report to Congress on China's WTO compliance](#)', pp. 100–104.

9 In 2015, approximately 12 per cent of global trade in goods was conducted through e-commerce and almost 50 per cent of global trade in services digitised. See Daniel Castro and Alan McQuinn, '[Cross-border data flows enable growth in all industries](#)', Information Technology and Innovation Foundation, February 2015.

Any genuine prospects for WTO reform will require the US and China to work together to some extent. Two interlinked issues need to be resolved alongside each other to kickstart the multilateral process. On the one hand, the US must revive the dispute settlement process (thus unblocking the Appellate Body gridlock), while on the other hand, China must commit to effective regulations regarding support for state-owned enterprises (that is, liberalise and adhere to the rules). Both of these issues hinge upon the results of ongoing discussions between Washington and Beijing. Until these talks progress, the sanction-heavy trade war will continue, increasingly threatening the existence of the WTO as a functioning institution.

Reform: the United States' critical stance as leverage?

The stalling of many of the WTO's key functions and the snail's pace at which many discussions progress highlight the risk of the organisation's possible demise. While the risk of the WTO becoming an inept forum is significant, the sense of urgency created by the Sino-American trade conflict does hold the potential to trigger genuine WTO reform along two main (and linked) lines: 1) reform of the Dispute Settlement Mechanism and its Appellate Body; and 2) greater transparency and new rules on forced technology transfer, unspecified 'horizontal' subsidies and industrial subsidies for national champions.

A key critique of the US relates to China's treatment of intellectual property rights (IPR). At least until 2016, sanctions were considered too blunt a tool to be a realistic solution for the problem of IPR violations. Today, however, they are the United States' primary tool in the fight against Chinese intellectual property theft. The extensive sanctions placed on China seem to run counter to the principles of the WTO, but are justified by the Trump administration mainly on the grounds of national security and intellectual property rights.¹⁰ While nations may invoke the WTO's national security exemption to justify tariffs,¹¹ this has rarely been done because of fears that such claims would become the norm, thus threatening the liberal and open nature of the WTO.

The reality is that Chinese practices have a distorting effect on global trade. While most in Europe disagree with the United States' unilateral measures in the form of economic sanctions and embargoes, their intended purpose is clear and aligns with the concerns of the EU and its member states, including the Netherlands. The critical stance of the US

10 Congressional Research Service, [Enforcing US trade laws: section 301 and China](#), 26 June 2019; and Congressional Research Service, [Section 232 investigations: overview and issues for Congress](#), 2 April 2019.

11 [Article XXI](#) of the General Agreement on Tariffs and Trade.

allows the EU, which represents all EU member states in the WTO, to challenge China over its trade violations while maintaining relatively amicable relations with the economic powerhouse.

The Joint Statement that resulted from the EU–China Summit of April 2019 shows that this shift is underway.¹² In the statement, China agreed to speed up efforts to join the WTO Agreement of Government Procurement and to strengthen cooperation under the EU–China Cyber Taskforce, which would entail greater protection of IPR by China, as well as paving the way for a global digital trade framework. Both sides outlined a shared desire to reform the WTO to ensure its continued relevance and capacity to address global trade challenges and agreed that there should not be forced transfer of technology. Now the challenge is to match this rhetoric with deeds.

The United States' current stance thus offers the EU and the Netherlands a unique opportunity to pressure China into opening up its domestic markets and further liberalise its trade practices without appearing (overly) coercive themselves. The Netherlands is home to many IP-intensive industries, and this will increasingly be the case as the 21st century progresses, and more core societal functions become digitised and grounded in technology. In this light, the Netherlands ought to maintain and deepen its alignment with the US in pursuing the issues of intellectual property protection and forced technology transfer. The WTO is currently not equipped to handle such issues properly. Thus, reforming the organisation to do so better should be a primary goal of the Netherlands.

Rule-making: advancing into the digital field

Recent years have seen WTO members in varying 'plurilaterals' seek progress with new rule-making, including on industrial subsidies and e-commerce. More such efforts should be made to make the WTO suitable for the 21st century. After all, striking a multilateral deal on digital trade in the WTO would be an important step in laying the groundwork for the increasingly digitised economy. It would also prove the continued relevance of the WTO. As evidenced by the words of Japan's Prime Minister Shinzo Abe, the Japanese government is acting on such reasoning: 'Let us blow a new breeze into the WTO to [kill] two birds with a single stone'.¹³ The push for the so-called Data Free Flow with Trust (DFFT) at the G20 Osaka Summit in June 2019 was thereby more than an

12 [EU–China summit: joint statement](#), Brussels, 9 April 2019.

13 Akane Okutsu, ["WTO needs "new breeze" to referee trade and data flows: Abe"](#), *Nikkei Asian Review*, 30 May 2019. The Japanese government intends to support industries such as transportation and health care that can benefit from a free flow of information and data, while also protecting intellectual property and personal information.

attempt to set in motion a new track for looking at data governance under the roof of the WTO. It was also an attempt to reinstall trust in the organisation.

As in other fields of trade, a challenge to the successful conclusion of new rules in this field lies in the diverging basic philosophies of data regulation. While the EU's data regime – centred on its General Data Protection Regulation (GDPR) – considers privacy to be a human right and data as something to be protected,¹⁴ China's approach stresses state control over (personal) data and the United States sees data as something to be commercialised, essentially championed by free flows.¹⁵ Even if the US and the EU (and Japan) are essentially on the same side of the issue, these differences illustrate the difficulty of using data protection to advance the WTO. This suggests that progress will be slow – too slow for many. In the long term, however, diplomatic negotiations still provide the best chance for avoiding the risk of fragmentation in the international trade regime, which would challenge economic welfare and the coherence of international trade law.

In the meantime, Europe's Single Digital Market¹⁶ stands out as a promising initiative that helps to develop standards and frameworks that could ultimately be incorporated into the WTO. Just as the international business community played a leading role in formulating multilateral laws on IPR in the 1990s through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the Netherlands and EU must coordinate with private-sector representatives, who have the most up-to-date technical know-how, resources, knowledge and reach, which states simply do not have in complex technological fields.

Summing up, a fully functioning and credible WTO is the ultimate goal. Towards this end, it is important to develop global standards and frameworks in new fields first with like-minded countries. Such 'plurilaterals' are valuable to make the WTO fit for the 21st century and as proof that meaningful agreements can still be reached. Gradually, these rules could be incorporated into the WTO framework when support for such regulations gains momentum globally.

Beyond legalisation

With regard to notification of industrial subsidies, efforts are being made to enhance and strengthen requirements, with the possibility of suspending certain membership benefits in cases of non-compliance. A first proposal towards this end was put forward by the

14 See, for example, [European Council conclusions](#), 22 March 2019.

15 Control Risks, [Top Five Risks 2019](#), 2019.

16 European Commission, [Digital single market: bringing down barriers to unlock online opportunities](#).

EU, US, Japan and others in November 2018,¹⁷ and a second proposal is now on the table. Progress is only very slow, however. Despite being harmed by Chinese subsidies, developing countries in Africa are reluctant to side with the EU because of concerns that they cannot deliver on strengthened notification requirements.¹⁸ The EU should therefore do more to ensure that technical assistance can alleviate such concerns. Moreover, for progress to occur, EU members states should take a look in the mirror: they, too, have subsidies in place. Clearly, things will only become more complicated during the next phase of talks – when China and India are included – as these countries will likely also bring certain practices of Western countries up for debate.

Thinking more out-of-the-box, the Netherlands and the EU should not just consider issues and areas to tackle when considering the path forward; a novel *approach* to certain issues may be equally – if not more – important. In this context, a soft-law, soft-enforcement approach – that is, a focus on principles rather than legalisation – could be particularly useful.¹⁹ After all, the emphasis on legally binding agreements (hard law) and the currently stalling dispute settlement system (hard enforcement) is proving increasingly challenging. This justifies an attempt at the soft-law approach, wherein non-binding flexible guidelines are formed and subsequently implemented through an informal and amicable process.

A ‘hard-law’ multilateral or plurilateral agreement on digital trade, for example, will prove difficult.²⁰ After all, digital trade develops at unprecedented speed and involves a number of regulatory issues – including consumer protection and privacy – that no international institution (other than the EU, internally) has ever addressed. Moreover, domestic regulation is still underdeveloped in most countries. A soft-law regulatory cooperation framework, combined with a soft-enforcement new committee on digital trade that is mandated to adopt non-binding flexible guidelines, will add the necessary flexibility into the system. Guidelines can be readily updated and could cover not only government measures but also the conduct of private actors such as information technology (IT) companies. Consultations between interested parties, rather than WTO panels, should deal with specific concerns related to the implementation of guidelines.

Such an approach requires a profound level of trust between participating countries, meaning that the first-mover group of like-minded countries is likely to be small. After all, this would be a step away from the current WTO model towards a system of voluntary submission to trade ‘guidelines’, instead of rules, on certain issues. In the end,

17 Various proposals, [World Trade Organisation](#).

18 Author’s interview with officials of the Ministry of Foreign Affairs of the Netherlands, May 2019.

19 Yuka Fukunaga, [The soft-law, soft-enforcement approach is key to reinvigorating the WTO](#), AJIS-Commentary No. 265, 4 March 2019.

20 See Fukunaga, [The soft-law, soft-enforcement approach is key to reinvigorating the WTO](#), 2019.

however, this may be the more appropriate way to deal with tomorrow's digital economy, wherein many regulatory questions are yet to be formulated, let alone answered. Put simply, a focus on soft law and soft enforcement is a way to ensure that 'the perfect' is not the enemy of 'the good'.

Coalition-building: cooperation and coordination

Despite the rhetoric of abandonment from President Trump, the US has been actively engaging with the EU and Japan in a trilateral format since December 2017. The three have agreed to cooperate on enforcement, the development of new rules, an investment review for national security purposes and export controls.²¹ This trilateral is one of the most powerful coalitions in the WTO and the Netherlands, as an EU member state, is part of it. There are multiple avenues for coordination that the Netherlands can pursue to strengthen and complement this track.

There are a number of like-minded countries that share the Netherlands' concerns with regard to the ongoing Sino-American trade conflict and the WTO. The Netherlands should utilise its strong relations with countries outside the EU such as Japan or Australia in an attempt to forge stronger coalitions within the WTO. In February 2019, the EU-Japan Economic Partnership Agreement went into effect, which devotes significant attention to the burgeoning digital economy.²² This reflects an overlap between the Japanese and European visions of digital trade regulation that can also push the debate in the G20, thereby providing a much-needed positive signal that the multilateral rules-based system still functions.

Differences between countries of the Association of Southeast Asian Nations (ASEAN) notwithstanding, this group of Southeast Asian countries could also serve as a promising partner given their shared concerns over Chinese behaviour. Relations with these Asian countries need to be explored further at this stage, with the understanding that more than a few are susceptible to Chinese influence through Belt and Road Initiative (BRI) projects and lending.

21 United States Trade Representative, [Joint statement of the trilateral meeting of the trade ministers of the European Union, Japan and the United States](#), 9 January 2019.

22 [EU Commission overview of agreement](#). In January 2019, the two partners also allowed a free flow of nearly all personal data between the EU and Japan. See [European Commission adopts adequacy decision on Japan, creating the world's largest area of safe data flows, Brussels](#), 23 January 2019.

EU internal reforms and EU–Africa reset

Separately, franker debates between EU member states and a willingness to put existing positions up for discussion are necessities. After all, although the EU speaks on behalf of its member states in the WTO, national governments have a strong say on the positions that the EU adopts. At this point, the EU's position is that the WTO is in urgent need of modernisation or it risks paralysis. The EU modernisation position, which was laid out in September 2018, has been elaborated upon along three lines: 1) rulemaking and development; 2) regular work and transparency; and 3) dispute settlement.²³ While EU member states clearly reached an agreement over their aims with WTO reform, there appears to be less agreement on other important issues, including what they are willing to give up in order to reach their objectives.

Much-needed negotiations to reform the WTO have never taken off, since a number of WTO members would like to see these issues linked to the resolution of the 'core' Doha Round issues of agriculture, non-agricultural market access and services.²⁴ Although agricultural subsidies were not decisive in the Doha Development Round, the two issues – of EU agricultural policies and alignment with the EU in the WTO – cannot be separated in the view of African states. This needs to be acknowledged if the EU wants more African partners to side with it rather than with China.

The Netherlands should thus seek to push forward the modernisation debate by addressing some of these 'core issues'. China has a lot of support in the domain of agriculture, because of its centrality in developing country blocs such as the G33 and G77. Addressing the long-held frustration of African countries over substantive EU agricultural subsidies combined with 'unfair' trade agreements that hamper their export potential to the EU is important. Since the EU lifted its milk quotas in 2015, for example, West African countries, including Nigeria and Ghana, are struggling even more to compete with European farmers' subsidised milk (powder) exports. The resolution of this unresolved issue with African countries is particularly important, since they are increasingly aligning themselves with the Chinese model of development and economic assistance. European policymakers who are questioning why African states chose to align with China, despite vast development assistance packages from the EU, will find their answer partially here.

Putting their own long-held practices up for debate will be difficult for the EU internally – for example, certain (strong) member states, such as France, have long opposed it – but this may be the short-term pain that needs to be endured in an attempt to uphold the system and protect long-term interests. It is also in Europe's more narrow

23 [WTO modernisation: introduction to future EU proposals.](#)

24 Available [online](#). Members include: Brazil, Chile, Colombia, Costa Rica, Hong Kong, China, Israel, Japan, Republic of Korea, Mexico, Norway, Singapore, Switzerland, Chinese Taipei, Thailand and Turkey.

self-interest, in the sense that the limited budget should be steered from ‘old sectors’ to sectors that will define the 21st century, including the digital economy and artificial intelligence. This requires European countries to make great investments also in innovation; in the 21st century it is hardly defensible that almost 40 per cent of the EU budget goes to agriculture.²⁵

The EU should thus consider the benefits and trade-offs of reforming its agricultural policies, in relation to its ties with countries in Africa. Agricultural subsidies to European companies have not been dealt with in the EU’s trade agreements, as the EU argues that they have no dumping impact. However, many African states argue that EU agricultural subsidies result in products being exported to African countries at a lower price than market value.²⁶ Addressing this issue is quite an undertaking, as it requires consensus from all EU member states and industry associations in question. However, doing so appears to be a crucial step in the long-term goal of bringing African states on board with EU positions *vis-à-vis* growing Chinese influence on the continent.

Summing up...

While there are promising areas of cooperation between like-minded states, prospects for reform in the WTO are directly linked to the ongoing Sino-American trade war, which shows no signs of abating. What is more, the US–China trade war is slowly institutionalising into a permanent US–China great power conflict at the nexus of trade, technology and data.

While maintaining and deepening their alignment with the US, the EU and the Netherlands ought to use the current stance of the US to pressure China into opening up its domestic markets and further liberalise its trade practices without appearing (overly) coercive themselves. Trilateral cooperation, including Japan, is another valuable way to keep the US engaged. Furthermore, new issues and approaches need to be considered. Developing global standards and frameworks in new fields with like-minded countries is a crucial first step towards making the WTO fit for the 21st century and proving that meaningful agreements can still be reached. This requires willingness to move beyond a singular focus on the hard-law, hard-enforcement approach that was successful in the past, to allow also for more flexible, regulatory cooperation frameworks. Beyond issues and approaches, change may be sought in deepened cooperation with third countries that are negatively affected by Chinese practices, especially in Africa. Ultimately, this requires a frank debate among EU members about their own established practices and a willingness to put their own long-held practices up for discussion.

25 European Commission, [How the EU budget is spent](#).

26 Jacques Berthelot, [‘All EU agricultural subsidies to exported products can be sued for dumping’](#), *SOL*, 9 October 2018, p. 3.

2 Arms control and disarmament

Sico van der Meer

While international support for multilateral agreements in arms control, non-proliferation and disarmament has slowly been eroding for at least a decade already, until recently the United States supported their survival – at least in words. Under the Trump administration, however, this has changed: the US itself is actively pulling the plug from arms control agreements. The US withdrew from the Joint Comprehensive Plan of Action (JCPOA, the nuclear deal with Iran), with the argument that it was ‘a horrible one-sided deal’;²⁷ it withdrew from the Intermediate-Range Nuclear Forces (INF) Treaty after accusing Russia of long violating the treaty;²⁸ and is seriously indicating that it will not extend or renew the New Strategic Arms Reduction Treaty (New START) because it considers it too limited.²⁹ More than before, US policy and rhetoric regarding its nuclear weapons arsenal are also undermining support for crucial arms control treaties such as the Non-Proliferation Treaty (NPT). In this regard, one can think of the impressive investments in the US nuclear weapons arsenal, which started under President Obama but to which President Trump has also added the development of new types of nuclear weapons; this is not in line with the US pledge in the NPT to work towards nuclear disarmament and may well have negative consequences regarding international support for the treaty, which is already under pressure.³⁰ So far, no initiatives have been taken to replace the demised or crumbling arms control agreements with new accords.

Using the critical stance of the United States as leverage?

Multilateral arms control agreements are very important for the Netherlands. As a relatively small player in international relations, the Netherlands has much to win from mutual restraint and cooperation and much to lose if big powers leave the multilateral track and start destabilising arms races, in which the right of the strongest seems to

27 Mark Landler, [‘Trump abandons Iran nuclear deal he long scorned’](#), *New York Times*, 8 May 2018.

28 Julian Borger, [‘Donald Trump confirms US withdrawal from INF nuclear treaty’](#), *Guardian*, 1 February 2019.

29 Robbie Gramer and Lara Seligman, [‘The INF Treaty is dead. Is New START next?’](#), *Foreign Policy*, 1 February 2019.

30 Tarja Cronberg and Sico van der Meer, [Working towards a successful NPT 2020 Review Conference](#), Clingendael Policy Brief, September 2017.

be prevailing. If the trend of diminishing support for arms control and disarmament agreements by major powers, including the US, continues, this will certainly cause increasing instability and insecurity in international relations. This may have a relatively big impact on Europe when it comes to increasing US–Russia tensions, because Europe lies geographically between these two powers and any military escalation may have direct negative effects on European territory.

Yet the decreasing US support for existing arms control and disarmament agreements not only needs to cause pessimism. It may offer opportunities for the Netherlands as well. One could argue that many of these agreements have become outdated to some extent. Most of them were agreed upon in the context of the bipolar Cold War, while nowadays there are more than two key players. From that perspective, the Netherlands could use the critical stance of the US in this issue as leverage to encourage multilateral initiatives to become modernised, and hopefully even more effective, arms control and disarmament agreements.

Of course, this will not be a simple challenge. Currently, neither the US nor any other major power, including Russia and China, seem to be very interested in negotiating new arms control agreements. China, for example, maintains its traditional stance that it will not join any trilateral nuclear disarmament negotiations with the US and Russia.³¹ As usual, it points at the imbalance of nuclear arsenals: the US and Russia possess 6,185 and 6,500 nuclear warheads respectively, while China has only 290.³² From the Chinese perspective, the US and Russia have to start disarming towards a number of warheads that approximates China's before China will join any negotiations.

Yet it may well be that the major powers are receptive towards new initiatives as long as they clearly focus on exploring shared benefits. In the longer term, no one will gain from new, expensive and destabilising arms races. The question is how to convince the key powers that replacing the outdated arms control treaties with modernised agreements would serve their security better.

It is possible that new agreements are becoming a more serious option, particularly because the US is pulling out of the old treaties. While the old agreements were no longer deemed perfect, they were bearable to some extent and there was too little appetite for starting difficult negotiations to replace them. Now that they are anyway falling apart, the road may be cleared to start working towards something new. The Netherlands could well play a role in pushing the international debate in that direction, by introducing constructive ideas focused on mutual benefits for all of the powers involved.

31 ['China won't join talks on trilateral nuclear disarmament deal: FM'](#), *Xinhuanet*, 6 June 2019.

32 Hans M. Kristensen and Matt Korda, ['Status of world nuclear forces'](#), Federation of American Scientists (last updated 16 May 2019).

Action potential for the Netherlands

Considering the importance of multilateral arms control agreements for the Netherlands, the first policy priority should obviously be to uphold and strengthen the existing agreements as much as possible. This could be done by actively showing the more reluctant partners – such as currently the US, but various other states as well – the benefits they receive from these agreements. Even if these benefits are perceived as less than in the past, these states should be convinced not to throw the baby out with the bathwater; before leaving old agreements, they could better focus on how to improve them. Dutch diplomats could also offer constructive ideas on such improvements.

Yet in view of the current (geo)political climate in the world, the Netherlands should also be ready for a further demise of various arms control and disarmament agreements. The loss of such agreements, which have often been very successful for decades, is in itself certainly worrisome, but should not automatically lead to pessimism and defeatism. Instead of mourning too long over the demise of old accords, it would be more effective to try to work towards even better agreements, adapted to modern times. This will not be easy, but the same was true for the old agreements and they were successfully negotiated as well. As long as the mutual benefits for the negotiating parties can be identified, exploring new arms control formulas might work quite well. Identifying these mutual benefits is therefore an important starting point.

The Netherlands is a relatively well-known player in multilateral arms control diplomacy. Because of its history over many decades in which Dutch governments invested much in active and constructive diplomatic activities in this specialist field, the Netherlands is generally regarded as a small yet serious mediator in, and facilitator of, international arms control discussions. In the arms control realm, the Netherlands is generally regarded as a bridge-builder, aiming to bring various actors closer to each other by emphasising shared aims and benefits.³³

However, being accepted in a small role as a mediating or facilitating partner is not enough to get things done; only the big powers – in arms control, the states that possess the weapons that are the topic of the negotiations – can actually take meaningful steps. Countries such as the Netherlands can only facilitate those steps by inserting constructive ideas into the discussion and by identifying shared aims and benefits of, as well as windows of opportunity for, cooperating for these bigger powers.

This work is often hard and almost invisible. If the bigger powers in the end come to some agreement, the world will applaud *them*, not the diplomats who made the effort in the background. The implication is thus that this kind of background diplomacy

33 Ekaterina Shirobokova, [‘The Netherlands and the prohibition of nuclear weapons’](#), *Nonproliferation Review*, Vol. 25 (2018), No. 1–2, pp. 37–49.

always risks becoming less popular in terms of policy priorities and funding. Yet for smaller states such as the Netherlands, the importance of multilateralism can hardly be overestimated. Without multilateralism, the right of the strongest would dictate international relations, and smaller states will rarely be the strongest. Cooperation is crucial to get things done for these states.

Concrete actions for the Netherlands with regard to the critical stance of the US on multilateral arms control may be limited, but can still be crucial. Experts sometimes refer to Dutch diplomacy in this field as ‘bridge-building’,³⁴ but it is more than that; it is also about offering good ideas for the architects of the bridge and keeping the sponsors of the building process enthusiastic – even in times of difficulties. Potential activities by the Netherlands are mainly in the area of facilitating the bigger powers to identify and negotiate about shared benefits and concrete measures to create ‘win-win situations’. It seems to be crucial in the current international environment to emphasise that arms control and disarmament are not purely ideology-driven activities, but actually an investment in concrete security and stability. Arms control agreements may effectively prevent costly arms races and increasing tensions, which easily lead to instability and dangerous escalation. Even very limited dialogue on arms control issues may contribute to international stability by preventing escalation through misunderstandings and miscommunication.

The Netherlands cannot, of course, do this work in isolation. Cooperation with other states is crucial, not only with the big powers, but many other smaller powers are also involved in multilateral arms control processes and aligning them all is a difficult yet important challenge. The Netherlands has a strong reputation to uphold in the realm of multilateral arms control diplomacy. To enable this important work, additional investment in more diplomatic personnel with expertise in arms control may be helpful.

Coalition-building

To be effective in pushing new arms control negotiations forward, the Netherlands can choose various partners to cooperate with – and they are not mutually exclusive at all.

First, the Netherlands cannot overlook that the United States is still its major ally with regard to international security – within the NATO alliance, but also more indirectly as the only big power with more or less similar norms and values regarding human rights and democracy, etc. Although the Trump administration may not act very constructively in the area of arms control and disarmament, continuing the Netherlands’ alignment with the US seems desirable to get things done at all. While new initiatives without the

34 Ekaterina Shirobokova, [‘The Netherlands and the prohibition of nuclear weapons’](#), *Nonproliferation Review*, Vol. 25 (2018), No. 1–2, pp. 37–49.

US could always be an option (see below), the best agreement will always be one in which the biggest power in the world is involved. As a military alliance with nuclear capabilities in which the Netherlands is an active member, NATO may not be the most appropriate forum for international arms control and disarmament discussions per se, but at least some aligning in this regard would be useful. NATO could also play some role in de-escalating tensions between the West and Russia by staying away from new arms races and hostile rhetoric as much as possible, as well as by offering constructive ideas for arms control possibilities.

Second, the Netherlands could use existing forums in the arms control realm – that is where Dutch diplomats are experienced and know the corridors well for their bridge-building work. For example, the framework of the NPT review cycle, in which almost all countries in the world are represented, remains an important channel to focus upon. The Conference on Disarmament (CD) in Geneva is a similar forum, and although the CD itself did not succeed in deciding anything concrete for some two decades, it offers a communication channel to various countries, including those few that are not participating in the NPT (India, Israel, North Korea and Pakistan).³⁵ Furthermore, smaller existing forums, such as the Non-Proliferation and Disarmament Initiative (NPDI) and the International Partnership for Nuclear Disarmament Verification (IPNDV), in which the Netherlands participates also offer opportunities for constructive communication and cooperation. The same goes for the new ‘Creating the Environment for Nuclear Disarmament (CEND)’ initiative, to which the US is currently trying to give a kick-start.

Another partnership that might be used to explore new arms control agreements is the European Union. In the JCPOA dossier (the nuclear deal with Iran), the EU showed the ability to play an important and constructive role – first in actively contributing to making the deal, and later in upholding it after the withdrawal of the US. If the US is seriously not willing to join any discussions on new arms control agreements, one might even argue that – from lack of any better options – the European Union could try to conclude such agreements itself, for example a regional version of the INF Treaty with Russia.³⁶ Indeed, the EU has had the ambition to become a more independent actor in arms control, disarmament and non-proliferation for several years, so making its agenda more ambitious would not be illogical. Nevertheless, one should be realistic and not overestimate the EU’s capacity to reach a common understanding among its members and subsequently to have a serious impact on other (bigger) powers on this topic.

Last but not least, the Netherlands is sometimes considered to be a so-called ‘middle power’ – a country that has a position between the few big powers and the many smaller powers in the world. From that perspective, cooperation with other ‘middle

35 Jerzy Zaleski, ‘[Nuclear disarmament in the Conference on Disarmament](#)’, *UNIDIR Resources*, January 2011.

36 Sico van der Meer and Michal Onderco, ‘[An EU–Russia deal to replace the INF Treaty?](#)’, ELN Commentary, 8 March 2019.

powers' seems logical as well, as long as such countries have a somewhat similar stance regarding international arms control and disarmament. Currently, however, the Netherlands is focusing more on joint initiatives with bigger, smaller and middle powers together, such as the previously mentioned NPDI and IPNDV initiatives. This seems a feasible method, especially because arms control initiatives can only be successful when the arms-possessing states are themselves also actively involved.

The bottom line is that to be truly effective as a mediator, facilitator or bridge-builder, the Netherlands should avoid focusing on only a few partners. Its current strength is that most countries consider the Netherlands as impartial enough to trust as a serious conversation partner – an ideal position for a relatively small country. It took decades of diplomatic investment to reach the current status, and it should not be put at risk too easily.³⁷

Conclusion

Multilateral arms control agreements are very important for relatively smaller states such as the Netherlands. They have much to win by mutual restraint and cooperation and much to lose if big powers leave the multilateral track and start destabilising arms races in which the right of the strongest seems to prevail. If the trend of diminishing support for arms control and disarmament agreements by major powers, including the US, continues, this will certainly cause increasing international instability and insecurity. Increasing US–Russia tensions, in particular, may have a relatively bigger impact on European countries, because they are geographically between these two powers and any military escalation may have direct negative effects on European territory.

Because of its stakes in multilateral arms control, the Netherlands would be wise to continue its diplomatic efforts to save and strengthen existing arms control agreements and to inject constructive ideas for new and modernised agreements into the multilateral debate. At the same time, Dutch diplomacy should retain its traditional focus on building bridges between several players, especially by facilitating the bigger powers in identifying and negotiating about shared benefits and concrete measures to create 'win-win situations'. Although the US may currently not be acting very constructively in the area of arms control and disarmament, continuing the Netherlands' alignment with the US seems desirable, not only because of shared norms and values, but also because the best agreement will always be one in which the biggest power in the world is involved.

37 For some reflections on Dutch nuclear arms control policy (in the Dutch language), see Sico van der Meer, 'Nederlands kernwapenbeleid: tussen ethiek en geopolitiek', *Clingendael Spectator*, 26 June 2019. <https://spectator.clingendael.org/nl/publicatie/nederlands-kernwapenbeleid-tussen-ethiek-en-geopolitiek>

3 Human rights

Brigitte Dekker

In June 2018, then US ambassador to the United Nations (UN) Nikki Haley announced the US withdrawal from the United Nations Human Rights Council (UNHRC). Even though Haley stated that the US would only withdraw from the UNHRC and not from its global human rights commitments, it sent a shockwave through the Western world.³⁸ While the timing of this decision seemed unsurprising considering the Trump administration's ideological distaste for multilateral engagement, US unease with the UNHRC is longstanding.³⁹ In 2006, the Bush administration pronounced its discontent with the UNHRC upon its replacement of the United Nations Commission on Human Rights (UNCHR). The newly established UNHRC would soon prove itself unfit to deal with the most severe problems of its predecessor: the number of members with dubious human rights track records and the negative bias towards Israel.⁴⁰ The first is mostly caused by the 'clean slate elections': the number of candidates is frequently equal to the number of vacant seats. In other words, the clean slates deny the UN General Assembly members the opportunity to pursue a UNHRC with members that are fully committed to the promotion and protection of human rights.⁴¹

Also longstanding is the Sino-American rivalry underpinning discussions about human rights issues. In 1948, the universality of human rights was secured in the Universal Declaration of Human Rights (UDHR). Subsequently, the universality and indivisibility of political, civil and economic human rights were affirmed in the 1968 Proclamation of Tehran and in 1993 during the World Human Rights Conference. This affirmation was necessary, as the universality and indivisibility of these human rights were challenged by China, among others, as the Chinese government advocated for putting social-economic rights above individual human rights.⁴²

38 [US quits 'biased' UN Human Rights Council](#), *BBC*, 20 June 2018.

39 Will Gore, ['The US has a point leaving the UN Human Rights Council, even if Donald Trump's reasoning is flawed'](#), *Independent*, 20 June 2018.

40 Lesley Wroughton and Michelle Nichols, ['US quits UN human rights body citing bias vs. Israel, alarming critics'](#), *Reuters*, 19 June 2018.

41 Peter Splinter, ['Elections without choice: "clean slates" in the Human Rights Council'](#), *OpenGlobalRights*, 12 October 2017.

42 [Universaliteit en universele waarden](#), *Amnesty International*, undated.

The universality of human rights is now again being challenged by China, as it promotes its narrative of sovereignty and the importance of development. Unlike before, China's narrative is gaining momentum, and gaining global support – not least through the successes of the Chinese Belt and Road Initiative. Simultaneously, the US government – which formerly portrayed itself as the leader of the free world and defender of the UDHR – is withdrawing from the global arena. The shift is also visible within the UNHRC, as China initiated, and adopted, its first resolution in the UNHRC in 2017, thereby making an endeavour to redirect the global interpretation of human rights from political/civil rights towards economic and social rights.⁴³ Both the US and the EU criticised the Chinese resolution, as it prioritises development above human rights.⁴⁴

The Netherlands: caught in the middle

In a long tradition of promoting human rights, the Dutch government has applied for UNHRC membership for the period 2020–2022.⁴⁵ Despite the UNHRC's flaws, Dutch Minister for Foreign Trade and Development Cooperation Sigrid Kaag has emphasised the importance of Dutch involvement in the UNHRC, as it is still the most important and influential multilateral forum to discuss human rights issues.

From 2015 to 2017, the Netherlands was also a UNHRC member and it currently holds the position of observer. Concretely, this means that the Dutch government has no voting rights, but can express its support for specific items through speeches and in the informal circuit. Moreover, the Dutch perspective is also represented by the EU, which has both an observatory role within the UNHRC and a coordinating role among the EU member states. In order to present a strong unanimous regional block, a common EU position on human rights issues is formed in the EU Working Party on Human Rights (COHOM). With the increasingly divergent positions of EU member states, creating a strong unanimous stance in the UNHRC has become a challenge. For example, in 2017 Greece blocked an EU statement to address Chinese human rights violations.⁴⁶

The Netherlands and the EU are, however, now caught between a rock and a hard place. On the one hand, the EU finds an ally in the US regarding promoting the UDHR, even if the US's current critical stance towards multilateralism and its deteriorating domestic human rights situation – especially in the field of migration and women rights –

43 [Human rights in China](#), *Institute for Security & Development Policy*, 28 March 2017.

44 Andrea Worden, ['China pushes "human rights with Chinese characteristics" at the UN'](#), Hong Kong Free Press, 14 October 2017.

45 [Human rights report 2017](#), *The Netherlands Ministry of Foreign Affairs*, August 2018.

46 Robin Emmott and Angeliki Koutantou, [Greece blocks EU statement on China human rights at UN](#), *Reuters*, 18 June 2017.

hampers fruitful cooperation.⁴⁷ On the other hand, the Chinese government is pushing for a strong multilateral human rights forum, in particular the UNHRC, to strengthen its own normative power.⁴⁸ Chinese support for the UNHRC is grounded in the Chinese government's perception of the UN as a globally accepted intergovernmental avenue to challenge the centrality of the UDHR.⁴⁹ Armed with a conceptual stratagem – phrased as *'win-win cooperation'*, *'a community with a shared future for mankind'* and references to a *'new long march'* – China has already successfully integrated its concepts into several UN bodies.⁵⁰ This strategy has been acknowledged by the Dutch government and the Dutch Advisory Council on International Affairs (AIV), which now both push for action to counter this narrative.⁵¹ Simultaneously, the Dutch government has to deal with the US – which was formerly a strong and reliable partner – as the US government drifts not only from the multilateral stage, but also from two specific Dutch human rights focus points: equal rights for women and girls; and Lesbian, Gay, Bisexual, Transsexual or Intersex (LGBTI+) rights.

Redirecting the United States' critical stance

Given the broader perspective of Dutch human rights policy – upholding the current multilateral system and centrality of the UDHR – engaging the US is of paramount importance. In order to reach this goal, either the West should opt for an alternative human rights council that excludes notorious regimes and has no Israel bias, or should support the multilateral status quo in order to defend its own principles, thereby hoping to spark the US government's interest again.

Although the Netherlands and the US have been traditional partners in international endeavours to advance human rights and democracy, their methods and focus points have always been different: the Netherlands, and in a larger context the EU, has always emphasised human rights, while the US has concentrated on the promotion of

47 [World report 2019: United States](#), Human Rights Watch, 2018.

48 [China presents its take on human rights at global forum in Beijing](#), *South Chinese Morning Post*, 7 December 2017.

49 Ted Piccone, ['China's long game on human rights at the United Nations'](#), *Brookings*, September 2018.

50 Maaiko Okano-Heijmans and Frans-Paul van der Putten, [A United Nations with Chinese characteristics?](#) Clingendael Institute, 18 December 2018.

Colum Lynch, ['Bolton builds anti-China campaign at the UN'](#), *Foreign Policy*, 3 April 2019 .

51 [China en de strategische opdracht voor Nederland in Europa](#), Advisory Council on International Affairs, 26 June 2019.

democracy internationally.⁵² Nevertheless, sharing a commitment to liberal democracy was always enough for them to join forces. That said, a new human rights forum founded by the Dutch government (or more likely at the EU level) and the US will not be received positively internationally. In order to start a new forum, the EU would have to condone numerous human rights violations by the US regarding refugees, indigenous people, women, the LGBTI+ community, Guantanamo Bay and the death penalty. While the US can still be a valuable international partner – also because of its financial capacity – the EU would never be able to deny accusations of hypocrisy by countries now criticised by the EU for the same violations. In other words, opting for an alternative human rights forum would not only be a costly and time-consuming process, it would also be destined to fail, as it would affirm Western double standards towards the US – an accusation often made by China, supported by African, Asian and South American countries.⁵³

Hence, proceeding within the UN context is the way forward. Despite its flawed system, the UNHRC has proven to be a successful vehicle for international cooperation. Even though the US withdrawal from the UNHRC has been a challenge, as the US possessed the power to tip the scale in ballots, the UNHRC still functions and enjoys the respect and authority of most countries. The US quitting the Council should not therefore be viewed as acceptance that the body is beyond repair, but rather as a call for action.⁵⁴ That said, the EU should be wary as it proceeds within the UN, because the EU then risks legitimising the role of China as a standard-setter for human rights.

Potential future action

The coming years will be decisive for how the global perception of human rights develops. The Dutch government should take a strong stance to protect the universality of human rights and the multilateral rules-based order both in the UN and the EU. The moment of re-entry of the Netherlands to the UNHRC is opportune, as China will be on mandatory leave.⁵⁵ Although China and the US will remain observers, the Dutch government will have a rare opportunity to act within the UNHRC without direct resistance from either the US or China. To use this advantage optimally, the Dutch government needs to start discussing courses of action within the COHOM promptly.⁵⁶

52 Beatriz Pérez de las Heras, 'EU and US external policies on human rights and democracy promotion: assessing political conditionality in transatlantic partnership', *Romanian Journal of European Affairs*, vol. 15, No. 2 (2015), p. 81.

53 Claudia Detsch, '[Western \(double\) standards](#)', *International Politics and Society*, 15 August 2019.

54 Will Gore, '[The US has a point leaving the UN Human Rights Council, even if Donald Trump's reasoning is flawed](#)', *The Independent*, 20 June 2018.

55 A member can only hold a seat for two consecutive terms of three years. Thereafter, a country is ruled out from the election for one year.

56 European Council: Working Party on Human Rights (COHOM). Available online.

Additionally, the Dutch government could start bilateral talks with UNHRC members to form an international coalition to address the pitfalls of the organisation and to reaffirm the centrality of the UDHR. Even though the Dutch government disagreed with the US decision to leave the Council, it agreed with the US motives for leaving. Therefore, the Dutch government can use the critical stance of the US as a starting point for reform. The Dutch government can demonstrate that it is willing to address the US's sensitivities with regard to the UNHRC, especially the dubious human rights track record of several UNHRC members, the 'clean slate elections' and negative bias towards Israel, and that it is willing to start constructive discussions about those challenges by obtaining a seat within the UNHRC instead of leaving the UNHRC, as the US did. This will not be an easy task, as questioning the Israeli bias – represented in agenda item seven: the Israeli occupation of Palestine territory – and the human rights track records of sitting members have been highly sensitive topics. Yet the Dutch government can refer back to its previous success in building a coalition for an official investigation concerning war crimes in Yemen in 2017⁵⁷ and the first joint statement, co-signed by 36 members, that rebuked a sitting member of the UNHRC, namely Saudi Arabia.⁵⁸ Moreover, the Dutch government can start by condemning the number of proposed candidates by the Western regional group. The Western regional group – just like other regional groups – prefers to propose the same number of candidates to avoid the horse-trading needed to win elections, thereby keeping the 'clean slate elections' in place. If the Dutch government is able to break this cycle in the upcoming elections, it could be a significant step forward for the credibility of the UNHRC elections.⁵⁹

A long-term, future-proof approach

In order to stand out and achieve results within the UNHRC, the Dutch government has to prioritise which areas it wants to focus upon. First, the Dutch government could focus on finances and its long-term human rights strategy. Additionally, the Dutch government has to focus on two specific areas to show the rest of the world its autonomy from the US: female reproductive rights; and LGBTI+ rights. These four focus areas will be elaborated upon below.

Whereas the US withdrawal from the UNHRC has led to loss of credibility and robustness of the Council, it has not greatly impacted the annual budget, as the UNHRC is primarily funded through the UN's regular budget. As the largest contributor to

57 [Saoedi's zetten Nederland onder druk om Jemen-resolutie](#), *Volkskrant*, 25 September 2018.

58 [How the UN Human Rights Council's rebuke of Saudi Arabia could reverberate](#), *World Politics Review*, 22 March 2019.

59 Kenneth Roth, ['How not to fix the UN Human Rights Council'](#), *Foreign Policy*, 1 December 2017; and [US withdraws from UN Human Rights Council](#), *Financial Times*, 19 June 2018.

the UN budget, the US is assessed to pay 22 per cent of the UN's operating budget, while China became the second-largest contributor to the UN regular budget in 2019, bypassing Japan.⁶⁰ This means that China is now the UNHRC's largest contributing member.⁶¹ In addition to its standard annual budget, the UNHRC receives extra-budgetary (voluntary) funding from its members. The Dutch government could therefore initiate within COHOM that EU countries increase their voluntary contribution to show their commitment to the Council and the multilateral system. This would also show the US that the EU is willing to contribute more and is ready to take on some of the financial burden and responsibilities of the US.

Besides supporting the organisation financially, the Netherlands should also push for a long-term strategy to defend the centrality and current interpretation of the UDHR. The more assertive role of China in the UNHRC revived the discussion about the interpretation of the UDHR and the Chinese government is again making endeavours to redirect the definition of human rights from an emphasis on political-civil rights towards economic-social rights. The Chinese government's influence in the UNHRC is increasing because of the void that was left behind by the US. Therefore, the Dutch government should push for action through the new EU Action Plan on Human Rights and Democracy. The current EU Action Plan on Human Rights and Democracy (2015–2019)⁶² expires in 2019, which presents an opportunity to include the challenges concerning China in the upcoming strategy. Enhancing knowledge of China (and its human rights policies) will be the first important step in order to take a strong stance against China's proposals on prioritising development above political-civil human rights. In close cooperation with the Dutch human rights ambassador, the Dutch government can draft a proposal to discuss within COHOM. This proposal needs to emphasise that human rights cannot be a bargaining chip in a broader geopolitical context, and should identify areas of transatlantic cooperation to enhance human rights and democracy.⁶³

Anticipating the future

Besides these more general ways of action to engage the US again, the Dutch government could go down the road of acting independently on two human rights issues that are deemed crucial in the EU Action Plan on Human Rights and Democracy and in Dutch human rights policy:⁶⁴ equal rights for women and girls; and LGBTI+ rights.

60 [Japan to sink to third-largest contributor to UN as China rises](#), *Japan Times*, 23 December 2018.

61 [The United Nations Human Rights Council: Background and Policy Issues](#), Congressional Research Service, 19 February 2019.

62 [EU Action Plan on Human Rights and Democracy \(2015–2019\)](#), Council of the European Union, December 2015.

63 Carole Lecomte, ['Ambassador Romana Vlahutin: the EU's connectivity strategy'](#), 10 May 2019.

64 [Human rights report 2017](#), The Netherlands Ministry of Foreign Affairs, August 2018.

These subjects have been under siege since the Trump administration⁶⁵ revoked several policies adopted under the Obama administration, including a law that bans transgender people from serving in the US military⁶⁶ and the reinstatement of the Mexico City policy.⁶⁷ This course of action would imply that the Dutch government diverges from the Republican administration's policies in order to defend its own objectives. By defending these rights and upholding the multilateral human rights forum, the Dutch government shows that it protects the values that it deems just and that it is not dependent on the US to advance human rights deemed important by the Netherlands and the EU.

Internationally renowned for its LGBTI+ rights, the Dutch government, in close cooperation with Uruguay, introduced an Equal Rights Coalition within the UNHRC. By launching this initiative in Montevideo, the Netherlands showed its gratitude for Uruguay's leadership role on this issue.⁶⁸ Cooperation with Uruguay in the domain of LGBTI+ rights has also led to Uruguay taking the lead in an initiative of seven Latin American countries proposing an Independent Expert for protection against violence and discrimination based on sexual orientation and gender identity. Hence, LGBTI+ rights – increasingly prominent in the media because of the deteriorating situation in the US – should be a priority in Dutch policies if the Netherlands enters the UNHRC. Furthermore, enhanced North–South cooperation in this field would show that the Netherlands is able to act independently without being backed by the US, thereby restoring some of the credibility and trust in the UNHRC and strengthening the multilateral, rules-based system. Controversially, the promotion of LGBTI+ rights – especially the decriminalisation of homosexuality – will likely be backed by the US internationally, as the Trump administration announced a campaign to protect LGBTI+ rights, to be spearheaded by the openly gay US ambassador in Germany.⁶⁹ Therefore, the Dutch government also has to be sure to include US LGBTI+ movements and (US) non-governmental organisations in its future discussions to address domestic violations in the US.

Additionally, the Netherlands has shown its leadership role on female reproductive rights. The support that the Trump administration enjoys from the US evangelical community has translated into policies that have been harmful for global sexual and reproductive health and rights (SRHR).⁷⁰ The most prominent example is the

65 Colum Lynch and Robbie Gramer, [‘At the UN America turns back the clock on women’s rights’](#), *Foreign Policy*, 14 March 2019.

66 [Trans troops return to era of ‘don’t ask, don’t tell’ as Trump policy takes effect](#), *The Guardian*, 13 April 2019.

67 The Mexico City policy forbids US federal financing of organisations that give women access to or information about safe abortions. *SheDecides* was able to cover most of the financial losses.

68 [International coalition launched for LGBTI equal rights](#), Government of the Netherlands, 14 July 2016.

69 Chelsea Ritschel, [‘As Trump administration announces gay rights campaign, here are eight anti-LGBT things the president has done’](#), 19 February 2019.

70 [As Trump rewrites public health rules, Pence sees conservative agenda born again](#), *Reuters*, 30 May 2019.

reintroduction of the Mexico City policy, which cuts off US financial aid for organisations that provide abortions, offer educational material about abortions, advocate for the liberalisation of abortion laws or refer people to organisations that provide abortions – even if it is only a small part of the organisations’ activities. In reaction to the reinstatement of the Mexico City policy, then Dutch Minister of Foreign Trade and Development Cooperation Lilianne Ploumen established an ad-hoc organisation *SheDecides*, to battle the financial losses incurred. *SheDecides* is an excellent example of Dutch ministerial efforts to improve SRHR, which gained international financial and political support from a broad range of countries, including – but not limited to – Afghanistan, Mongolia and Colombia.⁷¹ The Dutch government should use this leadership role in its first year in the UNHRC to push for long-term solutions for SRHR, as the Mexico City policy, first introduced by the Reagan administration, is known to be reinforced and revoked by Republican and Democratic administrations respectively.⁷² The Dutch government should also show that it is willing to support ad-hoc coalitions outside of the UNHRC in the field of human rights – just as with *SheDecides* – to react to decisions made in the US, or any other country, directly. While doing this, the Dutch government should consider the importance of the topic in its own human rights policies and Dutch domestic support for the specific ad-hoc organisation. Despite the *SheDecides* movement being an international success, it also received criticism from several pro-life forums, including two Dutch Christian parties (the *ChristenUnie* and the *Staatskundig Gereformeerde Partij*).⁷³

Fruitful cooperation within a new reality

In order to advance human rights successfully and strengthen the multilateral, rules-based system, long-term partnerships are necessary. In this respect, the Dutch government should opt to overcome the traditional global North–South division and increase its cooperation with countries in the Southern Hemisphere. In this respect, the Dutch government has to reach out more to developing countries in Africa and Latin America. While the joint statement to rebuke Saudi Arabia was a success, it was not supported by any African or Latin American countries, making it less effective than if those countries would have also co-signed this initiative. Hence, while rebuking sitting members could be an effective tool to restore the UNHRC’s credibility, its rarity also shows that genuine cooperation is not yet established, and that initiating condemnation may be perceived as a threat by several African and Latin American countries. Thus, when addressing the challenges of the UNHRC – such as the dubious track record of UNHRC members – the Dutch government has to initiate carefully a constructive

71 *Human rights report 2017: updated international human rights policy: activities and results*. Available [online](#).

72 [The Mexico City policy: an explainer](#), Henry J Kaiser Family Foundation, 15 August 2019.

73 Benjamin Harmsen, [‘Minister Ploumen houdt SheDecides-Conferentie’](#), *BNR*, 2 March 2017.

dialogue about these challenges. A possible path forward could be to engage at the EU level with other regional blocks. Just like the EU member states, several regional blocks are uniting to increase their voice within the UNHRC, such as the Lima group on the situation of Venezuela.⁷⁴

Rather than only focusing on the negative and trying to rebuke countries, the Dutch government could also focus on the successes of the UNHRC and its members, with the aims of strengthening the multilateral organisation, maintaining members' interest and showing the US that it is not indispensable for creating positive change. India, South Africa, Georgia, Liberia, Tunisia and Chile were explicitly mentioned by UN High Commissioner for Human Rights Michelle Bachelet as being increasingly successful in the area of human rights in 2018.⁷⁵ Through bilateral talks, the Netherlands could show its support for possible future proposals that these countries make within the UNHRC. Guaranteed support could encourage these countries to propose their ideas within the UNHRC and show that they can also be leaders in human rights advocacy. In this way, the Netherlands would not receive the credit, but could create role models of developing countries, showing them that they are capable of successfully introducing and amending proposals with the support of Western member states. The Netherlands would, in this case, take on a bridge-building role between the developed and developing world through silent diplomacy. With regard to future cooperation and bridging the gap between the 'old world' and the 'new reality', the Netherlands could opt for increased cooperation with Canada and Singapore. While these are 'old allies', they are actively involved in various other international partnerships – the Lima group and the Association of Southeast Asian Nations (ASEAN) respectively – that surpass the North-South division. The successes of the Netherlands' cooperation with Uruguay in the field of LGBTI+ rights can be a starting point and an example of fruitful cooperation. The Netherlands could also reach out to India, which has made small but significant steps in LGBTI+ rights over recent years. By showing that small steps are counted and noticed, the Dutch government can move forward in a positive manner with these countries.

In conclusion, the Dutch government has shown itself able to take on the role of bridge-builder and firm supporter of the UNHRC and thus a multilateral approach. The Dutch government has to continue to emphasise the importance of the UNHRC and to act accordingly by pushing for reforms and constructive dialogue. By doing so, the Dutch government can defend its own human rights standards and strengthen the multilateral organisation – which could perhaps lead to renewed interest by the US in the long term but, perhaps even more importantly, culminate in constructive partnerships along new geographical lines.

74 [Venezuela: events of 2018](#), Human Rights Watch, undated.

75 Michele Bachelet, '[Telling good human rights stories](#)', UN High Commissioner for Human Rights, 28 September 2019.

Charting Europe's path forward

The gradual withdrawal of the US from the multilateral world order that it helped to shape, and China's eagerness to fill this void, has caught the EU and European capitals by surprise. With the absence of the US, once thought to be indispensable, in the international institutions and arrangements discussed, China is increasingly providing alternatives for these structures that reflect its own political and economic objectives. Moreover, China is economically increasingly important to Europe, and the assumption of a transatlantic consensus on many key issues is no longer a given. This has led to a moment of intense self-reflection for the EU and its member states, which must now formulate how to adapt to the new dynamics at play.

In doing so, both the Dutch government and European officials need to find ways to deal with the immediate consequences of the US retreat from the multilateral system and undermining behaviour. Simultaneously, they also have to act on the long-term challenge of limiting the negative consequences of China's growing role and influence. This requires improved understanding of the United States' ultimate objectives in its relationship with China and of China's political-economic system, its motivations and the attractiveness of its narrative to third countries.

As the Sino-American trade war evolves into a permanent state of conflict at the nexus of technology and trade, support for a confrontational stance towards China is strikingly bipartisan. While any future Democratic administration in the US will most likely be more receptive to multilateral talks, EU capitals should not adhere to the illusion that any change of US administration will solve the ongoing destruction of the multilateral system as we know it. The Trump administration has not been an anomaly, except that it has been more outspoken than other US governments. Between 1945 and 2016, the US has subscribed to multilateral institutions, treaties and organisations only to the extent that they did not undercut US dominance within and outside of the system.

US dominance is now clearly being challenged: China is a key beneficiary of the multilateral system and is gaining a stronger voice within it, limiting the extent to which US interests are served. This is amplified by the ability of the Chinese government to secure the support of significant numbers of developing countries with political-economic systems for which the multilateral institutions were originally not designed. At the same time, China has gained the power to promote a new alternative narrative for multilateral treaties and organisations, exposing their structural weaknesses all at once.

Commonalities and divergences across policy fields

The three cases explored in this Clingendael Report exist within the same context of an increasingly assertive China, a unilaterally inclined US, and an overarching need for the reorganisation of many institutional structures to adapt to the new political, economic, military, technological and social realities of the 21st century. Dutch and European diplomatic engagement in the broadest sense will be required across all policy fields to prevent the worst-case scenario of institutional breakdown. Nevertheless, solutions to these problems and restoring the multilateral system will require varying approaches across different policy fields. Commonalities and divergences underpinning this are schematically illustrated in Table 1 below.

Table 1 Multilateralism under pressure: commonalities and divergences between the case studies

The multilateral system under pressure: case studies				
		WTO	Arms control	Human rights
Key challenges and developments in multilateralism	Alignment with US concerns but not approach	√	-	√
	China is able to secure the support of a significant number of third countries	√	√	√
	Plurilateralism as a promising path forward	√	-	√
	Behind-the-scenes diplomacy as a key solution (and hence relatively small action potential for the minister)	X	√	√
	EU or domestic senior official-level action as a key solution, thus challenging a minister's action potential	√	√	X
	Current US stance is part of a longer trend (not Trump-specific)	√	√	√
	Key US counterparts are known and available at all levels (representative, director, working levels)	X	√	-
	Like-minded partners are known	√	√	√
	US position is likely to harden in coming years	√	√	-
	Potential for unilateral measures by the Netherlands (role model/standard setting)	X	X	√

As discussed in-depth in the case studies and schematically summarised in Table 1, the Netherlands and the EU – to varying degrees – align with US concerns but not necessarily with the approach taken to address the current challenges of the multilateral system. In the field of trade and human rights, the Netherlands can appreciate the US stance, but opposes the unilateral measures taken, since such actions damage the forums of multilateral engagement that are required to monitor effectively violations in these fields. In the field of (nuclear) arms control, the Netherlands is in a more precarious position, as such agreements are predominantly negotiated between the largest military powers. As a result, EU coordination on this issue is also of limited value, as decisions towards arms reduction will ultimately be made in Washington, Moscow and Beijing.

Hence, the US retreat has led to a moment of self-reflection and a reconsideration of the Dutch and EU's path forward. One core consideration that ought to be taken into account by the Netherlands and European governments is also whether the position of the US will harden in the coming years. Regardless of future administrations, the momentum of the confrontation between the US and China points to a likely continuation or worsening of tensions in the realms of world trade and arms control, since these are increasingly linked to notions of national security. On the other hand, it is possible that we will see a return of the US as an advocate of human rights, in the UNHRC or elsewhere, as part of the normative campaign against Chinese influence. The Netherlands should engage in behind-the-scenes diplomacy on all fronts to prevent a worsening of the situation, and a reversal of negative trends where possible. In doing so, identification of the key US counterparts with whom to raise concerns is of paramount importance.

Across all three policy fields in question, the Netherlands and the EU are respected members of the international community whose voices carry political clout. Many of the Dutch concerns associated with US behaviour and China's increasing influence are shared by nations in other regions, including in Africa, South America and the Asia-Pacific. As a widely trusted international partner, the Dutch government ought to engage more deeply with partners in these regions to form strong partnerships along new geographical lines. In addition to a more global outlook, these partnerships should pursue change in emerging fields that will become increasingly prominent as the 21st century progresses.

Moreover, deeper engagement with countries in Africa, South America and the Asia-Pacific region also shows a future-oriented outlook. Instead of solely holding onto the uncertain transatlantic relationship, the Dutch government and EU officials can show their willingness to look ahead and craft strong new partnerships. The case that holds the most potential for European action is in world trade, particularly in efforts to revitalise the WTO. Because of shared concerns over China's trade practices, and a desire to see a truly global liberalisation of trade, the EU and US can (and do) work

together directly here. Independent from the US, although ideally not excluding it, the Netherlands and EU are in a strong position to craft parallel plurilateral arrangements with a broad range of actors that will set in motion a revival of the WTO.

Also, the Netherlands has an important role to play in bringing up for debate some long-held European practices that require adjustment, such as agricultural subsidies. This will be far from easy, considering long-held opposition from certain (strong) member states with vested interests – especially France. Yet it is an important step for improved relations with African countries, which now generally side with China. Reforming the EU's agricultural policy and thereby making a budget available is also in Europe's more narrow self-interest, as more investment is needed to remain competitive in sectors that will shape the 21st century, including the digital economy and artificial intelligence.

The case where the Netherlands can be the most effective unilaterally is in the realm of human rights and upholding the UNHRC. The US retreat did not significantly impact the functioning of the UNHRC, but has led to an opening for the Chinese government to push its objectives faster and more efficiently. If the Dutch government obtains a seat in the UNHRC in October 2020, it could opt to defend the status quo. However, the US critique could serve as a starting point to open discussions on reform, although the Dutch government has to keep in mind that the US objectives and the Dutch/EU objectives currently diverge on many issues. To prevent accusations of double standards towards the US, the Dutch government could focus on female reproductive rights and LGBTI+ rights. Although these subjects are often deemed controversial, especially by the great powers – the US, China and Russia – much progress is being made internationally in these areas and the Dutch government could present itself as a bridge-builder to craft new partnerships with countries in the Southern Hemisphere.

Regarding the shifts seen in support for arms control policies, the Netherlands is limited as an individual actor, yet could try to continue to serve as a diplomatic bridge between the main actors here, especially the US, Russia and China. Diplomatic activities focused on emphasising the shared benefits of existing, modernised or new arms control agreements, as well as injecting new constructive ideas into international debates, could be helpful.

Expectations of the decade ahead

The Netherlands depends upon a functioning multilateral system to achieve its policy goals in the fields of trade, arms control and human rights. The current instability generated by the ongoing Sino-American rivalry is threatening to upend many of the multilateral institutions that facilitate discussion and action in these fields. Whether

the uncertainty generated by the great power conflict deepens into an institutional breakdown, remains in deadlock or creates new institutional arrangements, the Netherlands must prepare for the decades ahead.

While the current context makes reform both intimidating and difficult, all of the actors must remain committed to continuing engagement with each other, since the non-resolution of these problems will affect everybody negatively in the long run. In the near future, there is an important role for the Dutch government to play: keeping these arrangements alive by bringing important actors to the table; and reinvigorating them where possible. The Dutch government ought to play a leading role in updating and reshaping these arrangements to avoid the event of US withdrawal or the creation of parallel Chinese alternatives. To revive, strengthen or rebuild these arrangements, the Netherlands and the EU should do their best to facilitate dialogue between the two superpowers, while acting as a reliable negotiating partner for the rest of the world.

Many of the proposed levels of action will benefit from EU-wide cooperation. Acting in unison will bring greater leverage to multilateral negotiations, as the EU can often serve as partial counterweight to the US and Chinese activities. Furthermore, the EU should take on a more active role in supporting third-country actors, which are also affected by the Sino-American conflict and will be important allies in shaping the multilateral system for the 21st century. This will not be an easy task, as tensions between EU member states are increasing and stances towards the US and China vary substantially.

In conclusion, the retreat of the United States from the multilateral system has been a shock. The Dutch government and the EU now need to reposition themselves in a world dominated by great power rivalry. While the US retreat from the multilateral system could be viewed as harmful for the Netherlands, it also offered a wake-up call to address long-existing problems and an incentive to update the multilateral system for the coming century.