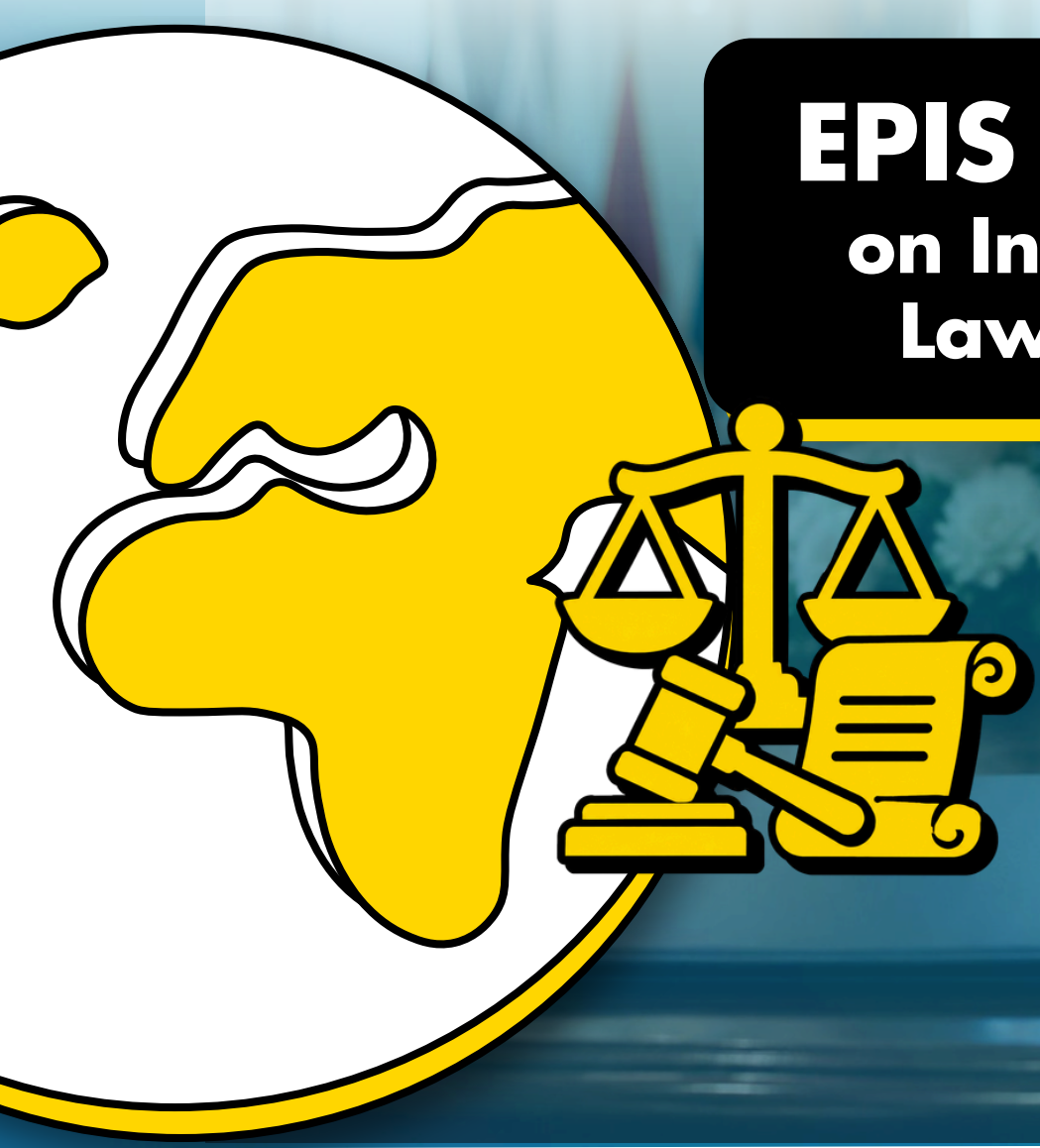
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The Strategic Folly of Seoul's Nuclear Hedging Strategy

Why the Nuclear Consultative Group, not an independent bomb, is South Korea's real answer.

Can Regional Organisations Close the Accountability Gap?

The African Union and the Crimes Against Humanity Convention.

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EPIS Report on International Law & Treaties

Dear reader,

International law is often described as fragile, and in recent years that description has rarely felt more accurate. Wars of aggression, withdrawals from treaties and sanctions against international courts have tested the idea that rules, rather than power, should govern relations between states. Yet treaties are still negotiated, institutions are still reformed, and governments still go to great lengths to justify their conduct in legal terms. The real question is not whether international law matters, but how it can be adapted to a world that has become more multipolar, more transactional and less patient with universal solutions.

This first issue of the EPIS Report on International Law & Treaties brings together four contributions from our Think Tank for Foreign Affairs & Security Policy that approach this question from different angles.

Celia Perret, Umut Gezkaya, Pau Gutiérrez and Nicolò Marcucci open the issue with a proposal for a Strategic Association Treaty (SAT). Using Türkiye as a case study, they outline a hybrid framework that would allow the European Union and its partners to deepen cooperation in defined strategic areas without the all-or-nothing logic of full accession.

Nicolas Deriquehem turns to the proposed Convention on Crimes Against Humanity and asks what role regional organisations such as the African Union can play in closing the accountability gap that existing international criminal law has left open.

Sungjae Han examines Seoul's nuclear hedging strategy. He argues that pursuing an independent bomb would weaken rather than strengthen South Korea's security, and that the Nuclear Consultative Group with the United States is the more credible answer to doubts about US extended deterrence.

Finally, my own contribution asks how the European Union can defend, repair and extend international rules in a contested global order, and argues for principled flexibility: open legal coalitions, fair institutional reform, precise legal design and sustained capacity-building.

What unites these contributions is the conviction that legal frameworks are not static. They are negotiated, tested and renewed by the actors who rely on them. I would like to thank all authors for their work, Sydney Armor for coordinating our Thematic Report Groups, and Design Affairs for bringing this issue into its final form.

I hope you enjoy reading it.

Yours sincerely,
Maximilian Schlenker
Report Group Leader, International Law & Treaties

INTERNATIONAL LAW & TREATIES



Strategic Association Treaty (SAT)

A Hybrid Association Framework for Sectoral Integration Without Full Accession

Celia Perret, Umut Gezkaya, Pau Gutiérrez & Nicolò Marcucci

About the Article

Main question: How can the EU enhance its strategic autonomy and competitiveness without causing internal deadlock through full membership expansion?

Argument: The EU should adopt the Strategic Association Treaty (SAT), a pragmatic, hybrid framework enabling sector-specific integration with key external partners like Türkiye without full accession.

Conclusion: Bypassing traditional accession politics via functional cooperation ensures mutual security, energy, and market resilience.

About the Authors

Celia Perret is a postgraduate student in the International Master in Security, Intelligence, and Strategic Studies (IMSISS). Umut Gezkaya is a Bilkent University graduate pursuing the IMSISS master's, with professional experience at Türkiye's Ministry of Interior. Pau Gutiérrez Balle is a master's student in Security, Intelligence and Strategic Studies at the University of Glasgow, focusing on threat analysis and strategic risk. Nicolò Marcucci is a Security Studies student focusing on intelligence, terrorism and Asian security, currently pursuing the Erasmus Mundus IMSISS master's.

Introduction

In a context of rising international tensions, shifting alliances, and increasing pressure on global supply chains, European strategic autonomy has moved to the centre of policy debates. The European Union is confronted with a fundamental question: should it prioritise internal consolidation or expand its strategic reach through external partnerships?

This proposal argues that framing enlargement as a binary choice between "bigger" or "better" constitutes a false dilemma. While internal reform remains essential, it is insufficient to address the EU's structural vulnerabilities. At the same time, traditional enlargement, if pursued without careful planning, risks increasing fragmentation and political deadlock.

We therefore propose a third approach: a structured and pragmatic model of cooperation with selected strategic partners, based on gradual and sector-specific integration without requiring full accession.

Background

The European Union currently faces a structural dilemma. Should it improve through internal reforms or grow through external cooperation? Our proposal argues that these objectives are not contradictory. In line with the Draghi Report's[1] diagnosis of Europe's competitiveness, demographic, and investment crises, the European Union will no longer have sufficient fiscal capacity, political consensus, or demographic dynamism to address the multiple simultaneous challenges alone. Expanding structured cooperation with strategically significant partners can strengthen the EU's resilience, market capacity and bargaining power. Rather than relying on the politically constrained accession framework, this proposal adopts a functional, pragmatic approach to cooperation. The objectives are not political convergence nor immediate membership, but the creation of durable, resilient economic and strategic interdependence in areas of mutual benefit. Türkiye is the most relevant pilot case due to its strategic geopolitical position and strategic relevance in the trade, defence, and energy sectors.

Hybrid Association Framework: A legal model under Article 217 TFEU allowing non-EU states to participate in selected EU sectors without full membership, via structured cooperation.

Legal Framework

The proposed Strategic Associated Treaty (SAT) is based on the existing legal framework of the European Union. The main legal basis of our proposal is Article 217 of the Treaty on the Functioning of the European Union (TFEU)[2]. This treaty allows the European Union to make association agreements with third countries involving mutual rights and obligations. Article 21 of the Treaty on European Union (TEU) also provides an authorization for developing partnerships within the EU's external sphere[3].

The SAT also draws inspiration from existing treaties such as the EU-UK Trade and Cooperation Agreement, showcasing the

practicability of a flexible, sector-based cooperation beyond the full membership[4].

The principles of the subsidiarity justifies EU-level action, as defence, energy and market integration requires coordination beyond the member state level. The proposal ensures that measures are limited to necessities to achieve the objectives and are appropriate. The SAT limits cooperation to clearly defined sectors without extending to a full accession process.

Proposal

This proposal would be established by the Strategic Association Treaty (SAT):

This new cooperation framework aims to bring back the original spirit of European integration, when the EU, then the CECA, was built on pragmatic, sectoral, and mutually beneficial cooperation. Inspired by the original functional logic of European integration, this proposal reconfigures enlargement, making it a strategic tool for the Union in light of contemporary geopolitical realities. It further aligns with the broader direction outlined in the Draghi Report, emphasising pragmatism and strategic autonomy for the EU[5]. It constitutes a practical example of a comprehensive, cross-sector framework agreement. Importantly, this mechanism is designed to enhance the European Union's strategic autonomy rather than that of individual member states.

This framework constitutes a strategic necessity for the European Union in an increasingly complex global environment. By enabling flexible, interest-driven cooperation in key domains, such as defence, energy, security, and trade, the EU can strengthen its strategic autonomy while reinforcing internal cohesion and long-term strategic direction.

Case study: Türkiye

The proposed Strategic Association Treaty (SAT)'s most realistic and strategically valuable application is the Republic of Türkiye. Among all neighbouring countries of the EU, Türkiye stands out as the closest in terms of geography, institutional connectivity, market integration, military relevance, and energy infrastructure. For these reasons, Türkiye constitutes the strongest case study for the implementation of a sector-based, Strategic Association Framework.

Unlike other distant strategic partners or less-integrated candidate states, Türkiye already has pre-existing legal and practical links to the European Union, including the Customs Union, candidate-country status, NATO-linked security structures, growing defence cooperation with EU member states, and recent financial integration proposals, such as inclusion in SEPA. These existing foundations make Türkiye the most realistic case for applying the SAT as a structured framework for gradual cooperation beyond the politically overloaded and complicated accession process.

At present, the EU-Türkiye relations remain excessively constrained from the perspective of accession politics. In practice, nearly all bilateral discussions are interpreted as part of full membership, which has generated long-standing mistrust and political stagnation on both sides. The accession process has become increasingly burdened by disputes over Cyprus, human rights, and migration, making it an ineffective channel for advancing mutual strategic interests. At the same time, both the

European Union and Türkiye continue to face common security, energy and economic challenges that require coordination regardless of the accession issue. For this reason, the SAT framework seeks to decouple practical cooperation from the membership equation, instead building upon already existing areas of integration.

The first pillar of the SAT pilot implementation focuses on economic and market integration through the modernisation of the existing Customs Union. This is the most immediate and feasible step. Extending the Customs Union to include services, finance, digital markets, and selected agricultural sectors would significantly deepen economic interdependence and strengthen regulatory frameworks aligned with EU standards. Such expansion would benefit the Union by increasing market capacity, supply-chain resilience, and regulatory influence, while also providing Türkiye with greater access to European markets, investment flows, and long-term economic predictability and stability.

The second pillar, and the central pillar, concerns defence and security cooperation, which is the main strategic proposal. Türkiye's geopolitical location at the crossroads of Europe, the Black Sea, the Caucasus, Central Asia, and the Middle East makes it indispensable to any broader European security schematics. Its military manpower, operational experience in conflict zones on the globe, rapidly advancing defence industry, and internationally recognised expertise in drone warfare, air defence, and naval systems make it a highly valuable strategic partner. In the context of the EU's growing ambition for strategic autonomy and reduced dependence on Atlantic partners, closer cooperation with Turkey in defence industrial production, logistics supply chains, joint technological development, intelligence coordination, and Black Sea and Eastern Mediterranean security would create mutual benefits.

The third pillar concerns energy and infrastructure cooperation. Türkiye's role as an energy hub linking Europe with the Caspian basin, Central Asia, and Gulf routes offers a critical opportunity for long-term diversification. In light of recent instability affecting maritime transit routes and geopolitical volatility at the borders, EU investments in pipelines, electricity interconnections, renewable energy, and grid expansion through Türkiye would significantly increase European energy resilience.

"This framework would allow both parties to operate within a flexible yet structured system, enabling the conclusion of multiple agreements within defined strategic areas."

Taken together, these three pillars make Türkiye the strongest candidate for the application of the Strategic Association Treaty. It highlights how the EU can expand its functional sphere of cooperation without relying on the politically stalled accession process.

Implementation of the SAT

Impact assessment

If implemented, the Strategic Association Treaty would signal a significant change in how the EU wields influence and conducts its relationships

with other countries outside of Europe. The EU would gain a new tool to develop diplomatic relations that would not require member states to choose between becoming a full member of the EU or being a loose partner through other means. The SAT would be a new way for the EU to successfully develop diplomatic relations at a time when the EU's expansion strategy is seen to have stalled. It would also assist the European Union in strengthening its position as an independent entity by reducing its dependence on each member state's bilateral agreements with other countries and consolidating the EU's external relations. In Türkiye, a strong SAT would publicly demonstrate the EU as a major player in the Black Sea, Eastern Mediterranean, and Caucasus regions, and would provide an alternative to the Russian and Chinese spheres of influence in those areas. Overall, the SAT will show the EU to be a pragmatic force on a global level that is able to form structured, mutually beneficial partnerships and reinforcing the EU's existing normative belief system. This new form of cooperation shows that the EU is not an organisation in decline but an organisation that is actively working to redefine itself in a world that is becoming increasingly diverse and competitive.

Challenges

The Strategic Association Treaty faces three principal obstacles. First, member state vetoes remain the most immediate political barrier. Greece and Cyprus have historically blocked Türkiye's participation in EU defence mechanisms, citing unresolved sovereignty disputes. While the application of Qualified Majority Voting partially mitigates this constraint, these tensions are unlikely to be fully bypassed.

Second, concerns over human rights conditionality and potential democratic backlash may generate a legitimacy challenge, particularly as the SAT develops cooperation without clearly defined democratic benchmarks. This could create an immediate risk of domestic opposition to further integration.

Lastly, political pressure may push the SAT to expand into migration, an area explicitly excluded from this proposal. To mitigate these risks, the SAT must include clearly defined treaty provisions alongside structured, enforceable review mechanisms.

Notes

[1] European Commission (2024), The Future of European Competitiveness (Draghi Report).

[2] Treaty on the Functioning of the European Union (TFEU), Article 217.

[3] Treaty on European Union (TEU), Article 21.

[4] European Commission (2023), EU–UK Trade and Cooperation Agreement, Brussels.

[5] European Commission (2023), EU–UK Trade and Cooperation Agreement, Brussels.

INTERNATIONAL LAW & TREATIES



Can Regional Organisations Close the Accountability Gap?

The African Union and the Crimes Against Humanity Convention

Nicolas Deriquehem

About the Article

As UN member states negotiate a binding Convention on the Prevention and Punishment of Crimes Against Humanity, the current draft articles overlook a critical component: regional organisations. This brief argues that bodies like the African Union can extend the convention's reach where bilateral cooperation fails, provided the treaty enforces the accountability the AU's own architecture has often withheld.

About the Author

Nicolas Deriquehem is a Master's student in International Affairs at the Hertie School in Berlin and a graduate of ESSEC Business School in Paris. He has developed a particular interest in the intersection of international security, arms control, and political dialogue. He has gained experience working with conflict advisory initiatives, European think tanks, and the Geneva Centre for Security Policy. He is currently working at the Hertie School Centre for International Security.

Introduction

In January 2026, UN member states convened in New York for the first Preparatory Committee session on a binding Convention on the Prevention and Punishment of Crimes Against Humanity. A second session in 2027 will frame the Plenipotentiary Conference expected to conclude the treaty in 2028 and 2029 (UNGA Res. 79/122, 2024). The convention's substance is being settled in this interval, which makes it worth pausing on a question that has drawn surprisingly little attention: what role, if any, should regional organisations play in the framework the treaty establishes?

Crimes against humanity: a widespread or systematic attack directed against any civilian population, pursuant to a State or organisational policy.

The draft articles adopted by the International Law Commission (ILC) in 2019, which anchor the negotiation, answer that question by omission. They reproduce the Rome Statute definition « a widespread or systematic attack directed against any civilian population, pursuant to a State or organisational policy » (ILC, 2019; Murphy, 2020), but situate enforcement almost wholly between States, casting extradition, mutual legal assistance (MLA), and the duty to prosecute or extradite as bilateral obligations. Regional bodies have no place in that scheme. Their absence, this brief argues, is a significant oversight, particularly in light of the African Union's (AU) leading role in establishing atrocity prevention and response as a regional responsibility. Its institutional development, practical achievements, and persistent shortcomings illustrate both the rationale for including regional organisations in the convention and the conditions under which their inclusion would be effective.

Why the Bilateral Model Falls Short

There is a considered logic behind the ILC's State-to-State design. As Murphy (2020) observes, it follows earlier instruments such as the Convention Against Torture, holding the focus on State responsibility and leaving the prosecution of individuals to the International Criminal Court; delegations at the Sixth Committee's most recent session restated the premise that responsibility for investigation and prosecution lies first with national authorities (UNGA Sixth Committee, 2025).

For most offences, the assumption that States will investigate and cooperate is reasonable; for crimes against humanity, it is often flawed. Such crimes are committed pursuant to a State or organisational policy; the very authorities expected to investigate may be implicated in their commission. A system that relies on inter-State cooperation can therefore fail at the precise moment when accountability is most urgently required. When state machinery becomes the direct instrument or sponsor of mass violence, neighboring states are frequently reluctant to initiate bilateral legal proceedings due to delicate diplomatic ties, cross-border economic dependencies, or geopolitical spillover fears. That is the gap a regional layer is placed to close, and no organisation has confronted it more squarely than the AU, whose architecture already supplies what a bilateral treaty cannot: a

continental early-warning system meant to register atrocity risk before it hardens, and commissions of inquiry into mass violence, as in South Sudan in 2014, that document crimes no single neighbouring State would take up (ACCORD, 2025). The rest of the AU's experience is a study in the limits accompanying that reach.

What the AU Built

The AU's atrocity architecture grew out of a particular failure. Over roughly a hundred days in 1994, some 800,000 people were killed in Rwanda while the Organisation of African Unity didn't act. The UN Security Council, immobilised for most of the genocide, authorised the French-led Operation Turquoise only on 22 June, by which point the killing was all but finished (UNSC, 1994). A UN mandate made the operation lawful but not neutral. France had been the main external backer of the Rwandan government, and its sudden humanitarian turn was seen in that light. Operation Turquoise saved lives, yet it also let some of those implicated slip away through the zone under its protection (Barnett, 2002; Carlsson et al., 1999). What African leaders took from the episode was that a continent without machinery of its own leaves the vacuum to be filled by others, on terms of their choosing.

Article 4(h) of the AU's Constitutive Act was the reply, claiming a right of the Union to intervene in a member State confronting "circumstances, namely war crimes, genocide and crimes against humanity", a provision without parallel in any other regional charter (AU Constitutive Act, 2000). Kioko (2003), the AU's Legal Adviser during the drafting, casts it as a deliberate response to Rwanda, marking a passage from non-interference to non-indifference. As an ambition, it is unmatched among regional bodies; the authority to invoke it, however, rests with the Assembly of heads of state, so the leaders most likely to fall within its reach are the ones who decide whether it is used. That feature does much to explain the record that followed.

Three Faces of the Same Problem

The distance between the AU's ambition and its practice shows up in three settings that converge on a single pattern. Consider first the coercive power, tested on only one occasion. As violence intensified in Burundi in December 2015, the AU's Peace and Security Council authorised a protection force of 5,000, allowed the government ninety-six hours to consent, and, for the first time, recommended that the Assembly invoke Article 4(h) should Burundi refuse (AU PSC, 2015). Refuse it did, and at the January 2016 summit the Assembly withheld endorsement; the episode, one official remarked to the International Crisis Group, had "embarrassed the continent" (ICG, 2016). The instrument built in answer to Rwanda has never been formally used. Its abandonment also exposed a fault line the convention would inherit, for Article 4(h) coexists awkwardly with Article 53 of the UN Charter and its requirement of Security Council authorisation for regional enforcement (Amvane, 2015).

Regional adjudication tells a similar story with the Malabo Protocol of 2014. The AU proposed to give an African court jurisdiction over crimes against humanity, genocide, and war crimes. It was the first regional criminal court ever conceived (Jalloh et al., 2019). A decade later, it remains unratified by all but a few; of the fifteen

accessions required for entry into force, Angola supplied the first only in 2024. Its defining provision, Article 46A bis, extends immunity to sitting heads of state and senior officials, and on adoption Human Rights Watch and 140 other organisations denounced the clause as a charter for impunity (De Silva & Amadi, 2024). A court designed for the gravest crimes was thus fitted from the outset to keep its most powerful potential defendants beyond its scope, though its tenth anniversary has lately renewed African-led campaigning for ratification.

"Regional bodies can extend the convention's reach where bilateral cooperation fails, provided the treaty enforces the accountability the AU's own architecture has often withheld."

The operational record completes the picture from another direction. Where the AU does act, it does so through consent-based deployments such as AUSSOM, its stabilisation mission in Somalia (UNSC Res. 2767, 2024; UNSC Res. 2809, 2025). Recent analysis finds that the host government in Mogadishu has assumed unusual control over the mission's composition and deployment, which is ordinarily reserved to the AU, bending it toward domestic and regional political ends while leaving the Union, as one official put it: "accountable for an operation it does not direct" (van Emmerik, 2025). Here the AU has not so much shielded a State as been displaced by one, yet the outcome is familiar. In each setting it has built more atrocity architecture than any comparable body, and in each the State reasserts itself wherever that architecture threatens to bind it. Certainly exceptions exist, as when Senegal's Extraordinary African Chambers convicted former Chadian president Hissène Habré in 2016. However, such exceptions are rare or leaned heavily on outside support.

Comparative Lessons: Inter-American and European Precedents

The systemic tension between regional oversight and state sovereignty is not unique to the African continent. Examining other regional legal frameworks provides vital comparative context for the upcoming draft convention. In the Americas, the Inter-American Commission and Court of Human Rights have pioneered jurisprudence on state accountability for widespread violations, demonstrating how regional judicial bodies can challenge domestic impunity when national systems freeze. The Inter-American Court's landmark rulings on amnesty laws—such as Barrios Altos v. Peru—invalidated domestic legislative shields designed to protect perpetrators of state-sponsored atrocities, setting an international legal precedent that mass rights abuses cannot be erased by national statutes. Yet, the Inter-American system faces its own structural friction, including chronic underfunding, delayed enforcement, and periodic backlash from member states threatening withdrawal when adverse judgments target high-ranking officials.

Similarly, the European framework under the Council of Europe and the European Court of Human Rights (ECtHR) presents a highly developed architecture for monitoring systemic violations. The ECtHR's ability to process individual petitions offers a crucial recourse for victims when state machinery fails or actively represses claims. However, the European

experience also underlines the intrinsic limits of regional human rights courts: these bodies assess state responsibility and order monetary or structural remedies, but they lack direct criminal jurisdiction to try and imprison individual perpetrators. Furthermore, political resistance to ECtHR rulings in various member states highlights that even the most institutionalized regional mechanisms remain vulnerable to non-compliance when state sovereignty is invoked. These comparative realities demonstrate that while regional systems possess unique normative authority and proximity to local crises, their effectiveness hinges on clear legal integration with broader international standards and robust enforcement guarantees.

What African States Are Asking For

The same tension surfaces in the negotiation when speaking for the African Group at the January 2026 Preparatory Committee, Cameroon welcomed the process and restated a commitment to preventing and punishing crimes against humanity (African Group, 2026, paras. 4, 17). The same statement, though, asked that primacy go to national jurisdictions and bilateral cooperation, that immunities be respected (para. 14), that sovereignty and non-interference be inscribed in the text (para. 12), and that States' obligations be tied first to national law (para. 15).

A model that elevates national jurisdiction and honours immunities protects exactly those States most likely to commit these crimes, in the circumstances where domestic prosecution is least to be expected; the immunity reflex voiced in 2026 recalls the Malabo "Impunity clause" of 2014 (Malabo Protocol, 2014, art. 46A bis). More recently, Bonita Ayuko's work (2026) reveals a deep issue within the structural framework of the AU's court, being that such provision deliberately allows those in power to decide when criminal accountability applies. Though a considerable body of African scholarship makes the case for a stronger regional accountability role in principle, reserving its objection for the immunity clause rather than for regionalisation as such (Jalloh et al., 2019; Kuwali & Viljoen, 2014). The convention must settle the tension in favour of the accountability commitment African States themselves place first, while treating their concerns about sovereignty and capacity as serious rather than incidental.

What the Convention Should Do

The AU's record points to a practical conclusion: regional bodies have an important role to play in the convention because they can extend its reach where bilateral cooperation falls short, but they will earn that role only if the treaty furnishes the accountability the AU's own architecture has so often withheld. The most promising starting point is the ground the African Group and this analysis already share: the Group asked for capacity-building and technical support for the States that need them most (African Group, 2026, para. 16), and a regional role built around that request is valuable in itself and the strongest way to make the rest of the case politically durable. Civil societies and regional bar associations' efforts and cooperation are needed here as well. They play a crucial role in supporting the enactment and operationalisation of implementing legislation for international crimes at the national level. A convention that reserves capacity-building to states only would ignore the longstanding actors who have historically done much of that work.

From there, the least contentious move is one the African Group has all but proposed. A savings clause preserving existing Charter principles and regional frameworks, more specifically the sovereignty and non-interference guarantees the African Group wished to see in the text, would affirm commitments already in force rather than manufacture new ones, on the model of the "without prejudice" language already in the draft articles' Article 2(3) (Just Security, 2024; ILC, 2019). It asks nothing of a reluctant State that it has not already granted and dispels the fear that a convention with a regional dimension might displace the protections States prize most.

Operationalizing Regional Cooperation: Mutual Legal Assistance and Evidence Repositories

Beyond general capacity building, the convention should explicitly outline structural mechanisms through which regional institutions can facilitate Mutual Legal Assistance (MLA) and cross-border evidence sharing. In many complex atrocities, evidence is dispersed across multiple borders as victims, witnesses, and perpetrators flee, while relevant financial or military records remain locked within regional networks. A purely inter-state MLA regime struggles when diplomatic relations between neighboring states deteriorate or when state officials are complicit. Regional organizations can serve as neutral, centralized clearinghouses for gathering, archiving, and authenticating forensic evidence, digital documentation, and witness testimony. By establishing regional evidence repositories and standardized judicial cooperation protocols, the treaty can empower regional bodies to coordinate cross-border investigations without requiring vulnerable individual states to carry the full political or technical burden alone.

Oversight is the harder and the weightier matter. The draft articles consign compliance largely to States themselves, and Human Rights Watch, among others, has urged that the convention be given a body to monitor it (HRW, 2025; ICJ, 2026). Regional human rights institutions such as the African Commission and the European Court of Human Rights might feed such a review, provided it runs through an independent mechanism and not the body under scrutiny. The AU's experience supplies the reason: a court that immunised heads of state and a mission captured by its host are evidence enough that regional bodies cannot sit in judgement on themselves. Here the convention should be prepared to press against the African Group's preferences, since independent oversight is what converts a regional role from a liability into an asset.

The most ambitious proposal is to let regional institutions help bear the cooperation on which the treaty depends. A body such as the AU Peace and Security Council could channel mutual legal assistance among member States that lack the means to manage it alone, again in step with the capacity-building the African Group seeks (ACCORD, 2025). This goes beyond the Group's insistence on strictly bilateral cooperation and should be presented as such, like a direction to work toward, given that bilateral channels are thinnest precisely where atrocities are most likely. None of these measures creates a fresh obligation: Article 52 of the UN Charter already acknowledges regional arrangements in matters of peace and security, so a convention that recognises them coordinates existing law rather than legislating anew (Radhakrishnan, 2026).

Taken together, these measures draw on the AU's experience without replicating the institutional

ambiguities that have undermined its implementation. The AU is neither a template to be copied nor a constituency whose preferences the convention should ratify, as it is the clearest evidence available of what the regionalisation of atrocity response produces. A reach bilateral cooperation cannot match, shadowed by the readiness of Member States to reassert themselves whenever regional accountability draws near. Those seeking a convention capable of delivering meaningful protection should use the years leading up to the 2028 Conference to advocate for a robust savings clause, an independent monitoring mechanism, and a framework that recognises regional coordination as a complement to individual state accountability. The question of regional involvement will be resolved regardless; what remains at stake is whether the convention helps shape that outcome or merely adapts to it.

In sum, incorporating regional bodies within the future convention is not an argument for diluting state responsibility, but rather for constructing a pragmatic secondary layer of legal defense when state machinery fails. By anchoring regional cooperation within a clear multilateral structure, the international community can ensure that regional institutions act as catalysts for accountability rather than sanctuaries for political expediency.

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INTERNATIONAL LAW & TREATIES



The Strategic Folly of Seoul's Nuclear Hedging Strategy

Why the Nuclear Consultative Group, not an independent bomb, is South Korea's real answer

Sungjae Han

About the Article

Amid growing domestic debate and high public support for nuclear armament, this brief examines why an independent nuclear weapons program is a dangerous miscalculation for South Korea. It analyzes how the U.S.–ROK Nuclear Consultative Group provides robust extended deterrence, and argues that the answer to doubts about U.S. reliability is to make the alliance's promises harder to take back, not to build an alternative to them.

About the Author

Sungjae Han is a Business major at Korea University with a strong interest in geopolitics and international affairs. His work explores global power dynamics and strategic state behavior. As an editorial writer at the Asia Pacific Democracy Incubator, he publishes bi-monthly analyses. He aims to pursue a career in institutions like the United Nations.

Introduction

In June 2026, American and South Korean officials met in Seoul for the sixth session of the Nuclear Consultative Group (NCG), established by the 2023 Washington Declaration.[1] The purpose behind the NCG was to make American extended deterrence a working system rather than a rhetorical promise, and 3 years in, it is serving its exact purpose. The question the South Korean government faces is not whether the alliance's 'nuclear umbrella' is credible, but whether the country's own political class, the left in particular, actually believes that anymore.

What the Washington Declaration Actually Built

The Washington Declaration, signed by then-President Biden and Yoon in April 2023, was a decisive diplomatic response to North Korea's rapid advances in its nuclear and missile capabilities. As a result, South Korean confidence in the U.S. nuclear umbrella was eroding, and eventually, open talk of an independent South Korean nuclear weapon was rapidly moving into the political mainstream. Rather than redeploying U.S. tactical nuclear weapons to the Korean Peninsula or merely replicating NATO's nuclear-sharing arrangement, Washington and Seoul built a specialized bilateral consultation mechanism modelled on NATO's Nuclear Planning Group, institutionalising nuclear consultation without relying on forward-deployed nuclear weapons. The declaration states that South Korea "has full confidence in U.S. extended deterrence commitments," while explicitly mandating that Washington consult with Seoul on any potential nuclear-related decision that will affect the entire peninsula. The NCG gives South Korea a seat at the table in U.S. nuclear planning, joint tabletop exercises for nuclear contingencies, expanded strategic visibility into the U.S.'s strategic assets, and a comprehensive operational framework for South Korean conventional forces to support American nuclear operations in the event of a crisis. In December 2023, the two sides created joint guidelines on Conventional-Nuclear Integration. This has far more meaning than just a simple symbolic action, as it clearly demonstrates the alliance actively building an actual joint machinery for effectively handling the worst-case scenario.

The Nuclear Consultative Group (NCG) is the bilateral U.S.-ROK body created by the 2023 Washington Declaration to coordinate nuclear planning and strengthen deterrence against North Korea.

An independent weapons program is not a serious alternative. Withdrawing from the NPT would trigger the same sanctions the world has been applying to Pyongyang for decades, but this time against Seoul, and give China and Russia a propaganda win and an escalation pretext. This statistic makes the strongest case: South Korea's trade-to-GDP ratio is around 88%, and semiconductors, its top export, have grown even more concentrated, from 16.8% of exports in 2023 to around 24% in 2025, on a supply chain built on U.S. and allied technology licensing.[7][8] China and the U.S. together

cover around 35% of South Korean exports in 2025[9], meaning the two countries that are most able and motivated to sanction a nuclear-armed Seoul are its two biggest customers. Even those in favour of nuclear armament admit that leaving the NPT would set off sanctions under the U.S. nonproliferation law and put Seoul's civilian nuclear export business at risk.[10] Nuclearisation would give away the very trading partners South Korea depends on for its economy, the power to punish it.

The Left's Nuclear Hedging Isn't About Peace. It's About Not Trusting the U.S.

Conventionally, people would believe that conservatives want the bomb and progressives don't. However, polling suggests otherwise. 76.2% of South Koreans now support developing an independent nuclear weapons capability, according to the Asan Institute's 2025 survey. This is the highest figure recorded since polling on the question began in 2010, and it is something both the left and the right agree on.[11] But the reasoning differs by camp, and that difference is the real deal. Conservative nuclear advocates argue that North Korea's advancing weapons require an in-kind response.[12] Progressive support for nuclear hedging and enrichment capability, on the other hand, is driven less by the North Korean threat itself than by a desire for 'strategic autonomy', which is a wish to reduce or completely eliminate the dependence on the United States as a security guarantor, even as progressive administrations have stopped short of weaponisation in favour of preserving the technical option.[13] That position aligns with the progressive party's record: pushing to accelerate wartime OPCON (Operational Control) transfer away from the Combined Forces Command led by the United States, treating American military presence as a bargaining chip rather than a commitment, and aiming for a foreign policy that maintains the balance between Washington and Beijing rather than anchoring in the alliance.

This is the deeper problem. An alliance only works if both sides want it to be the answer. Everything the U.S. offers South Korea, from the nuclear umbrella to U.S. troops on the ground, depends on the country's political leadership treating the American commitment as the final solution rather than a stepping stone to going it alone. When one side of Seoul's political spectrum pursues nuclear hedging against the alliance itself rather than against Pyongyang, it undermines the very trust on which the NCG was built, even if the same party continues to participate in meetings and issue joint statements.

Seoul Has Tried This Before

This debate treats an independent South Korean nuclear program as an untested idea. However, Seoul has already run this experiment, and the results are instructive.

In 1972, President Park Chung-hee launched a secret weapons program known as 'Project 890', driven by the Nixon Doctrine's troop drawdowns, the U.S's chaotic withdrawal from Vietnam, and a fear that Washington's security guarantee could not be completely relied upon.[14] Since they could not produce plutonium domestically, Park's government tried to import a reprocessing plant from France and a heavy-water reactor from Canada, which is the classic dual-use route to a bomb.[15] Washington learned of the program in 1974 and responded with an immediate ultimatum: continue, or the alliance would be at risk. Under U.S. pressure, Park cancelled the

French reprocessing deal in January 1976 and formally suspended the weapons program that December, though declassified CIA records showed covert activity for two more years before the program was completely shut down in 1978.[16]

The program did more harm than good to South Korea. It produced years of diplomatic friction with Washington, a temporarily strained alliance, and a lasting reputational cost as an unreliable nonproliferation partner, for a project that never came close to developing an actual weapon.[17] Scholars who have reviewed the record are blunt about the lesson: Park's failed nuclear program made South Korea an 'unpredictable and even dangerous client' in American eyes, and it is difficult to identify anything the program achieved that Seoul's conventional buildup and alliance diplomacy could not have delivered at a fraction of the cost.[18] Nowadays, the same doubts about U.S. staying power that drove Park to gamble in 1972 are cited by hedging advocates now, but the end result of that gamble was not a more secure Korea. It was a decade, or even more, lost to an unrealised program and a damaged alliance, at the end of which Seoul still had no bomb.

Image to follow

Anticipating the Rebuttal: 'The US Won't Trade New York for Seoul'

The objection to everything mentioned above is not new. It is a newer version of the question Charles de Gaulle put to John F. Kennedy in 1961: Would Washington really trade New York for Paris? Today's version carries more weight now that North Korea has an ICBM that can reach the American mainland, and now that "America First" policies have pushed Washington toward a more transactional position overseas. It is the strongest argument hedging advocates have, and it deserves a real answer rather than a dismissal.

The rebuttal for this works in two separate layers.

"If the reliability question is the real issue, the answer is to make the alliance's promises harder to take back, not to build an alternative to them."

Layer one: whether a U.S. intervention will take place at all. In this case, the alliance's architecture does the real work. About 28,500 U.S. troops remain on the Korean Peninsula so that a North Korean attack kills Americans before any politician has to weigh an abstract amount of "sacrifice" decision.[19] This is Schelling's logic, and it is backed by political scientists. Small symbolic deployments don't reliably deter, but a force big enough to change the local military balance does. The light U.S. military presence before 1950 failed to stop Pyongyang's invasion, but now the substantial postwar buildup, with South Korea's own military, has held for seventy years.[20] The NCG

shares the same logic here: joint tabletop exercises, pre-agreed Conventional-Nuclear Integration guidelines, and consultation mechanisms mean that whether Washington acts is no longer a single president's decision, but rather a structure built years before that makes inaction costly.[21]

Layer two: whether that response will lead to nuclear use. This is a completely different question, since the first layer was left unresolved due to the lack of a consultation mechanism, which the NCG has since fixed. The second layer, on the other land, is left unsolved on purpose, and no mechanism is supposed to close it. No American president will issue a binding guarantee of nuclear retaliation on another country's behalf, for South Korea or any other ally. However, that uncertainty is the very deterrence, not a flaw. An adversary that cannot rule out an escalation has to plan for it. The attempt to eliminate that ambiguity would make the guarantee less credible, if not more so, by allowing North Korea to test the limits. Furthermore, attempting to codify explicit nuclear thresholds risks inviting adversaries to exploit loopholes or engage in threshold-crossing provocations below the trigger point, ultimately weakening strategic stability across East Asia.

So the fair version of the rebuttal survives, but far narrower than its advocates claim: Washington's nuclear response can never be fully guaranteed. What the NCG covers is everything up to the final decision, which ultimately governs day-to-day deterrence. An independent bomb does not solve both layers either; it just shifts the uncertainty from Washington's decision-making to Seoul's, at the additional cost of the NPT and Seoul's trading relationships, and is going to end up being a repeat of the Park Chung-hee experience. A South Korean nuclear program would also invite severe international sanctions, destabilize regional nonproliferation norms, trigger a secondary arms race in Tokyo and Taipei, and strain the critical technology transfers that power Seoul's modern military. The choice will never be between a guaranteed alliance and a guaranteed independent deterrent. Instead, it's between an alliance with a functioning consultation architecture that has held for more than seventy years and an alternative Seoul already tried once, which produced no weapons and real alliance damage.

The Verdict

Set the hedging language aside, and this is what the left's position actually is: using North Korea's threat as leverage to renegotiate the terms of dependence on Washington, through OPCON transfer and troop-presence bargaining, while still showing up to NCG meetings and calling the alliance ironclad. That is not a peace strategy. It is a strategic autonomy strategy pretending to be a nonproliferation policy, and it asks Washington to keep building a trust-dependent architecture with a partner that treats the relationship as an option. While an alliance can survive policy disagreements, it definitely cannot survive one side quietly hiding from the alliance's existence.

None of this means that the current arrangement is finished. Three things should follow:

- Institutionalise the NCG beyond any single administration: Crisis communication and joint-exercise work streams should become treaty-anchored commitments, not a simple agenda item that a change of government on either side can deprioritise.

• Make U.S. strategic asset visibility routine: Submarine and bomber visits should change from ad hoc signalling to an operating rhythm, closing the gap between the ironclad promise Washington makes verbally and its actual implementation on the ground.

• Force a public reckoning with the OPCON and hedging questions together: Seoul's progressive leadership should not be allowed to pursue a wartime OPCON transfer and preserve nuclear breakout capacity on parallel tracks, since both are strategic autonomy moves; thus, treating them as completely separate issues lets the alliance-hedging problem go untouched.

The Nuclear Consultative Group proves that extended deterrence can be made concrete, rather than rhetorical. The choice Seoul has to make is to pursue it consistently, with no intention of exiting.

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INTERNATIONAL LAW & TREATIES

Status of Legal Coalitions in an Increasingly Multipolar World

How the EU can defend, repair and extend rules in a contested global order

Maximilian Schlenker

About the Article

Main question: How can the EU keep international rules alive in a multipolar order?
Argument: It should use principled flexibility: defend core legal rules, repair strained institutions and build open legal coalitions.
Conclusion: Legal coalition-building should become a standing method of EU external action.

About the Author

Maximilian Schlenker is a master's student in International Relations & Diplomacy at Leiden University. His interests center on European foreign policy, peacebuilding and -keeping, and the role of international institutions in addressing global challenges. He has practical experience in political communications, public advocacy and consultancy, and publishes analyses on international affairs.

1. Introduction

By early 2026, the European Union began speaking in a new tone. Ursula von der Leyen told EU ambassadors that Europe needed to revisit its doctrine, institutions and decision-making processes amid rising contestation, while the European Council backed security guarantees for Ukraine within the Coalition of the Willing. This episode is a symptom of a wider change in world politics. International order lives through practice—the repeated use of common principles, shared venues and collective commitments reflecting multilateralism's core logic. That practice now unfolds in a more fluid and contested setting, with overlapping venues, shifting coalitions, and institutional rivalry shaping the contemporary order.

Contested multilateralism: the use of one multilateral venue or a new institution to challenge another and reshape rules.

For the European Union, this environment carries special importance. Article 21 of the Treaty on European Union places multilateral solutions at the heart of the Union's external action. In addition, the EU continues to present itself as a defender of a rule-based global order. Its influence also travels through law. Normative Power Europe captures the Union's role in diffusing standards, while the Brussels Effect and Market Power Europe show how market size, regulatory capacity and single-market pull project European rules outward. Using international law's universal language serves the EU well during geopolitical strain. At the same time, law itself has moved closer to the centre of geopolitical competition. Actors seek influence through legal interpretation, forum choice, technical standards and coalition-building, and they pursue long-term advantage through the design of institutions and partnerships. Legalisation can be understood through obligation, precision and delegation, which offers a practical way to trace how the EU assembles partners around specific rules, procedures and enforcement pathways.

This article asks how the EU can use legal tools and coalition-building to keep international rules alive during multipolar transition. It treats that question as strategic in purpose, legal in substance and institutional in form. It argues that the EU should pursue principled flexibility. In this article, principled flexibility means defending core multilateral commitments where legitimacy remains broad, patching institutions when gridlock weakens them and extending rule-based cooperation through selective and open partnerships in areas such as economic security and technology governance. This strategy has already begun to take shape in EU practice. EU strategy papers point to stronger cooperation with like-minded partners, issue-based initiatives, diversified partnerships and alliances on standards and regulatory approaches. Legal coalition-building becomes the practical expression of this flexibility in a more contested order.

2. Conceptual foundations

Keeping rules alive begins with a clear view of multilateralism itself. Multilateralism coordinates relations among three or more states based on generalised principles of conduct, supported by

indivisibility and diffuse reciprocity. In contrast, minilateralism involves restricted groups with more selective participation. In practice, the two formats often coexist, with universal venues conferring breadth and legitimacy and smaller coalitions supplying speed, issue focus and political cohesion.

The legal aspects of cooperation vary as well. The legal character of cooperation can be described along three dimensions, obligation, precision and delegation. Obligation captures the binding force of commitments, precision captures the clarity of the rule, and delegation captures the authority granted to courts, arbitrators or organisations. These dimensions form a continuum, which matters for the EU's strategy because coalitions can be built through hard treaties, interim arbitral arrangements or softer frameworks that still structure behaviour through procedures and review.

In current times, many established multilateral coalitions are dissatisfied, using one multilateral venue to challenge another, be it through regime shifting or competitive regime creation. Contested multilateralism describes this development. Regime shifting moves an issue into a forum with a friendlier mandate or decision rule, while competitive regime creation builds a new institution or network that can reshape the status quo. In both forms, coalition politics and institutional design move to the foreground, and regime complexes grow through conflict over authority, missions and rules. The strategic question then arises which kind of multilateralism will govern a specific issue area and distribute authority within it.

Contestation also operates inside norms and institutions (Deitelhoff, 2020), taking the form of applicatory contestation (norm scope in a specific case) or validity contestation (acceptability of the norm itself). Contestation frames further shape room for re-legitimation and reform, since grievances can target practices or principles and can speak in the name of a nation or a broader community.

Taken together, these concepts define what keeping rules alive means in this article. The task concerns the preservation of meaningful obligation, usable precision and credible delegation across a landscape of universal forums, interim arrangements and selective partnerships. It also concerns the management of contestation through adaptation, institutional patching and coalition design, so that disagreement feeds revision, legitimacy work and strategic coordination. This framework sets up the EU question in the next section. A Union that seeks influence through law needs a calibrated sense of which rules merit broad defence, which institutions call for reform and which issue areas invite open coalition-building under conditions of strategic rivalry.

3. The EU's position

For the EU, law is both identity and leverage. The Union's treaties place multilateral cooperation, the United Nations and international law near the heart of external action, while the EU continues to present itself as a supporter of a rules-based international order. EU external action draws on treaty language, UN-centred diplomacy and formal legal instruments, projecting values like peace, democracy, the rule of law and human rights.

The EU also projects influence through the size and structure of its market. Single-market access encourages firms and governments to align with EU rules in competition, data protection, and environmental regulation, extending European rules outward. This reach grows stronger when market size meets institutional capacity and enforcement. In such settings, domestic rules can travel outward through jurisdictional expansion, with firms adapting to the largest market and public authorities sustaining the legal framework behind that process. In a more geopolitical setting, this market power also connects to competitiveness, economic security and external partnerships.

"Principled flexibility takes practical shape when open membership, fair reform, precise legal design and sustained capacity-building move together."

However, that same openness that gives the EU reach also creates exposure. Dense global networks generate asymmetries that central actors can use for surveillance and coercion, especially in finance, information and supply chains. For a Union deeply integrated into global flows, these pressures run across trade, technology, infrastructure and investment. Recent EU strategy reflects a growing awareness towards this exposure, calling for more effective and fair multilateralism through coalitions of like-minded partners to promote, protect and partner in response to economic coercion, technology leakage and strategic dependencies.

This combination of legal vocation, market reach and geoeconomic exposure defines the EU's position in the current global order. Europe gains influence when it aligns legal credibility, regulatory capacity and partnership building. Legal coalition-building gives the Union a practical way to do so. It turns normative authority and market power into shared rules, institutional support and operational coordination across a fragmented international environment.

4. Proposal for an EU playbook

The EU has already moved from declaratory support for multilateralism towards a more strategic effort to sustain institutions under stress. It also recognised that the legal order shifts through interpretation, venue design, standards and coalition-building. That combination points to three tasks for the EU. It should defend core legal principles, patch institutions that still carry broad legitimacy and extend rule-based cooperation into emerging domains through open partnerships and credible legal frameworks.

4.1 Defend core legal principles

The first task is to defend the legal core of the international order. The EU gains reach when it speaks the language of international law. Charter principles such as sovereignty, territorial integrity, peaceful settlement and the prohibition on force carry wide recognition across regions and institutions. They give diplomacy a shared vocabulary, anchor claims in recognised legal sources and help build coalitions beyond Europe's closest partners.

The UN General Assembly's resolution on Ukraine shows how this works in practice. The resolution reaffirmed Ukraine's sovereignty and territorial integrity, condemned aggression in

and called for the withdrawal of Russian forces from Ukrainian territory. Security Council deadlock shifted the debate to the General Assembly, where a broader membership used a formal resolution to restate the Charter's core rules and give them political backing. For the EU, the lesson lies as much in the coalition around the text as in the text itself. Shared language on aggression, legality and accountability helped gather support across a wide membership and raised the political cost of violating the Charter.

But this task exceeds the General Assembly. Competing powers often seek influence through their own readings of existing rules, linking legal claims to technical standards, development offers and institutional partnerships, and then reinforcing those claims through repeated use across issue areas. The EU strengthens its position when it enters these debates early, with clear legal arguments and sustained diplomatic follow-through, as shown in areas such as maritime law, trade and digital governance.

A practical next step would be a stronger EU legal diplomacy track alongside sanctions, aid and summit diplomacy. Such a track could coordinate member state positions in the UN, identify priority interpretation battles early, support legal outreach to partner states and mobilise technical expertise around key votes, resolutions and advisory proceedings. That would give the Union a more systematic way to defend core rules before rival readings gain wider acceptance.

4.2 Patch and reform institutions under strain

The second task is institutional repair. In a more contested order, multilateral conflict often runs through forum shifting and the creation of alternative institutions, as dissatisfied coalitions look for arenas with friendlier rules or greater control over outcomes. This creates a practical challenge for the EU. Universal institutions still matter because they carry legitimacy, scale and continuity, yet political blockage can weaken them over time. Repair mechanisms can help to keep partners inside a common framework, preserve routines of cooperation and leave space for broader reform later on.

The WTO appellate crisis offers the clearest example. The Multi-Party Interim Appeal Arbitration Arrangement emerged as a coalition-built backstop during the paralysis of the Appellate Body, with the EU playing a leading role in gathering support well beyond its closest partners. The importance of this case is in its design. A selective arrangement kept appellate review alive inside the WTO framework and preserved a measure of legal certainty for states and firms. That gave members a way to sustain adjudication, maintain confidence in the system and keep open the prospect of fuller institutional repair.

This example could work in other fields as well. Institutional patching can sustain adjudication, funding, technical coordination and crisis management during periods of strain. In that sense, repair serves as a strategic bridge. It keeps rules in use, supports habits of compliance and helps stop institutional weakening from hardening into exit and fragmentation.

A useful next step would be an EU strategy for interim institutional safeguards across key multilateral forums. Such a strategy, while carrying potential risk of weakening incentives for more structural reforms, could identify vulnerable procedures early, map coalitions for temporary fixes and prepare ready-made legal options for dispute settlement, monitoring and technical coordination. That would give the Union a more systematic way to protect institutions under pressure while building support for broader reform.

4.3 Extend rule-based cooperation into emerging domains

The third task is to extend rule-based cooperation into emerging domains. Technology, supply chains, investment, research partnerships and standards bodies now shape the legal environment long before formal treaties come into power. Influence increasingly runs through domestic laws with external reach, technical standards, dispute-settlement venues and partnership-based legal initiatives. For the EU, this places legal governance inside partnership policy, trade policy and economic security policy at the same time.

The European Economic Security Strategy already points in this direction. It identifies four main risk areas, supply chains, critical infrastructure, technology security and leakage, and economic coercion, and organises the response around promote, protect and partner. It outlines a coalition-based approach to rulemaking in a geoeconomic environment. Internal regulation, external coordination and partnership building all sit within one strategic framework.

This agenda builds on some familiar sources of EU power. Market size gives the Union reach when it is matched by institutional capacity and enforcement, allowing domestic rules to travel outward through jurisdictional expansion and shape the choices of firms and partner governments. In a more geopolitical environment, economic security, competitiveness and partnerships increasingly move together. At the same time, global networks in finance, data and supply chains create points of control that central actors can use for coercion, especially when strong domestic institutions sit behind them. These pressures make early rule-setting and coalition-building more valuable for the EU.

These strategic coalitions can carry shared approaches to export controls, investment screening, research security, digital governance and infrastructure. They have become a more developed instrument of EU foreign policy, shaped by the combination of strategic objectives and normative commitments. Used well, they can spread trusted legal frameworks, connect regulatory capacity with development and technology cooperation, and widen the group of states with a stake in predictable governance.

A useful next step would be an EU coalition toolkit for emerging domains. It could combine model clauses, regulatory dialogues, technical assistance and capacity-building packages for partner countries in areas such as digital standards, research security, investment screening and infrastructure governance. That would give the Union a more systematic way to move from ad hoc coordination to durable legal

coalition-building in the spaces where strategic competition is growing fastest.

5. Risks, trade-offs and design principles

Legal coalition-building brings real trade-offs. It can preserve obligation, precision and implementation in one field, while also increasing fragmentation across the wider order when membership stays narrow, costs and benefits fall unevenly, or regulatory projection appears hierarchical to outside partners. EU credibility also depends on instrument choice. The Union draws authority from multilateral language and support for international law and that authority comes under pressure when unilateral trade, sanctions and regulatory tools shape how outside partners read EU action, especially where extraterritoriality and double standards frame that reading.

Coalition-building also opens up questions of fairness and voice. Persuasive reform usually asks the EU to share influence, widen representation and accept adjustments to institutional arrangements from which it has long benefited. Research on contestation points in the same direction. Disagreement can support reform when institutions remain open to reinterpretation, accommodation and procedural revision, especially where grievances focus on application, representation and institutional fairness.

These risks suggest a clear set of design principles. Coalitions gain legitimacy when they rest on a clear legal basis, open accession paths, review clauses and visible links to wider multilateral frameworks. Legal instruments gain acceptance when precision, proportionality and a risk-based rationale remain visible in their design and use, especially in areas such as economic security, investment and research cooperation. Institutional depth matters too. Technical assistance, judicial and administrative capacity-building and stronger internal coordination give partnerships more staying power and widen support for shared rules over time. Principled flexibility takes practical shape when open membership, fair reform, precise legal design and sustained capacity-building move together.

6. Conclusion

The international order now moves through contestation, adaptation and coalition politics, changing its character continuously. In this setting, the EU serves its interests and its identity best when it treats law as a field of practical statecraft and keeps multilateral legality in active use. That task begins with the defence of Charter principles, continues through the repair of institutions under strain, and extends into new areas such as economic security, technology governance and standards through open partnerships with legal substance.

Principled flexibility captures the logic of this approach. The EU can gather support around foundational rules, sustain procedures and adjudication through interim mechanisms, and project credible frameworks through its market, partnerships and regulatory capacity. At the same time, this strategy carries limits. Coalition-building works best when it supports fairness, openness and institutional legitimacy, since narrow membership, unequal influence and heavy-handed regulatory projection can weaken support across the wider order.

For the EU, the core challenge concerns the preservation of legal order as a living practice. Rules endure through use, institutional care and political backing, which gives legal coalition-building both strategic and normative force in a more contested world. The strongest course now is to make legal coalition-building a standing method of external action, built on open participation, fair reform, precise legal design and clear links back to wider multilateral frameworks. That would give the Union a practical way to defend the core, preserve the machinery and widen support for rules that still carry global weight.

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